

NEW SOUTH WALES.

---

*Spencer*  
VOTES  
AND

PROCEEDINGS

OF

THE LEGISLATIVE COUNCIL,

DURING THE

EXTRAORDINARY AND ORDINARY SESSIONS

OF THE YEAR

1844.

WITH THE VARIOUS DOCUMENTS CONNECTED THEREWITH.

---

IN TWO VOLUMES

VOL. I.

---

SPENCER:

WILLIAM JOHN ROW, GOVERNMENT PRINTER.

1845.



# INDEX TO DAILY PROCEEDINGS.—VOL. I.

	PAGE.
Governor's Message opening the Extraordinary Session ... ..	1
Proroguing the Council ... ..	7
Speech opening the Ordinary Session ... ..	9
Council's reply to ditto ... ..	10
Governor's acknowledgment of ditto ... ..	17
Speech proroguing the Council ... ..	357
 <i>Messages from the Governor on the undermentioned Bills :—</i>	
Validity of Council's Proceedings ... ..	17
Aborigines Evidence ... ..	18
Insolvent Act amendment ... ..	18
Officers Wine ... ..	18
Jury Act amendment ... ..	23
Circular Quay Wharfage ... ..	23
District Councils ... ..	41, 73
Customs ... ..	53
Police Assessment ... ..	73
Medical Witnesses Act amendment ... ..	175
Hawkers and Pedlars ... ..	175
Section 70 of Sydney Corporation Act suspension ... ..	271
Allowances to Witnesses and Courts of Requests fees ... ..	281
General Cemetery ... ..	346
Appropriation ... ..	346
Lien on Wool Act amendment ... ..	349
 <i>Messages from the Governor on the undermentioned Miscellaneous subjects :—</i>	
Vacant Seats ... ..	17, 35, 271
Corporation Revenues ... ..	101
Defalcation of the late Sheriff... ..	159
Defalcation of the late Registrar ... ..	176
Crown Land Grievances ... ..	243
Postage Rates ... ..	244
Elective Franchise ... ..	281
Commuted Pensioners ... ..	282
Insecurity of Life and Property ... ..	282
 <i>Messages from the Governor on the undermentioned Financial subjects :—</i>	
Financial Message ... ..	417
New Custom House ... ..	18
Appropriations under Schedule B ... ..	53
Chairman of Committees' Salary ... ..	97
District Councils Expenditure... ..	133
Chief Justice Sir James Dowling's half-salary ... ..	150
Judicial Estimates ... ..	176
Police ... ..	219, 293
Australian Museum ... ..	243
Wallis' Creek Bridge ... ..	243
Parliamentary Agent's Salary ... ..	244
Cowpasture River Bridge ... ..	263
Additional Appropriations ... ..	282, 321
Education ... ..	293, 331
Hospitals, Maitland and Melbourne ... ..	293
 <i>Messages from the Council to the Governor on the undermentioned Bills :—</i>	
Medical Witnesses ... ..	197
Hawkers and Pedlars ... ..	197
 <i>Resolutions of the Council, on the undermentioned Miscellaneous subjects :—</i>	
Vacant Seats ... ..	21, 30, 285
District Councils ... ..	83
Corn and Flour exported to Great Britain ... ..	155
Judicial Expenditure ... ..	203
Crown Land Grievances ... ..	209, 214
Postage Rates ... ..	219
Parliamentary Agent ... ..	221
Insecurity of Life and Property ... ..	244, 247
Distressed Labourers ... ..	252
Elective Franchise ... ..	263, 275
Education ... ..	230, 271
Allowances to Witnesses and Courts of Requests Fees ... ..	294
General Grievances ... ..	331
 <i>Resolutions of the Council on the undermentioned Bills :—</i>	
District Councils ... ..	63
Allowances to Witnesses ... ..	294
Courts of Requests Fees ... ..	294
Appropriation ... ..	351, 363
Lien on Wool Act amendment ... ..	355

Resolutions of the Council on the undermentioned *Financial* subjects:—

	PAGE.
New Custom House ... ..	26
District Councils ... ..	83
Chairman of Committees' Salary ... ..	93, 102
Supplementary Supply 1844 ... ..	104, 140, 160
Schedule A. ... ..	163
Administration of Justice ... ..	203, 294
Parliamentary Agent's Salary... ..	221
Education ... ..	249, 271
Supply, 1845 ... ..	270, 327
Appropriation Bill ... ..	351, 353

## Addresses from the Council to the Queen on the undermentioned subjects:—

Compensation for Abolished Offices ... ..	49
Port of Geelong... ..	235
Despatches No. 175 and 176 of 28th October, 1843... ..	299
Judicial Expenditure ... ..	303
General Grievances ... ..	345

## Petitions to the Queen and both Houses of Parliament on the undermentioned subjects:—

General Grievances ... ..	299
Crown Land Grievances ... ..	324
Police and Gaol Expenditure ... ..	333
Corn and Flour exported to Great Britain ... ..	155, 367

Addresses from the Council to the Governor on the undermentioned *Financial* subjects:—

Chairman of Committees' Salary ... ..	93
District Councils ... ..	109
M'Donald River, Court of Requests ... ..	130
Chief Justice Sir James Dowling's half-salary ... ..	140
Wallis' Creek Bridge ... ..	184
Country Hospitals ... ..	195
Parliamentary Agent ... ..	221
Australian Museum ... ..	236
Cowpasture River Bridge ... ..	248
Education ... ..	272, 275, 323
Dredging Machine ... ..	276
Judicial Expenditure ... ..	306
Gunning Lock-up ... ..	309
Newcastle and Maitland Bridges ... ..	310

Addresses from the Council to the Governor on the undermentioned *Miscellaneous* subjects:—

Defalcation of the late Sheriff... ..	150
Defalcation of the late Registrar ... ..	155
Crown Land Grievances ... ..	215
Commuted Pensioners ... ..	220
Parliamentary Agent ... ..	221
Insecurity of Life and Property ... ..	248
Distressed Laborers ... ..	256
Education ... ..	272, 275, 323
Elective Franchise ... ..	375
Despatches No. 175 and 176 of 28th October, 1843 ... ..	303
Judicial Expenditure ... ..	306
Crown Land Grievances ... ..	325
General Grievances ... ..	346

Address from the Council to the Governor on the undermentioned *Bill*:—

District Councils ... ..	109
--------------------------	-----

## Disputed Elections' Court:—

Resignation of H. Elwin, Esq... ..	225
Appointment of R. Thorry, Esq. ... ..	236

## Lunatic Asylum:—

Appointment of Visitors ... ..	190
--------------------------------	-----

## Petitions received during the Session on the undermentioned subjects:—

Disputed Elections:—	
Port Phillip Electors ... ..	283
Elective Franchise:—	
Melbourne Town Council ... ..	283
Electoral Lists:—	
Melbourne (2) ... ..	80
Municipal Franchise:—	
City Council ... ..	75
Corporation Revenues:—	
Sydney ... ..	33
Melbourne ... ..	75, 79, 180, 353
Sydney Corporation Act amendment Bill:—	
Sydney... ..	235
Melbourne Corporation Act amendment Bill:—	
Melbourne Town Council ... ..	343
Port Phillip Revenues:—	
Melbourne Town Council ... ..	213
Separation; Port Phillip:—	
Bourke ... ..	79
Melbourne ... ..	133
Geelong Free Port:—	
Merchants ... ..	79
Overland Mails:—	
Melbourne ... ..	79



Petitions received during the Session on the undermentioned subjects—*Continued* :—

	PAGE.
<b>Police :—</b>	
Mudgee ... ..	33
Queanbeyan ... ..	75
Wollombi ... ..	89
Newcastle ... ..	89
Dungog ... ..	101
Goulburn ... ..	115
Sydney ... ..	50,129,235,323
Hartley ... ..	129
Narrellan ... ..	133
Camden and Narrellan ... ..	183, 287
Melbourne ... ..	189
Paterson ... ..	225
Gunning ... ..	289
Merton and Muswellbrook ... ..	61
<b>Quit Rents :—</b>	
Liverpool District Council ... ..	204
<b>Licensed Squatters :—</b>	
Penrith ... ..	13
Berrima ... ..	19
Sydney ... ..	10, 75
Liverpool ... ..	23
Mudgee ... ..	24
Kissing Point... ..	33
Windsor ... ..	33
Illawarra ... ..	33
Scone ... ..	41
Murrurundi ... ..	41
Raymond Terrace ... ..	41
Maitland ... ..	45
Yass ... ..	55
Bathurst ... ..	55
Muswellbrook... ..	67
Merton ... ..	67
Patrick's Plains ... ..	76
New England and Port Macquarie... ..	115
Moreton Bay ... ..	155
Clarence River ... ..	155
Parramatta ... ..	189
Maneroo ... ..	189
Queanbeyan ... ..	289
<b>Scab in Sheep Act</b>	
Portland Bay... ..	284
<b>District Councils—</b>	
Mudgee ... ..	23
Liverpool ... ..	23, 35, 75
Sydney ... ..	61
Merton and Muswellbrook ... ..	61
Brisbane Water ... ..	67
Parramatta ... ..	75
Queanbeyan ... ..	76
Melbourne Town Council ... ..	89
Wollombi ... ..	89
Raymond Terrace ... ..	133
County Grant... ..	189
Windsor ... ..	267
<b>Education :—</b>	
Melbourne Town Council ... ..	189
Camden and Narrellan ... ..	189
Presbyterians, Sydney ... ..	189
Richmond ... ..	189
South Creek ... ..	189
Parramatta ... ..	195
Mulgoa ... ..	195
Paterson and William's River ... ..	196, 203, 247
Patrick's Plains ... ..	198
Hawkesbury ... ..	203, 259
Cobbity, Cabramatta, &c ... ..	203
Liverpool ... ..	209
Windsor (2.) ... ..	213
Geelong ... ..	213
Bathurst ... ..	213
Castle Hill and Dural ... ..	213
Penrith ... ..	210
Maitland ... ..	235, 255
Macquarie Ward, Sydney ... ..	235
Reverend John Saunders ... ..	235
Berrima and Sutton Forest... ..	235, 239, 255
Hartley ... ..	235
Scone ... ..	235
Hunter's Hill ... ..	235
Reverend Dr. Ross ... ..	239
Brisbane Water ... ..	244
Singleton ... ..	244
Prospect ... ..	244
Bourke Ward, Sydney ... ..	244
Liverpool... ..	244

Petitions received during the Session on the undermentioned subjects—*Continued* :—Education—*Continued* :—

	PAGE.
Balmain (2.) .. .. .	244
Muswellbrook and Merton (2.) .. .. .	247
Butterwick and Seaham .. .. .	247
Raymond Terrace .. .. .	247
Falbrook .. .. .	247
Moreton Bay .. .. .	251
Cook's River .. .. .	251
Illawarra .. .. .	251, 255
North Shore .. .. .	251
Pitt Town and Wilberforce .. .. .	251
Port Stephen .. .. .	251
Yass .. .. .	251
Braidwood .. .. .	251
Marsfield .. .. .	251
Wesleyans, County of Cumberland .. .. .	251
Israelites, Sydney .. .. .	251
Appin .. .. .	251
The Right Reverend Bishop Broughton and Clergy of the } Established Church of England .. .. .	251
Brisbane Ward, Sydney .. .. .	255
Gipps Ward, Sydney .. .. .	255
Newcastle .. .. .	255
Wesleyans of County of Northumberland .. .. .	255
Wesleyans of Sydney .. .. .	255
Penrith .. .. .	255
Wesleyans of Bathurst .. .. .	255
Sydney .. .. .	255
Goulburn .. .. .	255
Queanbeyan .. .. .	255
Concord .. .. .	255
Campbelltown .. .. .	256
Castlereagh .. .. .	259
Philip Ward, Sydney .. .. .	259
Synod of Australia .. .. .	259
Cook's Ward, Sydney .. .. .	259
Roman Catholics of Campbelltown .. .. .	259
The Most Reverend Dr. Polding and Roman Catholic Clergy } of Sydney .. .. .	263
Roman Catholics of Appin .. .. .	263
Roman Catholics of Maitland .. .. .	271
Murrurundi .. .. .	293
Parish of St. Philip, Sydney .. .. .	309
Parochial Association of St. Lawrence, Sydney .. .. .	321
<b>Roads, Bridges, and Ferries :—</b>	
Coach owners... .. .	139
Bedlam .. .. .	230
Maitland .. .. .	167
<b>Private Sufferance Wharfs :—</b>	
Merchants of Sydney .. .. .	283
<b>Dredging Machine :—</b>	
Hunter's River .. .. .	275
<b>Colonial Spirits :—</b>	
Robert Cooper and others .. .. .	3, 41
Merchants .. .. .	124
Windsor, Richmond, and Wilberforce .. .. .	195
<b>Sale of Spirituous Liquors :—</b>	
Sydney .. .. .	149, 167
Saint Patrick's Total Abstinence Society .. .. .	167
Colonists .. .. .	244
<b>Auctioneers :—</b>	
Bathurst .. .. .	129
Wollongong .. .. .	283
Merchants .. .. .	283, 293
<b>Compensation :—</b>	
Messenger to Chief Commissioner of Insolvents Estates .. .. .	3
Henry Blanckenberg .. .. .	24
David Lindsay Wauch .. .. .	24
Robert Porter Welch .. .. .	53
Edward Boot .. .. .	76
John M. Gray .. .. .	97
W. M. Arnold .. .. .	139, 189
Schoolmasters .. .. .	149
Thomas Coleman .. .. .	167
Creditors of William M. Arnold .. .. .	203
George Mulhall .. .. .	203, 343
<b>Public Officers Salaries :—</b>	
Illawarra .. .. .	123
<b>Defalcation of late Sheriff :—</b>	
John Gilchrist, (2.) .. .. .	155
<b>Intestate Estates :—</b>	
Hugh Niven .. .. .	102
<b>Insolvent Estates :—</b>	
Trustees and Creditors .. .. .	284

Petitions received during the Session on the undermentioned subjects—*Continued* :—

	PAGE.
<b>Courts of Requests :—</b>	
Bathurst .. .. .	87
M'Donald River .. .. .	101
Melbourne .. .. .	213
Maitland .. .. .	159
<b>Appeals from Supreme Court :—</b>	
Law Society .. .. .	309
<b>Government Printing Office :—</b>	
Printers .. .. .	41
<b>Colonial Architect's Department :—</b>	
Operatives .. .. .	124
Mechanics .. .. .	139
<b>Distressed Laborers :—</b>	
Mechanics, &c. .. .. .	79
Laborers .. .. .	271, 284
<b>Apprentices :—</b>	
Isaac Nathan .. .. .	63
<b>Duty on Van Diemen's Land Produce :—</b>	
Merchants .. .. .	89
<b>Pilotage :—</b>	
Port Jackson .. .. .	309
Owners of Coasters .. .. .	313
<b>Hospitals :—</b>	
Bathurst .. .. .	183
<b>Commuted Pensioners :—</b>	
Pensioners .. .. .	189, 263, 275
<b>Baking on the Sabbath :—</b>	
Sydney Bakers .. .. .	283, 309
Melbourne Bakers .. .. .	355
<b>Pentonville Exiles :—</b>	
Melbourne Town Council .. .. .	355
<b>Aborigines Protectorate :—</b>	
William Le Souef .. .. .	327
<b>Bank of Australia Shares' Bill :—</b>	
Sydney, (2.) .. .. .	275
Parramatta .. .. .	275
Windsor .. .. .	275
Richmond .. .. .	275
William Hamilton Hart .. .. .	289
Port Macquarie .. .. .	297
Berrima .. .. .	297, 309
Penrith .. .. .	297
Maitland .. .. .	299
Newcastle .. .. .	299
Bathurst .. .. .	299, 309
Goulburn .. .. .	299
Paterson .. .. .	299
Raymond Terrace .. .. .	299
Wollongong .. .. .	309
Dungog .. .. .	309
Carcoar .. .. .	309
<b>Presbyterian Church Temporalities :—</b>	
Paterson River .. .. .	31
Williams' River .. .. .	31
Berrima .. .. .	33
Puddington .. .. .	35, 55
Maitland .. .. .	41
Patrick's Plains .. .. .	41
Richmond .. .. .	45
Sydney .. .. .	45, 55
Reverend John M'Garvie .. .. .	55
Chippendale .. .. .	55
Heidelberg .. .. .	75

## Despatches on the undermentioned subjects :—

Evidence of Aborigines .. .. .	359
Style and precedence of Speaker .. .. .	361
First Meeting of Council .. .. .	361
Conveyance of British Mails .. .. .	361
Non-elective Members of Council .. .. .	365
Congratulatory Addresses on birth of a Princess .. .. .	367
Police and Gaol Expenditure .. .. .	369
Schedules to Constitutional Act .. .. .	371
Overland Route to Port Essington .. .. .	373
Mission to the Aborigines .. .. .	375
Rules of Court .. .. .	381

## Correspondence on the undermentioned subjects :—

Reply of H. Elwin, Esq., to Vote of thanks .. .. .	403
Expense of the Administration of Justice .. .. .	405
Colonial Storekeeper's Department .. .. .	413
With Parliamentary Agent .. .. .	415

## Financial Papers :—

Governor's Message .. .. .	417
Abstract of Revenue and of its Appropriation for 1843, with Statements } 1 to 5 explanatory thereof .. .. . }	425
Ways and Means for 1845 .. .. .	451
Estimates of Expenditure for 1845 .. .. .	453
Supplementary Estimate for 1844 .. .. .	485

## Messages from the Governor on the undermentioned subjects :—

Financial Message .. .. .	417
Proposed Appropriations under Schedule B .. .. .	493
Alterations in Estimates .. .. .	505
New Estimate for Police .. .. .	497
Additional Appropriation for 1845 .. .. .	509
Additional Appropriations for 1844 and 1845 .. .. .	511
Chief Justice Sir James Dowling's half-salary .. .. .	513
Judicial Estimates .. .. .	515
Education .. .. .	517, 519
Police, Sydney and Melbourne .. .. .	521
Hospitals, Maitland and Melbourne .. .. .	523
Parliamentary Agent .. .. .	527
Australian Museum .. .. .	529
Wallis's Creek Bridge .. .. .	531
Cowpasture River Bridge .. .. .	533
Defalcation of the late Sheriff .. .. .	535
Defalcation of the late Registrar .. .. .	537
Commuted Pensioners .. .. .	539
Crown Land Grievances .. .. .	541
Rates of Postage .. .. .	543
Elective Franchise .. .. .	545
Insecurity of Life and Property .. .. .	547
Vacant Seat .. .. .	549
Medical Witnesses Act amendment Bill .. .. .	553
Hawkers' and Pedlars' Bill .. .. .	555
Section 70 of Sydney Incorporation Act suspension Bill .. .. .	557
Allowances to Witnesses Bill .. .. .	559
Courts of Requests Fees Bill .. .. .	559
Appropriation Bill .. .. .	561
Lien on Wool Act amendment Bill .. .. .	563
General Cemetery Bill .. .. .	565

## Bank Liabilities and Assets :—

Abstract for the quarter ended 31st December, 1843 .. .. .	567
Average for the quarters from 31st March, to 31st December, 1843, } and general averages for the years 1841, 1842, and 1843 .. .. . }	568
Abstract for the quarter ended 31st March, 1844 .. .. .	569
Comparative Statement for the quarters ended 30th September, and } 31st March, 1844 .. .. . }	570
Abstract for the quarters ended 30th June, 1844 .. .. .	571
30th Sep., .. .. .	573

## Statistical Returns :—

Coin .. .. .	577
Population .. .. .	578
Imports .. .. .	579
Exports .. .. .	579
Shipping Inwards .. .. .	580
Shipping Outwards .. .. .	581
Agriculture .. .. .	582
Vineyards .. .. .	588
Grain imported .. .. .	583
Live Stock imported .. .. .	583
Live Stock in the Colony .. .. .	587
Wool exported .. .. .	584
Tallow exported .. .. .	584
Oil exported .. .. .	585
Timber exported .. .. .	585
Registry of Vessels .. .. .	585
Auction Duty .. .. .	586
Land Sales .. .. .	586

## Ordinance Returns :—

Monies received or payable .. .. .	589
Messuages, &c. .. .. .	590

Returns to Addresses :—

Casual and Territorial Revenue (2) .. .. .	591
Minimum price of Land (1) .. .. .	611
Upset price of Land (1) .. .. .	631
Unauthorised occupation of Land and remuneration to Surveyors (1) ..	630
Depasturing Licenses and Regulations (2) .. .. .	642
District Councils (2) .. .. .	675
Savings' Bank (1) .. .. .	685
Public Works (1) .. .. .	687
Government Printing Office (1) .. .. .	693
Coolie Immigration (1) .. .. .	695
Discontinuance of Transportation (1) .. .. .	697
Norfolk Island Expirees (1) .. .. .	705
Police and Gaol Expenditure (1) .. .. .	707
Aborigines (3) .. .. .	711
Church and School Estates (1) .. .. .	725
Port Charges (1) .. .. .	727
Elective Franchise (1) .. .. .	729
Prothonotary's and Master in Equity's Salaries (1) .. .. .	731
Intestate Estates (1) .. .. .	737
Dredging Machine (1) .. .. .	739

# SELECT COMMITTEES

## APPOINTED DURING THE SESSION.

### REPLY TO GOVERNOR'S OPENING SPEECH.

THE COLLECTOR OF CUSTOMS, MR. BRADLEY, MR. W. C. WENTWORTH, MR. COWPER,	} Appointed 28th May.	{ DR. NICHOLSON, MR. HAMILTON, CAPTAIN DUMARESQ.
--	--------------------------	--

### LAND GRIEVANCES.

MR. COWPER, DR. NICHOLSON, MR. BRADLEY, MR. LOWE.	} Appointed 30th May.	{ MR. ROBINSON, MAJOR WENTWORTH, MR. WINDEYER.
--	--------------------------	--

### INSECURITY OF LIFE AND PROPERTY.

DR. NICHOLSON, MR. ROBINSON, MR. HAMILTON, MR. LOWE,	} Appointed 6th June.	{ SIR T. L. MITCHELL, THE COLONIAL TREASURER, MAJOR WENTWORTH, MR. YOUNG.
---	--------------------------	--

### INSOLVENT BILL.

DR. NICHOLSON, MR. LOWE, MR. FOSTER, MR. THERRY, MR. W. C. WENTWORTH,	} Appointed 7th June. *Added on 10th July. †Added on 4th Oct.	{ MR. WINDEYER, MR. YOUNG. *THE ATTORNEY GENERAL, †MR. DARVALL.
---	--	--

### EXTENSION OF ELECTIVE FRANCHISE.

DR. LANG, MR. WINDEYER, MR. BOWMAN, MR. HAMILTON,	} Appointed 13th June.	{ SIR T. L. MITCHELL, MR. W. C. WENTWORTH, MR. COWPER, MR. SUTTON.
--	---------------------------	---

### CIRCULAR QUAY WHARFAGE BILL.

THE COLONIAL SECRETARY, THE COLLECTOR OF CUSTOMS, MR. COHILL, MR. LORD,	} Appointed 19th June.	{ MR. PANTON, MR. ROBINSON, MR. WALKER.
--	---------------------------	---

### GENERAL GRIEVANCES.

MR. W. C. WENTWORTH, DR. LANG, MR. BRADLEY, CAPTAIN DUMARESQ, MR. LAWSON,	} Appointed 21st June.	{ MR. LORD, SIR T. L. MITCHELL, MR. SUTTON, MR. WINDEYER, THE ATTORNEY GENERAL.
---	---------------------------	---

### EDUCATION.

MR. LOWE, MR. COWPER, DR. LANG, SIR T. L. MITCHELL, DR. NICHOLSON,	} Appointed 21st June.	{ MR. ROBINSON, MR. THERRY, MR. WINDEYER, THE ATTORNEY GENERAL, THE COLONIAL SECRETARY.
--	---------------------------	---

### PRIVILEGE.

MR. WINDEYER, THE COLONIAL TREASURER, MR. FOSTER, MR. HAMILTON, DR. NICHOLSON,	} Appointed 3rd July.	{ THE ATTORNEY GENERAL, MR. THERRY, THE COLONIAL SECRETARY, MR. W. C. WENTWORTH, MR. YOUNG.
--	--------------------------	---

### MARRIAGE REGULATION AND REGISTRATION BILLS.

MR. COWPER, MR. LOWE, MR. DARVALL, DR. LANG,	} Appointed 7th August.	{ MR. ROBINSON, CAPTAIN DUMARESQ, THE ATTORNEY GENERAL.
---	----------------------------	---

### CORN AND FLOUR PETITIONS.

(TO THE QUEEN AND BOTH HOUSES OF PARLIAMENT.)

MR. LOWE, DR. NICHOLSON, MR. ROBINSON, MR. W. C. WENTWORTH,	} Appointed 14th August.	{ MR. WALKER, MR. COWPER, THE COLLECTOR OF CUSTOMS.
--	-----------------------------	---

SELECT COMMITTEES—Continued.

DISTRESSED LABORERS.

THE COLONIAL TREASURER, MR. COWPER, MR. W. C. WENTWORTH, MR. ROBINSON,	} Appointed 20th August.	{ DR. NICHOLSON, THE COLONIAL SECRETARY, DR. LANG.
---	-----------------------------	--

COLONIAL SPIRITS EXPORTATION BILL.

THE COLLECTOR OF CUSTOMS, THE ATTORNEY GENERAL, MR. WALKER, MR. ROBINSON,	} Appointed 21st August.	{ MR. PANTON, MR. LORD, MR. COGHILL.
--	-----------------------------	--

EXPENSE OF PUBLIC BUILDINGS.

MR. WINDEYER, DR. NICHOLSON, THE AUDITOR GENERAL, CAPTAIN DUMARESQ,	} Appointed 23rd August.	{ DR. BLAND, MR. COWPER, MR. LOWE.
--	-----------------------------	--

COUNTRY COURTS OF REQUESTS BILL.

MR. WINDEYER, MR. LORD, MR. FOSTER, THE ATTORNEY GENERAL,	} Appointed 30th August.	{ MR. DARVALL, MR. PANTON, MR. ROBINSON.
--	-----------------------------	--

DESPATCHES Nos. 175 and 176, of 28th OCTOBER, 1843.

(ADDRESS TO THE QUEEN.)

MR. COWPER, MR. LAWSON, MR. BRADLEY, CAPTAIN DUMARESQ,	} Appointed 6th September.	{ MR. LORD, MR. ROBINSON, MR. W. C. WENTWORTH, MR. WINDEYER.
---	-------------------------------	---

GEELONG; FREE PORT.

(ADDRESS TO THE QUEEN.)

DR. NICHOLSON, MR. ROBINSON, MR. WALKER, MR. YOUNG,	} Appointed 6th September.	{ DR. LANG, THE COLLECTOR OF CUSTOMS, MR. PANTON.
--	-------------------------------	---

SCHEDULES to 5 and 6 VICTORIA, c. 76.

(ADDRESS TO THE QUEEN.)

MR. W. C. WENTWORTH, DR. BLAND, THE COMMANDER OF THE FORCES, DR. LANG,	} Appointed 12th September.	{ MR. LAWSON, MR. ROBINSON, MR. WALKER.
---	--------------------------------	---

CROWN LAND GRIEVANCES.

(PETITIONS TO THE QUEEN AND BOTH HOUSES OF PARLIAMENT.)

MR. COWPER, MR. ROBINSON, MR. W. C. WENTWORTH, MR. BRADLEY,	} Appointed 18th September.	{ DR. NICHOLSON, MR. WINDEYER, MR. LORD.
--	--------------------------------	--

CORRESPONDENCE WITH PARLIAMENTARY AGENT.

THE SPEAKER, MR. HERRY, DR. BLAND, MR. COWPER, CAPTAIN DUMARESQ, DR. LANG, MR. MACARTHUR, MR. PANTON,	} Appointed 25th September.  * Added 20th Dec.	{ MR. ROBINSON, MR. WALKER, MR. W. C. WENTWORTH, MAJOR WENTWORTH, MR. WINDEYER, DR. NICHOLSON, * MR. BOYD.
--	---	--

BANK OF AUSTRALIA SHARES BILL.

MR. W. C. WENTWORTH, MR. COGHILL, MR. DARVALL, MR. FOSTER,	} Appointed 11th October.	{ DR. NICHOLSON, THE ATTORNEY GENERAL, MR. ROBINSON, MR. WINDEYER,
---	------------------------------	---

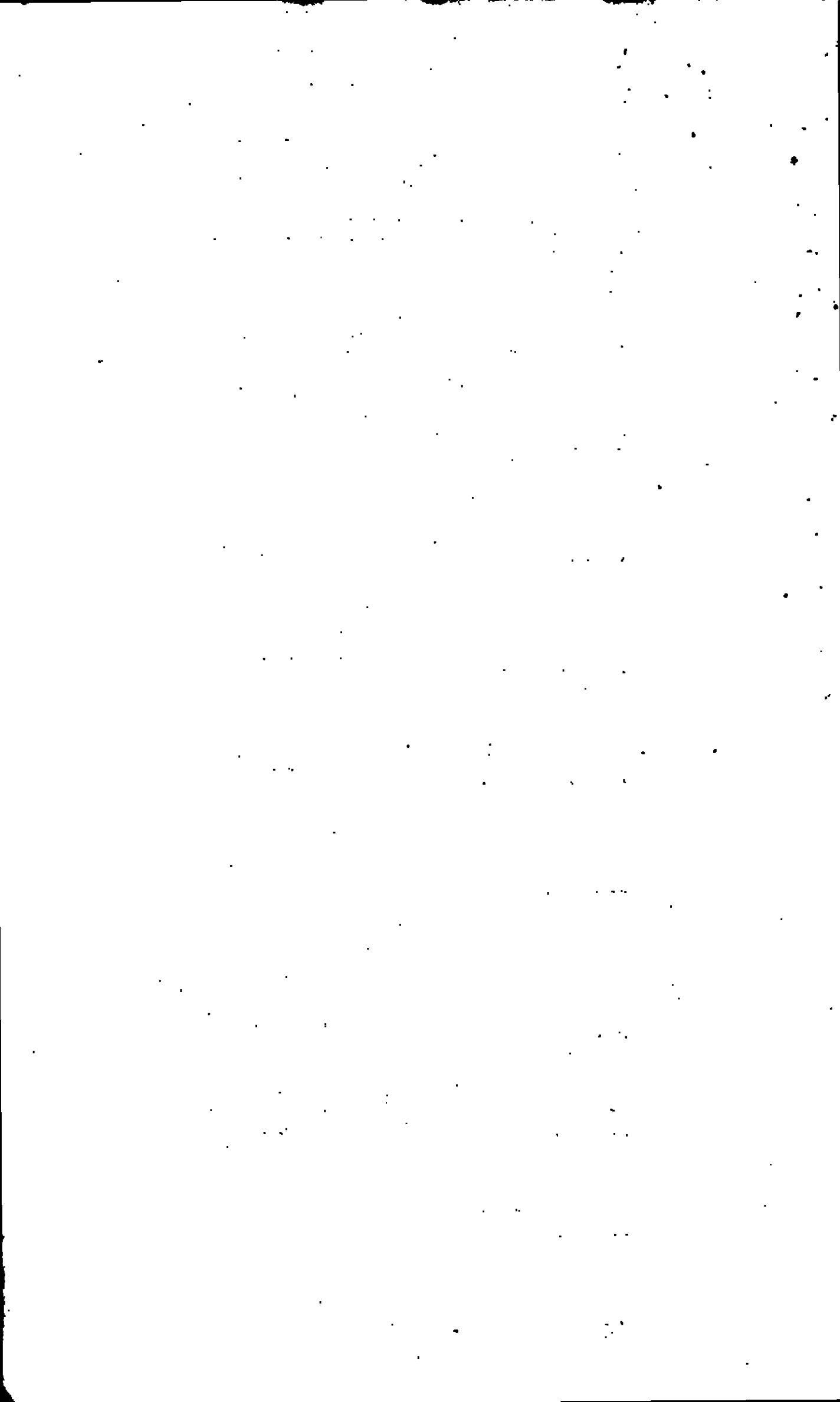
VACANT SEAT.

THE COLONIAL SECRETARY, THE ATTORNEY GENERAL, MR. DARVALL, MR. FOSTER,	} Appointed 11th October.	{ MR. W. C. WENTWORTH, DR. LANG, DR. NICHOLSON, MR. WINDEYER.
---	------------------------------	--

STANDING ORDERS.

(Appointed 4th August 1843.)

THE SPEAKER, THE ATTORNEY GENERAL,	} Added 24th December.	{ MR. YOUNG.
---------------------------------------	---------------------------	--------------

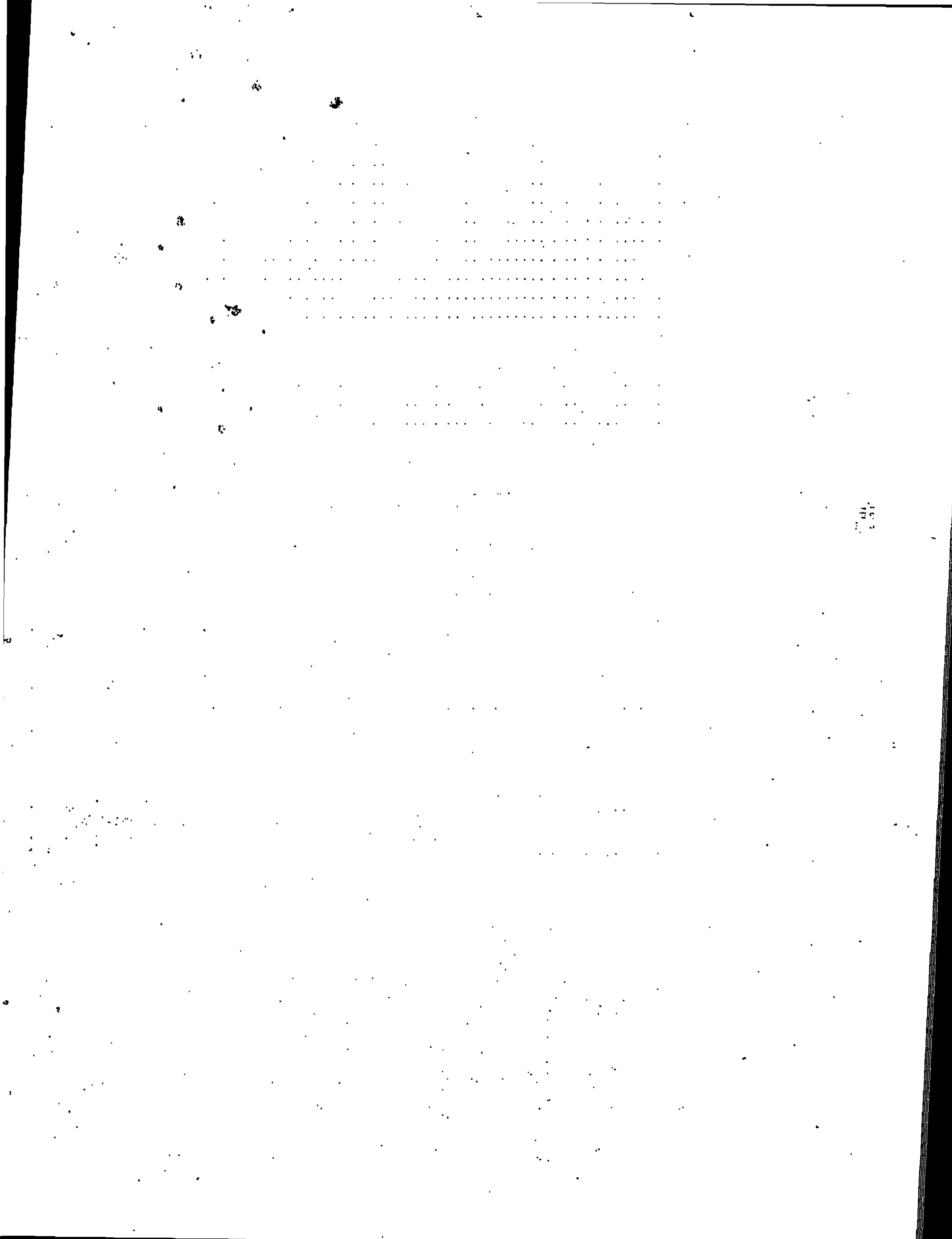




SUMMARY of Proceedings on Bills introduced during the Extraordinary and Ordinary Sessions of the year 1844.

SHORT TITLES OF BILLS.	HOW AND WHEN INITIATED.	PROGRESS.									REMARKS.
		1st Reading.	2nd Reading.	Commit.	Report.	Amendments proposed by the Governor.	Re-committal.	Report after re-committal.	Passing.	Assent.	
<b>EXTRAORDINARY SESSION.</b>											
Justices' Indemnity Bill	By Message	5 March.	5 March.	6 March.	6 March.	6 March.	.....	.....	.....	7 March.	8 March.
Publicans' Licensing Act amendment Bill	By Attorney General	6 March.	6 March.	7 March.	7 March.	7 March.	.....	.....	.....	7 March.	8 March.
Distillation Laws amendment Bill.	By Attorney General	6 March.	6 March.	7 March.	7 March.	7 March.	.....	.....	.....	7 March.	8 March.
<b>ORDINARY SESSION.</b>											
Validity of Council's Proceedings Bill.	By Message	30 May.	31 May.	.....	.....	.....	.....	.....	.....	.....	To be read a second time this day six months, 5th June.
Evidence of Aborigines Bill	By Message	30 May.	5 June.	.....	.....	.....	.....	.....	.....	.....	To be read a second time this day six months, 20th June.
Insolvent Act amendment Bill	By Message	30 May.	5 June.	9 Aug.	9 Aug.	9 Aug.	.....	.....	.....	13 Aug.	23 Aug.
Military Officers Wine Bill	By Message	30 May.	5 June.	14 June.	14 June.	14 June.	.....	.....	.....	19 June.	21 June.
Jury Laws continuation Bill	By Message	5 June.	6 June.	14 June.	14 June.	14 June.	.....	.....	.....	19 June.	21 June.
Circular Quay Bill.	By Message	5 June.	14 June.	3 Dec.	13 Dec.	18 Dec.	.....	.....	.....	20 Dec.	30 Dec.
Governor's Salary Bill	By Mr. Windeyer	6 June.	6 June.	13 June.	13 June.	13 June.	.....	.....	.....	14 June.	.....
Law of Evidence Bill	By Mr. Young.	13 June.	18 June.	20 June.	20 June.	20 June.	.....	.....	.....	26 June.	7 Aug.
Australian Methodists' Marriage Bill	By Dr. Lang	14 June.	14 June.	.....	.....	.....	.....	.....	.....	.....	.....
District Councils Bill	By Message	19 June.	25 July.	.....	.....	.....	.....	.....	.....	.....	.....
Law of Libel Bill	By Mr. Robinson	19 June.	19 June.	7 Aug.	.....	.....	.....	.....	.....	.....	.....
Catarrh in Sheep Act continuation Bill.	By Colonial Secretary	21 June.	21 June.	24 July.	26 July.	26 July.	.....	.....	.....	1 Aug.	23 Aug.
Customs' Bill.	By Message	20 June.	28 June.	5 July.	5 July.	23 Aug.	.....	26 Sep.	.....	.....	.....
Apprentices' Bill	By Attorney General	23 June.	28 June.	4 July.	4 July.	26 July.	.....	.....	.....	1 Aug.	23 Aug.
Hawkers and Pedlars Laws amendment Bill.	By Mr. W. C. Wentworth.	27 June.	27 June.	1 Aug.	9 Aug.	9 Aug.	4 Sep.	11 Sep.	11 Sep.	14 Aug.	.....
Jury Laws amendment Bill	By Mr. Windeyer	8 July.	3 July.	10 July.	24 July.	24 July.	.....	26 July.	26 July.	2 Aug.	23 Aug.
Police Assessment Bill	By Message	18 July.	25 July.	.....	.....	.....	.....	.....	.....	.....	.....
Campbelltown District Councilors Bill.	By Message	18 July.	25 July.	.....	.....	.....	.....	.....	.....	.....	.....
Melbourne Corporation Act amendment Bill.	By Mr. Robinson	25 July.	25 July.	15 Aug.	27 Aug.	13 Dec.	.....	.....	.....	19 Dec.	28 Dec.
Colonial Spirits Exportation Bill	By Mr. Walker.	26 July.	26 July.	9 Aug.	16 Aug.	.....	.....	26 Sep.	25 Sep.	3 Oct.	.....
Country Towns Courts of Requests Bill	By Mr. Lord	1 Aug.	1 Aug.	30 Aug.	.....	.....	.....	.....	.....	.....	.....
Sydney Corporation Act amendment Bill	By Dr. Bland	2 Aug.	2 Aug.	16 Aug.	23 Aug.	21 Dec.	.....	.....	.....	23 Dec.	28 Dec.
Pawnbrokers' Bill.	By Mr. Robinson	2 Aug.	2 Aug.	23 Aug.	5 Sep.	.....	.....	.....	.....	.....	.....
Marriages' Regulation Bill	By Mr. Cowper	7 Aug.	7 Aug.	.....	.....	.....	.....	.....	.....	.....	.....
Marriages, Births, and Deaths Registration Bill	By Mr. Cowper	7 Aug.	7 Aug.	.....	.....	.....	.....	.....	.....	.....	.....
Medical Witnesses Act amendment Bill	By Mr. Young.	7 Aug.	7 Aug.	13 Aug.	16 Aug.	16 Aug.	4 Sep.	11 Sep.	11 Sep.	23 Aug.	17 Sep.
Publicans Licensing Act amendment Bill	By Mr. W. C. Wentworth.	7 Aug.	7 Aug.	23 Aug.	9 Oct.	.....	.....	.....	.....	.....	.....
Fees, Fines, and Penalties Bill	By Mr. W. C. Wentworth.	7 Aug.	7 Aug.	.....	.....	.....	.....	.....	.....	.....	.....
Rushranging Act continuation Bill	By Colonial Secretary	7 Aug.	7 Aug.	8 Aug.	8 Aug.	8 Aug.	.....	.....	.....	9 Aug.	23 Aug.
Supplementary Appropriation Bill.	By Colonial Secretary	23 Aug.	23 Aug.	28 Aug.	28 Aug.	28 Aug.	.....	.....	.....	30 Aug.	4 Sep.
Interest Bill	By Mr. Foster	4 Sep.	4 Sep.	17 Dec.	19 Dec.	20 Dec.	.....	.....	.....	21 Dec.	.....
Turnpike Trusts Bill	By Mr. Robinson	18 Sep.	18 Sep.	25 Sep.	3 Oct.	.....	.....	.....	.....	.....	.....
Lien on Wool Act amendment Bill	By Mr. W. C. Wentworth.	25 Sep.	25 Sep.	4 Oct.	27 Nov.	21 Dec.	24 Dec.	26 Dec.	28 Dec.	23 Dec.	.....
Auctioneers' Licensing Bill	By Mr. Cowper	1 Oct.	1 Oct.	.....	.....	.....	.....	.....	.....	.....	.....
Border Police Act amendment Bill	By Mr. Cowper	2 Oct.	2 Oct.	.....	.....	.....	.....	.....	.....	.....	.....
Bank of Australia Shares Bill	By Mr. W. C. Wentworth.	4 Oct.	4 Oct.	11 Nov.	11 Nov.	18 Dec.	.....	21 Dec.	21 Dec.	23 Dec.	.....
Appropriation Bill.	By Colonial Secretary	10 Oct.	11 Oct.	19 Dec.	19 Dec.	19 Dec.	23 Dec.	.....	.....	20 Dec.	28 Dec.
Section 70 of Sydney Incorporation Act suspension Bill	By Colonial Secretary	10 Oct.	27 Nov.	5 Dec.	5 Dec.	5 Dec.	.....	.....	.....	10 Dec.	28 Dec.
Allowances to Witnesses Bill.	By Message	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Courts of Requests Fees Bill.	By Message	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Distillation Laws amendment Bill.	By Attorney General	4 Dec.	4 Dec.	10 Dec.	10 Dec.	10 Dec.	.....	.....	.....	13 Dec.	28 Dec.
Insolvent Act amendment Bill	By Mr. W. C. Wentworth.	5 Dec.	5 Dec.	13 Dec.	13 Dec.	21 Dec.	.....	.....	.....	23 Dec.	28 Dec.
Section 70 of Melbourne Incorporation Act Suspension Bill.	By Colonial Secretary	10 Dec.	10 Dec.	13 Dec.	13 Dec.	13 Dec.	.....	.....	.....	18 Dec.	28 Dec.
General Cemetery Bill	By Message	23 Dec.	.....	.....	.....	.....	.....	.....	.....	.....	.....

RECAPITULATION.		
	EXTRAORDINARY SESSION.	ORDINARY SESSION.
Initiated .....	3	44
Passed. { Assented to .....	3	18
{ Assent Reserved .....	.....	3
{ Assent Withheld .....	.....	3
Withdrawn .....	.....	8
Rejected .....	.....	8
Lapsed in Select Committees .....	.....	3
Stands over until next Session.....	.....	1
	3	44



100

VOTES AND PROCEEDINGS

OF

THE LEGISLATIVE COUNCIL.

TUESDAY, 5 MARCH, 1844.

1. The Council having met pursuant to a Proclamation of His Excellency the Governor, bearing date the 15th day of February last past, and the Speaker having taken the Chair, the Clerk, by order of the Council, read the said Proclamation.
2. The following Message from His Excellency the Governor received and read :—

*Message from His Excellency the Governor, to the Members of the Legislative Council, stating to them the reason why He has called an extraordinary Meeting of the Council.*

GENTLEMEN,

I have called you together at this unusual season of the year, solely for the purpose of laying before you, a project of a Law, to protect certain Magistrates of the Territory from the prosecutions to which they have become liable by a recent judgment of the Supreme Court, wherein it was declared that their Jurisdiction within the County of Cumberland, was terminated on the 2nd January, 1843, by a Commission which I issued for the purpose of carrying out the provisions of the 63rd and 64th sections of the Sydney Corporation Act, 6th Victoria, No. 3.

As it is not imputed to the Magistrates, either that they acted intentionally wrong, or that they have done injustice to any one, I trust you will consider them entitled to the indemnity which it is proposed to afford them.

The project of the Law is herewith transmitted to you; and it extends to Magistrates who have acted under similar circumstances in the County of Bourko, and are exposed to the like consequences.

*Government House, 5th March, 1844.*

GEORGE GIPPS.

Moved by the Colonial Secretary, That this Message be taken into consideration, and that the Bill which accompanied it, be now read a first time.

Question having been put and passed, Bill, intituled "A Bill to indemnify certain Justices of the Peace for the Territory of New South Wales, and to enable Territorial Justices of the Peace to act as such under certain limitations, within the bounds of the City of Sydney, and Town of Melbourne respectively," read a first time; ordered to be printed, and read a second time to-morrow.

Council adjourned at Half-past Twelve o'clock, until to-morrow at Three o'clock.

NOTICES OF MOTION AND ORDERS OF THE DAY.

WEDNESDAY, MARCH 6.

NOTICE OF MOTION :—

1. THE ATTORNEY GENERAL to move for leave to bring in the following Bills :—
  - (1.) A Bill to amend an Act, intituled, "An Act for consolidating and amending the Laws relating to the licensing of Public Houses, and for further regulating the sale and consumption of Fermented and Spirituous liquors in New South Wales."
  - (2.) A Bill to amend an Act, intituled, "An Act to consolidate and amend the Laws for the distillation of spirits in the Colony of New South Wales, and for the issue of Licenses for distilling, rectifying, and compounding spirits therein, and for repealing certain Laws relating thereto."

ORDER OF THE DAY :—

1. Justices' Indemnity Bill; second reading.

ALEX, M<sup>c</sup> LEAY,

*Speaker.*



3.

VOTES AND PROCEEDINGS  
OF  
THE LEGISLATIVE COUNCIL.

WEDNESDAY, 6 MARCH, 1844.

1. Council met pursuant to adjournment; the Speaker took the Chair.  
*Messenger to the Chief Commissioner of Insolvent Estates*:—Mr. Foster presented a Petition from John Danbrey Smithson, Messenger to the Chief Commissioner of Insolvent Estates, setting forth that recent changes have deprived him of the fees formerly attached to his office, leaving him with a salary of only 1s. 9d. a day, and praying that, in consideration of the importance of his duties, the Council will pray His Excellency the Governor to take his case into consideration; Petition read and received.
2. Distillation:—Mr. Foster presented a Petition from Robert Cooper, the elder, of Sydney, Merchant, praying the Council will not pass any Act rendering valid convictions under the Distillation Act, unless acquittals under that Act be also rendered valid; Petition read and received.
3. Publicans' Licensing Act:—The Attorney General, pursuant to notice, moved for leave to bring in a Bill to amend the Publicans' Licensing Act.  
Debate ensued;  
Question put; Council divided;

Ayes, 18.

THE COLONIAL SECRETARY,  
THE COMMANDER OF THE FORCES,  
THE ATTORNEY GENERAL,  
MR. BLAXLAND,  
MR. SUTTON,  
MR. BERRY,  
THE COLLECTOR OF CUSTOMS,  
MR. LOWE,  
THE AUDITOR GENERAL,  
MR. LAWSON,  
MR. BOWMAN,  
DR. LANG,  
MR. WALKER,  
MR. ICELY,  
MR. MACARTHUR,  
DR. BLAND,  
THE COLONIAL TREASURER,  
MR. COWPER, (Teller.)

Noes, 3.

MR. ELWIN,  
MR. FOSTER,  
DR. NICHOLSON, (Teller.)

Moved by the Attorney General, That the Bill be now read a first time;  
Question put and passed; and Bill, intituled, "A Bill to amend an Act, intituled, 'An Act for consolidating and amending the Laws relating to the licensing of Public Houses, and for further regulating the sale and consumption of Fermented and Spirituous liquors in New South Wales,'" read a first time; ordered to be printed, and read a second time to-morrow.

4. Distillation Laws:—The Attorney General, pursuant to notice, moved for leave to bring in a Bill to amend the Act regulating distillation in New South Wales;  
Debate ensued;  
Question put and passed; and Bill, intituled, "A Bill to amend an Act, intituled, 'An Act to consolidate and amend the Laws for the distillation of spirits in the Colony of New South Wales, and for the issue of Licenses for distilling, rectifying, and compounding spirits therein, and for repealing certain Laws relating thereto,'" read a first time; ordered to be printed, and read a second time to-morrow.
5. Justices' Indemnity Bill, having been read a second time, the Council went into Committee thereupon; Mr. Elwin appointed to the Chair.  
The Chairman reported the Bill with amendments; Bill to be engrossed, and read a third time to-morrow.  
Council adjourned at Six o'clock, until to-morrow at Three o'clock.

NOTICES OF MOTION AND ORDERS OF THE DAY.

THURSDAY, MARCH 7.

NOTICE OF MOTION:—

1. THE ATTORNEY GENERAL to move the suspension of the Standing Orders, that the Licensing Act amendment Bill, and the Distillation Laws Bill may be read a second and third time.

ORDERS OF THE DAY:—

1. Publicans' Licensing Act amendment Bill; second reading.
2. Distillation Laws amendment Bill; second reading.
3. Justices' Indemnity Bill; third reading.

ALEX. M<sup>c</sup> LEAY,  
Speaker.



---

VOTES AND PROCEEDINGS

or

THE LEGISLATIVE COUNCIL.

---

THURSDAY, 7 MARCH, 1844.

1. Council met pursuant to adjournment ; the Speaker took the Chair.  
Publicans' Licensing Act amendment Bill having been read a second time, the Council went into Committee thereupon ; Mr. Elwin appointed to the Chair.  
The Chairman reported the Bill with amendments.
2. Distillation Laws amendment Bill having been read a second time, the Council went into Committee thereupon ; Mr Elwin appointed to the Chair.  
The Chairman reported the Bill with amendments.
3. Justices' Indemnity Bill ; read a third time and *passed*.
4. Suspension of Standing Order 72 :—The Attorney General moved, pursuant to notice, that the 72nd Standing Order of the Council be suspended, in order to the third reading, to-day, of the Publicans' Licensing Act amendment Bill, and the Distillation Laws amendment Bill.  
Question put and passed.
5. Publicans' Licensing Act amendment Bill ; read a third time and *passed*.
6. Distillation Laws amendment Bill ; read a third time and *passed* ; to be presented to His Excellency the Governor for assent, together with the Justices' Indemnity Bill, and the Licensing Act amendment Bill, by the Speaker, the Colonial Treasurer, and the Attorney General.  
Council adjourned at a quarter after Four o'clock, until to-morrow at Twelve o'clock.

ALEX. M<sup>c</sup> LEAY,  
*Speaker.*

6.

5.77

—

.....

17

.....



# VOTES AND PROCEEDINGS

OF

## THE LEGISLATIVE COUNCIL.

FRIDAY, 8 MARCH, 1844.

1. Council met pursuant to adjournment; the Speaker took the Chair.  
Assent to Bills:—The Speaker reported that His Excellency the Governor had assented to the following Bills:—
  - (1.) Justices' Indemnity Bill.
  - (2.) Publicans' Licensing Act amendment Bill.
  - (3.) Distillation Laws amendment Bill.
2. Prorogation:—The following Message from His Excellency the Governor, received and read:—

*Message from His Excellency the Governor, to the Gentlemen of the Legislative Council, proroguing the Council until Tuesday, the 16th day of April next.*

GENTLEMEN,

I have to thank you for your attendance in this short Session of the Council, as well as for the Bills which you have passed.

To these Bills I have assented, in the name of Her Majesty, and I am happy to be able to release you from any further attendance.

The Council will now stand prorogued until Tuesday, the 16th day of April next.

*Government House, March 8, 1844.*

GEORGE GIPPS.

The Council stood prorogued accordingly until Tuesday, the 16th day of April next.

### NOTICES OF MOTION AND ORDERS OF THE DAY FOR NEXT SESSION.

#### NOTICES OF MOTION:—

1. MR. WINDEYER to move, in the first week of the next Session, that the Governor's Message on the Judicial Estimates, be taken into consideration.
2. DR. LANG to move, at an early period during the ensuing Session:—
  - (1.) That, taking into consideration the Minute of His Excellency Sir Ralph Darling, of date 10th October, 1831, on the subject of the public grants to a Society designated the "Australian Subscription Library," it is the opinion of this Council, that the said Library is a Public Institution, subject to the interference and control of the Government, under the direction of this House.
  - (2.) That the blackballing or rejection of two of the Aldermen of this City (Gentlemen holding Her Majesty's Commission of the Peace as Magistrates of the Colony) after having been proposed for admission to the rights of membership in the said Institution, by the Right Worshipful the Mayor, was, in the opinion of this House, in obvious contravention of the understanding and conditions on which the aforesaid grants were made to the institution aforesaid, as well as an outrage upon the whole body of the Citizens of Sydney, of which the Government are bound to take notice for the protection of the public; inasmuch as it obviously tends to weaken the hands of the civic authorities, and to bring their office into contempt.

#### ORDERS OF THE DAY:—

1. Customs' Laws amendment Bill; first reading.
2. Hawkers' and Pedlars' Laws amendment Bill; to be further considered in Committee.

ALEX. Mc LEAY,

*Speaker.*

8.

77

VOTES AND PROCEEDINGS

OF

THE LEGISLATIVE COUNCIL.

TUESDAY, 28 MAY, 1844.

1. The Council having met pursuant to Proclamation of His Excellency the Governor, bearing date the 3rd April, 1844, the said Proclamation was ordered to be read, and was read accordingly by the Clerk.

*New Members*:—Sir Thomas Livingston Mitchell, Knight, and Adolphus William Young, Esquire, having taken the oath required by the Act of Parliament, 5 and 6 Victoria, cap. 76, took their seats in the Council as Elective Members for the Electoral District of Port Phillip, in room of Charles Hotson Ebdon and Alexander Thomson, Esquires, resigned; and Joseph Phelps Robinson, Esquire, having made affirmation as required by the said Act, took his seat in the Council as Elective Member for the Electoral District of Melbourne, in room of Henry Condell, Esquire, resigned.

2. Governor's Speech:—His Excellency the Governor having been conducted to his seat by the Speaker, read the following Speech:—

GENTLEMEN OF THE LEGISLATIVE COUNCIL,

I have called you together at the season of the year, when I believe you can, with the least inconvenience to yourselves, devote your time to the service of the Public.

I congratulate you on the commencement of your second Session, and I confidently hope that your labours in the course of it, will advance the best interests of the Colony.

During your recess, an addition has been made to our Population, by the arrival of nearly two thousand five hundred Immigrants, who, as they have in general been carefully selected in the United Kingdom, have for the most part made ready engagements, though there are, I regret to say, and especially in Sydney, large numbers of mechanics and labourers out of employment, who have been longer in the Colony. I shall be happy to concur with you in any measures which you may think expedient, for the relief of this latter class of persons.

Among the measures which it will be my duty to initiate in your present Session, the most important will be one to make further provision respecting the constitution, and to define and extend the powers of District Councils; I earnestly recommend this important matter to your attentive consideration.

The Imperial Parliament having passed an Act, which provides for the admission, in certain cases, of unsworn evidence in Courts of Justice, I shall lay before you the project of a law, under which it is proposed to admit the evidence of the Aborigines in the Courts of this Colony.

I am happy to inform you, that notwithstanding the pecuniary distress which has so long prevailed in the Colony, there is nothing in the state of the public finances which should in my opinion create alarm. The decrease in the Revenue was very large in the second half of the past year, but the ordinary Expenditure of the whole year did not exceed the ordinary Revenue; and it is the Territorial Revenue of the Crown alone, which is encumbered with a debt. I am disposed to hope, that the ordinary Revenue has now passed its lowest point of depression, though it would as yet be premature to express any decided opinion in respect to it.

The debt charged on the Territorial possessions of the Crown, has been necessarily increased by the late partial renewal of Immigration; but the terms on which the requisite funds have been obtained, are such as may, I think, be considered favorable.

I shall, with as little delay as possible, lay before you the Financial Papers of the year, wherein will be comprised an account of the Revenue and Expenditure of the past, and the Estimates for the ensuing year.

Although I am satisfied that there is sufficient vigor in our resources to enable us to overcome the difficulties still affecting all classes of the community, and to lay the foundation of a secure and lasting prosperity, I cannot but deeply lament the reverses which have so grievously, during the last three years, injured the fortunes of individuals, and the credit of the Colony; and I shall continue, with your assistance, to give my most anxious consideration to the means by which permanent relief may be afforded.

GEORGE GIPPS,  
Governor.

Sydney, 28th May, 1844.

His

His Excellency having been conducted to the door by the Speaker, the Council adjourned until Three o'clock.

3. Address in reply to Speech:—*Moved*, That an Address be presented to His Excellency the Governor, returning thanks to His Excellency for his Speech to the Council: Question put and passed; and the following Committee appointed to prepare the same:

THE COLLECTOR OF CUSTOMS,

MR. BRADLEY,  
MR. W. C. WENTWORTH,  
MR. COWPER,

DR. NICHOLSON,  
MR. HAMILTON,  
CAPTAIN DUMARESCU.

The Collector of Customs, as Chairman, having brought up the following Address, prepared by the Committee, the same was adopted, and ordered to be engrossed on parchment, for presentation to His Excellency by the Speaker and the House.

"MAY IT PLEASE YOUR EXCELLENCY:—

"We, 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.

"We are sensible of Your Excellency's attention to the convenience of the Members, in calling us together at the season of the year when our public duties will least interfere with our private pursuits.

"We beg to assure Your Excellency that our labours in this, our second Session, will be constantly directed to the advancement of the best interests of the Colony.

"It is satisfactory to find that the newly arrived Immigrants are of so useful a description that they have made ready engagements, although we regret at the same time to learn, that there is still a large number of mechanics and labourers who have been longer in the Colony, out of employment in Sydney. We will, in conformity with Your Excellency's suggestion, direct our early attention to the causes of their distress, and endeavour, if possible, to devise measures for their relief, provided such relief can be afforded consistently with the interests of other classes of Her Majesty's subjects.

"The measure which Your Excellency may propose to make further provision respecting the constitution, and to define and extend the powers of District Councils, will engage that earnest attention which the present imperfect constitution of those bodies, and the paramount importance of the subject in all its various bearings, demand. At the same time we feel bound to guard ourselves against any pledge as to the propriety of extending powers against which numerous petitions have already been presented to this Council.

"The project of Law respecting the evidence of the Aborigines in the Courts of this Colony, shall receive due consideration.

"It is gratifying to learn that notwithstanding the pecuniary distress which has so long prevailed, the state of the Public Revenue is considered satisfactory. So soon as Your Excellency shall have laid before us the Financial documents of the year, we shall not fail to give them our best and immediate attention.

"We cannot doubt that the resources of the Colony are such as to afford well grounded expectation that by measures properly directed to their development, a return to secure and lasting prosperity will be ensured; and Your Excellency may rely upon our earnest desire to devise means for accomplishing that most desirable end."

*Moved*, That the Speaker and Colonial Secretary be requested to wait upon His Excellency the Governor, and ascertain at what time His Excellency will be pleased to receive the Address; Question put and passed.

4. Chairman of Committees:—*Moved*, That Hastings Elwin, Esquire, be the Chairman of Committees of the whole Council for the present Session.

*Moved*, as an amendment, That the salary of Chairman of Committees of the whole Council be recommended to His Excellency the Governor, before proceeding to the election of a Chairman.

Question on the amendment put and negatived.

Question on the original motion put and passed.

Council adjourned at half-past Four o'clock, until to-morrow at Three o'clock.

NOTICES OF MOTION AND ORDERS OF THE DAY.

WEDNESDAY, MAY 29.

NOTICES OF MOTION:—

1. MR. COWPER to move, That public prayers to Almighty God be offered up daily at the opening of this Council, as soon as the Speaker shall have taken the Chair; and that a Chaplain, who shall be a Clergyman of the Church of England, be appointed by the Speaker to perform this duty.

2. DR. NICHOLSON to move, an Address to His Excellency the Governor, requesting that there may be laid upon the Table of this House, a Return of the number of prisoners who have been landed in Sydney from Norfolk Island, from the 1st of September, 1843, to the 28th of March, 1844; distinguishing such as have returned to complete the original period of their sentences in the Colony, and those who have become free, either by the expiration of their original sentences, or by pardon; also a statement, shewing the number of Norfolk Island expees, or prisoners returned from Norfolk Island, who have, since the period above mentioned, been convicted of offences, either in the Supreme Court, or Courts of Quarter Sessions, throughout the Colony.

ORDER OF THE DAY.

1. Presentation of Address to His Excellency the Governor, by the Speaker and the House.

THURSDAY, MAY 30.

NOTICES OF MOTION :—

1. MR. COWPER to move, That a Select Committee be appointed to enquire into and report upon all grievances connected with the lands of the Territory; and that it be an instruction to the Committee, to distinguish between the grievances which can be redressed in the Colony, and those which cannot.
2. MR. WENTWORTH to move the following Resolutions :—
- (1.) That an Address be presented to His Excellency the Governor, praying that His Excellency will be pleased to lay before this Council, a copy of the several commissions of the Governors of this Colony, commencing with the commission of Governor Macquarie, and including the commission of His Excellency Sir George Gipps, Knight.
  - (2.) For a Return of all sums paid out of the General Revenue of the Colony, for the support of Police and Gaols, since the compact with Sir Richard Bourke in 1835, relating thereto.
  - (3.) For a Return of the amount and appropriation of the Casual and Territorial Revenue in each year, since the arrival of His Excellency Sir George Gipps, Knight.
  - (4.) For a copy of all correspondence between the Government of New South Wales, and the Principal Secretaries of State for the Colonies, on the subject of the Casual and Territorial Revenue.
  - (5.) For a copy of all such correspondence on the subject of the minimum price of Crown Lands.
  - (6.) For a copy of all such correspondence on the subject of the establishment of District Councils, and other Corporate bodies within this Colony.
  - (7.) For a copy of all such correspondence on the subject of the discontinuance of Transportation.

TUESDAY, JUNE 4.

1. DR. NICHOLSON to move, for the appointment of a Select Committee to enquire into, and report upon the means for checking the outrages against the public peace, and the security of life and property, to which the inhabitants of Sydney and its neighbourhood are now daily exposed; to enquire into the nature of the control and superintendence exercised over the prisoners in Hyde Park Barracks, or employed in gangs and public works; to ascertain the numbers and adequacy of the present Police Force of Sydney, and to suggest such means as may appear advisable for giving to it due and requisite efficiency. Also, that it be an instruction to the above Committee to examine, and report upon the extent to which the violation of the public peace, the great increase of crime, and the consequent demoralization of a large portion of the community, may be considered referable to the return of expees convicts from Norfolk Island; and to determine upon the expediency of presenting from this Council, a humble Petition to Her Majesty, praying that Her Majesty may be graciously pleased to direct that all Prisoners of the Crown, whose sentence of transportation to Norfolk Island may have expired, or who may have received Conditional Pardons, be prohibited from returning to any part of the Colony of New South Wales.

WEDNESDAY, JUNE 5.

1. DR. NICHOLSON will move an Address to His Excellency the Governor, requesting that the following Returns may be laid upon the Table of this House.
- (1.) A return of the annual cost incurred in defraying the expenses for the support of the Light Houses and Pilot Stations at Sydney and Port Phillip.
  - (2.) A Tabular Return of the Rates of Pilotage levied on all Vessels entering and leaving the above mentioned Ports.
  - (3.) The gross amount collected from those rates during the year 1843, and a statement exhibiting, in parallel columns, the comparative rate of such charges in each of those Ports respectively.

(4.)

(4.) A Return of the several sums that have been voted for the construction of public works in Melbourne, Geelong, and Portland, during the years 1840, 1841, 1842, and 1843; together with a statement of the amount remaining still unappropriated in respect to such Legislative Grants, during the period above mentioned.

(5.) For a copy of all correspondence between His Excellency Sir George Gipps and the Secretary of State for the Colonies, on the subject of the petition of certain Colonists to Her Majesty the Queen, to be allowed to hire and bring hither, at their own expense, their Indian-fellow subjects—transmitted to England by His Excellency in the year 1843.

---

WEDNESDAY, JUNE 12.

1. MR. WENTWORTH to move, That a Select Committee be appointed to enquire into, and report upon all grievances not connected with the lands of the Territory; and that it be an instruction to such Committee to distinguish between those grievances which can be redressed in the Colony, and those which cannot.

---

TUESDAY, JULY 2.

1. DR. LANG to move, That a humble Address be presented to Her Majesty the Queen, soliciting that Her Majesty will be graciously pleased to direct that the requisite steps might be taken for the speedy and entire separation of the District of Port Phillip from the Territory of New South Wales, and its erection into a separate and independent Colony.

ALEX. M<sup>c</sup> LEAY,  
*Speaker.*

## VOTES AND PROCEEDINGS

# THE LEGISLATIVE COUNCIL.

WEDNESDAY, 29 MAY, 1844.

1. Council met pursuant to adjournment; the Speaker took the Chair.  
Address in reply to the Governor's Speech :—The Speaker announced that His Excellency the Governor would receive the Council's Address to-morrow at half-past two o'Clock.
2. Licensed Squatters :—Mr. Cowper presented a petition from certain stockholders and other residents in the District of Penrith, praying the Council to take such steps, as to them may seem meet, to guard against Licensed Occupiers of Land beyond the boundaries, being placed in such a position, as may render them liable to interruption in the quiet possession of their Stations, until the same shall be included within the Boundaries of Location; Petition read, received, and ordered to be printed.
3. Daily Prayer on opening the Council :—Mr. Cowper, pursuant to notice, moved, That Public Prayers to Almighty God be offered up daily at the opening of this Council, as soon as the Speaker shall have taken the Chair; and that a Chaplain, who shall be a Clergyman of the Church of England, be appointed by the Speaker to perform this duty. Moved, as an amendment, That this question be now put.

Debate ensued.

Question put on the amendment; Council divided:

Ayes, 8.

MR. LAWSON,  
MR. BOWMAN,  
CAPTAIN DUMARESQU,  
SIR T. L. MITCHELL,  
MR. LOWE,  
MR. SUTTOR,  
MR. COWPER,  
THE COLONIAL TREASURER, (Teller.)

Noes, 14.

MR. HAMILTON,  
THE AUDITOR GENERAL,  
MR. W. C. WENTWORTH,  
MR. ELWIN,  
THE COLONIAL SECRETARY,  
MAJOR WENTWORTH,  
MR. WINDEYER,  
DR. LANG,  
DR. BLAND,  
MR. ROBINSON,  
MR. BRADLEY,  
MR. YOUNG,  
THE COLLECTOR OF CUSTOMS,  
DR. NICHOLSON, (Teller.)

4. Norfolk Island Expirees :—Dr. Nicholson, pursuant to notice, moved, That an Address be presented to His Excellency the Governor, requesting that His Excellency will be pleased to direct, that there may be laid upon the table of this House, a Return of the number of prisoners who have been landed in Sydney from Norfolk Island, from the 1st of September, 1843, to the 28th of March, 1844; distinguishing such as have returned to complete the original period of their sentences in the Colony, and those who have become free, either by the expiration of their original sentences, or by pardon; also a statement, shewing the number of Norfolk Island expirees, or prisoners returned from Norfolk Island, who have, since the period above mentioned, been convicted of offences, either in the Supreme Court, or Courts of Quarter Sessions, throughout the Colony. Question put and passed; and Address to be presented by the Colonial Secretary and Colonial Treasurer.  
Council adjourned at ten minutes before Five o'Clock, until to-morrow at Three o'Clock.

NOTICES

## NOTICES OF MOTION AND ORDERS OF THE DAY.

THURSDAY, MAY 30.

## NOTICES OF MOTION :—

1. MR. COWPER to move, That a Select Committee be appointed to enquire into and report upon all grievances connected with the lands of the Territory; and that it be an instruction to the Committee, to distinguish between the grievances which can be redressed in the Colony, and those which cannot.
2. MR. WENTWORTH to move the following Resolutions:—
  - (1.) That an Address be presented to His Excellency the Governor, praying that His Excellency will be pleased to lay before this Council, a copy of the several commissions of the Governors of this Colony, commencing with the commission of Governor Macquarie, and including the commission of His Excellency Sir George Gipps, Knight.
  - (2.) For a Return of all sums paid out of the General Revenue of the Colony, for the support of Police and Gaols, since the compact with Sir Richard Bourke in 1835, relating thereto.
  - (3.) For a Return of the amount and appropriation of the Casual and Territorial Revenue in each year, since the arrival of His Excellency Sir George Gipps, Knight.
  - (4.) For a copy of all correspondence between the Government of New South Wales, and the Principal Secretaries of State for the Colonies, on the subject of the Casual and Territorial Revenue.
  - (5.) For a copy of all such correspondence on the subject of the minimum price of Crown Lands.
  - (6.) For a copy of all such correspondence on the subject of the establishment of District Councils, and other Corporate bodies within this Colony.
  - (7.) For a copy of all such correspondence on the subject of the discontinuance of Transportation.

## ORDER OF THE DAY :—

1. Presentation of Address to His Excellency the Governor, by the Speaker and the House.

FRIDAY, MAY 31.

## NOTICES OF MOTION :—

1. MR. ROBINSON to move, an Address to His Excellency the Governor, requesting His Excellency to direct that there may be laid upon the table of this House, a Return of the number of Depositors in each of the Savings Banks of the Colony, on 31st March, 1844, distinguishing the number of those able to write from those affixing their marks merely.

TUESDAY, JUNE 4.

1. DR. NICHOLSON to move, for the appointment of a Select Committee to enquire into, and report upon the means for checking the outrages against the public peace, and the security of life and property, to which the inhabitants of Sydney and its neighbourhood are now daily exposed; to enquire into the nature of the control and superintendence exercised over the prisoners in Hyde Park Barracks, or employed in gangs and public works, to ascertain the numbers and adequacy of the present Police Force of Sydney, and to suggest such means as may appear advisable for giving to it due and requisite efficiency. Also, that it be an instruction to the above Committee to examine and report upon the extent to which the violation of the public peace, the great increase of crime, and the consequent demoralization of a large portion of the community, may be considered referable to the return of expired convicts from Norfolk Island; and to determine upon the expediency of presenting from this Council a humble Petition to Her Majesty, praying that Her Majesty may be graciously pleased to direct that all Prisoners of the Crown, whose sentence of transportation to Norfolk Island may have expired, or who may have received Conditional Pardons, be prohibited from returning to any part of the Colony of New South Wales.

WEDNESDAY, JUNE 5.

1. DR. NICHOLSON will move an Address to His Excellency the Governor, requesting that the following Returns may be laid upon the Table of this House.
  - (1.) A return of the annual cost incurred in defraying the expenses for the support of the Light Houses and Pilot Stations at Sydney and Port Phillip.
  - (2.) A Tabular Return of the Rates of Pilotage levied on all Vessels entering and leaving the above mentioned Ports.

(3.)



(3.) The gross amount collected from those rates during the year 1843, and a statement exhibiting, in parallel columns, the comparative rate of such charges in each of those Ports respectively.

(4.) A Return of the several sums that have been voted for the construction of public works in Melbourne, Geelong, and Portland, during the years 1840, 1841, 1842, and 1843; together with a statement of the amount remaining still unappropriated in respect to such Legislative Grants, during the period above mentioned.

(5.) For a copy of all correspondence between His Excellency Sir George Gipps and the Secretary of State for the Colonies, on the subject of the petition of certain Colonists to Her Majesty the Queen, to be allowed to hire and bring hither, at their own expense, their Indian fellow subjects—transmitted to England by His Excellency in the year 1843.

---

THURSDAY, JUNE 6.

1. DR. LANG to move, the following Resolutions:—

(1.) That as it is the obvious interest of this community to promote, by every possible means, the formation and settlement of an agricultural population, of virtuous character and industrious habits, throughout this Territory, it is the opinion of this Council, that the elective franchise ought to be extended to all tenants of land, holding under-leases of not fewer than                    years, and paying not less than twenty pounds sterling of yearly rent; such persons being generally of a higher grade in the social scale, as well as of much more importance, as a body, in this Colony, than a large proportion of the mere occupants of dwelling-houses in towns, paying not more than twenty pounds of annual rent.

(2.) That as the prosperity and progressive advancement of this Colony depend, in great measure, on the facilities afforded for the rearing of all descriptions of stock on the waste lands of the Territory, as well beyond as within the present limits of location, it is the opinion of this Council, that the elective franchise should also be extended to all persons holding a license, from the local Government, to depasture stock on the Crown lands of the Territory; the fact of holding such a license being, in the estimation of this Council, sufficient evidence of the respectable standing of the individual, and of his fitness, in every respect, for the exercise of the elective franchise.

---

WEDNESDAY, JUNE 12.

1. MR. WENTWORTH to move, That a Select Committee be appointed to enquire into, and report upon all grievances not connected with the lands of the Territory; and that it be an instruction to such Committee to distinguish between those grievances which can be redressed in the Colony, and those which cannot.

---

TUESDAY, JULY 2.

1. DR. LANG to move, That a humble Address be presented to Her Majesty the Queen, soliciting that Her Majesty will be graciously pleased to direct that the requisite steps might be taken for the speedy and entire separation of the District of Port Phillip from the Territory of New South Wales, and its erection into a separate and independent Colony.

ALEX. M<sup>o</sup> LEAY,  
*Speaker*

The first part of the document  
 contains a list of names and  
 their corresponding addresses.  
 This list is followed by a  
 detailed description of the  
 property and its location.  
 The document concludes with  
 a summary of the findings and  
 a recommendation for further  
 action.

The second part of the document  
 provides a more in-depth  
 analysis of the data collected.  
 It includes a comparison of  
 the results with previous  
 studies and a discussion of  
 the implications of the  
 findings. The author also  
 identifies the limitations of  
 the study and suggests ways  
 to improve the methodology  
 in future research.

In conclusion, the document  
 presents a comprehensive  
 overview of the research  
 project. It highlights the  
 importance of the study and  
 the need for continued  
 investigation in this field.  
 The author expresses their  
 appreciation to the  
 funding agency and the  
 participants who made the  
 study possible.

Finally, the document  
 includes a list of references  
 and a list of figures. The  
 references cite the works  
 of other researchers in the  
 field, while the figures  
 provide a visual representation  
 of the data. The document  
 is well-organized and easy  
 to read, making it a valuable  
 resource for anyone  
 interested in the topic.

## VOTES AND PROCEEDINGS

## THE LEGISLATIVE COUNCIL.

THURSDAY, 30 MAY, 1844.

1. Council met pursuant to adjournment; the Speaker took the Chair.  
Address in reply to the Governor's Speech:—The Speaker announced that the Address in reply to the Speech of His Excellency the Governor, on opening the present Session of the Council, having been presented to His Excellency, by himself and such Members of the House as were in attendance at the appointed hour, His Excellency was pleased to make the following reply:—

MR. SPEAKER, AND GENTLEMEN,

I thank you for this Address, and am particularly happy to receive your assurances of affection and loyalty to the person and Government of Her Most Gracious Majesty.

I ardently hope, that, with the assistance which you have promised me, the difficulties which now affect the Colony may be surmounted.

Government House, Sydney,  
30th May, 1844.

GEORGE GIPPS.

2. Vacant Seat:—The following Message from His Excellency the Governor received and read:—

*Message from His Excellency the Governor, to the Legislative Council, referring to them, under the 18th clause of the 5th and 6th Victoria, chap. 76, a question which has arisen respecting the vacancy of a seat in the Council.*

GENTLEMEN,

A question has arisen respecting the seat in this Council, of the Lieutenant-General commanding Her Majesty's Troops in the Colony, which, under the provisions of the 18th clause of the 5th and 6th Victoria, chap. 76, I have to refer to your determination.

The Lieutenant-General was appointed to his seat, as the holder of an Office, by Letters Patent issued on the 17th July, 1843. On the 15th instant, he signified to me in writing, his desire to resign his seat, but subsequently recalled his resignation before it had been accepted, or the tender of it been notified either to the Council or the Public.

The question which I have to refer to your determination is, whether it be within the power of the Lieutenant-General to recall his resignation, or whether his seat must, of necessity, remain vacant.

Government House, Sydney,  
30th May, 1844.

GEORGE GIPPS.

3. Validity of Proceedings:—The following Message from His Excellency the Governor received and read:—

*Message from His Excellency the Governor, to the Legislative Council, proposing to them the passing of an Act to remove doubts, as to the validity of the proceedings of the Council, during its first and second Sessions.*

GENTLEMEN,

Circumstances have, I regret to say, arisen, to cause me to think it expedient to propose to you the passing of an Act, to remove doubts as to the validity of the Acts hitherto passed by the Council.

The circumstances which have, as I am advised, rendered an Act of this nature necessary, are, that the Attorney General was inadvertently appointed, on the 7th August last, to succeed the Colonial Engineer, as an Official Nominee of the Crown; but as the Colonial Engineer had been appointed to a seat in the Council, as the holder of an office, and not by name, he could not, under the 19th clause of the 5th and 6th Victoria, c. 76, be succeeded by any one except the holder of the same office; and consequently, the appointment of the Attorney General, was, as I am further advised, void *ab initio*; and doubts may thereby be thrown on the legality of all the Acts of the Council.

Government House, Sydney,  
30th May, 1844.

GEORGE GIPPS.

Message to be taken into consideration to-morrow.

4. **New Custom House** :—The following Message from His Excellency the Governor received and read :—

*Message from His Excellency the Governor, to the Legislative Council, proposing a vote of credit for a further sum of money to be applied towards the erection of the New Custom House in Sydney.*

GENTLEMEN,

The sum of £3000 granted by the Appropriation Act of last year, for the erection of the New Custom House, being very nearly expended, and it being desirable to obviate the necessity of discharging the mechanics and labourers, now employed on this Building, I have to invite your attention to the propriety of providing a further sum of £3,354 19s. 6d. towards the prosecution of the work ; being the balance of the Estimate prepared by the Colonial Architect, in October last.

*Government House, Sydney,  
30th May, 1844.*

GEORGE GIPPS.

Message to be taken into consideration on Wednesday next.

5. **Evidence of Aborigines** :—The following Message from His Excellency the Governor received and read :—

*Message from His Excellency the Governor, to the Legislative Council, on presenting to them a project of a Law, to allow the Aboriginal Natives of New South Wales, to be received as competent witnesses in criminal proceedings.*

GENTLEMEN,

An Act was passed by the late Legislative Council in the year 1839, to allow the Aboriginal Natives of New South Wales, to be received as competent witnesses in criminal cases ; but this Act, (3rd Victoria, No. 16,) was disallowed, in consequence of doubts entertained by Her Majesty's Law Officers in England of the competency of the Council to pass it ; these doubts having been removed by an Act of Parliament, the same measure is now brought forward again for your consideration.

I transmit herewith a copy of a Despatch which I have received on the subject from Her Majesty's Principal Secretary of State for the Colonies, and also a copy of the Act of Parliament alluded to.

*Government House, Sydney,  
30th May, 1844.*

GEORGE GIPPS.

Despatch to be printed, and Message to be taken into consideration on Wednesday next.

6. **Insolvent Debtors' Act** :—The following Message from His Excellency the Governor received and read :—

*Message from His Excellency the Governor, to the Legislative Council, on presenting to them a project of a Law to further amend an Act, intituled, "An Act for giving relief to Insolvent persons, and providing for the administration of Insolvent Estates, and to abolish Imprisonment for Debt."*

GENTLEMEN,

The object of the Bill which I now present to you, is simply to supply an omission in the second clause of the Insolvent Law Amendment Act of last year, 7th Victoria, No. 19.

The intention of that Act obviously was, that there should be a Chief Commissioner of Insolvent Estates for the Port Phillip District, distinct from the Chief Commissioner in Sydney ; but by an error in the second clause of the Act, the appointment is sanctioned of a Commissioner only, instead of a Chief Commissioner.

*Government House, Sydney,  
30th May, 1844.*

GEORGE GIPPS.

Message to be taken into consideration on Wednesday next.

7. **Military Officers' Wine** :—The following Message from His Excellency the Governor received and read :—

*Message from His Excellency the Governor to the Legislative Council, on presenting to them a project of a Law to authorise the issue of Wine, duty free, to Military Officers serving in the Colony of New South Wales.*

GENTLEMEN,

I herewith transmit a copy of a Despatch, which I have received from the Principal Secretary of State for the Colonies, on the subject of the Bill which I now present to you, for allowing Officers of the Army or Navy to receive their Wine free of duty, whilst serving on full pay in the Colony, or in the adjoining Seas.

*Government House, Sydney,  
30th May, 1844.*

GEORGE GIPPS.

Message to be taken into consideration on Wednesday next.

8. **Squatting Licenses** :—The following Petitions presented on this subject :—
- (1.) By Mr. Cowper, from certain stockholders and other inhabitants of the District of Berrima and its neighbourhood, praying the Council to Petition the Imperial Parliament for the repeal of so much of the Act, 5th and 6th Victoria, chap. 76, as prohibits the appropriation of the Territorial Revenue of this Colony by the Legislative Council; and so much of the Act, 5th and 6th Victoria, chap. 36, as relates to the minimum price—the letting—and the general control of the Crown Lands, and the proceeds and revenue thereof; and for the transfer of all powers and authorities over the said Lands, and the Revenues arising therefrom, to the Governor and Legislative Council; and also that a fixity of tenure, not less than twenty years, may be substituted for the present short and precarious tenure, with the right of pre-emption to the present occupiers, at a minimum price to be fixed by the Governor and Legislative Council.
- (2.) By Mr. W. C. Wentworth, from certain Stockholders and other inhabitants of the City of Sydney, and the adjacent districts, to the like effect.
- Petitions read, received, and ordered to be printed.
9. **Ordinance** :—The Colonial Secretary laid upon the Table,—
- (1.) A Return of all monies received by, or payable to, the respective Officers of Her Majesty's Ordinance, under the provisions of the Act, 4 Victoria, No. 2.
- (2.) A Return of all Messuages, Lands, Tenements, and Buildings, vested in such Officers, under the said Act.
- Returns ordered to be printed.
10. **Crown Lands**.—Mr. Cowper, pursuant to notice, moved, That a Select Committee be appointed to enquire into and report upon all grievances connected with the lands of the Territory; and that it be an instruction to the Committee, to distinguish between the grievances which can be redressed in the Colony, and those which cannot.
- Question put and passed; and the following Committee appointed.

Mr. COWPER,

DR. NICHOLSON,  
MR. BRADLEY,  
MR. LOWE,

MR. ROBINSON,  
MAJOR WENTWORTH,  
MR. WINDEYER.

11. **Address for Papers** :—Mr. Wentworth, pursuant to notice, moved. That an Address be presented to His Excellency the Governor, praying that His Excellency will be pleased to lay before this Council :—
- (1.) A copy of the several commissions of the Governors of this Colony, commencing with the commission of Governor Macquarie, and including the commission of His Excellency Sir George Gipps, Knight.
- (2.) A Return of all sums paid out of the General Revenue of the Colony, for the support of Police and Gaols, since the compact with Sir Richard Bourke in 1835, relating thereto.
- (3.) A Return of the amount and appropriation of the Casual and Territorial Revenue in each year, since the arrival of His Excellency Sir George Gipps, Knight.
- (4.) A copy of all correspondence between the Government of New South Wales, and the Principal Secretaries of State for the Colonies, on the subject of the Casual and Territorial Revenue.
- (5.) A copy of all such correspondence on the subject of the price of Crown Lands.
- (6.) A copy of all such correspondence on the subject of the establishment of District Councils, and other Corporate bodies within this Colony.
- (7.) A copy of all such correspondence on the subject of the discontinuance of Transportation.
- Question put and passed, and Address to be presented by the Speaker and the Colonial Secretary.
- Council adjourned at ten minutes before Six o'Clock, until to-morrow at Three o'Clock.

## NOTICES OF MOTION AND ORDERS OF THE DAY.

FRIDAY, MAY 31.

### NOTICE OF MOTION :—

1. MR. ROBINSON to move, an Address to His Excellency the Governor, requesting His Excellency to direct that there may be laid upon the table of this House, a Return of the number of Depositors in each of the Savings' Banks of the Colony, on 31st March, 1844, distinguishing the number of those able to write from those affixing their marks merely.

### ORDERS OF THE DAY :—

1. Consideration of the Governor's Message on vacant seat.  
2. Consideration of the Governor's Message on validity of the Council's Proceedings.

TUESDAY,

TUESDAY, JUNE 4.

## NOTICES OF MOTION:—

1. DR. NICHOLSON to move, for the appointment of a Select Committee to enquire into, and report upon the means for checking the outrages against the public peace, and the security of life and property, to which the inhabitants of Sydney and its neighbourhood are now daily exposed; to enquire into the nature of the control and superintendence exercised over the prisoners in Hyde Park Barracks, or employed in gangs and public works; to ascertain the numbers and adequacy of the present Police Force of Sydney, and to suggest such means as may appear advisable for giving to it due and requisite efficiency. Also, that it be an instruction to the above Committee to examine, and report upon the extent to which the violation of the public peace, the great increase of crime, and the consequent demoralization of a large portion of the community, may be considered referable to the return of expired convicts from Norfolk Island; and to determine upon the expediency of presenting from this Council, a humble Petition to Her Majesty, praying that Her Majesty may be graciously pleased to direct that all Prisoners of the Crown, whose sentence of transportation to Norfolk Island may have expired, or who may have received Conditional Pardons, be prohibited from returning to any part of the Colony of New South Wales.

WEDNESDAY, JUNE 5.

1. DR. NICHOLSON will move an Address to His Excellency the Governor, requesting that the following Returns may be laid upon the Table of this House.
  - (1.) A return of the annual cost incurred in defraying the expenses for the support of the Light Houses and Pilot Stations at Sydney and Port Phillip.
  - (2.) A Tabular Return of the Rates of Pilotage levied on all Vessels entering and leaving the above mentioned Ports.
  - (3.) The gross amount collected from those rates during the year 1843, and a statement exhibiting, in parallel columns, the comparative rate of such charges in each of those Ports respectively.
  - (4.) A Return of the several sums that have been voted for the construction of public works in Melbourne, Geelong, and Portland, during the years 1840, 1841, 1842, and 1843; together with a statement of the amount remaining still unappropriated in respect to such Legislative Grants, during the period above mentioned.
  - (5.) For a copy of all correspondence between His Excellency Sir George Gipps and the Secretary of State for the Colonies, on the subject of the petition of certain Colonists to Her Majesty the Queen, to be allowed to hire and bring hither, at their own expense, their Indian fellow subjects—transmitted to England by His Excellency in the year 1843.

## ORDERS OF THE DAY:—

1. Consideration of the Governor's Message on the New Custom House.
2. Consideration of the Governor's Message on the evidence of Aborigines.
3. Consideration of the Governor's Message on the Insolvent Act Amendment Act.
4. Consideration of the Governor's Message on Military Officers' Wine.

THURSDAY, JUNE 6.

## NOTICES OF MOTION:—

1. DR. LANG to move, the following Resolutions:—
  - (1.) That, as it is the obvious interest of this community to promote, by every possible means, the formation and settlement of an agricultural population, of virtuous character and industrious habits, throughout this Territory, it is the opinion of this Council, that the elective franchise ought to be extended to all tenants of land, holding under leases of not fewer than . . . years, and paying not less than twenty pounds sterling of yearly rent; such persons being generally of a higher grade in the social scale, as well as of much more importance, as a body, in this Colony, than a large proportion of the mere occupants of dwelling-houses in towns, paying not more than twenty pounds of annual rent.
  - (2.) That as the prosperity and progressive advancement of this Colony depend, in great measure, on the facilities afforded for the rearing of all descriptions of stock on the waste lands of the Territory, as well beyond as within the present limits of location, it is the opinion of this Council, that the elective franchise should also be extended to all persons holding a license, from the local Government, to depasture stock on the Crown lands of the Territory; the fact of holding such a license being, in the estimation of this Council, sufficient evidence of the respectable standing of the individual, and of his fitness, in every respect, for the exercise of the elective franchise.

WEDNESDAY, JUNE 12.

1. MR. WENTWORTH to move, That a Select Committee be appointed to enquire into, and report upon all grievances not connected with the lands of the Territory; and that it be an instruction to such Committee to distinguish between those grievances which can be redressed in the Colony, and those which cannot.

TUESDAY, JULY 2.

1. DR. LANG to move, That a humble Address be presented to Her Majesty the Queen, praying that Her Majesty will be graciously pleased to direct that the requisite steps may be taken for the speedy and entire separation of the District of Port Phillip from the Territory of New South Wales, and its erection into a separate and independent Colony.

ALEX. Mc LEAY,  
Speaker.

## VOTES AND PROCEEDINGS

## THE LEGISLATIVE COUNCIL.

FRIDAY, 31 MAY, 1844.

1. Council met pursuant to adjournment; the Speaker took the Chair.  
Address for Papers:—Mr. Robinson, pursuant to notice, moved, That an Address be presented to His Excellency the Governor, requesting His Excellency to direct that there may be laid upon the table of this House, a Return of the number of Depositors in each of the Savings' Banks of the Colony, on 31st March, 1844, distinguishing the number of those able to write from those affixing their marks merely.  
Question put and passed, and Address to be presented by the Colonial Secretary and the Auditor General.
2. Recent outrages on Life and Property:—Dr. Nicholson's notice of motion on this subject, transferred from the notices for Tuesday to those for Thursday next.
3. Vacant Seat:—The Governor's Message having been read, and also a letter, of date the 15th instant, from His Excellency the Commander of the Forces, to His Excellency the Governor, tendering the resignation of his seat in this Council, and a subsequent letter, of date the 29th instant, recalling such tender of resignation, the Council went into Committee to take into consideration the Governor's Message.  
The Chairman reported the following resolution adopted by the Committee, viz:—  
"That having considered the circumstances stated in His Excellency's Message, this Committee is of opinion that the seat of His Excellency the Commander of the Forces, Sir Maurice Charles O'Connell, is not vacant."  
Resolution agreed to, and ordered to be communicated in the usual manner by Message to His Excellency the Governor.
4. Validity of Proceedings:—The Governor's Message having been read, Bill intituled, "*A Bill to remove doubts as to the validity of certain Acts of the Governor and Legislative Council of New South Wales,*" read a first time; to be printed, and read a second time on Wednesday next.  
Council adjourned at Five o'Clock, until Wednesday next at Three o'Clock.

## NOTICES OF MOTION AND ORDERS OF THE DAY.

WEDNESDAY, JUNE 5.

## NOTICES OF MOTION.

1. Dr. NICHOLSON will move an Address to His Excellency the Governor, requesting that the following Returns may be laid upon the Table of this House.
  - (1.) A return of the annual cost incurred in defraying the expenses for the support of the Light Houses and Pilot Stations at Sydney and Port Phillip.
  - (2.) A Tabular Return of the Rates of Pilotage levied on all Vessels entering and leaving the above mentioned Ports.
  - (3.) The gross amount collected from those rates during the year 1843, and a statement exhibiting, in parallel columns, the comparative rate of such charges in each of those Ports respectively.
  - (4.) A Return of the several sums that have been voted for the construction of public works in Melbourne, Geelong, and Portland, during the years 1840, 1841, 1842, and 1843; together with a statement of the amount remaining still unappropriated in respect to such Legislative Grants, during the period above mentioned.
  - (5.) For a copy of all correspondence between His Excellency Sir George Gipps and the Secretary of State for the Colonies, on the subject of the petition of certain Colonists to Her Majesty the Queen, to be allowed to hire and bring hither, at their own expense, their Indian fellow subjects—transmitted to England by His Excellency in the year 1843.

2. MR. WENTWORTH to move, That the Petition which he presented yesterday, from the Inhabitants of Sydney, be referred to the Select Committee appointed to consider and report upon the grievances connected with the Lands of the Territory.
3. DR. NICHOLSON to move, an Address to His Excellency the Governor, requesting that His Excellency will be pleased to direct that there be laid upon the table of this House:—
  - (1.) Copies of all documents explanatory of the relation between the Presbyterian Church in New South Wales, and the Church of Scotland.
  - (2.) Copies of the forms of Title Deeds of Presbyterian Churches, Minister's Dwellings, School Houses, and Burying Grounds, in New South Wales.
  - (3.) Copies of any deeds issued different from the ordinary form, with copies of the Constitutions of every particular Church which have been sanctioned by the Government.

## ORDERS OF THE DAY:—

1. Consideration of the Governor's Message on the New Custom House.
2. Consideration of the Governor's Message on the Evidence of Aborigines.
3. Consideration of the Governor's Message on the Insolvent Act Amendment Act.
4. Consideration of the Governor's Message on Military Officers' Wino.
5. Validity of Council's Proceedings Bill; second reading.

## THURSDAY, JUNE 6.

## NOTICES OF MOTION:—

1. DR. LANG to move, the following Resolutions:—
  - (1.) That as it is the obvious interest of this community to promote, by every possible means, the formation and settlement of an agricultural population, of virtuous character and industrious habits, throughout this Territory, it is the opinion of this Council, that the elective franchise ought to be extended to all tenants of land, holding under-leases of not fewer than \_\_\_\_\_ years, and paying not less than twenty pounds sterling of yearly rent; such persons being generally of a higher grade in the social scale, as well as of much more importance, as a body, in this Colony, than a large proportion of the mere occupants of dwelling-houses in towns, paying not more than twenty pounds of annual rent.
  - (2.) That as the prosperity and progressive advancement of this Colony depend, in great measure, on the facilities afforded for the rearing of all descriptions of stock on the waste lands of the Territory, as well beyond as within the present limits of location, it is the opinion of this Council, that the elective franchise should also be extended to all persons holding a license, from the local Government, to depasture stock on the Crown lands of the Territory; the fact of holding such a license being, in the estimation of this Council, sufficient evidence of the respectable standing of the individual, and of his fitness, in every respect, for the exercise of the elective franchise.
2. DR. NICHOLSON to move, for the appointment of a Select Committee to enquire into, and report upon the means for checking the outrages against the public peace, and the security of life and property, to which the inhabitants of Sydney and its neighbourhood are now daily exposed; to enquire into the nature of the control and superintendence exercised over the prisoners in Hyde Park Barracks, or employed in gangs and public works; to ascertain the numbers and adequacy of the present Police Force of Sydney, and to suggest such means as may appear advisable for giving to it due and requisite efficiency. Also, that it be an instruction to the above Committee to examine, and report upon the extent to which the violation of the public peace, the great increase of crime, and the consequent demoralization of a large portion of the community, may be considered referable to the return of expired convicts from Norfolk Island; and to determine upon the expediency of presenting from this Council, a humble Petition to Her Majesty, praying that Her Majesty may be graciously pleased to direct that all Prisoners of the Crown, whose sentence of transportation to Norfolk Island may have expired, or who may have received Conditional Pardons, be prohibited from returning to any part of the Colony of New South Wales.

## WEDNESDAY, JUNE 12.

1. MR. WENTWORTH to move, That a Select Committee be appointed to enquire into, and report upon all grievances not connected with the lands of the Territory; and that it be an instruction to such Committee to distinguish between those grievances which can be redressed in the Colony, and those which cannot.

## TUESDAY, JULY 2.

1. DR. LANG to move, That a humble Address be presented to Her Majesty the Queen, praying that Her Majesty will be graciously pleased to direct that the requisite steps may be taken for the speedy and entire separation of the District of Port Phillip from the Territory of New South Wales, and its erection into a separate and independent Colony.

ALEX. Mc LEAY,  
Speaker.



## VOTES AND PROCEEDINGS

## THE LEGISLATIVE COUNCIL.

WEDNESDAY, 5 JUNE, 1844.

1. Council met pursuant to adjournment; the Speaker took the Chair.  
Jury Act:—The following Message from His Excellency the Governor received and read:—

*Message from His Excellency the Governor, to the Legislative Council, on presenting to them a project of a Law to further amend, and continue for a limited time, an Act, intituled, "An Act for regulating the constitution of Juries, and for the trial of issues in certain cases in the Supreme Court of New South Wales."*

GENTLEMEN,

As the present Jury Law will expire on the 30th of the present month, I herewith submit to you a Bill to continue the same for two years.

*Government House, Sydney,  
5th June, 1844.*

GEORGE GIPPS.

Message to be taken into consideration to-morrow.

2. Circular Quay:—The following Message from His Excellency the Governor received and read:—

*Message from His Excellency the Governor, to the Legislative Council, proposing to the Council the passing of an Act to authorise the levy of a Rate per diem, on vessels making use of the Circular Quay in Sydney, or other public Wharfs in the Colony.*

GENTLEMEN,

As I consider it desirable to fix by Law, the rates to be paid by vessels for the use of the Circular Quay in Sydney, and other public Wharfs in the Colony, I herewith transmit to you the project of a Law to effect this object.

*Government House, Sydney,  
5th June, 1844.*

GEORGE GIPPS.

Message to be taken into consideration on Wednesday next.

3. Disputed Elections:—The Colonial Secretary, by command of His Excellency the Governor, laid upon the Table, pursuant to the requirement of the Act of Council, 6 Victoria, No. 16, the copy of a Petition from certain Electors of the Electoral District of Port Phillip, against the return of Sir Thomas Livingston Mitchell, and Adolphus William Young, Esquire, to serve in the Legislative Council, as Elective Members for the said District;—the original Petition having been laid, pursuant to the requirement of the said Act, before the Court appointed thereunder to, hear and determine such cases; Petition ordered to be printed.
4. Licensed Squatters:—Mr. Cowper presented a petition from certain stockholders and other inhabitants of Liverpool and the adjacent Districts, praying the Council to take such steps as to them may seem necessary, to guard against licensed occupiers of Crown Land beyond the boundaries, being placed in such a position, as may render them liable to interruption in the quiet possession of their stations, until the same shall be included within the Boundaries of Location: Petition read, received, and ordered to be printed.
5. District Councils:—Mr. Cowper presented the following Petitions on this subject:—  
(1.) From the Warden, Councillors, Electors, and Inhabitants of the Districts of Mudgee, Dabee, and Wellington, praying the separation of the District of Mudgee from that of Wellington, for the purposes of the District Council; Petition read, received, and ordered to be printed.  
(2.) From certain Inhabitants of the town and neighbourhood of Liverpool, praying that instead of multiplying District Councils, each county, having a sufficient population, should have its Council; that the assessment in each District of such County, should be expended within such District; and that no District

- District should be called on to defray the expenditure of any other District ; Petition read, received, and ordered to be printed.
6. Licensed Squatters:—Mr. Sutor presented a Petition from certain Stockholders and others resident in the District of Mudgee, similar in its prayer to that presented to-day on the same subject by Mr. Cowper ; Petition read, received, ordered to be printed, and referred to the Land Grievance Committee.
  7. Henry Blanckenberg :—Mr. Windeyer presented a Petition from Henry Blanckenberg, praying compensation for the loss of his appointment in the Sydney Police Office ; Petition read and received.
  8. David Lindsay Wauch :—Dr. Lang presented a Petition from David Lindsay Wauch, praying compensation for losses sustained by him in having sold goods to a runaway convict, not knowing him to be such, and taken a check for the amount, which proved to be forged, such goods having, on the conviction of such runaway, been sold by authority of the Bench of Magistrates at Queanbeyan, and the proceeds, together with said check, withheld from him ; Petition read and received.
  9. Bank Liabilities and Assets :—The Colonial Secretary, pursuant to the requirement of the Act of Council 4 Victoria, No. 13, laid upon the table, the following Returns :—
    - (1.) General Abstract of the sworn Returns, rendered pursuant to the Act of Council, 4 Victoria, No. 13, of the Average Assets and Liabilities, and of the capital and Profits of the several Banks, in the Colony of New South Wales, for the quarter ended 31st December, 1843.
    - (2.) General Abstract of the sworn Returns, rendered pursuant to the Act of Council, 4 Victoria, No. 13, of the Average Assets and Liabilities, and of the Capital and Profits of the several Banks, in the Colony of New South Wales, for the quarter ended 31st March, 1844.
    - (3.) Average Abstract of the Assets and Liabilities, and of the Capital and Profits, of the several Banks in the Colony of New South Wales, for the quarters ending 31st March, 30th June, 30th September, and 31st December, 1843, and of the General Averages for the years 1841, 1842, and 1843.  
Returns ordered to be printed.
  10. Conveyance of Immigrants into the Interior :—The Colonial Secretary, in reply to a question put to him by Dr. Lang, laid upon the Table a statement, shewing the date, number, and the issue of applications made to the Immigration Board for conveyance into the interior.
  11. Expires Convicts from Norfolk Island :—In reply to the Address adopted on the motion of Dr. Nicholson, on the 29th ultimo, the Colonial Secretary laid upon the table a Return of the number of Prisoners that have been landed in Sydney from Norfolk Island, between the 1st of September, 1843, and the 28th of March, 1844, distinguishing those who have become free, either by expiration of their original sentences, or by Pardon, and those who are still serving their sentences in New South Wales, and showing the number of Norfolk Island Expires, or Prisoners returned from there, who have within the period above stated, been convicted either in the Supreme Court, or Court of Quarter Sessions throughout the Colony ; Return ordered to be printed.
  12. Statistics :—The Colonial Secretary laid upon the table, the following Returns, viz :—
    - (1.) Return of Coin in the Colonial Treasury, the Military Chest, and the several Banks, on the 31st December, in each year, from 1836 to 1843.
    - (2.) Return of the increase and decrease of the Population of New South Wales, including the district of Port Phillip, from 1st January to 31st December, 1843, and of the total number on the latter date.
    - (3.) Return of the value of Imports into the Colony of New South Wales, including the District of Port Phillip, from the year 1834 to 1843 inclusive.
    - (4.) Return of the value of Exports from the Colony of New South Wales, including the District of Port Phillip, from the year 1834 to 1843 inclusive.
    - (5.) Return of the number and tonnage of Vessels entered Inwards, in the Colony of New South Wales, including the District of Port Phillip, from the year 1834 to 1843 inclusive.
    - (6.) Return of the number and tonnage of Vessels entered Outwards, in the Colony of New South Wales, including the District of Port Phillip, from the year 1834 to 1843 inclusive.
    - (7.) Return shewing the quantity of Land in Cultivation, exclusive of Gardens and Orchards, and the population of the Colony of New South Wales, including the District of Port Phillip, from the year 1834 to 1843 inclusive.
    - (8.) Return of the quantity and value of Grain, &c., imported into the Colony of New South Wales, including the District of Port Phillip, from 1834 to 1843 inclusive.
    - (9.) Return of Live Stock imported into the Colony of New South Wales, including the District of Port Phillip, from 1834 to 1843 inclusive.
    - (10.) Return of the quantity and value of Wool exported from the Colony of New South Wales, including the District of Port Phillip, from the year 1834 to 1843 inclusive.
    - (11.) Return of the quantity and value of Tallow exported from the Colony of New South Wales, during the year 1843.
    - (12.) Return of the quantity and value of Oil, &c., exported from the Colony of New South Wales, from the year 1834 to 1843 inclusive.
    - (13.) Return of the quantity and value of Timber, exported from the Colony of New South Wales, from the year 1834 to 1843 inclusive.
    - (14.) Return of the number of Vessels built and registered in the Colony of New South Wales, including the District of Port Phillip, from the year 1834 to 1843 inclusive.

(15.) Return of the amount of Auction Duty, at 1½ per cent., paid into the Colonial Treasury, and of the amount of sales, subject to the said duty, from the year 1834 to 1843 inclusive.

(16.) Return of the amounts received from the sale of Crown Lands, in the Colony of New South Wales, including the District of Port Phillip, from the year 1834 to 1843 inclusive.

(17.) Return of Live Stock in the Colony of New South Wales, on the 1st of January, 1844.

(18.) Return of the number of acres of land planted with the Grape Vine; and of the quantity of Wine and Brandy made from the produce thereof, in the year 1844. Returns ordered to be printed.

13. Addresses for Papers:—Dr. Nicholson, pursuant to notice, moved Addresses to His Excellency the Governor, for the undermentioned papers, viz:

(1.) A Return of the annual cost incurred in defraying the expenses for the support of the Light Houses and Pilot Stations at Sydney and Port Phillip.

A Tabular Return of the Rates of Pilotage levied on all Vessels entering and leaving the above mentioned Ports.

The gross amount collected from those rates during the year 1843, and a statement exhibiting, in parallel columns, the comparative rate of such charges in each of those Ports respectively.

Question put and passed, and Address to be presented by the Colonial Secretary and the Colonial Treasurer.

(2.) A Return of the several sums that have been voted for the construction of public works in Melbourne, Geelong, and Portland, during the years 1840, 1841, 1842, and 1843; together with a statement of the amount remaining still unappropriated in respect to such Legislative Grants, during the period above mentioned.

Moved, as an amendment, that the words "throughout the Colony" be substituted for the words "in Melbourne, Geelong, and Portland."

Question put on the amendment; Council divided:—

Ayes, 21.

Noes, 6.

- MR. ELWIN,
- MR. THERRY,
- MR. HAMILTON,
- MR. FOSTER,
- MR. BRADLEY,
- MR. SUTTOR,
- DR. BLAND,
- MR. WALKER,
- MR. LORD,
- MR. BOWMAN,
- SIR T. L. MITCHELL,
- THE COLLECTOR OF CUSTOMS,
- MAJOR WESTWORTH,
- MR. COWPER,
- MR. BERRY,
- THE AUDITOR GENERAL,
- MR. LOWE,
- THE COLONIAL TREASURER,
- THE COLONIAL SECRETARY,
- MR. PANTON,
- MR. WINDEYER. (Teller.)

- MR. W. C. WESTWORTH,
- MR. YOUNG,
- MR. ROBINSON,
- DR. LANG,
- MR. LAWSON,
- DR. NICHOLSON, (Teller.)

Address, as so amended, to be presented by the Speaker and the Colonial Secretary.

(3.) A copy of all correspondence between His Excellency Sir George Gipps and the Secretary of State for the Colonies, on the subject of the petition of certain Colonists to Her Majesty the Queen, to be allowed to hire and bring hither, at their own expense, their Indian fellow subjects—transmitted to England by His Excellency in the year 1843.

Question put and passed, and Address to be presented by the Colonial Secretary and the Colonial Treasurer.

14. Licensed Squatters:—Mr. Wentworth, pursuant to notice, moved, that the Petition he presented on this subject on the 30th ultimo, from certain Stockholders and other Inhabitants of the City of Sydney, be referred to the Select Committee appointed to consider and report upon the grievances connected with the lands of the Territory. Question put and passed; and Petition referred accordingly.

15. Address for Papers:—Dr. Nicholson, pursuant to notice, moved that an Address be presented to His Excellency the Governor, requesting that His Excellency will be pleased to direct that there be laid upon the Table of this House:—

Copies of all document explanatory of the relation between the Presbyterian Church in New South Wales and the Church of Scotland.

Copies of the forms of Title Deeds of Presbyterian Churches, Ministers' Dwellings, School Houses, and Burying Grounds, in New South Wales.

Copies of any deeds issued different from the ordinary form, with copies of the Constitutions of every particular Church which have been sanctioned by the Government.

Moved as an amendment, That this Question be now put.

Debate ensued.

Motion, by leave, withdrawn.

- 16. **New Custom House** :—The Governor's Message having been read, the Council went into Committee thereupon.  
The Chairman reported the following Resolution, adopted by the Committee, viz :—  
"That a sum not exceeding £3354 19s. 6d., be appropriated towards the completion of the New Custom House, Sydney."  
Resolution agreed to, and ordered to be communicated to His Excellency the Governor by Message in the usual manner, and that such Message be presented by the Speaker, and the Colonial Treasurer.
- 17. **Evidence of Aborigines** :—The Governor's Message having been read, Bill intituled, "A Bill to allow the Aboriginal Natives of New South Wales to be received as competent witnesses in criminal proceedings;" read a first time; ordered to be printed, and read a second time on Wednesday next.
- 18. **Insolvent Act amendment Act** :—The Governor's Message having been read, Bill intituled, "A Bill to further amend an Act intituled, 'An Act for giving relief to Insolvent persons, and providing for the administration of Insolvent Estates, and to abolish Imprisonment for Debt,'" read a first time; ordered to be printed, and read a second time on Friday next.
- 19. **Military Officers' Wine** :—The Governor's Message having been read, as also a Despatch from the Secretary of State, dated 17th June, 1843, which was laid before the Council, and ordered to be printed, on the 7th December, 1843, Bill intituled, "A Bill to authorise the issue of wine, duty free, to Military Officers serving in the Colony of New South Wales;" read a first time; ordered to be printed, and read a second time on Wednesday next.
- 20. **Validity of Council's Proceedings Bill** :—Moved, that this Bill be now read a second time. Moved, as an amendment, that this Bill be read a second time this day six months.  
Question on the amendment put and passed  
Council adjourned at half past Seven o'Clock, until to-morrow at Three o'Clock.

NOTICES OF MOTION AND ORDERS OF THE DAY.

THURSDAY, JUNE 6.

NOTICES OF MOTION :—

- 1. **DR. LANG** to move, the following Resolutions :—  
(1.) That as it is the obvious interest of this community to promote, by every possible means, the formation and settlement of an agricultural population, of virtuous character and industrious habits, throughout this Territory, it is the opinion of this Council, that the elective franchise ought to be extended to all tenants of land, holding under leases of not fewer than \_\_\_\_\_ years, and paying not less than twenty pounds sterling of yearly rent; such persons being generally of a higher grade in the social scale, as well as of much more importance, as a body, in this Colony, than a large proportion of the mere occupants of dwelling-houses in towns, paying not more than twenty pounds of annual rent.  
(2.) That as the prosperity and progressive advancement of this Colony depend, in great measure, on the facilities afforded for the rearing of all descriptions of stock on the waste lands of the Territory, as well beyond as within the present limits of location, it is the opinion of this Council, that the elective franchise should also be extended to all persons holding a license, from the local Government, to depasture stock on the Crown lands of the Territory; the fact of holding such a license being, in the estimation of this Council, sufficient evidence of the respectable standing of the individual, and of his fitness, in every respect, for the exercise of the elective franchise.
- 2. **DR. NICHOLSON** to move, for the appointment of a Select Committee to enquire into, and report upon the means for checking the outrages against the public peace, and the security of life and property, to which the inhabitants of Sydney and its neighbourhood are now daily exposed; to enquire into the nature of the control and superintendence exercised over the prisoners in Hyde Park Barracks, or employed in gangs and public works; to ascertain the numbers and adequacy of the present Police Force of Sydney, and to suggest such means as may appear advisable for giving to it due and requisite efficiency. Also, that it be an instruction to the above Committee to examine, and report upon the extent to which the violation of the public peace, the great increase of crime, and the consequent demoralization of a large portion of the community, may be considered referrible to the return of expired convicts from Norfolk Island; and to determine upon the expediency of presenting from this Council, a humble Petition to Her Majesty, praying that Her Majesty may be graciously pleased to direct that all Prisoners of the Crown, whose sentence of transportation to Norfolk Island may have expired, or who may have received Conditional Pardons, be prohibited from returning to any part of the Colony of New South Wales.
- 3. **MR. WINDEYER** to move for leave to bring in a Bill to fix the Salaries of future Governors of New South Wales, and Superintendents of Port Phillip.

ORDERS OF THE DAY :—

- 1. Consideration of Governor's Message on Jury Act.

FRIDAY,

FRIDAY, JUNE 7.

NOTICE OF MOTION :—

1. MR. WINDEYER to move, That an Address be presented to His Excellency the Governor, praying him to lay before this Council, copies of all correspondence between the Home and the Colonial Government, on the subject of the withdrawal of one of Her Majesty's Regiments stationed in this Colony.

ORDER OF THE DAY :—

1. Insolvent Act amendment Bill ; second reading.

WEDNESDAY, JUNE 12.

NOTICES OF MOTION.

1. MR. WENTWORTH to move, That a Select Committee be appointed to enquire into, and report upon all grievances not connected with the lands of the Territory ; and that it be an instruction to such Committee to distinguish between those grievances which can be redressed in the Colony, and those which cannot.
2. SIR THOMAS LIVINGSTON MITCHELL to move an Address to His Excellency the Governor, requesting the following Returns to be laid upon the Table of this House, viz:—
  - (1.) A Return of the number of Whites killed by the Aborigines in the southern District, since its occupation as part of this Colony ; specifying the years, and distinguishing the number of such deaths, in the western parts, to the northward of and beyond Portland Bay, from those in the rest of the southern province.
  - (2.) A Return of Aboriginal Natives killed by the Whites in the same parts, during the same periods, as far as can be ascertained.

ORDERS OF THE DAY :—

1. Consideration of the Governor's Message on Circular Quay.
2. Aborigines' Evidence Bill ; second reading.
3. Military Officers' Wines Bill ; second reading.

THURSDAY, JUNE 13.

NOTICES OF MOTION.

1. MR. YOUNG to move for leave to bring in a Bill for improving the Law of Evidence.

TUESDAY, JULY 2.

1. DR. LANG to move, That a humble Address be presented to Her Majesty the Queen, praying that Her Majesty will be graciously pleased to direct that the requisite steps may be taken for the speedy and entire separation of the District of Port Phillip from the Territory of New South Wales, and its erection into a separate and independent Colony.

ALEX. Mc LEAY,  
*Speaker.*



VOTES AND PROCEEDINGS

OF

THE LEGISLATIVE COUNCIL.

THURSDAY, 6 JUNE, 1844.

- 1. Council met pursuant to adjournment; the Speaker took the Chair. Extension of the Elective Franchise:—Dr. Lang, pursuant to notice, moved the following Resolution:—

That it is the opinion of this Council, that the elective franchise ought to be extended to all tenants of land, holding under leases of not fewer than three years, and paying not less than twenty pounds sterling of yearly rent.

Moved, as an amendment, That the words "ten pounds" be substituted for the words "twenty pounds."

Moved as an amendment, That this Question be now put; Debate ensued.

Dr. Lang, by leave, withdrew his Resolution, with the other dependant upon it, giving notice, that he would, on Thursday next, move for the appointment of a Select Committee, to enquire into the whole question.

- 2. Insecurity of life and property:—Dr. Nicholson, pursuant to notice moved, That a Select Committee be appointed to enquire into, and report upon the means for checking the outrages against the public peace, and the security of life and property, to which the inhabitants of Sydney and its neighbourhood are now daily exposed; to enquire into the nature of the control and superintendence exercised over the prisoners in Hyde Park Barracks, or employed in gangs and public works; to ascertain the numbers and adequacy of the present Police Force of Sydney, and to suggest such means as may appear advisable for giving to it due and requisite efficiency. Also, that it be an instruction to the above Committee to examine, and report upon the extent to which the violation of the public peace, the great increase of crime, and the consequent demoralization of a large portion of the community, may be considered referrible to the return of expirée convicts from Norfolk Island; and to determine upon the expediency of presenting from this Council, a humble Petition to Her Majesty, praying that Her Majesty may be graciously pleased to direct that all Prisoners of the Crown, whose sentence of transportation to Norfolk Island may have expired, or who may have received Conditional Pardons, be prohibited from returning to any part of the Colony of New South Wales.

Question put and passed, and the following Committee appointed accordingly, viz.—

DR. NICHOLSON,	SIR T. L. MITCHELL,
MR. ROBINSON,	THE COLONIAL TREASURER,
MR. HAMILTON,	MAJOR WENTWORTH,
MR. LOWE,	MR. YOUNG.

- 3. Mr. Windeyer, having pursuant to notice, moved for and obtained leave to bring in a Bill, intituled, "A Bill for fixing the salaries of future Governors of New South Wales, and Superintendents of Port Phillip;" Bill read a first time; to be printed, and read a second time on Thursday next.
- 4. Jury Act:—The Governor's Message having been read, Bill intituled, "A Bill to further amend and continue for a limited time An Act, intituled, An Act for regulating the constitution of Juries, and for the trial of issues in certain cases, in the Supreme Court of New South Wales," read a first time; ordered to be printed, and read a second time on Wednesday next.

Council adjourned at a quarter after Six o'Clock, until to-morrow at Three o'Clock.

## NOTICES OF MOTION AND ORDERS OF THE DAY.

FRIDAY, JUNE 7.

## NOTICES OF MOTION:—

1. MR. WINDEYER to move, That an Address be presented to His Excellency the Governor, praying him to lay before this Council, copies of all correspondence between the Home and the Colonial Government, on the subject of the withdrawal of one of Her Majesty's Regiments stationed in this Colony.
2. MR. COWPER to move an address to His Excellency the Governor, for a copy of a circular addressed by the Colonial Secretary to Licensed Surveyors, within the boundaries, calling upon them to discover who are occupying Crown Lands without paying for Occupation Licenses. And also of any communication, stating the mode of remuneration to those Surveyors.
3. DR. NICHOLSON to move for the appointment of a Select Committee, to consider and report upon the Insolvent Bill:

## ORDER OF THE DAY:—

1. Insolvent Act amendment Bill; second reading.

WEDNESDAY, JUNE 12.

## NOTICES OF MOTION:—

1. MR. WENTWORTH to move, That a Select Committee be appointed to enquire into, and report upon all grievances not connected with the lands of the Territory; and that it be an instruction to such Committee to distinguish between those grievances which can be redressed in the Colony, and those which cannot.
2. SIR THOMAS LIVINGSTON MITCHELL to move an Address to His Excellency the Governor, requesting the following Returns to be laid upon the Table of this House, viz:—  
(1.) A Return of the number of Whites killed by the Aborigines in the southern District, since its occupation as part of this Colony; specifying the years, and distinguishing the number of such deaths, in the western parts, to the northward of and beyond Portland Bay, from those in the rest of the southern province.  
(2.) A Return of Aboriginal Natives killed by the Whites in the same parts, during the same periods, as far as can be ascertained.

## ORDERS OF THE DAY:—

1. Consideration of the Governor's Message on Circular Quay.
2. Aborigines' Evidence Bill; second reading.
3. Military Officers' Wines Bill; second reading.
4. Jury Act continuation Bill; second reading.

THURSDAY, JUNE 13.

## NOTICES OF MOTION:—

1. MR. YOUNG to move for leave to bring in a Bill for improving the Law of Evidence.
2. DR. LANG to move for the appointment of a Select Committee 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 Victoria, chap. 76.

## ORDER OF THE DAY:—

1. Governor's Salary Bill; second reading.

TUESDAY, JULY 2.

## NOTICE OF MOTION:—

1. DR. LANG to move, That a humble Address be presented to Her Majesty the Queen, praying that Her Majesty will be graciously pleased to direct that the requisite steps may be taken for the speedy and entire separation of the District of Port Phillip from the Territory of New South Wales, and its erection into a separate and independent Colony.

ALEX. M<sup>o</sup> LEAY,  
Speaker.



VOTES AND PROCEEDINGS

OF

THE LEGISLATIVE COUNCIL.

FRIDAY, 7 JUNE, 1844.

1. Council met pursuant to adjournment; the Speaker took the Chair.  
Presbyterian Church Temporalities:—The following Petitions presented on this subject:—  
(1.) By Mr. Windoyor, from certain Members of the Presbyterian communion, residing in the district of Paterson's River, praying the repeal of the Presbyterian Church Temporalities Acts: Petition read and received.  
(2.) By Dr Lang, from certain Members of the Presbyterian communion, residing in the district of William's River, similar in its prayer to the foregoing: Petition read and received.
2. Grievances unconnected with Lands:—Mr. Wentworth postponed the motion on this subject, of which he had given notice, from Wednesday next until Friday, the 21st instant.
3. Withdrawal of Troops:—Mr. Windeyer withdrew the motion on this subject, of which he had given notice.
4. Crown Lands:—Mr. Cowper, pursuant to notice, moved that an Address be presented to His Excellency the Governor, praying that His Excellency will be pleased to direct that there be laid upon the Table of this House, a copy of a circular, addressed by the Colonial Secretary to Licensed Surveyors, within the boundaries, calling upon them to discover who are occupying Crown Lands without paying for Occupation Licenses. And also of any communication stating the mode of remuneration to those Surveyors.  
Question put and passed; and Address to be presented by the Colonial Secretary and the Colonial Treasurer.
5. Insolvent Act amendment Bill:—Dr. Nicholson, pursuant to notice, moved, That a Select Committee be appointed to consider and report upon the Insolvent Bill.  
Question put and passed; and the following Committee appointed, viz,—

MR. LOWE,  
MR. FOSTER,  
MR. TERRY,

DR. NICHOLSON,

MR. W. C. WENTWORTH,  
MR. WINDEYER,  
MR. YOUNG.

Bill referred to the above Committee accordingly.  
Council adjourned at a quarter after Four o'Clock, until Wednesday next at Three o'Clock.

## NOTICES OF MOTION AND ORDERS OF THE DAY.

---

WEDNESDAY, JUNE 12.

## NOTICE OF MOTION.

1. SIR THOMAS LIVINGSTON MITCHELL to move an Address to His Excellency the Governor, requesting the following Returns to be laid upon the Table of this House, viz:—  
(1.) A Return of the number of Whites killed by the Aborigines in the southern District, since its occupation as part of this Colony; specifying the years, and distinguishing the number of such deaths, in the western parts, to the northward of and beyond Portland Bay, from those in the rest of the southern province.  
(2.) A Return of Aboriginal Natives killed by the Whites in the same parts, during the same periods, as far as can be ascertained.

## ORDERS OF THE DAY:—

1. Consideration of the Governor's Message on Circular Quay.
2. Aborigines' Evidence Bill; second reading.
3. Military Officers' Wino Bill; second reading.
4. Jury Act continuation Bill; second reading.

---

THURSDAY, JUNE 13.

## NOTICES OF MOTION:—

1. MR. YOUNG to move for leave to bring in a Bill for improving the Law of Evidence.
2. DR. LANG to move for the appointment of a Select Committee 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 Victoria, chap. 76.

## ORDER OF THE DAY:—

1. Governor's Salary Bill; second reading.

---

FRIDAY, JUNE 14.

## NOTICES OF MOTION:—

1. DR. LANG to move for leave to bring in a Bill to remove doubts as to the validity of certain marriages to be had and solemnized within the Colony of New South Wales, by Ministers of the Australian Methodist Society, and to regulate the registration of certain marriages, baptisms, and burials.

---

WEDNESDAY, JUNE 19.

1. MR. ROBINSON to move for leave to bring in a Bill to amend the law of Libel.

---

FRIDAY, JUNE 21.

1. MR. WENTWORTH to move, That a Select Committee be appointed to enquire into, and report upon all grievances not connected with the lands of the Territory; and that it be an instruction to such Committee to distinguish between those grievances which can be redressed in the Colony, and those which cannot.

---

TUESDAY, JULY 2.

1. DR. LANG to move, That a humble Address be presented to Her Majesty the Queen, praying that Her Majesty will be graciously pleased to direct that the requisite steps may be taken for the speedy and entire separation of the District of Port Phillip from the Territory of New South Wales, and its erection into a separate and independent Colony.

ALEX. Mc LEAY,  
*Speaker.*

## VOTES AND PROCEEDINGS

or

# THE LEGISLATIVE COUNCIL.

WEDNESDAY, 12 JUNE, 1844.

1. Council met pursuant to adjournment; the Speaker took the Chair.  
**Licensed Squatters** :—The following Petitions presented on this subject :—  
**By MR. COWPER.**  
 (1.) From certain Stockholders and other Inhabitants of the District of Kissing Point and its neighbourhood, praying the Council to take such steps as to them may seem meet, to guard against Licensed Occupiers of Land beyond the Boundaries being placed in such a position as may render them liable to interruption in the quiet possession of their Stations, until the same shall be included within the boundaries of location.  
 (2.) From certain Stockholders and others, resident in the District of Windsor, similar in its prayer to the foregoing.  
 Petitions read, received, ordered to be printed, and referred to the Land Grievances Committee.  
**By MR. ROBINSON.**  
 (3.) From certain Stockholders and other Inhabitants of Illawarra and the adjacent District, similar in its prayer to the foregoing.  
 Petition read, received, ordered to be printed, and referred to the Land Grievances Committee.
2. **Mudgee Police Magistracy** :—Mr. Bowman presented a Petition from the Inhabitants of the District of Mudgee, and others residing in the Counties of Philip and Roxburgh, praying the restoration of the office of Police Magistrate for Mudgee; Petition read and received.
3. **Presbyterian Church Temporalities** :—Dr. Lang presented a Petition from certain members of the Presbyterian Communion, residing in the District of Berrima, praying the repeal of the Presbyterian Church Temporalities' Acts; Petition read and received.
4. **City Council** :—Mr. Wentworth presented a Petition from the City Council, praying that an Act may be passed in the present Session, authorising the payment to them of certain forfeitures, penalties, and fees, and of such further sum, in aid of the City Fund as the Council may deem meet; Petition read, received, and ordered to be printed.
5. The Colonial Secretary, by command of His Excellency the Governor, laid upon the Table, the undermentioned Despatches from the Right Honorable the Secretary of State for the Colonies :—  
 (1.) Speaker :—Despatch No. 11, of 27th January, 1844, signifying Her Majesty's approval of the style and precedence of the Speaker of the Legislative Council.  
 (2.) Legislative Council :—Despatch No. 13, of 29th January, 1844, signifying His Lordship's gratification at the good feeling which pervaded the Legislative Council, at its first meeting, at a moment of acknowledged difficulty.  
 (3.) Conveyance of Mails :—Despatch No. 2, of 4th January, 1844, transmitting the Contract entered into with Messrs. Toulmin by the Lords Commissioners of the Admiralty, for the conveyance of the British Mails to Sydney.  
 Despatches ordered to be printed.  
 Council adjourned at Four o'Clock, until to-morrow at Three o'Clock.

## NOTICES OF MOTION AND ORDERS OF THE DAY.

THURSDAY, JUNE 13.

## NOTICES OF MOTION:—

1. MR. YOUNG to move, for leave to bring in a Bill for improving the Law of Evidence.
2. DR. LANG to move for the appointment of a Select Committee 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 Victoria, chap. 76.
3. SIR THOMAS LIVINGSTON MITCHELL to move an Address to His Excellency the Governor, requesting the following Returns to be laid upon the Table of this House, viz:—
  - (1.) A Return of the number of Whites killed by the Aborigines in the southern District, since its occupation as part of this Colony; specifying the years, and distinguishing the number of such deaths, in the western parts, to the northward of and beyond Portland Bay, from those in the rest of the southern province.
  - (2.) A Return of Aboriginal Natives killed by the Whites in the same parts, during the same periods, as far as can be ascertained.
4. MR. COWPER to move, That the Penrith Petition, on the subject of the 'Depasturing Licenses, ordered to be printed on the 29th May last, be referred to the Committee on Land Grievances.
5. MR. WINDEYER to move, That an Address be presented to His Excellency the Governor, requesting that there may be laid upon the Table of this House, copies of the correspondence between the Colonial Secretary's Office and the Carcoar Bench of Magistrates, relative to the admission of the Aboriginal Native boy, Jenmy Nyranng, into the Bathurst Hospital, and the expenses of his treatment therein.
6. MR. WENTWORTH to move, That an Address be presented to His Excellency the Governor, requesting that the following Returns may be laid upon the Table of this House:—
  - (1.) A Return of the various items of Public Revenue, and of all other aids, endowments, and privileges, which Sir Richard Bourke proposed to surrender to the inhabitants of Sydney, in the event of the establishment of a Corporation in this City, during the period of his government.
  - (2.) A Return of the amount of all dues and other charges (if any) except pilotage, collected on vessels in the different Harbours of the Colony, for the last three years, specifying the total amount in each of those years, and the particulars of such amount.
  - (3.) A Return of the amount of the like dues and charges (if any) collected on British and Foreign whaling vessels, during the same period, distinguishing the amount collected on each class of such vessels.

## 'ORDERS' OF THE DAY:—

1. Governor's Salary Bill; second reading.
2. Consideration of the Governor's Message on Circular Quay.
3. Aborigines' Evidence Bill; second reading.
4. Military Officers' Wine Bill; second reading.
5. Jury Act continuation Bill; second reading.

FRIDAY, JUNE 14.

## NOTICES OF MOTION:—

1. DR. LANG to move for leave to bring in a Bill to remove doubts as to the validity of certain marriages to be had and solemnized within the Colony of New South Wales, by Ministers of the Australian Methodist Society, and to regulate the registration of certain marriages, baptisms, and burials.
2. MR. WINDEYER, to move, That it be an instruction to the Committee on the efficiency of the Police and state of Hyde Park Barracks, to consider and report upon the subject of the supposed intention of Her Majesty to withdraw one of her Regiments from this Colony.

WEDNESDAY, JUNE 19.

1. MR. ROBINSON to move for leave to bring in a Bill to amend the law of Libel.

FRIDAY, JUNE 21.

1. MR. WENTWORTH to move, That a Select Committee be appointed to enquire into, and report upon all grievances not connected with the lands of the Territory; and that it be an instruction to such Committee to distinguish between those grievances which can be redressed in the Colony, and those which cannot.

TUESDAY, JULY 2.

1. DR. LANG to move, That a humble Address be presented to Her Majesty the Queen, praying that Her Majesty will be graciously pleased to direct that the requisite steps may be taken for the speedy and entire separation of the District of Port Phillip from the Territory of New South Wales, and its erection into a separate and independent Colony.

ALEX. Mc LEAY,  
*Speaker.*

VOTES AND PROCEEDINGS

OF  
THE LEGISLATIVE COUNCIL.

THURSDAY, 13 JUNE, 1844.

1. Council met pursuant to adjournment; the Speaker took the Chair.  
Crown Lands:—The Colonial Secretary laid upon the Table the Return to the Address adopted on the motion of Mr. Cowper, on the 7th instant; ordered to be printed, and referred to the Committee on Land Grievances.
2. Coolie Immigration:—The Colonial Secretary laid upon the Table the Return to Address No. 3, adopted on the motion of Dr. Nicholson, on the 5th instant; ordered to be printed.
3. Liverpool District Council Boundaries:—Mr. Cowper presented a Petition from the Warden and District Councillors of Liverpool, praying the Council to reconsider the Boundaries assigned to their District, and to be heard at the Bar of the House; Petition read and received.
4. Presbyterian Church Temporalities:—Sir Thomas Livingston Mitchell presented a Petition from certain Members of the Presbyterian Communion, residing in the District of Paddington, praying the repeal of the Presbyterian Church Temporalities Acts; Petition read and received.
5. Mr. Young having, pursuant to notice, moved for and obtained leave to bring in a Bill, intituled, "*A Bill for improving the Law of Evidence*;" Bill read a first time; ordered to be printed, and read a second time on Thursday next.
6. Extension of the Elective Franchise:—Dr. Lang, pursuant to notice, moved that a Select Committee be appointed 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 Victoria, chap. 76; Question put and passed, and the following Committee appointed accordingly, viz:—

DR. LANG,  
MR. WINDEYER,  
MR. BOWMAN,  
MR. HAMILTON,

SIR T. L. MITCHELL,  
MR. W. C. WENTWORTH,  
MR. COWPER,  
MR. SUTTOR.

7. Vacant Seat:—The following Message from His Excellency the Governor received and read.—

*Message from His Excellency the Governor, to the Legislative Council, transmitting to them an additional instruction which he has received from Her Majesty, and proposing to them, under the 18th clause of the 5th and 6th Victoria, c. 76, a question respecting a vacancy in the Council.*

GENTLEMEN,

I herewith transmit, for the purpose of its being laid before you, an "Additional Instruction," under the Signet and Sign Manual of Her Majesty, dated the 29th December, 1843; and a Despatch from Her Majesty's Principal Secretary of State, covering the same, and dated the 4th January last, which reached me on the 11th instant.

The object of Her Majesty's Additional Instruction is, to approve and authorise the appointments which were made by me of the non-elective Members of the Council, previous to your first meeting in August last; and among the persons whose appointments are so confirmed, is the Attorney General of the Colony; the words of the Instruction being "the Attorney General, or in his absence the Colonial Engineer."

It is therefore beyond doubt, that it is the pleasure of Her Majesty, that the Attorney General shall be a Member of the Council; but nevertheless a difficulty exists in respect to his taking his seat, which renders it necessary that I should propose

pose to you a question under the 18th clause of the 5th and 6th Victoria c. 76.

The Attorney General was not in the Colony when the Council met on the 1st of August last, and consequently was not one of the non-elective Members originally appointed, under the delegated power which I held from Her Majesty; instead of the Attorney General, the Colonial Engineer was appointed; and by an inadvertency his appointment was made absolute, instead of during the absence of the Attorney General.

The Attorney General returned to New South Wales a few days after the Council had met; and immediately on his return, the Colonial Engineer resigned; and I appointed the Attorney General to succeed him, without (I regret to say) observing that under the 19th clause of the Act of Parliament, no person could be appointed to succeed the Colonial Engineer, but one holding the same Office. The mistake which I thus committed, not however being noticed by any one, the Attorney General continued to sit and vote in the Council during the whole of the late Session; and it was only at the commencement of the present Session, that attention having been drawn to the terms of the 19th clause of the Act of Parliament, his appointment was considered to have been void *ab initio*.

I have next to point out to the Council, that the Instrument under the Sign Manual which I have received, is an "Instruction" only, and not a Warrant countersigned by one of Her Majesty's Principal Secretaries of State, such as by the 12th clause of the Act of Parliament is required, when Her Majesty Herself nominates a Member of Council. The Instrument is, I am advised, valid either to confirm or disallow an appointment made by me; but is not sufficient to make an original appointment. It disallows the appointment of the Colonial Engineer, so long at least as the Attorney General is in the Colony: and it would have confirmed the Attorney General in his seat, had his appointment by me been valid, but it does not of itself constitute an appointment.

It seems to me therefore, that there is at the present moment a vacancy in the Council, and one which may be filled up by me in Her Majesty's name; for even were Lieutenant-Colonel Barney still in the Colony, and still holding the Office of Colonial Engineer, he could not, under Her Majesty's recent Instruction, continue to sit in the Council: before however, I make any appointment, I desire to submit the point for your determination.

The question therefore, which, under the 18th clause of the 5th and 6th Victoria, c. 76, I have to propose to you is, whether under these circumstances, there be such a vacancy, as would enable me now to appoint any Officer, other than the Colonial Engineer, or any other person, to a seat in the Council—there being at present only eleven non-elective Members, of whom five are holders of Office.

GEORGE GIPPS.

Government House, Sydney, 13th June, 1844.

- Message to be taken into consideration to-morrow.
8. Address for Papers:—Sir Thomas Livingston Mitchell, pursuant to notice, moved, That an Address be presented to His Excellency the Governor, requesting the following Returns to be laid upon the Table of this House, viz:—
- (1.) A Return of the number of Whites killed by the Aborigines in the southern District, since its occupation as part of this Colony; specifying the years, and distinguishing the number of such deaths, in the western parts, to the northward of and beyond Port-Land Bay; from those in the rest of the southern province.
- (2.) A Return of Aboriginal Natives killed by the Whites in the same parts, during the same periods, as far as can be ascertained.
- Question put and passed, and Address to be presented by the Colonial Secretary and the Colonial Treasurer.
9. Licensed Squatters:—Mr. Cowpor, pursuant to notice, moved, That the Petition from Ponrith on the subject of the Depasturing Licenses, (ordered to be printed on the 29th ultimo), be referred to the Committee on Land Grievances.
- Question put and passed, and Petition referred accordingly.
10. Address for Papers:—Mr. Windeyer, pursuant to notice, moved, That an Address be presented to His Excellency the Governor, requesting that there may be laid upon the Table of this House, copies of the correspondence between the Colonial Secretary's Office and the Carcoar Bench of Magistrates, relative to the admission of the Aboriginal Native boy, Jommy Nyrang, into the Bathurst Hospital, and the expenses of his treatment therein.
- Question put and passed, and Address to be presented by the Colonial Secretary and the Auditor General.
11. Address for Papers:—Mr. Wontworth, pursuant to notice, moved, That an Address be presented to His Excellency the Governor, requesting that the following Returns may be laid upon the Table of this House:—
- (1.) A Return of the various items of Public Revenue, and of all other aids, endowments, and privileges, which Sir Richard Bourke proposed to surrender to the inhabitants of Sydney, in the event of the establishment of a Corporation in this City, during the period of his government.
- (2.) A Return of the amount of all dues and other charges (if any) except pilotage, collected on vessels in the different Harbours of the Colony, for the last three years, specifying the total amount in each of those years, and the particulars of such amount.
- (3.) A Return of the amount of the like dues and charges (if any) collected on British and Foreign whaling vessels, during the same period, distinguishing the amount collected on each class of such vessels.
- Question

Question put and passed, and Address to be presented by the Colonial Secretary and the Auditor General.

12. Governor's Salary Bill :—Moved that this Bill be now read a second time.

Question put ; Council divided.

Ayes, 16.

DR. BLAND,  
MR. WINDEYER,  
SIR T. L. MITCHELL,  
MR. W. C. WESTWORTH,  
MR. COWPER,  
MR. LAWSON,  
MR. WALKER,  
MR. BOWMAN,  
MR. ROBINSON,  
MR. SUTTON,  
DR. LANG,  
MR. PANTON,  
CAPTAIN DUMARESQ,  
MR. BRADLEY,  
MR. LORD,  
DR. NICHOLSON, (Teller.)

Noes, 10.

MR. HAMILTON,  
THE COLONIAL SECRETARY,  
MR. LOWE,  
MR. ELWIN,  
MR. TERRY,  
THE COLLECTOR OF CUSTOMS,  
MR. YOUNG,  
MR. ICELY,  
THE AUDITOR GENERAL,  
THE COLONIAL TREASURER, (Teller.)

Bill read a second time.

Moved That the Speaker do now leave the Chair, and that the Council do resolve itself into a Committee of the whole-House, for consideration of this Bill.

Debate ensued.

Question put ; Council divided.

Ayes, 16.

DR. BLAND,  
MR. W. C. WESTWORTH,  
MR. WINDEYER,  
MR. COWPER,  
MR. PANTON,  
SIR T. L. MITCHELL,  
DR. LANG,  
MR. BOWMAN,  
MR. LAWSON,  
MR. ROBINSON,  
MR. BRADLEY,  
MR. LORD,  
MR. SUTTON,  
MR. WALKER,  
CAPTAIN DUMARESQ,  
DR. NICHOLSON, (Teller.)

Noes, 10.

MR. LOWE,  
THE COLONIAL SECRETARY,  
MR. ELWIN,  
THE COLLECTOR OF CUSTOMS,  
MR. TERRY,  
MR. YOUNG,  
THE AUDITOR GENERAL,  
MR. HAMILTON,  
MR. ICELY,  
THE COLONIAL TREASURER, (Teller.)

The Council resolved itself into Committees accordingly.

The Chairman reported the Bill with amendments ; Bill ordered to be engrossed and read a third time to-morrow.

The House counted, and twelve Members not being present, Council adjourned at a quarter before Nine o'Clock, until to-morrow at Three o'Clock.

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

FRIDAY, JUNE 14.

NOTICES OF MOTION :—

1. DR. LANG to move for leave to bring in a Bill to remove doubts as to the validity of certain marriages to be had and solemnized within the Colony of New South Wales, by Ministers of the Australian Methodist Society, and to regulate the registration of certain marriages, baptisms, and burials.
2. MR. WINDEYER, to move, That it be an instruction to the Committee on the efficiency of the Police and state of Hyde Park Barracks, to consider and report upon the subject of the supposed intention of Her Majesty to withdraw one of her Regiments from this Colony.
3. MR. COWPER to move an Address to His Excellency the Governor, requesting that the undermentioned Returns be laid upon the Table of this House :—
  - (1.) A Return of the Church and School Estates, and their distribution on 1st January, 1844.
  - (2.) A Return of the Rental arising from the Church and School Estates, on 1st January, 1844.
  - (3.) A Return of Church and School Estates, leased for twenty-one years, prior to the promulgation of Act 5 and 6 Victoria, cap. 36 ; together with the agent's explanatory remarks on the above, and copies of any valuations which he may have of these Estates.

ORDERS

## ORDERS OF THE DAY :—

1. Consideration of the Governor's Message on Vacant Seat.
2. Governor's Salary Bill; third reading.
3. Consideration of the Governor's Message on Circular Quay.
4. Aborigines' Evidence Bill; second reading.
5. Military Officers' Wine Bill; second reading.
6. Jury Act continuation Bill; second reading.

---

WEDNESDAY, JUNE 19.

## NOTICE OF MOTION :—

1. MR. ROBINSON to move for leave to bring in a Bill to amend the law of Libel.

---

THURSDAY, JUNE 20.

## ORDER OF THE DAY :—

1. Law of Evidence Bill; second reading.

---

FRIDAY, JUNE 21.

## NOTICES OF MOTION :—

1. MR. WENTWORTH to move, That a Select Committee be appointed to enquire into, and report upon all grievances not connected with the lands of the Territory; and that it be an instruction to such Committee to distinguish between those grievances which can be redressed in the Colony, and those which cannot.

---

TUESDAY, JULY 2.

1. DR. LANG to move, That a humble Address be presented to Her Majesty the Queen, praying that Her Majesty will be graciously pleased to direct that the requisite steps may be taken for the speedy and entire separation of the District of Port Phillip from the Territory of New South Wales, and its erection into a separate and independent Colony.

ALEX. M<sup>c</sup> LEAY,  
*Speaker.*



## VOTES AND PROCEEDINGS

## THE LEGISLATIVE COUNCIL.

FRIDAY, 14 JUNE, 1844.

1. Council met pursuant to adjournment; the Speaker took the Chair.  
Light Houses and Pilotage:—The Colonial Secretary laid upon the Table, the Return to Address No. 1, adopted on the motion of Dr. Nicholson, on the 5th instant.
2. Dr. Lang having, pursuant to notice, moved for and obtained leave to bring in a Bill, intitled "*A Bill to remove doubts as to the validity of certain Marriages to be had and solemnized within the Colony of New South Wales, by Ministers of the Australian Methodist Society, and to regulate the registration of certain Marriages, Baptisms, and Burials*;" Bill read a first time; ordered to be printed, and read a second time on Friday next.
3. Withdrawal of Troops:—Mr. Windeyer, pursuant to notice, moved, That it be an instruction to the Committee on the efficiency of the Police and state of Hyde Park Barracks, to consider and report upon the subject of the supposed intention of Her Majesty to withdraw one of Her Regiments from this Colony.  
Question put and passed, and instruction given accordingly.
4. Address for Papers:—Mr. Cowper, pursuant to notice, moved, That an Address be presented to His Excellency the Governor, requesting that the undormentioned Returns be laid upon the Table of this House:—
  - (1.) A Return of the Church and School Estates, and their distribution on 1st January, 1844.
  - (2.) A Return of the Rental arising from the Church and School Estates, on 1st January, 1844.
  - (3.) A Return of Church and School Estates, leased for twenty-one years, prior to the promulgation of the Act 5 and 6 Victoria, cap. 36.; together with the agent's explanatory remarks on the above, and copies of any valuations which he may have of these Estates.
 Question put and passed, and Address to be presented by the Colonial Secretary and the Colonial Treasurer.
5. Vacant Seat:—The Governor's Message of the 13th instant having been read, as also the additional Instructions therein referred to, the Council went into Committee thereupon.  
The Chairman reported the following Resolution adopted by the Committee.  
"Resolved, That in the opinion of this Committee, there is, under the circumstances stated in the Governor's Message of the 13th instant, such a vacancy in the number of the non-elective Members of the Council, as will enable His Excellency to appoint some other officer than the Colonial Engineer, or other person to fill the said vacancy."  
Resolution agreed to, and ordered to be communicated by Message to His Excellency the Governor, in the usual manner, and that such Message be presented by the Speaker and the Colonial Treasurer.
6. Governor's Salary Bill:—Moved, That this Bill be now read a third time.  
Question put; Council divided.

Ayes, 14.

DR. BLAND,  
SIR. T. L. MITCHELL,  
MR. COWPER,  
MR. PANTON,  
MR. W. C. WENTWORTH,  
MR. WINDEYER,  
MR. LAWSON,  
MR. SUTOR,  
MR. LORD,  
DR. LANG,  
MR. WALKER,  
MR. ROBINSON,  
MR. BOWMAN,  
DR. NICHOLSON, (Teller.)

Noes, 12.

MR. ELWIN,  
THE COLONIAL SECRETARY,  
THE AUDITOR GENERAL,  
MR. HAMILTON,  
MR. MACARTHUR,  
MR. BLAXLAND,  
MR. ICELY,  
MR. THERRE,  
MR. YOUNG,  
MR. LÖWE,  
THE COLLECTOR OF CUSTOMS,  
THE COLONIAL TREASURER, (Teller.)

Bill read a third time and passed; to be presented to His Excellency the Governor, by a deputation consisting of the Speaker, Mr. Windeyer, and Dr. Lang.

- 7. Circular Quay :—The Governor's Message having been read, Bill intituled, "A Bill to make further provision for payment of Wharfage Rates," read a first time; ordered to be printed, and read a second time on Wednesday next.
- 8. Aborigines' Evidence Bill :—Second reading postponed until Wednesday next.
- 9. Military Officers' Wino Bill, having been read a second time, the Council went into Committee thereupon.  
The Chairman having reported the Bill without any amendment, Bill ordered to be engrossed, and read a third time on Wednesday next.
- 10. Jury Act continuation Bill, having been read a second time, the Council went into Committee thereupon.  
The Chairman having reported the Bill with two additional clauses, Bill, as so reported, ordered to be engrossed, and read a third time on Wednesday next.  
Council adjourned at a quarter after Seven o'Clock, until Wednesday next, the 19th instant, at Three o'Clock.

NOTICES OF MOTION AND ORDERS OF THE DAY.

WEDNESDAY, JUNE 19.

NOTICE OF MOTION :—

- 1. MR. ROBINSON to move for leave to bring in a Bill to amend the law of Libel.

ORDERS OF THE DAY :—

- 1. Circular Quay Wharfage Bill; second reading.
- 2. Aborigines' Evidence Bill; second reading.
- 3. Military Officers' Wino Bill; third reading.
- 4. Jury Act continuation Bill; third reading.

THURSDAY, JUNE 20.

- 1. Law of Evidence Bill; second reading.

FRIDAY, JUNE 21.

NOTICE OF MOTION :—

- 1. MR. WENTWORTH to move, That a Select Committee be appointed to enquire into, and report upon all grievances not connected with the lands of the Territory; and that it be an instruction to such Committee to distinguish between those grievances which can be redressed in the Colony, and those which cannot.

ORDER OF THE DAY :—

- 1. Australian Methodist Society's Marriage Bill; second reading.

TUESDAY, JULY 2.

NOTICE OF MOTION :—

- 1. DR. LANG to move, That a humble Address be presented to Her Majesty the Queen, praying that Her Majesty will be graciously pleased to direct that the requisite steps may be taken for the speedy and entire separation of the District of Port Phillip from the Territory of New South Wales, and its erection into a separate and independent Colony.

ALEX. Mc LEAY,  
Speaker.

## VOTES AND PROCEEDINGS

or

# THE LEGISLATIVE COUNCIL.

WEDNESDAY, 19 JUNE, 1844.

1. Council met pursuant to adjournment; the Speaker took the Chair.  
New Member :—John Hubert Plunkett, Esquire, Attorney General of New South Wales, having taken the Oath prescribed by the Act of Parliament, 5 and 6 Victoria, chap. 76, took his Seat as a *Non-Elective Member of the Council*.
2. Governor's Salary Bill :—The Speaker announced that this Bill had been presented to His Excellency the Governor, who had been pleased to say he would transmit it for the Royal Assent.
3. Government Printing Office :—Dr. Bland presented a Petition from certain Master and Journeymen Printers, praying the discontinuance of the Government Printing Office; Petition read, received, and ordered to be printed.
4. District Councils :—The following Message from His Excellency the Governor, received and read :—

*Message from His Excellency the Governor, to the Legislative Council, on presenting to them a project of a Law to make further provision respecting the Constitution, and to define and extend the powers of District Councils.*

GENTLEMEN,

I herewith lay before you the project of a Law respecting District Councils, which I alluded to in the Speech with which I opened the present Session of the Legislative Council.

*Government House, Sydney,  
19th June, 1844.*

GEORGE GIPPS.

Message to be taken into consideration on Wednesday next.

5. Licensed Squatters :—Captain Dumaresq presented a Petition from certain Graziers, Stockholders, and others, resident in the District of Scone, praying the Council to address the Crown and both Houses of Parliament, to have the Squatting Regulations of the 2nd of April last entirely abrogated, and the Squatting Act, 2 Victoria, No. 27, thoroughly revised; Petition read, received, ordered to be printed, and referred to the Land Grievances Committee.
6. Licensed Squatters :—Captain Dumaresq presented a petition from certain Inhabitants of the District of Murrurundi, similar in its prayer to the foregoing; Petition read, received, ordered to be printed, and referred to the Land Grievances Committee.
7. Licensed Squatters :—Mr. Windeyer presented a Petition from certain Stockholders and other Inhabitants of Raymond Terrace, Dungog, and the adjacent Districts, similar in its prayer to the foregoing; Petition read, received, ordered to be printed, and referred to the Land Grievances Committee.
8. Colonial Spirits :—Mr. Walker presented a Petition from Robert Cooper and others of Sydney, praying the enactment of a Law to authorise the exportation of Colonial Spirits on the like terms as Imported Spirits; Petition read, received, and ordered to be printed.
9. Presbyterian Church Temporalities :—Dr. Lang presented a Petition from certain Members of the Presbyterian Communion, residing in the District of Maitland, praying the repeal of the Presbyterian Church Temporalities Acts; Petition read and received.
10. Presbyterian Church Temporalities :—Dr. Lang presented a Petition from certain Members of the Presbyterian Communion, residing in the District of Patrick's Plains and Upper Hunter's River, similar in its prayer to the foregoing; Petition read and received.
11. Savings' Bank :—The Colonial Secretary laid upon the Table, a portion of the Return to the Address, adopted on the Motion of Mr. Robinson on the 31st ultimo.
12. Jemmy Nyrang—an Aboriginal Native :—The Colonial Secretary laid upon the Table, the Return to the Address, adopted on the Motion of Mr. Windeyer on the 13th instant.
13. Church and School Estates :—The Colonial Secretary laid upon the Table, the Return to the Address, adopted on the Motion of Mr. Cowper on the 14th instant; ordered to be printed and referred to the Land Grievances Committee.
14. Law of Libel :—Mr. Robinson having, pursuant to notice, moved for and obtained leave to bring in a Bill, intituled, "*A Bill to amend the Law respecting defamatory words and Libel,*" Bill read a first time; ordered to be printed, and read a second time on Thursday, July 4th.

15. Circular Quay Wharfage Bill; on the motion of the Colonial Secretary, referred to the consideration of a Select Committee, consisting of

THE COLONIAL SECRETARY,	
THE COLLECTOR OF CUSTOMS, MR. COGILL, MR. LORD,	MR. PANTON, MR. ROBINSON, MR. WALKER.

- 16. Aborigines' Evidence Bill; second reading postponed until to-morrow.
  - 17. Military Officers' Wine Bill; read a third time, and passed.
  - 18. Jury Act continuation Bill, read a third time, passed, and ordered to be presented for Assent, together with the Military Officers' Wine Bill, to His Excellency the Governor, by a Deputation to consist of the Speaker, the Colonial Treasurer, and the Auditor General.
- Council adjourned at a quarter before Five o'Clock, until to-morrow, at Three o'Clock.

NOTICES OF MOTION AND ORDERS OF THE DAY.

THURSDAY, JUNE 20.

ORDERS OF THE DAY:—

- 1. Law of Evidence Bill; second reading.
- 2. Aborigines' Evidence Bill; second reading.

FRIDAY, JUNE 21.

NOTICES OF MOTION:—

- 1. MR. WENTWORTH to move, That a Select Committee be appointed to enquire into, and report upon all grievances not connected with the lands of the Territory; and that it be an instruction to such Committee to distinguish between those grievances which can be redressed in the Colony, and those which cannot.
- 2. MR. WINDEYER to move the following Address to Her Majesty the Queen:—

MAY IT PLEASE YOUR MAJESTY,

We, your Majesty's dutiful and loyal subjects, the Members of the Legislative Council of New South Wales, in Council assembled, beg to submit to your Majesty, that, having felt ourselves bound, in the course of the Session of Council summoned to meet on the 1st day of August, 1843, to abstain from voting the Salaries of various Offices, placed upon the Estimates by His Excellency the Governor, Sir George Gipps, Knight, for the year 1844; whereby some deserving public servants were suddenly deprived of incomes on which they had depended, and other officers having been previously dismissed by His Excellency, thought it just, humane, and sound policy, to afford compensation to all who had been deprived of the means of living, without fault of their own, and did therefore, on the 8th day of December, 1843, agree to the following Address to His Excellency the Governor, that is to say:—

"We, Her Majesty's most dutiful and loyal subjects, the Members of the Legislative Council of New South Wales, in Council assembled, request that your Excellency will be pleased to place on the Auxiliary Estimate for the year 1844, such sum, not exceeding one year's salary in each case, as your Excellency may deem advisable, for the purpose of affording compensation to the Public Officers, holding office under the Colonial Government only, whose offices have been abolished during the last two years;" to which, on the 19th of the same month, His Excellency was pleased to return the following answer:—

"GENTLEMEN,

"I feel, very sensibly, the liberal intentions of the Council, in recommending that a year's salary should be granted to the Public Officers of this Government, whose offices have been abolished during the last two years; and I shall have much pleasure in availing myself of your liberality in favour of any officer who may have been removed from any office of a permanent nature, or such as, according to the custom of the Public Service, entitles the holder to compensation on the abolition of it.

"The Officers, however, who have been during the last two years, or are now about to be reduced, are for the most part, Police Magistrates, and I regret to say, that the office of a Police Magistrate has not hitherto been considered of a permanent nature, or as one entitling the holder of it to compensation, on its abolition."

We humbly beg to state to your Majesty that we continue in our first opinion, and therefore pray, that your Majesty will be graciously pleased to instruct His Excellency Sir George Gipps, Knight, the Governor of this Colony, to place on the Estimates to be laid before the Legislative Council of New South Wales, next after the arrival of your Majesty's most gracious instructions, such sum as may be sufficient to afford compensation, not exceeding one year's salary in each case, to the Public Officers, holding office under the Colonial Government only, whose offices have been abolished, without their receiving any other during the last thirty months.

And if such Address be adopted, then; that it be sent to His Excellency the Governor, with a request that he will be pleased to transmit it to Her Majesty.

3. THE COLONIAL SECRETARY to move for leave to bring in a Bill to continue, for a further limited time, "An Act for preventing the extension of the disease commonly called "the Influenza or Catarrh, in Sheep and Lambs, in the Colony of New South Wales."
4. THE ATTORNEY GENERAL to move for leave to bring in a Bill to amend the law relating to Apprentices.

ORDER OF THE DAY:—

1. Australian Methodist Society's Marriage Bill; second reading.

---

WEDNESDAY, JUNE 26.

NOTICE OF MOTION:—

1. DR. BLAND to move, That an address be presented to His Excellency the Governor, requesting that there be laid upon the Table of this House, a Statement of the entire annual expenses of the present Government Printing Establishment—the annual number of Apprentices and other Free Persons, and Convicts, employed therein, and of the means by which the expenses of the Establishment are defrayed,—from its commencement to the present date.

ORDER OF THE DAY:—

1. Consideration of the Governor's Message on District Councils' Bill.

---

FRIDAY, JUNE 28.

NOTICES OF MOTION:—

1. DR. BLAND to move that the Petition presented by him on the 19th instant, from certain Master and Journeymen Printers, be taken into consideration.

---

TUESDAY, JULY 2.

1. DR. LANG to move, That a humble Address be presented to Her Majesty the Queen, praying that Her Majesty will be graciously pleased to direct that the requisite steps may be taken for the speedy and entire separation of the District of Port Phillip from the Territory of New South Wales, and its erection into a separate and independent Colony.

---

THURSDAY, JULY 4.

ORDER OF THE DAY:—

1. Law of Libel Bill; second reading.

ALEX. M<sup>c</sup> LEAY,  
*Speaker.*



## VOTES AND PROCEEDINGS

OF

# THE LEGISLATIVE COUNCIL.

THURSDAY, 20 JUNE, 1844.

1. Council met pursuant to adjournment; the Speaker took the Chair.  
Licensed Squatters:—Major Wentworth presented a Petition from certain Stockholders and other Inhabitants of Maitland and the adjacent Districts, praying the Council to take such steps as to them may seem necessary, to guard against licensed occupiers of crown lands beyond the boundaries, being placed in such a position as may render them liable to interruption in the quiet possession of their stations, until the same shall be included within the boundaries of location; Petition read, received, ordered to be printed, and referred to the Land Grievances Committee.
2. Presbyterian Church Temporalities:—Dr. Lang presented a Petition from certain Members of the Presbyterian Communion, residing in the District of Richmond, praying the repeal of the Presbyterian Church Temporalities Acts; Petition read and received.
3. Presbyterian Church Temporalities:—Dr. Lang presented a Petition from certain Members of the Presbyterian Communion, residing in the City of Sydney, similar in its prayer to the foregoing; Petition read and received.
4. Law of Evidence Bill, having been read a second time, the Council went into committee thereupon.  
The Chairman reported the Bill with amendments; Bill ordered to be engrossed, and read a third time on Wednesday next.
5. Aborigines' Evidence Bill:—Moved that this Bill be now read a second time; Debate ensued.  
Moved as an amendment, That this Bill be read a second time this day six months. Debate ensued.  
Question put on the amendment; Council divided.

Ayes, 14.

SIR. T. L. MITCHELL,  
MR. LOWE,  
MR. BOWMAN,  
MR. W. C. WENTWORTH,  
MAJOR WENTWORTH,  
MR. YOUNG,  
MR. LAWSON,  
CAPTAIN DUMARESQ,  
MR. FOSTER,  
MR. PANTON,  
MR. BRADLEY,  
MR. BLAXLAND,  
MR. LORD,  
MR. HAMILTON, (Teller.)

Noes, 10.

THE ATTORNEY GENERAL,  
THE COLONIAL SECRETARY,  
MR. SUTTON,  
MR. COGHELL,  
MR. ROBINSON,  
DR. LANG,  
MR. WINDEYER,  
DR. BLAND,  
MR. ELWIN,  
MR. THERRY, (Teller.)

Bill to be read a second time this day six months.  
Council adjourned at a quarter before Nine o'Clock, until to-morrow, at Three o'Clock.

NOTICES OF MOTION AND ORDERS OF THE DAY.

FRIDAY, JUNE 21.

NOTICES OF MOTION:—

- 1. MR. WENTWORTH to move, That a Select Committee be appointed to enquire into, and report upon all grievances not connected with the lands of the Territory; and that it be an instruction to such Committee to distinguish between those grievances which can be redressed in the Colony, and those which cannot.
- 2. MR. WINDEYER to move the following Address to Her Majesty the Queen:—

MAY IT PLEASE YOUR MAJESTY,

We, your Majesty's dutiful and loyal subjects, the Members of the Legislative Council of New South Wales, in Council assembled, beg to submit to your Majesty, that, having felt ourselves bound, in the course of the Session of Council summoned to meet on the 1st day of August, 1843, to abstain from voting the Salaries of various Offices, placed upon the Estimates by His Excellency the Governor, Sir George Gipps, Knight, for the year 1844, whereby some deserving public servants were suddenly deprived of incomes on which they had depended, and other officers having been previously dismissed by His Excellency, thought it just, humane, and sound policy, to afford compensation to all who had been deprived of the means of living, without fault of their own, and did therefore, on the 8th day of December, 1843, agree to the following Address to His Excellency the Governor, that is to say:—

"We, Her Majesty's most dutiful and loyal subjects, the Members of the Legislative Council of New South Wales, in Council assembled, request that your Excellency will be pleased to place on the Auxiliary Estimate for the year 1844, such sum, not exceeding one year's salary in each case, as your Excellency may deem advisable, for the purpose of affording compensation to the Public Officers, holding office under the Colonial Government only, whose offices have been abolished during the last two years:" to which, on the 19th of the same month, His Excellency was pleased to return the following answer:—

GENTLEMEN,

"I feel, very sensibly, the liberal intentions of the Council, in recommending that a year's salary should be granted to the Public Officers of this Government, whose offices have been abolished during the last two years; and I shall have much pleasure in availing myself of your liberality in favour of any officer who may have been removed from any office of a permanent nature, or such as, according to the custom of the Public Service, entitles the holder to compensation on the abolition of it.

"The Officers, however, who have been during the last two years, or are now about to be reduced, are for the most part, Police Magistrates, and I regret to say, that the office of a Police Magistrate has not hitherto been considered of a permanent nature, or as one entitling the holder of it to compensation, on its abolition."

We humbly beg to state to your Majesty, that we continue in our first opinion, and therefore pray, that your Majesty will be graciously pleased to instruct His Excellency Sir George Gipps, Knight, the Governor of this Colony, to place on the Estimates to be laid before the Legislative Council of New South Wales, next after the arrival of your Majesty's most gracious instructions, such sum as may be sufficient to afford compensation; not exceeding one year's salary in each case, to the Public Officers, holding office under the Colonial Government only, whose offices have been abolished, without their receiving any other during the last thirty months.

And if such Address be adopted, then, that it be sent to His Excellency the Governor, with a request that he will be pleased to transmit it to Her Majesty.

- 3. THE COLONIAL SECRETARY to move for leave to bring in a Bill to continue, for a further limited time, "*An Act for preventing the extension of the disease commonly called the Influenza or Catarrh, in Sheep and Lambs, in the Colony of New South Wales.*"
- 4. THE ATTORNEY GENERAL to move for leave to bring in a Bill to amend the law relating to Apprentices.
- 5. MR. LOWE to move, That a Select Committee be appointed to enquire into, and report upon the state of education in this Colony, and to devise the means of placing the education of youth upon a basis suited to the wants and wishes of the community.

ORDER OF THE DAY:—

- 1. Australian Methodist Society's Marriage Bill; second reading.

WEDNESDAY, JUNE 26

NOTICE OF MOTION:—

- 1. DR. BLAND to move, That an address be presented to His Excellency the Governor, requesting that there be laid upon the Table of this House, a Statement of the entire annual expenses of the present Government Printing Establishment—the annual number of Apprentices and other Free Persons; and Convicts, employed therein, and of the means by which the expenses of the Establishment are defrayed,—from its commencement to the present date.



2. DR. NICHOLSON to move, That an address be presented to His Excellency the Governor, requesting that there may be laid upon the Table of this House, a Return of the outlay incurred on account of the Aboriginal natives belonging to the middle and northern districts of the Colony, in blankets or otherwise, during the years 1841, 1842 and 1843, specifying the amount expended in each of those years respectively, and the localities of the several tribes on account of whom such expenditure has been incurred.

ORDER OF THE DAY :—

1. Consideration of the Governor's Message on District Councils' Bill.
2. Law of Evidence Bill ; third reading.

---

THURSDAY, JUNE 27.

NOTICES OF MOTION :—

1. DR. LANG to move, That a Select Committee be appointed to consider, whether any and what changes are necessary, in regard to the Presbyterian Church Temporalities Acts of this Colony, in consequence of the recent disruption of the Church of Scotland.

---

FRIDAY, JUNE 28.

1. DR. BLAND to move that the Petition presented by him on the 19th instant, from certain Master and Journeymen Printers, be taken into consideration.

---

TUESDAY, JULY 2.

1. DR. LANG to move, That a humble Address be presented to Her Majesty the Queen, praying that Her Majesty will be graciously pleased to direct that the requisite steps may be taken for the speedy and entire separation of the District of Port Phillip from the Territory of New South Wales, and its erection into a separate and independent Colony.

---

THURSDAY, JULY 4.

ORDER OF THE DAY :—

1. Law of Libel Bill ; second reading.

ALEX. Mc LEAY,  
*Speaker.*

THE UNIVERSITY OF CHICAGO  
LIBRARY  
540 EAST 57TH STREET  
CHICAGO, ILL. 60637

[The remainder of the page contains extremely faint, illegible text, likely bleed-through from the reverse side of the document.]

## VOTES AND PROCEEDINGS

OF

# THE LEGISLATIVE COUNCIL.

FRIDAY, 21 JUNE, 1844.

1. Council met pursuant to adjournment; the Speaker took the Chair.  
**General Grievances:**—Mr. Wentworth, pursuant to notice, moved, That a Select Committee, consisting of ten Members; be appointed to enquire into and report upon all grievances not connected with the Lands of the Territory; and that it be an instruction to such Committee, to distinguish between those grievances which can be redressed in the Colony, and those which cannot.  
 Question put and passed, and the following Committee appointed accordingly:—
 

MR. W. C. WENTWORTH,	MR. LORD,
DR. LANG,	SIR T. L. MITCHELL,
MR. BRADLEY,	MR. SUTTOR,
CAPTAIN DUMARESQ,	MR. WINDEYER,
MR. LAWSON,	THE ATTORNEY GENERAL.
2. Assent to Bills:—The Speaker reported that His Excellency the Governor had assented to the following Bills:—
  - (1.) Military Officers' Wages Bill.
  - (2.) Jury Act continuation Bill.
3. Compensation for abolished Offices:—Mr. Windeyer, pursuant to notice, moved the following Address to Her Majesty the Queen:—

MAY IT PLEASE YOUR MAJESTY,

We, your Majesty's dutiful and loyal subjects, the Members of the Legislative Council of New South Wales, in Council assembled, beg to submit to your Majesty, that, having felt ourselves bound, in the course of the Session of Council summoned to meet on the 1st day of August, 1843, to abstain from voting the Salaries of various Officers, placed upon the Estimates by His Excellency the Governor, Sir George Gipps, Knight, for the year 1844, whereby some deserving public servants were suddenly deprived of incomes on which they had depended, and other officers having been previously dismissed by His Excellency, thought it just, humane, and sound policy, to afford compensation to all who had been so deprived of their former means of living, without fault of their own, and did therefore, on the 8th day of December, 1843, agree to the following Address to His Excellency the Governor, that is to say:—

"We, Her Majesty's most dutiful and loyal subjects, the Members of the Legislative Council of New South Wales, in Council assembled, request that your Excellency will be pleased to place on the Auxiliary Estimate for the year 1844, such sum, not exceeding one year's salary in each case, as your Excellency may deem advisable, for the purpose of affording compensation to the Public Officers, holding office under the Colonial Government only, whose offices have been abolished during the last two years:" to which, on the 19th of the same month, His Excellency was pleased to return the following answer:—

"GENTLEMEN,

"I feel, very sensibly, the liberal intentions of the Council, in recommending that a year's salary should be granted to the Public Officers of this Government, whose offices have been abolished during the last two years; and I shall have much pleasure in availing myself of your liberality in favour of any officer who may have been removed from any office of a permanent nature, or such as, according to the custom of the Public Service, entitles the holder to compensation on the abolition of it.

"The Officers, however, who have been during the last two years, or are now about to be reduced, are for the most part, Police Magistrates, and I regret to say, that the office of a Police Magistrate has not hitherto been considered of a permanent nature, or as one entitling the holder of it to compensation, on its abolition."

GEORGE GIPPS.

We

We humbly beg to state to your Majesty that we continue in our first opinion, and therefore pray, that your Majesty will be graciously pleased to instruct His Excellency Sir George Gipps, Knight, the Governor of this Colony, to place on the Estimates to be laid before the Legislative Council of New South Wales, next after the arrival of your Majesty's most gracious instructions, such sum as may be sufficient to afford compensation, not exceeding one year's salary in each case, to the Public Officers, holding office under the Colonial Government only, whose offices have been abolished, without their receiving any other during the last thirty months.

Debate ensued.

Question put; Council divided.

Ayes, 14.

MR. W. C. WENTWORTH,  
 SIR T. L. MITCHELL,  
 MR. BOWMAN,  
 CAPTAIN DUMARESQUÉ,  
 MAJOR WENTWORTH,  
 MR. LAWSON,  
 MR. WALKER,  
 MR. ROBINSON,  
 DR. BLAND,  
 MR. SUTTON,  
 DR. LANG,  
 MR. THERRY,  
 MR. WINDEYER,  
 DR. NICHOLSON, (Teller.)

Noes, 6.

THE COLONIAL TREASURER,  
 MR. ELWIN,  
 MR. YOUNG,  
 MR. HAMILTON,  
 MR. LOWE,  
 MR. COWPER, (Teller.)

Address ordered to be engrossed, and presented to His Excellency the Governor, by the Speaker, Dr. Nicholson, and Mr. W. C. Wentworth, with a request that His Excellency will be pleased to transmit it to Her Majesty.

4. Catarrh in Sheep Act continuation Bill:—The Colonial Secretary having, pursuant to notice, moved for and obtained leave to bring in a Bill, intituled, "*A Bill to continue for a further limited time, an Act, intituled, 'An Act for preventing the extension of the disease commonly called the Influenza or Catarrh, in Sheep and Lambs, in the Colony of New South Wales.'*" Bill read a first time; ordered to be printed, and read a second time on Wednesday, July 24.
5. Apprentices:—The Attorney General postponed bringing forward his motion on this subject until Wednesday next.
6. Education:—Mr. Lowe, pursuant to notice, moved, That a Select Committee be appointed to enquire into, and report upon the state of education in this Colony, and to devise the means of placing the education of youth upon a basis suited to the wants and wishes of the community.

Question put and passed, and the following Committee appointed accordingly:—

MR. LOWE,	MR. ROBINSON,
MR. COWPER,	MR. THERRY,
DR. LANG,	MR. WINDEYER,
SIR T. L. MITCHELL,	THE ATTORNEY GENERAL,
DR. NICHOLSON,	THE COLONIAL SECRETARY.

7. Australian Methodist Society's Marriage Bill; second reading postponed until Thursday next.  
 Council adjourned at Ten o'Clock, until Wednesday next, at Three o'Clock.

## NOTICES OF MOTION AND ORDERS OF THE DAY.

WEDNESDAY, JUNE 26.

### NOTICES OF MOTION:—

1. DR. BLAND to move, That an address be presented to His Excellency the Governor, requesting that there be laid upon the Table of this House, a Statement of the entire annual expenses of the present Government Printing Establishment—the annual number of Apprentices and other Free Persons, and Convicts, employed therein, and of the means by which the expenses of the Establishment are defrayed,—from its commencement to the present date.
2. DR. NICHOLSON to move, That an address be presented to His Excellency the Governor, requesting that there may be laid upon the Table of this House, a Return of the outlay incurred on account of the Aboriginal natives belonging to the middle and northern districts of the Colony, in blankets or otherwise, during the years 1841, 1842 and 1843, specifying the amount expended in each of those years respectively, and the localities of the several tribes on account of whom such expenditure has been incurred.
3. THE ATTORNEY GENERAL to move for leave to bring in a Bill to amend the law relating to Apprentices.

### ORDERS OF THE DAY:—

1. Consideration of the Governor's Message on District Councils' Bill,
2. Law of Evidence Bill; third reading.

THURSDAY

THURSDAY, JUNE 27.

NOTICE OF MOTION:—

1. DR. LANG to move, That a Select Committee be appointed to consider, whether any and what changes are necessary, in regard to the Presbyterian Church Temporalities Acts of this Colony, in consequence of the recent disruption of the Church of Scotland.

ORDER OF THE DAY:—

1. Australian Methodist Society's Marriage Bill; second reading.

FRIDAY, JUNE 28.

NOTICES OF MOTION:—

1. DR. BLAND to move that the Petition presented by him on the 19th instant, from certain Master and Journeymen Printers, be taken into consideration.

TUESDAY, JULY 2.

1. DR. LANG to move, That a humble Address be presented to Her Majesty the Queen, praying that Her Majesty will be graciously pleased to direct that the requisite steps may be taken for the speedy and entire separation of the District of Port Phillip from the Territory of New South Wales, and its erection into a separate and independent Colony.

THURSDAY, JULY 4.

ORDERS OF THE DAY:—

1. Law of Libel Bill; second reading.

WEDNESDAY, JULY 24.

1. Catarrh in Sheep Act continuation Bill; second reading.

ALEX. M<sup>c</sup> LEAY,  
*Speaker.*

REPORT OF THE

The following is a list of the names of the persons who were present at the meeting of the Board of Directors of the American Telephone and Telegraph Company, held on the 15th day of December, 1901.

ATTEST:

SECRETARY

By \_\_\_\_\_

ATTEST:

By \_\_\_\_\_

ATTEST:

By \_\_\_\_\_

ATTEST:

By \_\_\_\_\_

ATTEST:

By \_\_\_\_\_

## VOTES AND PROCEEDINGS

## THE LEGISLATIVE COUNCIL.

WEDNESDAY, 26 JUNE, 1844.

1. Council met pursuant to adjournment; the Speaker took the Chair.  
Savings' Banks :—The Colonial Secretary laid upon the Table, the remainder of the Return to the Address adopted on the motion of Mr. Robinson, on the 31st ultimo, the first portion having been laid upon the Table on the 19th instant.
2. Schedule B, of 5 and 6 Victoria, chap. 76 :—The following Message from His Excellency the Governor, received and read :—

*Message from His Excellency the Governor, to the Legislative Council, transmitting a statement of the estimated expenditure, under schedule B of the 5th and 6th Victoria, c. 76, during the year 1845.*

GENTLEMEN,

Agreeably to the provisions of the 39th section of the Act for the Government of this Colony, 5th and 6th Victoria, cap. 76, I herewith lay before you, a Statement of the sums intended to be appropriated during the year 1845, to the several services and purposes named in the Schedule B, to that Act annexed.

GEORGE GIPPS.

*Government House, Sydney, 26th June, 1844.*

Message, and Statement therein referred to, ordered to be printed.

3. Customs' Bill : The following Message from His Excellency the Governor, received and read :—

*Message from His Excellency the Governor, to the Legislative Council, on presenting to them a project of a Law to provide for the general regulation of the Customs in New South Wales.*

GENTLEMEN,

I herewith present to you, for your consideration, a Bill to provide for the general regulation of the Customs.

This Bill is not intended to effect any material alteration in the Law, but to provide only for such minor changes as are frequently required in the Department of Customs, in New South Wales, as in the United Kingdom.

GEORGE GIPPS.

*Government House, Sydney, 26th June, 1844.*

Message to be taken into consideration on Friday next.

4. Address for Papers :—Dr. Nicholson, pursuant to notice, moved, That an Address be presented to His Excellency the Governor, requesting that there be laid upon the Table of this House, a Return of the outlay incurred on account of the Aboriginal Natives belonging to the Middle and Northern Districts of the Colony, in Blankets or otherwise, during the years 1841, 1842, and 1843, specifying the amount expended in each of those years respectively, and the localities of the several Tribes on account of whom such Expenditure has been incurred.  
Question put and passed, and Address to be presented by the Colonial Secretary and the Auditor-General.
5. Robert Porter Welch ;—Mr. Terry presented a Petition from Robert Porter Welch, Member of the London College of Surgeons, Licentiate of the London Apothecaries Company, Member of the University of Heidelberg, and Member of the London College of Medicine, praying the enactment of a Law for regulating the practice of Medicine in this Colony; Petition read and received.
6. Apprentices :—The Attorney-General postponed bringing forward his Motion on this subject until Friday next.
7. Port Phillip : Separation :—Dr. Lang postponed bringing forward his Motion on this subject until Thursday, the 8th day of August next.
8. Government Printing Establishment :—Dr. Bland's Motion on this subject postponed, at the request of Mr. W. C. Wentworth, until to-morrow, in consequence of the absence of Dr. Bland.

9. Governor's Message on District Councils-Bill:—The consideration of this Message postponed until Wednesday next.
10. Law of Evidence Bill:—read a third time at length, *passed*, and ordered to be presented to His Excellency the Governor, for assent, by the Speaker and the Colonial Secretary.  
Council adjourned at Four o'Clock, until To-morrow at Three o'Clock.

---

NOTICES OF MOTION AND ORDERS OF THE DAY.

---

THURSDAY, JUNE 27.

NOTICES OF MOTION:—

1. DR. LANG to move, That a Select Committee be appointed to consider, whether any and what changes are necessary, in regard to the Presbyterian Church Temporalities Acts of this Colony, in consequence of the recent disruption of the Church of Scotland.
2. Mr. WENTWORTH to move, for leave to bring in a Bill to alter and amend the Laws relating to Hawkers and Pedlars in New South Wales.
3. DR. BLAND to move, That an address be presented to His Excellency the Governor, requesting that there be laid upon the Table of this House, a Statement of the entire annual expenses of the present Government Printing Establishment—the annual number of Apprentices and other Free Persons, and Convicts, employed therein, and of the means by which the expenses of the Establishment are defrayed,—from its commencement to the present date.

ORDER OF THE DAY:—

1. Australian Methodist Society's Marriage Bill; second reading.

---

FRIDAY, JUNE 28.

NOTICES OF MOTION:—

1. DR. BLAND to move, That the Petition presented by him on the 19th instant, from certain Master and Journeymen Printers, be taken into consideration.
2. MR. WINDEYER to move, That the Returns relating to the admission of Jemmy Nyrang into the Bathurst Hospital, be printed.
3. MR. WINDEYER to move for leave to bring in a Bill to consolidate and amend the Jury Laws.
4. THE ATTORNEY GENERAL to move for leave to bring in a Bill to amend the law relating to Apprentices.

ORDERS OF THE DAY:—

1. Consideration of Governor's Message on Customs' Bill.

---

WEDNESDAY, JULY 3.

1. Consideration of the Governor's Message on District Councils' Bill.

---

THURSDAY, JULY 4.

ORDERS OF THE DAY:—

1. Law of Libel Bill; second reading.

---

WEDNESDAY, JULY 24.

1. Catarrh in Sheep Act continuation Bill; second reading.

---

THURSDAY, AUGUST 8.

NOTICE OF MOTION:—

1. DR. LANG to move, That a humble Address be presented to Her Majesty the Queen, praying that Her Majesty will be graciously pleased to direct that the requisite steps may be taken for the speedy and entire separation of the District of Port Phillip from the Territory of New South Wales, and its erection into a separate and independent Colony.

ALEX. M. LEAY,  
Speaker.



## VOTES AND PROCEEDINGS

OF

## THE LEGISLATIVE COUNCIL.

THURSDAY, 27 JUNE, 1844.

1. Council met pursuant to adjournment; the Speaker took the Chair.  
Licensed Squatters :—Mr. Robinson presented a Petition from certain stockholders and other inhabitants of Yass and the adjacent districts, praying the Council to take such steps as to them may seem meet, to guard against licensed occupiers of land beyond the boundaries, being placed in such a position as may render them liable to interruption in the quiet possession of their stations until the same shall be included within the boundaries of location; Petition read, received, ordered to be printed, and referred to the Land Grievances Committee.
2. Licensed Squatters :—Mr. Lord presented a Petition from certain stockholders and others interested, resident in the district of Bathurst, similar in its prayer to the foregoing; Petition read, received, ordered to be printed, and referred to the Land Grievances Committee.
3. Presbyterian Church Temporalities :—The Colonial Treasurer presented the under-mentioned Petitions against the repeal of the Presbyterian Church Temporalities Acts, viz :—
  - (1.) From the Reverend John M'Garvie, D. D., Minister of St. Andrews Scots Church, Sydney.
  - (2.) From certain Presbyterians of Sydney connected with the Established Church of Scotland.
  - (3.) From certain Presbyterians of Paddington connected with the Established Church of Scotland.
  - (4.) From certain Presbyterians of Chippendale connected with the Established Church of Scotland.
 Petitions severally read and received.
4. John M'Lean :—Dr. Lang presented a Petition from John M'Lean, praying compensation for having been dismissed, without fault of his own, from the office of the Colonial Treasurer; Petition read.  
Moved that this Petition be now received.  
Question put; Council divided.

## Ayes 8.

MR. W. C. WENTWORTH,  
MR. ROBINSON,  
MR. LORD,  
DR. LANG,  
MR. BOWMAN,  
MR. BLAXLAND,  
DR. BLAND,  
MR. WINDEYER, (Teller.)

## Noes 18.

MR. HAMILTON,  
THE COLONIAL SECRETARY.  
MR. ELWIN,  
THE ATTORNEY GENERAL,  
MR. SUTTOR,  
THE AUDITOR GENERAL,  
MR. COGHILL,  
THE COLONIAL TREASURER,  
MR. YOUNG.  
MR. BERRY,  
MR. COWPER,  
MR. PANTON,  
MAJOR WENTWORTH,  
MR. LOWE,  
SIR T. L. MITCHELL,  
MR. ICELY,  
MR. LAWSON,  
DR. NICHOLSON, (Teller.)

- 5. Establishment of Corporate Bodies :—The Colonial Secretary laid upon the Table, No. 6, of the Returns enumerated in the Address adopted on the motion of Mr. W. C. Wentworth, on the 30th ultimo. Returns ordered to be printed.
- 6. Presbyterian Church Temporalities :—Dr. Lang moved, pursuant to notice, That a Select Committee be appointed to consider, whether any and what changes are necessary, in regard to the Presbyterian Church Temporalities Acts of this Colony, in consequence of the recent disruption of the Church of Scotland. Debate ensued. Question put; Council divided.

Ayes 6.

- SIR T. L. MITCHELL,
- DR. LANG,
- MR. WINDEYER,
- MR. BLAXLAND,
- MR. BOWMAN,
- MR. ROBINSON, (Teller.)

Noes 19.

- MR. W. C. WENTWORTH,
- DR. NICHOLSON,
- MR. YOUNG,
- MR. THERRY,
- MR. BERRY,
- MR. PANTON,
- MR. COWPER,
- CAPTAIN DUMARESQ,
- MR. LAWSON,
- MR. LOWE,
- THE ATTORNEY GENERAL,
- THE COLONIAL SECRETARY,
- MR. ELWIN,
- DR. BLAND,
- MR. COHILL,
- MAJOR WENTWORTH,
- MR. ICELY,
- MR. HAMILTON,
- THE COLONIAL TREASURER, (Teller.)

- 7. Hawkers and Pedlars :—Mr. W. C. Wentworth having, pursuant to notice, moved for and obtained leave to bring in "A Bill to alter and amend the Laws relating to Hawkers and Pedlars in New South Wales", Bill read a first time; ordered to be printed, and read a second time on Thursday next.
- 8. Government Printing Office :—Dr. Bland moved, pursuant to notice, That an address be presented to His Excellency the Governor, requesting that there be laid upon the Table of this House, a Statement of the entire annual expenses of the present Government Printing Establishment—the annual number of Apprentices and other Free Persons, and Convicts, employed therein, and of the means by which the expenses of the Establishment are defrayed,—from its commencement to the present date. Question put and passed, and address to be presented by the Speaker, and the Colonial Secretary.
- 9. Government Printing Office :—Dr. Bland postponed bringing forward his motion for the consideration of the Petition presented by him on this subject, until Friday, July 5.
- 10. Australian Methodist Society's Marriage Bill :—Moved that this Bill be now read a second time. Debate ensued. Moved as an amendment, That this Bill be read a second time this day, six months. Debate continued. Bill by leave withdrawn. Council adjourned at Eight o'Clock, until To-morrow at Three o'Clock.

NOTICES OF MOTION AND ORDERS OF THE DAY.

FRIDAY, JUNE 28.

NOTICES OF MOTION :—

- 1. MR. WINDEYER to move, That the Returns relating to the admission of Jemmy Nyrang into the Bathurst Hospital, be printed.
- 2. MR. WINDEYER to move for leave to bring in a Bill to consolidate and amend the Jury Laws.
- 3. THE ATTORNEY GENERAL to move for leave to bring in a Bill to amend the law relating to Apprentices.
- 4. MR. ROBINSON to move, That the Returns laid on the Table relative to Depositors in the Savings' Banks, be printed, and referred to the Select Committee on Education.

ORDER OF THE DAY :—

- 1. Consideration of Governor's Message on Customs' Bill.

WEDNESDAY

57

WEDNESDAY, JULY 3.

NOTICE OF MOTION :—

1. DR. LANG to move an Address to His Excellency the Governor, requesting that there may be laid upon the Table of this House, a copy of such correspondence as may have taken place in the case of a complaint preferred against Captain Fyans, Commissioner of Crown Lands in the district of Port Phillip, by Alexander Sprot, Esquire, a gentleman holding a Depasturing License in that district, to the Superintendent of Port Phillip.

ORDERS OF THE DAY :—

1. Consideration of the Governor's Message on District Councils' Bill.

---

THURSDAY, JULY 4.

1. Law of Libel Bill; second reading.
2. Hawkers and Pedlars Bill; second reading.

---

FRIDAY, JULY 5.

NOTICE OF MOTION :—

1. DR. BLAND to move, That the Petition presented by him on the 19th instant, from certain Master and Journeymen Printers, be taken into consideration.

---

WEDNESDAY, JULY 24.

ORDER OF THE DAY :—

1. Catarrh in Sheep Act continuation Bill; second reading.

---

THURSDAY, AUGUST 8.

NOTICE OF MOTION :—

1. DR. LANG to move, That a humble Address be presented to Her Majesty the Queen, praying that Her Majesty will be graciously pleased to direct that the requisite steps may be taken for the speedy and entire separation of the District of Port Phillip from the Territory of New South Wales, and its erection into a separate and independent Colony.

ALEX. M<sup>o</sup> LEAY,  
*Speaker.*

... ..  
... ..  
... ..  
... ..

I. ... ..

... ..

... ..

... ..

... ..

## VOTES AND PROCEEDINGS

OF

## THE LEGISLATIVE COUNCIL.

FRIDAY, 28 JUNE, 1844.

1. Council met pursuant to adjournment; the Speaker took the Chair.  
Blue Book :—The Colonial Secretary laid upon the Table the Blue Book for the official year 1843.
2. Minimum price of Crown Lands :—The Colonial Secretary laid upon the Table No. 5, of the Returns enumerated in the Address adopted on the motion of Mr. W. C. Wentworth on the 30th ultimo.  
Return ordered to be printed.
3. Compensation for abolished offices :—The Speaker announced, That His Excellency the Governor had been pleased to say he would transmit to Her Majesty the Queen the Address on this subject, adopted by the Council on the 21st instant, together with a statement embodying his reasons for having declined to accede to the request of the Council, as communicated to him by Message on the 8th day of December, 1843.
4. Sydney Police :—Dr. Bland presented a Petition from certain inhabitants of the City of Sydney, praying the Council to adopt measures to secure to the City an efficient Police Force, and to induce the Home Government to defray part of the expense thereof; Petition read, received, ordered to be printed, and referred to the Security of Life and Property, and the General Grievances Committees.
5. Jemmy Nyrang—an Aboriginal Native :—Mr. Windeyer, pursuant to notice, moved, That the Returns relating to the admission of Jemmy Nyrang into the Bathurst Hospital be printed.  
Question put and passed, and Returns ordered to be printed.
6. Jury Laws :—Mr. Windeyer postponed bringing forward his motion on this subject until Wednesday next.
7. Apprentices :—The Attorney General having, pursuant to notice, moved for and obtained leave to bring in "*A Bill to regulate the Law of Apprentices in the Colony of New South Wales*," Bill read a first time; ordered to be printed, and read a second time on Thursday, July 4.
8. Savings' Banks :—Mr. Lowe, in absence of Mr. Robinson, moved, pursuant to notice, That the Returns laid upon the Table, relative to Depositors in the Savings' Banks, be printed, and referred to the Select Committee on Education.  
Question put and passed, and Returns ordered to be printed, and so referred accordingly.
9. Customs' Bill :—The Governor's Message of the 26th instant, transmitting the draft of "*A Bill to provide for the general regulation of the Customs in New South Wales*," having been read, Bill read a first time; ordered to be printed, and read a second time on Friday, July 5.  
Council adjourned at Four o'Clock, until Wednesday next at Three o'Clock.

## NOTICES OF MOTION AND ORDERS OF THE DAY.

WEDNESDAY, JULY 3.

## NOTICES OF MOTION :—

1. DR. LANG to move an Address to His Excellency the Governor, requesting that there may be laid upon the Table of this House, a copy of such correspondence as may have taken place in the case of a complaint preferred against Captain Fyans, Commissioner of Crown Lands in the district of Port Phillip, by Alexander Sprot, Esquire, a gentleman holding a Depasturing License in that district, to the Superintendent of Port Phillip.
2. MR. WINDEYER to move for leave to bring in a Bill to consolidate and amend the Jury Laws.

## ORDER OF THE DAY :—

1. Consideration of the Governor's Message on District Councils' Bill.

THURSDAY,

THURSDAY, JULY 4.

ORDERS OF THE DAY:—

- 1. Law of Libel Bill; second reading.
- 2. Hawkers and Pedlars Bill; (second reading)
- 3. Apprentices' Bill; second reading.

VOTES

THE REGISTAR GENERAL FRIDAY, JULY 5.

NOTICE OF MOTION:—

- 1. DR. BLAND to move, That the Petition presented by him on the 19th instant, from certain Mastor and Journeymen Printers, be taken into consideration.

ORDERS OF THE DAY:—

- 1. Customs' Bill; second reading.

Committee on the Customs' Bill; the Speaker took the Chair.

WEDNESDAY, JULY 24.

- 1. Catarah in Sheep Act continuation Bill; second reading.

Committee on the Catarah in Sheep Act continuation Bill; the Speaker announced that the Bill is ready for a second reading.

THURSDAY, AUGUST 8.

- 1. DR. LANG to move; That a humble Address be presented to Her Majesty the Queen, praying that Her Majesty will be graciously pleased to direct that the requisite steps may be taken for the speedy and entire separation of the District of Port Phillip from the Territory of New South Wales, and its erection into a separate and independent Colony.

ALEX. M. LEAY, T. Speaker.

Question put and passed; and returns ordered to be printed.

Mr. W. Jones proposed bringing forward his motion on the subject.

The Attorney General having declined to notice the motion, it was not taken.

A Bill to amend the Law of Evidence in the Trial of Criminals, introduced by Mr. Robinson, moved, pursuant to notice, for a second reading.

The Bill was read a first time; ordered to be printed, and to be read a second time on Thursday, July 4.

Mr. Jones, in absence of Mr. Robinson, moved, pursuant to notice, for a second reading of the Bill.

The Bill was read a first time; ordered to be printed, and to be read a second time on Friday, July 5.

Council adjourned at four o'clock until Wednesday next at three o'clock.

NOTICES OF MOTION AND ORDERS ON THE DAY.

WEDNESDAY, JULY 4.

NOTICES OF MOTION:—

- 1. DR. LANG to move an Address to the Governor, requesting that there may be laid upon the Table of this House a copy of such correspondence as may have taken place in the case of a complaint preferred against Captain Evans, Commissioner of Crown Lands in the district of Port Phillip, by Alexander Short, a contractor holding a Deputing License in that district, to the Superintendent of Port Phillip.
- 2. DR. LANG to move for leave to bring in a Bill to consolidate and amend the Law.

ORDERS ON THE DAY:—

- 1. Consideration of the Governor's Message on District Councils' Bill.

THURSDAY

VOTES AND PROCEEDINGS

OF

THE LEGISLATIVE COUNCIL.

WEDNESDAY, 3 JULY, 1844.

1. Council met pursuant to adjournment; the Speaker took the Chair.  
**Breach of Privilege** :—Mr. Lowe having informed the House, that a Breach of Privilege had been committed by a party having sent him a hostile message, in consequence of his name having been made use of by Mr. Lowe in the course of debate in this House on Thursday last, it was thereupon moved, without previous notice, pursuant to the 38th Standing Order of the House in that respect made, That a Select Committee be appointed to determine what steps should be taken in the matter by the House. Question put and passed, and the following Committee appointed accordingly :—

MR. WINDEYER, THE COLONIAL TREASURER, MR. FOSTER, MR. HAMILTON, DR. NICHOLSON,	MR. TERRY, MR. W. C. WENTWORTH, THE ATTORNEY GENERAL, THE COLONIAL SECRETARY, MR. YOUNG.
--	--
2. Serjeant at Arms :—The Speaker announced that His Excellency the Governor had given instructions for the preparation of a Commission for this Officer, who is to be in attendance on the House to-morrow.
3. District Councils :—Mr. Cowper presented a Petition from the Warden and Councillors of the District Council of Sydney, praying that certain alterations in the constitution of District Councils may be embodied in the Bill now before the House; Petition read, received, and ordered to be printed.
4. Rural Police Expenses :—Mr. Windeyer presented a Petition from the Magistrates, the District Council, and the Inhabitants of the incorporated Districts of Merton and Muswellbrook, praying the further postponement of any assessment for Police purposes in their District, until a greater degree of prosperity shall be restored to the Colony; Petition read and received.
4. Complaint against Captain Fyans :—Dr. Lang postponed bringing forward his motion on this subject until Friday next.
5. Jury Laws :—Mr. Windeyer having, pursuant to notice, moved for and obtained leave to bring in "*A Bill to amend the Laws regulating Trial by Jury in New South Wales, in so far as they relate to the trial of Civil causes,*" Bill read a first time; ordered to be printed; and read a second time on Wednesday next.
6. District Councils :—In consequence of the indisposition and absence of the Colonial Secretary, the consideration of the Governor's Message on this subject postponed, on the motion of the Colonial Treasurer, until Friday next.  
 Council adjourned at a quarter before Six o'Clock, until to-morrow at Three o'Clock.

NOTICES OF MOTION AND ORDERS OF THE DAY.

THURSDAY, JULY 4.

ORDERS OF THE DAY :—

1. Law of Libel Bill; second reading.
2. Hawkers and Pedlars Bill; second reading.
3. Apprentices' Bill; second reading.

FRIDAY,

FRIDAY, JULY 5.

NOTICES OF MOTION :—

1. DR. BLAND to move, That the Petition presented by him on the 19th ultimo, from certain Master and Journeymen Printers, be taken into consideration.
2. MR. COWPER to move, That an Address be presented to His Excellency the Governor, requesting that the following Returns may be laid upon the Table of this House :—
  - (1.) A copy of any instructions, given by order of His Excellency the Governor, to the Surveyor General's Department, relative to the upset price of land, with an account of the several localities in which the price of land was in consequence raised, and afterwards depressed; and also a statement of the several upset prices at which lands have been offered for sale up to the present time.
  - (2.) A copy of the correspondence between the Government of this Colony, and the Commissioners of Crown Lands, relative to the depasturing regulations hitherto in force, and those promulgated on the 2nd April, 1844.
3. DR. LANG to move an Address to His Excellency the Governor, requesting that there may be laid upon the Table of this House, a copy of such correspondence as may have taken place in the case of a complaint preferred against Captain Fyans, Commissioner of Crown Lands in the district of Port Phillip, by Alexander Sprot, Esquire, a gentleman holding a Depasturing License in that district, to the Superintendent of Port Phillip.

ORDERS OF THE DAY :—

1. Customs' Bill; second reading.
2. Consideration of the Governor's Message on District Councils' Bill.

WEDNESDAY, JULY 10.

NOTICE OF MOTION :—

1. DR. NICHOLSON to move, That an Address be presented to His Excellency the Governor, requesting that there be laid upon the Table of this House, a Return of the number of acres contained in each Electoral District, and the extent of the land alienated by the Crown in each respectively.

ORDERS OF THE DAY :—

1. Jury Laws amendment Bill; second reading.

WEDNESDAY, JULY 24.

1. Catarrh in Sheep Act continuation Bill; second reading.

THURSDAY, AUGUST 8.

NOTICE OF MOTION :—

1. DR. LANG to move; That a humble Address be presented to Her Majesty the Queen, praying that Her Majesty will be graciously pleased to direct that the requisite steps may be taken for the speedy and entire separation of the District of Port Phillip from the Territory of New South Wales, and its erection into a separate and independent Colony.

ALEX. M<sup>c</sup> LEAY,  
Speaker.



## VOTES AND PROCEEDINGS

## THE LEGISLATIVE COUNCIL.

THURSDAY, 4 JULY, 1844.

1. Council met pursuant to adjournment; the Speaker took the Chair.  
Apprentices:—Mr. Lowe presented a Petition from Isaac Nathan, of Sydney, composer and professor of music, praying the introduction of a clause in the Bill on this subject now before the Council, declaring that the provisions of the Bill shall not extend to apprentices of solicitors, attorneys, professors of music, or any other professor of science, becoming insolvent; Petition read and received.
2. Government Printing Office:—The Colonial Secretary laid upon the Table, the Return to the Address on this subject, adopted on the motion of Dr. Bland on the 27th ultimo.  
Return ordered to be printed.
3. Public Works:—The Colonial Secretary laid upon the Table, No. 2, of the Returns enumerated in the Address on this subject, adopted on the motion of Dr. Nicholson on the 5th ultimo.
4. Law of Libel Bill:—second reading postponed until Wednesday, August 7.
5. Hawkers and Pedlars' Bill:—In consequence of the absence of Mr. W. C. Wentworth, the second reading of this Bill, on the motion of Mr. Windeyer, postponed until Thursday next.
6. Apprentices Bill having been read a second time, moved that the Speaker do now leave the Chair, and that the Council do resolve itself into a Committee of the whole House for consideration thereof.  
Debate ensued.  
Question put; Council divided.

## Ayes 15.

THE COLONIAL SECRETARY,  
THE COMMANDER OF THE FORCES,  
THE ATTORNEY GENERAL,  
THE AUDITOR GENERAL,  
THE COLONIAL TREASURER,  
MR. BOWMAN,  
MR. SUTTOR,  
MR. LORD,  
MR. ELWIN,  
THE COLLECTOR OF CUSTOMS,  
MR. THERRY,  
MR. ROBINSON,  
MR. BRADLEY,  
MR. BLAXLAND,  
MR. YOUNG, (Teller.)

## Noes 6.

DR. BLAND,  
MR. LOWE,  
MR. WINDEYER,  
MR. LAWSON,  
SIR T. L. MITCHELL,  
MR. COWPER, (Teller.)

The Council having resolved itself into Committee accordingly, the Chairman reported progress, and obtained leave to sit again on Wednesday next.  
Council adjourned at a quarter before Six o'Clock, until to-morrow at Three o'Clock.

NOTICES OF MOTION AND ORDERS OF THE DAY.

FRIDAY, JULY 5.

NOTICES OF MOTION :—

1. DR. BLAND to move, That the Petition presented by him on the 19th ultimo, from certain Master and Journeymen Printers, be taken into consideration.
2. MR. COWPER to move, That an Address be presented to His Excellency the Governor, requesting that the following Returns may be laid upon the Table of this House :—
  - (1.) A copy of any instructions, given by order of His Excellency the Governor, to the Surveyor General's Department, relative to the upset price of land, with an account of the several localities in which the price of land was in consequence raised, and afterwards depressed ; and also a statement of the several upset prices at which lands have been offered for sale up to the present time.
  - (2.) A copy of the correspondence between the Government of this Colony, and the Commissioners of Crown Lands, relative to the depasturing regulations hitherto in force, and those promulgated on the 2nd April, 1844.
3. DR. LANG to move an Address to His Excellency the Governor, requesting that there may be laid upon the Table of this House, a copy of such correspondence as may have taken place in the case of a complaint preferred against Captain Fyans, Commissioner of Crown Lands in the district of Port Phillip, by Alexander Sprot, Esquire, a gentleman holding a Depasturing License in that district, to the Superintendent of Port Phillip.

ORDERS OF THE DAY :—

1. Customs' Bill ; second reading.
2. Consideration of the Governor's Message on District Councils' Bill.

WEDNESDAY, JULY 10.

NOTICE OF MOTION :—

1. DR. NICHOLSON to move, That an Address be presented to His Excellency the Governor, requesting that there be laid upon the Table of this House, a Return of the number of acres contained in each Electoral District, and the extent of the land alienated by the Crown in each respectively.

ORDERS OF THE DAY :—

1. Jury Laws amendment Bill ; second reading.
2. Apprentices' Bill ; further consideration in Committee.

THURSDAY, JULY 11.

1. Hawkers and Pedlars' Bill ; second reading.

WEDNESDAY, JULY 24.

1. Catarrh in Sheep Act continuation Bill ; second reading.

WEDNESDAY, AUGUST 7.

1. Law of Libel Bill ; second reading.

THURSDAY, AUGUST 8.

NOTICE OF MOTION :—

1. DR. LANG to move, That a humble Address be presented to Her Majesty the Queen, praying that Her Majesty will be graciously pleased to direct that the requisite steps may be taken for the speedy and entire separation of the District of Port Phillip from the Territory of New South Wales, and its erection into a separate and independent Colony.

ALEX. M<sup>c</sup> LEAY,  
Speaker.

## VOTES AND PROCEEDINGS

OF

## THE LEGISLATIVE COUNCIL.

FRIDAY, 5 JULY, 1844.

1. Council met pursuant to adjournment; the Speaker took the Chair.  
Serjeant at Arms:—The Speaker having read a Commission, appointing John Stirling, Esquire, Serjeant at Arms to the Legislative Council, administered to him the oaths of allegiance and office, whereupon Mr. Stirling was duly installed into office.
2. Government Printing Office:—Dr. Bland postponed bringing forward his motion on this subject, until Wednesday next.
3. Address for papers:—Mr. Cowper, pursuant to notice, moved, That an Address be presented to His Excellency the Governor, requesting that the following Returns may be laid upon the Table of this House:—
  - (1.) A copy of any instructions, given by order of His Excellency the Governor, to the Surveyor General's Department, relative to the upset price of land, with an account of the several localities in which the price of land was in consequence raised, and afterwards depressed; and also a statement of the several upset prices at which lands have been offered for sale up to the present time.
  - (2.) A copy of the correspondence between the Government of this Colony, and the Commissioners of Crown Lands, relative to the depasturing regulations hitherto in force, and those promulgated on the 2nd April, 1844.
 Question put and passed, and Address to be presented by the Colonial Secretary and the Colonial Treasurer.
4. Complaint against Captain Fyans:—Dr. Lang, pursuant to notice, moved, That an Address be presented to His Excellency the Governor, requesting that there may be laid upon the Table of this House, a copy of such correspondence as may have taken place in the case of a complaint preferred against Captain Fyans, Commissioner of Crown Lands in the district of Port Phillip, by Alexander Sprot, Esquire, a gentleman holding a Depasturing License in that district, to the Superintendent of Port Phillip. Question put and passed, and Address to be presented by the Colonial Secretary and the Auditor General.
5. Customs' Bill having been read a second time, the Council went into Committee thereupon.  
The Chairman reported progress, and obtained leave to sit again on Thursday next.
6. District Councils Bill:—Consideration of the Governor's Message on this Bill postponed until Wednesday next.  
Council adjourned at Seven o'Clock, until Wednesday next at Three o'Clock.

## NOTICES OF MOTION AND ORDERS OF THE DAY.

WEDNESDAY, JULY 10.

## NOTICES OF MOTION:—

1. DR. NICHOLSON to move, That an Address be presented to His Excellency the Governor, requesting that there be laid upon the Table of this House, a 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.
2. DR. NICHOLSON to move, That the name of the Attorney General be added to the Committee on the Insolvent Law.
3. DR. BLAND to move, That the Petition presented by him on the 19th ultimo, from certain Master and Journeyman Printers, be taken into consideration.

ORDERS

ORDERS OF THE DAY :—

1. Jury Laws amendment Bill ; second reading.
2. Apprentices' Bill ; further consideration in Committee.
3. Consideration of the Governor's Message on District Councils' Bill.

THURSDAY, JULY 11.

1. Hawkers and Pedlars Bill ; second reading.
2. Customs' Bill ; further consideration in Committee.

FRIDAY, JULY 12.

NOTICE OF MOTION :—

1. MR. ELWIN to move, for leave to bring in a Bill for the regulation and registration of marriages, births, baptisms, and burials, in the Colony of New South Wales.

WEDNESDAY, JULY 24.

ORDERS OF THE DAY :—

1. Catarrh in Sheep Act continuation Bill ; second reading.

WEDNESDAY, AUGUST 7.

1. Law of Libel Bill ; second reading.

THURSDAY, AUGUST 8.

NOTICE OF MOTION :—

1. DR. LANG to move, That a humble Address be presented to Her Majesty the Queen, praying that Her Majesty will be graciously pleased to direct that the requisite steps may be taken for the speedy and entire separation of the District of Port Phillip from the Territory of New South Wales, and its erection into a separate and independent Colony.

ALEX. Mc LEAY,  
*Speaker.*

# VOTES AND PROCEEDINGS

OF

## THE LEGISLATIVE COUNCIL.

WEDNESDAY, 10 JULY, 1844.

1. Council met pursuant to adjournment; the Speaker took the Chair.  
Aborigines:—The Colonial Secretary laid upon the Table, the Return to the Address, adopted on the motion of Sir Thomas Livingston Mitchell on the 13th ultimo.  
Return ordered to be printed.
2. Licensed Squatters:—Mr. Windeyor presented the undermentioned Petitions, praying the Council to take such steps as to them may seem meet, to guard against licensed occupiers of land beyond the boundaries being placed in such a position as may render them liable to interruption in the quiet possession of their stations, until the same shall be included within the boundaries of location, viz:—  
(1.) From certain stockholders and other inhabitants of Muswellbrook and the adjacent districts.  
(2.) From certain stockholders and other inhabitants of Merton and the adjacent districts.  
Petitions severally read, received, ordered to be printed, and referred to the Select Committee on Land Grievances.
3. District Councils:—Mr. Foster presented a Petition from the District Council of Brisbane Water, praying the postponement for a few years of local taxation.  
Petition read and received.
4. District Councils:—Dr. Nicholson, pursuant to notice, moved, That an Address be presented to His Excellency the Governor, requesting that there be laid upon the Table of this House, a 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.  
Question put and passed, and Address to be presented by the Colonial Secretary and the Auditor General.
5. Insolvent Bill Committee:—Dr. Nicholson, pursuant to notice, moved, That the name of the Attorney General be added to the Committee on the Insolvent Law.  
Question put and passed.
6. Government Printing Office:—Moved by Dr. Bland, pursuant to notice, That the Petition on this subject, presented by him on the 19th ultimo, from certain Master and Journeyman Printers, be now taken into consideration, and that a Select Committee be appointed to enquire into all matters connected with the management and conduct of the present Government Printing Establishment, including its receipts and expenditure, from its first formation down to the present time.  
Motion by leave withdrawn.
7. Jury Laws' Bill:—read a second time; to be considered in Committee, on Friday next.
8. Apprentices' Bill:—The Council resolved itself into Committee for the further consideration of this Bill.  
The Chairman reported progress, and obtained leave to sit again on Friday week.
9. District Councils' Bill:—The consideration of the Governor's Message on this Bill, postponed until Wednesday next.  
Council adjourned at a quarter after Seven o'Clock, until to-morrow at Three o'Clock.

NOTICES

NOTICES OF MOTION AND ORDERS OF THE DAY.

THURSDAY, JULY 11.

ORDERS OF THE DAY:—

1. Hawkers and Pedlars Bill; second reading.
2. Customs' Bill; further consideration in Committee.

FRIDAY, JULY 12.

NOTICE OF MOTION:—

1. MR. ELWIN to move, for leave to bring in a Bill for the regulation and registration of marriages, births, baptisms, and burials, in the Colony of New South Wales.

ORDERS OF THE DAY:—

1. Jury Laws Bill; to be considered in Committee.

WEDNESDAY, JULY 17.

1. Consideration of the Governor's Message on District Councils Bill.

FRIDAY, JULY 19.

1. Apprentices Bill; to be further considered in Committee.

WEDNESDAY, JULY 24.

1. Catarrh in Sheep Act continuation Bill; second reading.

WEDNESDAY, AUGUST 7.

1. Law of Libel Bill; second reading.

THURSDAY, AUGUST 8.

NOTICE OF MOTION:—

1. DR. LANG to move, That a humble Address be presented to Her Majesty the Queen, praying that Her Majesty will be graciously pleased to direct that the requisite steps may be taken for the speedy and entire separation of the District of Port Phillip, from the Territory of New South Wales, and its erection into a separate and independent Colony.

ALEX. M<sup>c</sup> LEAY,  
*Speaker.*

## VOTES AND PROCEEDINGS

OF

## THE LEGISLATIVE COUNCIL.

THURSDAY, 11 JULY, 1844.

1. Council met pursuant to adjournment; the Speaker took the Chair.  
Hawkers' and Pedlars' Bill:—Second reading postponed until Thursday next, on the motion of Mr. Robinson, in the absence of Mr. W. C. Wentworth.
2. Customs' Bill:—The Council resolved itself into Committee for the further consideration of this Bill.  
The Chairman reported progress, and obtained leave to sit again to-morrow.  
Council adjourned at a quarter before Eight o'Clock, until to-morrow at Three o'Clock.

## NOTICES OF MOTION AND ORDERS OF THE DAY.

FRIDAY, JULY 12.

## NOTICES OF MOTION:—

1. Mr. ELWIN to move, for leave to bring in a Bill for the regulation and registration of marriages, births, baptisms, and burials, in the Colony of New South Wales.
2. Dr. NICHOLSON to move, That the Returns of the sums expended on Public Works throughout the Colony, laid upon the Table on the 4th instant, be printed.

## ORDERS OF THE DAY:—

1. Jury Laws Bill; to be considered in Committee.
2. Customs' Bill; further consideration in Committee.

WEDNESDAY, JULY 17.

## NOTICES OF MOTION:—

1. Mr. LOWE to move, That an Address be presented to His Excellency the Governor requesting that the following Returns may be laid upon the Table of this House:—  
(1.) A Return of all fees received in the Supreme Court Office, for swearing affidavits, from the time of the appointment of Mr. Elyard as Chief Clerk, until the present period; distinguishing what portion thereof has been received between the time of the appointment of Mr. Sydney Smith to be a Commissioner for taking affidavits, and June 1st, 1844.  
(2.) A Return of all fees received in the office of the Chief Commissioner of Insolvent Estates in Sydney, for swearing affidavits; distinguishing what portion thereof has been received between the time of the appointment of Mr. Sydney Smith to be a Commissioner of affidavits, and June 1st, 1844.
2. Dr. NICHOLSON to move, That a humble Address be presented to Her Majesty, praying that Her Majesty may be graciously pleased to declare Geolong a free warehousing Port.

## ORDERS OF THE DAY:—

1. Consideration of the Governor's Message on District Councils Bill.

THURSDAY, JULY 18.

1. Hawkens and Pedlars Bill; second reading.

FRIDAY,

70.  
2  
FRIDAY, JULY 19.

ORDERS OF THE DAY:—

1. Apprentices Bill; to be further considered in Committee.
- 

WEDNESDAY, JULY 24.

1. Catarrh in Sheep Act continuation Bill; second reading.
- 

WEDNESDAY, AUGUST 7.

1. Law of Libel Bill; second reading.
- 

THURSDAY, AUGUST 8.

NOTICE OF MOTION:—

1. DR. LANG to move, That a humble Address be presented to Her Majesty the Queen, praying that Her Majesty will be graciously pleased to direct that the requisite steps may be taken for the speedy and entire separation of the District of Port Phillip from the Territory of New South Wales, and its erection into a separate and independent Colony.

ALEX. M<sup>c</sup> LEAY,  
*Speaker.*



VOTES AND PROCEEDINGS

OF

THE LEGISLATIVE COUNCIL.

FRIDAY, 12 JULY, 1844.

1. Council met pursuant to adjournment; the Speaker took the Chair.  
 Privilege Committee:—Mr. Windeyer moved That, pursuant to the 59th Standing Order of the House, strangers do now withdraw.  
 Strangers having accordingly withdrawn:—  
 Mr. Windeyer, as Chairman, brought up the Report of the Privilege Committee, and moved, that it be now read.  
 Report read.  
 Moved, That this Council do now adopt the Report;.  
 Moved, as an amendment, That the Report be taken into consideration on Thursday next.  
 Debate ensued.  
 Question put on the amendment.  
 Council divided.

Ayes 16.

THE COLONIAL SECRETARY,  
 THE ATTORNEY GENERAL,  
 THE COMMANDER OF THE FORCES,  
 MR. BERRY,  
 THE AUDITOR GENERAL,  
 MR. SUTTOR,  
 MR. BOWMAN,  
 MR. ROBINSON,  
 DR. LANG,  
 MR. ELWIN,  
 MR. THERRY,  
 MR. ICELY,  
 THE COLLECTOR OF CUSTOMS,  
 MR. LORD,  
 MR. BRADLEY,  
 THE COLONIAL TREASURER, (Teller.)

Noes 11.

CAPTAIN DUMARESQUÉ,  
 MR. COGHILL,  
 MR. LOWE,  
 MR. YOUNG,  
 MR. WINDEYER,  
 MR. BLAXLAND,  
 MAJOR WENTWORTH,  
 MR. COWPER,  
 MR. FOSTER,  
 MR. PANTON,  
 DR. NICHOLSON, (Teller.)

Report to be taken into consideration on Thursday next.  
 Moved, That the Report be printed.  
 Question put and passed, and Report ordered to be printed accordingly.  
 Moved, That this Council do now adjourn until Thursday next.  
 Question put and passed.  
 Council adjourned at Five o'Clock, until Thursday next at Three o'Clock.

NOTICES OF MOTION AND ORDERS OF THE DAY.

THURSDAY, JULY 18.

NOTICES OF MOTION:—

1. Mr. LOWE to move, That an Address be presented to His Excellency the Governor requesting that the following Returns may be laid upon the Table of this House:—  
 (1.) A Return of all fees received in the Supreme Court Office, for swearing affidavits, from the time of the appointment of Mr. Elyard as Chief Clerk, until the present period; distinguishing what portion thereof has been received between the time of the appointment of Mr. Sydney Smith to be a Commissioner for taking affidavits, and June 1st, 1844.  
 (2.) A Return of all fees received in the office of the Chief Commissioner of Insolvent Estates in Sydney, for swearing affidavits; distinguishing what portion thereof has been received between the time of the appointment of Mr. Sydney Smith to be a Commissioner of affidavits, and June 1st, 1844.

2. DR. NICHOLSON to move, That a humble Address be presented to Her Majesty, praying that Her Majesty may be graciously pleased to declare Geelong a free warehousing Port.
3. MR. ELWYN to move, for leave to bring in a Bill for the regulation and registration of marriages, births, baptisms, and burials, in the Colony of New South Wales.
4. DR. NICHOLSON to move, That the Returns of the sums expended on Public Works throughout the Colony, laid upon the Table on the 4th instant, be printed.

ORDERS OF THE DAY :—

1. Consideration of Report from Privilege Committee.
2. Hawkers and Pedlars Bill; second reading.
3. Consideration of the Governor's Message on District Councils Bill.
4. Jury Laws Bill; to be considered in Committee.
5. Customs' Bill; further consideration in Committee.

---

FRIDAY, JULY 19.

ORDERS OF THE DAY :—

1. Apprentices Bill; to be further considered in Committee.

---

WEDNESDAY, JULY 24.

1. Catarrh in Sheep Act continuation Bill; second reading.

---

WEDNESDAY, AUGUST 7.

1. Law of Libel Bill; second reading.

---

THURSDAY, AUGUST 8.

NOTICE OF MOTION :—

1. DR. LANG to move, That a humble Address be presented to Her Majesty the Queen, praying that Her Majesty will be graciously pleased to direct that the requisite steps may be taken for the speedy and entire separation of the District of Port Phillip from the Territory of New South Wales, and its erection into a separate and independent Colony.

ALEX. M<sup>c</sup> LEAY,  
*Speaker.*

## VOTES AND PROCEEDINGS

## THE LEGISLATIVE COUNCIL.

THURSDAY, 18 JULY, 1844.

1. Council met pursuant to adjournment; the Speaker took the Chair.  
Finance:—A Message from His Excellency the Governor, transmitting the Estimates of Expenditure, and a Statement of the Ways and Means for the year 1844—5, received and read.  
Message, Estimates, and Statement ordered to be printed, and taken into consideration on Wednesday, the 31st instant.
2. Assessment for Police purposes:—The following Message from His Excellency the Governor, received and read.  
*Message from His Excellency the Governor, to the Legislative Council, on presenting to them a project of a Law 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.*  
GENTLEMEN,  
Agreeably to the provisions of the 47th clause of the Act for the Government of New South Wales, (5th and 6th Victoria; c. 76,) I herewith lay before you a Bill to settle the proportions in which money shall be raised in each District of the Colony by assessment, for the purpose of defraying half the expense of maintaining a Police force.  
GEORGE GIPPS.  
*Government House, Sydney, 18 July, 1844.*  
Message to be taken into consideration on Wednesday next.
3. Campbelltown District Council:—The following Message from His Excellency the Governor, received and read.  
*Message from His Excellency the Governor, to the Legislative Council, on presenting to them a project of a Law to provide for the Election of Councillors, for the District Council of Campbelltown.*  
GENTLEMEN,  
By an Act passed in the last Session of the Council, the Inhabitants of Campbelltown and Appin were incorporated; and authorised to elect persons to form a District Council, separate from the District Council of Camden, Narrellan, and Picton; and the day for the first election of Councillors was fixed for the first Tuesday in February;—owing however to some accidental impediments, no election took place on that day, nor have any Councillors been subsequently elected.  
I therefore now think it right to lay before you a Bill to authorise the election of Councillors on the first Tuesday in November next, and to direct that in all future years, the election of Councillors in the District of Campbelltown and Appin, shall take place on the first Tuesday in November, instead of the first Tuesday in February.  
GEORGE GIPPS.  
*Government House, Sydney, 18 July, 1844.*  
Message to be taken into consideration on Wednesday next.
4. Return to Address for Papers:—The Colonial Secretary laid upon the Table, Nos. 2, 4, and 7 of the Returns enumerated in the Address, adopted on the motion of Mr. W. C. Wentworth on the 30th May last.  
Returns ordered to be referred to the General Grievances Committee.
5. Return to Address:—The Colonial Secretary laid upon the Table, No. 2 of the Returns enumerated in the Address, adopted on the motion of Mr. Cowper, on the 5th instant.  
Return ordered to be referred to the Land Grievances Committee.
6. Privilege Committee:—Moved, that this Council do resolve itself into a Committee of the whole House, to take into consideration the Report from the Privilege Committee.  
Question put and passed.  
Moved, that Dr. Nicholson do take the Chair.  
Question put and passed;  
Council resolved itself into Committee accordingly; Dr. Nicholson in the Chair.  
The Chairman reported progress, and obtained leave to sit again to-morrow.
7. Postponements: Moved, that the Notices of Motion and Orders of the Day which stand on the Paper for to-day, be postponed until to-morrow.  
Question put and passed.  
Council adjourned at a quarter before Eleven o'Clock, until to-morrow at Three o'Clock.

NOTICES.

NOTICES OF MOTION AND ORDERS OF THE DAY.

FRIDAY, JULY 19.

NOTICES OF MOTION:—

1. MR. LOWE to move, That an Address be presented to His Excellency the Governor requesting that the following Returns may be laid upon the Table of this House:—  
 (1.) A Return of all fees received in the Supreme Court Office, for swearing affidavits, from the time of the appointment of Mr. Elyard as Chief Clerk, until the present period; distinguishing what portion thereof has been received between the time of the appointment of Mr. Sydney Smith to be a Commissioner for taking affidavits, and June 1st, 1844.  
 (2.) A Return of all fees received in the office of the Chief Commissioner of Insolvent Estates in Sydney, for swearing affidavits; distinguishing what portion thereof has been received between the time of the appointment of Mr. Sydney Smith to be a Commissioner of affidavits, and June 1st, 1844.
2. DR. NICHOLSON to move, That a humble Address be presented to Her Majesty, praying that Her Majesty may be graciously pleased to declare Geelong a free warehousing Port.
3. MR. ELWIN to move, for leave to bring in a Bill for the regulation and registration of marriages, births, baptisms, and burials, in the Colony of New South Wales.
4. DR. NICHOLSON to move, That the Returns of the sums expended on Public Works throughout the Colony, laid upon the Table on the 4th instant, be printed.

ORDERS OF THE DAY:—

1. Further consideration in Committee of the Report from the Privilege Committee.
2. Apprentices Bill; to be further considered in Committee.
3. Hawkers and Pedlars Bill; second reading.
4. Consideration of the Governor's Message on District Councils Bill.
5. Jury Laws Bill; to be considered in Committee.
6. Customs' Bill; further consideration in Committee.

WEDNESDAY, JULY 24.

1. Catarrh in Sheep Act continuation Bill; second reading.
2. Consideration of the Governor's Message on Police Assessment Bill.
3. Consideration of the Governor's Message on Campbelltown District Councillors Election Bill.

WEDNESDAY, JULY 31.

1. Consideration of Governor's Financial Message for 1844—5.

WEDNESDAY, AUGUST 7.

1. Law of Libel Bill; second reading.

THURSDAY, AUGUST 8.

NOTICE OF MOTION:—

1. DR. LANG to move, That a humble Address be presented to Her Majesty the Queen, praying that Her Majesty will be graciously pleased to direct that the requisite steps may be taken for the speedy and entire separation of the District of Port Phillip from the Territory of New South Wales, and its erection into a separate and independent Colony.

ALEX. M<sup>o</sup> LEAY,  
*Speaker.*

VOTES AND PROCEEDINGS  
OF  
THE LEGISLATIVE COUNCIL.

FRIDAY, 19 JULY, 1844.

1. Council met pursuant to adjournment; the Speaker took the Chair.  
 Privilege Committee:—Moved, That the Council do now resolve itself into a Committee of the whole House, for the further consideration of the Report from the Select Committee on the Privileges of the Council.  
 Question put and passed:—  
 The Council resolved itself into Committee accordingly; Mr. Elwin in the Chair.  
 The Chairman having reported that the Committee had adopted the Report:—  
 Moved, that the Speaker do request the Attorney General to apply to the Supreme Court, for leave to file a criminal information against Messrs. Macdormott, Moore, and M'Farlane, pursuant to the recommendation of the said Report.  
 Question put and passed; whereupon the Speaker requested the Attorney General to be prepared by Wednesday next, to give his answer whether or no he will undertake the conduct of this prosecution.
2. Depasturing Regulations:—The Colonial Secretary laid upon the Table, No. 2 of the Returns enumerated in the Address, adopted on the motion of Mr. Cowper, on the 5th instant.  
 Return ordered to be printed, and referred to the Land Grievances Committee.
3. Melbourne Town Council:—Mr. Robinson presented a Petition from the Mayor, Aldermen, and Councillors of the town of Melbourne, praying the continuance of the Act of Council 6th Victoria, No. 8, with an additional clause, authorising the payment to them of certain forfeitures and penalties, and of such further sum in aid of the town fund, as to the Council may seem meet; Petition read, received, and ordered to be printed.
4. Licensed Squatters:—Dr Bland presented a Petition from certain Stockholders and other inhabitants of the City of Sydney, and its neighbourhood, praying the Council to take such steps as to them may seem meet, to guard against licensed occupiers of Crown Lands beyond the boundaries, being placed in such a position as may render them liable to interruption in the quiet possession of their stations, until the same shall be included within the boundaries of location; Petition read, received, ordered to be printed, and referred to the Land Grievances Committee.
5. District Council of Bourke:—Sir Thomas Livingston Mitchell presented a Petition from the Warden and Council of the District Council of Bourke, in the District of Port Phillip, praying the Council to vote the sum of £2,000, in the present Session, in aid of the expense of the construction of a bridge across the River Yarra Yarra, in their district; Petition read.  
 Moved that the Petition be received.  
 Pursuant to the 139th Standing Order of the Council, reference was made by the Speaker to the practice of the House of Commons in similar cases, when it was found that no Petitions for specific sums of money were received by them, whereupon Sir Thomas Livingston Mitchell withdrew the Petition.
6. Municipal Franchise:—Mr. Wentworth presented a Petition from the Council of the City of Sydney, praying the introduction of an Act to reduce the Municipal Franchise, from £25 to £10; Petition read and received.
7. Finance:—The Colonial Secretary laid upon the Table, an Abstract of the Revenue of the Colony of New South Wales, and of its appropriation, for the year 1843, together with explanatory Statements 1 to 5.  
 Ordered to be printed.
8. Parramatta District Council:—Mr. Macarthur presented a Petition from the District Council of Parramatta, praying the introduction of an Act authorising the payment to them, for purposes of the District, of a portion of certain forfeitures, penalties, and fees; Petition read and received.
9. Presbyterian Church Temporalities:—Sir Thomas Livingston Mitchell presented a Petition from certain members of the Presbyterian Communion, residing in the neighbourhood of Heidelberg and the Daraben Creek, in the District of Port Phillip, praying the repeal of the Presbyterian Church Temporalities Acts; Petition read and received.
10. Liverpool District Council:—Mr. Cowper presented a Petition from the Warden and Councillors of the District Council of Liverpool, praying the revision of the 32nd clause of the District Council Bill transmitted to the Council by Message from His Excellency the Governor on the 19th ultimo, in so far as the same relates to the prohibition of erecting turnpikes within five miles of the extreme boundary of each District; Petition read at length and received.
11. Queanbeyan Police Office:—Mr. Murray presented a Petition from certain householders and others resident in the District of Queanbeyan, praying the Council to move His Excellency the Governor, to cause the erection of a Police Office at Queanbeyan, and to place at the disposal of the Council of the District, the Quit-rents payable within the District; Petition read and received.

12. Quacanbeyan District Council:—Mr. Murray presented a Petition from the Members of the Quacanbeyan District Council, praying the Council to take such steps as to them may seem meet, for the abolition of the system of District Councils in this Colony: Petition read and received.
13. Licensed Squatters:—Mr. Windeyer presented a Petition from certain stockholders, and others, inhabitants of the District of Patricks Plains, praying the Council to use their most strenuous efforts to obtain the entire administration of the Crown Lands of the Colony; Petition read and received.
14. Edward Boot, Surgeon:—Mr. Windeyer presented a Petition from Surgeon Edward Boot, praying compensation for attendance on, and medicines supplied to several Aboriginal Natives in the District of Broulee, at the instance of Captain Oldrey, the then Commissioner of Crown Lands for that District; Petition read at length and received.
15. Marriage Bill:—Mr. Elwin postponed bringing forward his motion on this subject until Wednesday next, and informed the House that the motion would then be brought forward by Mr. Cowper.
16. Geelong—Free Port:—In the absence, and at the request of Dr. Nicholson, Mr. Young postponed Dr. Nicholson's motion on this subject until Wednesday, August 7.
17. Postponements:—Moved, That the remaining Notices of Motion and Orders of the Day, which stand on the Paper for to-day, be postponed until Wednesday next.  
Question put and passed.  
Council adjourned at a quarter before Nine o'Clock, until Wednesday next at Three o'Clock.

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

WEDNESDAY, JULY 24.

#### NOTICES OF MOTION:—

1. MR. MACARTHUR to move, That the Petition presented by him on the 19th instant, from the District Council of Parramatta, be printed.
2. MR. COWPER to move, That an Address be presented to His Excellency the Governor, requesting that he will be pleased to cause to be laid upon the Table of this House, such correspondence or documents, as may be necessary to show for what purpose the buildings recently erected in Parramatta were originally designed, the expense of erecting such buildings having been charged, in the published accounts, to the Church of England, and the buildings having been appropriated as a Roman Catholic Orphan School, without the consent of this Council.
3. MR. COWPER to move, for leave to bring in a Bill for the regulation and registration of marriages, births, baptisms, and burials, in the Colony of New South Wales.
4. MR. LOWE to move, That an Address be presented to His Excellency the Governor requesting that the following Returns may be laid upon the Table of this House:—  
(1.) A Return of all fees received in the Supreme Court Office, for swearing affidavits, from the time of the appointment of Mr. Elyard as Chief Clerk, until the present period: distinguishing what portion thereof has been received between the time of the appointment of Mr. Sydney Smith to be a Commissioner for taking affidavits, and June 1st, 1844.  
(2.) A Return of all fees received in the office of the Chief Commissioner of Insolvent Estates in Sydney, for swearing affidavits; distinguishing what portion thereof has been received between the time of the appointment of Mr. Sydney Smith to be a Commissioner of affidavits, and June 1st, 1844.
5. DR. NICHOLSON to move, That the Returns of the sums expended on Public Works throughout the Colony, laid upon the Table on the 4th instant, be printed.

#### ORDERS OF THE DAY:—

1. Catarrh in Sheep Act continuation Bill; second reading.
2. Consideration of the Governor's Message on Police Assessment Bill.
3. Consideration of the Governor's Message on Campbelltown District Councillors Election Bill.
4. Apprentices Bill; to be further considered in Committee.
5. Hawkers and Pedlars Bill; second reading.
6. Consideration of the Governor's Message on District Councils Bill.
7. Jury Laws Bill; to be considered in Committee.
8. Customs Bill; further consideration in Committee.

THURSDAY, JULY 25.

#### NOTICE OF MOTION:—

1. MR. ROBINSON to move for leave to bring in a Bill to amend the Act of Council, 6th Victoria, No. 7, for Incorporating the Inhabitants of the Town of Melbourne.

WEDNESDAY,

77.  
8

WEDNESDAY, JULY 31.

ORDER OF THE DAY:—

1. Consideration of Governor's Financial Message for 1844—5.

---

WEDNESDAY, AUGUST 7.

NOTICE OF MOTION:—

1. DR. NICHOLSON to move, That a humble Address be presented to Her Majesty, praying that Her Majesty may be graciously pleased to declare Geelong a free warehousing Port.

ORDER OF THE DAY:—

1. Law of Libel Bill; second reading.

---

THURSDAY, AUGUST 8.

NOTICE OF MOTION:—

1. DR. LANG to move, That a humble Address be presented to Her Majesty the Queen, praying that Her Majesty will be graciously pleased to direct that the requisite steps may be taken for the speedy and entire separation of the District of Port Phillip from the Territory of New South Wales, and its erection into a separate and independent Colony.

ALEX. M<sup>o</sup> LEAY,  
*Speaker.*

78.

Journal of the  
Board of Directors

Meeting held on the 15th day of January 1900

Resolved that the sum of \$1000.00 be paid to the  
Trustees of the University of California for the  
purchase of the book 'The History of California'

Approved:  
Secretary



## VOTES AND PROCEEDINGS

OF

## THE LEGISLATIVE COUNCIL.

WEDNESDAY, 24 JULY, 1844.

1. Council met pursuant to adjournment; the Speaker took the Chair.  
New Member :—The Speaker having read a letter from the Colonial Secretary, of this date, announcing the resignation of Hastings Elwin, Esquire, as a non-elective Member of the Legislative Council, and the Clerk having read a Commission, appointing John Bayley Darvall, Esquire, to succeed him, the Speaker administered the Oath to Mr. Darvall, who then took his Seat in the Council.
2. Breach of Privilege :—The Speaker announced, that the Attorney General had undertaken to apply to the Supreme Court, for leave to file a criminal information against Messrs. Macdermott, Moore, and Macfarlaue, pursuant to the recommendation contained in the Report from the Select Committee on the Privileges of the Council, adopted on the 19th instant.
3. Casual and Territorial Revenue :—The Colonial Secretary laid upon the Table, Return No. 3 enumerated in the Address, adopted on the motion of Mr. W. C. Wentworth, on the 30th of May last.
4. Aborigines :—The Colonial Secretary laid upon the Table, the Return to the Address, adopted on the motion of Dr. Nicholson on the 26th ultimo.
5. Overland Mail to Melbourne :—Mr. Robinson presented a Petition from certain inhabitants of the Town of Melbourne, praying that arrangements may be made for running the Overland Mail to Melbourne twice a week; Petition read and received.
6. Melbourne Wharf :—Mr. Robinson presented a Petition from the Mayor, Aldermen, and Councillors of the Town of Melbourne, praying that provision be made in the Bill for regulating the Wharfs of the Colony, for empowering the Town Council of Melbourne to receive all Wharfage dues receivable at the Queen's Wharf, Melbourne, for improvement of the Wharf, and of the navigation of the River Yarra Yarra; Petition read and received.
7. Distressed Labourers :—Dr. Bland presented a Petition from certain masons, quarrymen, and labourers in Government employment, praying an increased rate of wages; Petition read and received.
8. Port Phillip :—Separation :—Dr. Nicholson presented a Petition from the Warden and Council of the District of Bourke, in the District of Port Phillip, praying the Council to adopt such steps as to them may seem best calculated to effect the complete separation of the District of Port Phillip, from the remainder of the Colony of New South Wales, and as may secure to the District the exclusive appropriation of its own Revenues in the meantime; Petition read and received.
9. Geelong :—Free Port :—Dr. Nicholson presented a Petition from certain merchants, settlers, and other inhabitants of the Town of Geelong, and District of Grant, in the District of Port Phillip, praying the extension to Geelong of the privileges of a Free Port, and the vote of a sum of money in the present Session, for the erection of a Custom House, and the improvement of the Harbour at Geelong; Petition read and received.
10. Parramatta District Council :—Mr. Cowper, in absence and at the request of Mr. M'Arthur, moved, pursuant to notice, That the Petition presented by Mr. M'Arthur on the 19th instant, from the District Council of Parramatta, be printed.  
Question put and passed, and Petition ordered to be printed accordingly.
11. Address for Papers :—Mr. Cowper, pursuant to notice, moved, That an Address be presented to His Excellency the Governor, requesting that he will be pleased to cause to be laid upon the Table of this House, such Correspondence or Documents, as may be necessary to shew for what purpose the buildings recently erected in Parramatta were originally designed; the expense of erecting such buildings having been charged, in the published accounts, to the Church of England, and the building having been appropriated as a Roman Catholic Orphan School, without the consent of this Council.  
After an explanation of the circumstances from the Colonial Secretary, Mr. Cowper, by leave, withdrew his motion.
12. Marriage Bill :—Mr. Cowper postponed bringing forward his motion on this subject, until Wednesday, August 7, and substituted an extended Notice of Motion for that already on the paper.

13. Address for Papers :—Mr. Lowe, pursuant to notice, moved, That an Address be presented to His Excellency the Governor, requesting that the following Returns may be laid upon the Table of this House :—
- (1.) A Return of all fees received in the Supreme Court Office, for swearing affidavits, from the time of the appointment of Mr. Elyard as Chief Clerk, until the present period ; distinguishing what portion thereof has been received between the time of the appointment of Mr. Sydney Smith to be a Commissioner for taking affidavits, and June 1st, 1844.
- (2.) A Return of all fees received in the office of the Chief Commissioner of Insolvent Estates in Sydney, for swearing affidavits ; distinguishing what portion thereof has been received between the time of the appointment of Mr. Sydney Smith to be a Commissioner of affidavits, and June 1st, 1844.
- Question put and passed, and Address to be presented by the Colonial Secretary and the Attorney General.
14. Public Works :—Dr. Nicholson, pursuant to notice, moved, That the Returns of the sums expended on Public Works throughout the Colony, laid upon the Table on the 4th instant, be printed.
- Question put and passed, and Returns ordered to be printed accordingly.
15. Postponements :—On the motion of the Colonial Secretary, the following Orders of the Day postponed until to-morrow :—
- (1.) Consideration of the Governor's Message on the District Councils Bill.
- (2.) Consideration of the Governor's Message on Police assessment Bill.
- (3.) Consideration of the Governor's Message on the Campbelltown District Councillors' Election Bill.
16. Catarrh in Sheep Act continuation Bill ; read a second time, to be considered in Committee on Friday next.
17. Apprentices' Bill :—Further consideration in Committee postponed until Friday next.
18. Hawkers and Pedlars Bill :—Second reading postponed, on the motion of Mr. Windeyer, until Wednesday, July 31st, in consequence of the absence, from illness, of Mr. W. C. Wentworth.
19. Jury Laws Bill :—The Council resolved itself into a Committee of the whole House, for the consideration of this Bill ; Dr. Nicholson in the Chair.
- The Chairman having reported the Bill, with sundry amendments ; Bill ordered to be engrossed, and read a third time on Friday next.
20. Customs Bill :—Further consideration in Committee postponed on the motion of the Colonial Secretary until to-morrow.
- Council adjourned at Nine o'Clock, until to-morrow at Three o'Clock.

---

NOTICES OF MOTION AND ORDERS OF THE DAY.

---

THURSDAY, JULY 25.

NOTICES OF MOTION :—

1. MR. ROBINSON to move for leave to bring in a Bill to amend the Act of Council, 6th Victoria, No. 7, for Incorporating the Inhabitants of the Town of Melbourne.
2. DR. NICHOLSON to move, That the Petition presented by him on the 24th instant, from the District Council of Bourke, praying the separation of Port Phillip from the rest of the Colony, be printed, and taken into consideration on Thursday, August 8.
3. DR. NICHOLSON to move, That the Petition presented by him on the 24th instant, from the Inhabitants of Geelong, praying that the privileges of a free Port may be extended to that Port, be printed, and taken into consideration on Wednesday, August 7.
4. MR. ROBINSON to move, That the Petition from the Inhabitants of Melbourne, respecting the overland Mail, and the Petition from the Corporation of Melbourne, respecting the wharfage dues, be printed.
5. MR. WINDEYER to move, That the Speaker be instructed to take all necessary measures, in communication with the Attorney General, for carrying into effect the prosecution of the parties named in the Resolution of the Council of the 19th instant.

ORDERS OF THE DAY :—

1. Consideration of the Governor's Message on District Councils Bill.
2. Consideration of the Governor's Message on Police Assessment Bill.
3. Consideration of the Governor's Message on Campbelltown District Councillors Election Bill.
4. Customs' Bill ; further consideration in Committee.

---

FRIDAY,

FRIDAY, JULY 26.

## NOTICES OF MOTION :—

1. MR. WINDEYER to move, That an Address be presented to His Excellency the Governor, requesting that he will be pleased to cause to be laid upon the Table of this House, a copy of the correspondence that may have taken place between the Government and any Surgeons, either Military, Colonial, or in private practice, relative to sick Aborigines, since the commencement of the administration of Sir George Gipps, Knt.
2. DR. LANG to move, That an Address be presented to His Excellency the Governor, requesting that he will be graciously pleased to order to be laid upon the Table of this House, a Return of the number of Electors in each of the Electoral Districts in the Colony.
3. MR. WALKER to move for leave to bring in a Bill to authorise the exportation of Colonial made Spirits, under the same regulations as those under which Foreign Spirits are authorised to be exported.

## ORDERS OF THE DAY :—

1. Catarrh in Sheep Act continuation Bill; to be considered in Committee.
2. Apprentices Bill; to be further considered in Committee.
3. Jury Laws Bill; third reading.

WEDNESDAY, JULY 31.

## ORDERS OF THE DAY :—

1. Consideration of Governor's Financial Message for 1844—5.
2. Hawkers and Pedlars Bill; second reading.

WEDNESDAY, AUGUST 7.

## NOTICES OF MOTION :—

1. DR. NICHOLSON to move, That a humble Address be presented to Her Majesty, praying that Her Majesty may be graciously pleased to declare Geelong a free warehousing Port.
2. MR. COWPER to move for leave to bring in a Bill for regulating Marriages in New South Wales; and also, a Bill for the registration of Marriages, Births, Baptisms, and Burials, in the Colony of New South Wales; and if leave be granted, that a Select Committee be appointed to consider and report upon the Bills which may be laid before the House for effecting such objects.

## ORDER OF THE DAY :—

1. Law of Libel Bill; second reading.

THURSDAY, AUGUST 8.

## NOTICE OF MOTION :—

1. DR. LANG to move, That a humble Address be presented to Her Majesty the Queen, praying that Her Majesty will be graciously pleased to direct that the requisite steps may be taken for the speedy and entire separation of the District of Port Phillip from the Territory of New South Wales, and its erection into a separate and independent Colony.

ALEX. M<sup>c</sup> LEAY,  
Speaker.



## VOTES AND PROCEEDINGS

OF

# THE LEGISLATIVE COUNCIL.

---

THURSDAY, 25 JULY, 1844.

1. Council met pursuant to adjournment; the Speaker took the Chair.  
Governors' Commissions :—The Colonial Secretary laid upon the Table, Return No. 1 enumerated in the Address, adopted on the motion of Mr. W. C. Wentworth, on the 30th May last.  
Return ordered to be referred to the General Grievances Committee.
2. Melbourne Corporation Act Amendment Bill :—Mr. Robinson having, pursuant to notice, moved for and obtained leave to bring in "*A Bill to amend an Act, passed in the sixth year of the Reign of Her present Majesty, intituled, 'An Act to incorporate the Inhabitants of the Town of Melbourne,'*" Bill read a first time; ordered to be printed, and read a second time on Thursday, August 15.
3. Port Phillip ;—Separation :—Dr. Nicholson, pursuant to notice moved, That the Petition presented by him on the 24th instant, from the District Council of Bourko, praying the separation of Port Phillip from the rest of the Colony, be printed, and taken into consideration on Thursday, August 8.  
Question put and passed, and Petition accordingly ordered to be printed, and taken into consideration on Thursday, August 8.
4. Geelong ;—Free Port :—Dr. Nicholson, pursuant to notice, moved, That the Petition presented by him on the 24th instant, from the Inhabitants of Geelong, praying that the privileges of a free Port may be extended to that Port, be printed, and taken into consideration on Wednesday, August 7.  
Question put and passed, and the Petition accordingly ordered to be printed, and taken into consideration on Wednesday, August 7.
5. Overland Mail to Melbourne;—and Melbourne Wharf :—Mr. Robinson, pursuant to notice, moved, That the Petition from the Inhabitants of Melbourne, respecting the Overland Mail, and the Petition from the Corporation of Melbourne, respecting the Wharfage Dues, presented by him on the 24th instant, be printed, and that the latter be referred to the Select Committee on the Circular Quay.  
Question put and passed, and Petitions accordingly ordered to be printed, and the latter of them to be referred to the Circular Quay Committee.
6. Breach of Privilege :—Mr. Windeyer, pursuant to notice, moved, That the Speaker be instructed to take all necessary measures, in communication with the Attorney General, for carrying into effect the prosecution of the parties named in the Resolution of the Council of the 19th instant.  
Question put and passed.
7. District Councils' Bill :—The Governor's Message of the 19th June having been read, Bill, intituled, "*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,'* read a first time.  
Moved by the Colonial Secretary, that the Bill be printed, and read a second time on Thursday, August 1.  
Debate ensued.  
Moved, as an amendment, That the Bill be read a second time this day six months.  
Debate continued.  
Moved, as an amendment, 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

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.

Debate continued.

Question put on the last amendment.

Council divided.

<p>Ayes 14.</p> <p>MR. ROBINSON, MR. MURRAY, MR. WINDEYER, MR. BOWMAN, MR. PANTON, MR. COWPER, MR. LOWE, MR. FOSTER, MR. LAWSON, MR. BERRY, MR. BRADLEY, MR. SUTTON, MR. LORD, DR. NICHOLSON, (Teller.)</p>	<p>Noes 7.</p> <p>THE COLONIAL SECRETARY, MR. THERRY, MR. DARVALL, THE ATTORNEY GENERAL, DR. LANG, THE AUDITOR GENERAL, THE COLONIAL TREASURER, (Teller.)</p>
---	---

Bill to be read a second time this day six months.

8. Police Assessment Bill:—The Governor's Message of the 18th instant, having been read:—

Moved, that the Bill transmitted therewith, be now read a first time.

Moved as an amendment, that this question be now put.

Question put on the amendment.

Council divided.

<p>Ayes 4</p> <p>MR. DARVALL, THE ATTORNEY GENERAL, THE COLONIAL SECRETARY, THE COLONIAL TREASURER, (Teller.)</p>	<p>Noes 11.</p> <p>MR. MURRAY, MR. WINDEYER, MR. ROBINSON, MR. COWPER, MR. FOSTER, MR. PANTON, MR. LOWE, MR. LORD, MR. BOWMAN, MR. LAWSON, DR. NICHOLSON, (Teller.)</p>
---	---

9. Campbelltown District Councillor's Election Bill:—The Governor's Message of the 18th instant, having been read:—

Moved, that the Bill transmitted therewith, be now read a first time.

Moved as an amendment, that this question be now put.

Council divided.

<p>Ayes 4</p> <p>THE ATTORNEY GENERAL, MR. DARVALL, THE COLONIAL SECRETARY, THE COLONIAL TREASURER, (Teller.)</p>	<p>Noes 11.</p> <p>MR. MURRAY, MR. COWPER, MR. WINDEYER, MR. LOWE, MR. ROBINSON, MR. FOSTER, MR. PANTON, MR. LAWSON, MR. BOWMAN, MR. LORD, DR. NICHOLSON, (Teller.)</p>
---	---

10. Customs Bill:—Further consideration in Committee postponed until to-morrow, on the motion of the Colonial Secretary.

Council adjourned at half-past Nine o'Clock, until to-morrow at Three o'Clock.

NOTICES OF MOTION AND ORDERS OF THE DAY.

FRIDAY, JULY 26.

NOTICES OF MOTION:—

1. MR. WINDEYER to move, That an Address be presented to His Excellency the Governor, requesting that he will be pleased to cause to be laid upon the Table of this House, a copy of the correspondence that may have taken place between the Government and any Surgeons, either Military, Colonial, or in private practice; relative to sick Aborigines, since the commencement of the administration of Sir George Gipps, Knt.

2. DR. LANG to move, That an Address be presented to His Excellency the Governor, requesting that he will be graciously pleased to order to be laid upon the Table of this House, a Return of the number of Electors in each of the Electoral Districts in the Colony.
3. MR. WALKER to move for leave to bring in a Bill to authorise the exportation of Colonial made Spirits, under the same regulations as those under which Foreign Spirits are authorised to be exported.

ORDERS OF THE DAY :—

1. Catarrh in Sheep Act continuation Bill; to be considered in Committee.
2. Apprentices Bill; to be further considered in Committee.
3. Jury Laws Bill; third reading.
4. Customs' Bill; further consideration in Committee.

---

WEDNESDAY, JULY 31.

1. Consideration of Governor's Financial Message for 1844—5.
2. Hawkers and Pedlars Bill; second reading.

---

WEDNESDAY, AUGUST 7.

NOTICES OF MOTION :—

1. DR. NICHOLSON to move, That a humble Address be presented to Her Majesty, praying that Her Majesty may be graciously pleased to declare Geelong a free warehousing Port.
2. MR. COWPER to move for leave to bring in a Bill for regulating Marriages in New South Wales; and also, a Bill for the registration of Marriages, Births, Baptisms, and Burials, in the Colony of New South Wales; and if leave be granted, that a Select Committee be appointed to consider and report upon the Bills which may be laid before the House for effecting such objects.

ORDERS OF THE DAY :—

1. Law of Libel Bill; second reading.
2. Consideration of the Petition from Geelong, praying to be erected into a free Port.

---

THURSDAY, AUGUST 8.

NOTICE OF MOTION :—

1. DR. LANG to move, That a humble Address be presented to Her Majesty the Queen, praying that Her Majesty will be graciously pleased to direct that the requisite steps may be taken for the speedy and entire separation of the District of Port Phillip from the Territory of New South Wales, and its erection into a separate and independent Colony.

ORDERS OF THE DAY :—

1. Consideration of the Petition from the District of Bourke, praying the separation of Port Phillip from the rest of the Colony.

---

THURSDAY, AUGUST 15.

1. Melbourne Corporation Act Amendment Bill; second reading.

ALEX. M<sup>c</sup> LEAY,  
*Speaker.*





## VOTES AND PROCEEDINGS

OF

## THE LEGISLATIVE COUNCIL.

FRIDAY, 26 JULY, 1844.

1. Council met pursuant to adjournment; the Speaker took the Chair.  
Bathurst Court of Requests:—Mr. Lord presented a Petition from certain residents in the District of Bathurst, praying the extension to that District of the £30 jurisdiction of Courts of Requests; Petition read and received.
2. Aborigines:—Mr. Windeyer, pursuant to notice, moved, That an Address be presented to His Excellency the Governor, requesting that he will be pleased to cause to be laid upon the Table of this House, a copy of the correspondence that may have taken place between the Government and any Surgeons, either Military, Colonial, or in private practice, relative to sick Aborigines, during the last ten years.  
Question put and passed, and Address to be presented by the Colonial Secretary and Auditor General.
3. Elective Franchise:—Dr. Lang, pursuant to notice, moved, That an Address be presented to His Excellency the Governor, requesting that he will be graciously pleased to order to be laid upon the Table of this House, a Return of the number of Electors in each of the Electoral Districts of the Colony; distinguishing the number in each List, prepared since to the passing of the Act of Council, 6 Victoria, No. 16.  
Question put and passed, and Address to be presented by the Colonial Secretary and Auditor General.
4. Colonial Spirits Exportation Bill:—Mr. Walker having, pursuant to notice, moved for and obtained leave to bring in "*A Bill to authorise and regulate the exportation, free of Duty, of Spirits distilled within the Colony of New South Wales,*" Bill read a first time; ordered to be printed, and read a second time on Friday, August 9.
5. Catarrh in Sheep Act continuation Bill:—The Council resolved itself into a Committee of the whole House for the consideration of this Bill; Dr. Nicholson in the Chair.  
The Chairman having reported the Bill without any amendment; Bill ordered to be engrossed, and read a third time on Wednesday next.
6. Apprentices Bill:—The Council resolved itself into a Committee of the whole House for the further consideration of this Bill.  
The Chairman having reported the Bill with sundry amendments; Bill ordered to be engrossed, and read a third time on Thursday next.
7. Jury Laws' Bill:—Moved, That this Bill be recommitted for the purpose of supplying the Schedule referred to in the 6th clause.  
Question having been put and passed, the Council resolved itself into Committee accordingly; Dr. Nicholson in the Chair.  
The Chairman having reported the Bill with the Schedule adopted in Committee; Bill ordered to be read a third time on Thursday next.
8. Customs Bill:—The further consideration in Committee of this Bill postponed until Wednesday next, in consequence of the absence from illness of the Collector of Customs.  
Councils adjourned at Seven o'Clock, until Wednesday next at Three o'Clock.

## NOTICES OF MOTION AND ORDERS OF THE DAY.

---

WEDNESDAY, JULY 31.

## ORDERS OF THE DAY:—

1. Consideration of Governor's Financial Message for 1844—5.
  2. Hawkers and Pedlars' Bill; second reading.
  3. Catarrh in Sheep Act continuation Bill; third reading.
  4. Customs' Bill; to be further considered in Committee.
- 

THURSDAY, AUGUST 1.

## NOTICE OF MOTION:—

1. MR. LORD to move for leave to bring in a Bill to extend the £30 jurisdiction of the Court of Requests, to Bathurst, Maitland, and Berrima.

## ORDERS OF THE DAY:—

1. Apprentices Bill; third reading.
  2. Jury Laws Bill; third reading.
- 

FRIDAY, AUGUST 2.

## NOTICES OF MOTION:—

1. DR. BLAND to move for leave to bring in a Bill to amend an Act, intituled, "*An Act to declare the Town of Sydney to be a City, and to incorporate the Inhabitants thereof.*"
  2. MR. ROBINSON to move for leave to bring in a Bill to regulate Pawubrokers.
- 

WEDNESDAY, AUGUST 7.

1. DR. NICHOLSON to move, That a humble Address be presented to Her Majesty, praying that Her Majesty may be graciously pleased to declare Geelong a free warehousing Port.
2. MR. COWPER to move for leave to bring in a Bill for regulating Marriages in New South Wales; and also, a Bill for the registration of Marriages, Births, Baptisms, and Burials, in the Colony of New South Wales; and if leave be granted, that a Select Committee be appointed to consider and report upon the Bills which may be laid before the House for effecting such objects.

## ORDERS OF THE DAY:—

1. Law of Libel Bill; second reading.
  2. Consideration of the Petition from Geelong, praying to be erected into a free Port.
- 

THURSDAY, AUGUST 8.

## NOTICE OF MOTION:—

1. DR. LANG to move, That a humble Address be presented to Her Majesty the Queen, praying that Her Majesty will be graciously pleased to direct that the requisite steps may be taken for the speedy and entire separation of the District of Port Phillip from the Territory of New South Wales, and its erection into a separate and independent Colony.

## ORDERS OF THE DAY:—

1. Consideration of the Petition from the District of Bourke, praying the separation of Port Phillip from the rest of the Colony.
- 

FRIDAY, AUGUST 9.

1. Colonial Spirits Exportation Bill; second reading.
- 

THURSDAY, AUGUST 15.

1. Melbourne Corporation Act Amendment Bill; second reading.

ALEX. M<sup>c</sup> LEAY,  
Speaker.

## VOTES AND PROCEEDINGS

## THE LEGISLATIVE COUNCIL.

WEDNESDAY, 31 JULY, 1844.

1. Council met pursuant to adjournment; the Speaker took the Chair.  
Bank Liabilities and Assets:—The Colonial Secretary laid upon the Table, a general Abstract of the sworn Returns, rendered pursuant to the Act of Council, 4 Victoria, No. 13, of the Average Assets and Liabilities, and of the Capital and Profits of the several Banks in the Colony of New South Wales, for the Quarter ended 30th June, 1844.  
Return ordered to be printed.
2. District Councils Bill:—Mr. Robinson presented a Petition from the Council of the Town of Melbourne, praying that a clause may be introduced into this Bill, to enact "that nothing therein contained shall be held to declare that the Ferries over the River Yarra, at Melbourne, are intended (as Ferries established under the Act 2 William IV, No. 12) to be transferred to the District Council of Bourke;" and also that it be provided, "That all Tolls within five miles of the boundary of any Town, or District, being a part of any Town, may from time to time be altered by the Governor and Legislative Council, any vested right under the said Act, or under the Act intended by the said Bill, to the contrary notwithstanding"; Petition read and received.
3. Remuneration for preparing Electoral Lists:—Mr. Robinson presented—  
(1.) A Petition from the Collectors of the Electoral Roll for the Town of Melbourne, representing that they had applied to the Government for payment for their services, amounting to £41 12s., but had been refused, on the ground that the expenditure was not chargeable against the Government—and praying for relief; Petition read and received.  
(2.) A similar Petition from John C. King, Town Clerk of Melbourne; Petition read and received.
4. Duty on produce of Van Diemen's Land:—The Collector of Customs presented a Petition from certain Merchants and others connected with the Trade with Van Diemen's Land, representing that the expunging of the forty-first clause of the proposed Customs Act now before the Council, will subject to duty the produce of Van Diemen's Land imported into this Colony, and thereby cut off a large and very important branch of trade, and praying that the Council will not disturb a privilege which has been enjoyed for nearly half a Century with mutual benefit, but will be pleased to restore the expunged clause to the Bill; Petition read and received.
5. Residents on the Macdonald River:—Captain Dumaresq presented a Petition from the Landed Proprietors and others resident on the Macdonald River, praying that they may be separated from the District of Wollombi, and annexed to that of Windsor; Petition read and received.
6. Police Magistracy of Newcastle:—Dr. Nicholson presented a Petition from the Inhabitants of the Town and District of Newcastle, praying that the Council will adopt measures for providing a Salary for a Police Magistrate for the Town and District of Newcastle; Petition read and received.
7. The Governor's Financial Message for 1844-5, having been read, moved by the Colonial Treasurer, that this Message be now taken into consideration;  
Debate ensued.  
Moved, That the Council do now adjourn, Question put and passed.  
Council adjourned at Nine o'Clock, until to-morrow at Three o'Clock.

## NOTICES OF MOTION AND ORDERS OF THE DAY.

THURSDAY, AUGUST 1.

## NOTICES OF MOTION :—

1. MR. LORD to move for leave to bring in a Bill to extend the £30 jurisdiction of the Court of Requests, to Bathurst, Maitland, and Berrima.
2. THE COLONIAL SECRETARY to move :—
  - (1.) That the thanks of this House be given to Hastings Elwin, Esq., for the able and satisfactory manner in which he discharged the duties of Honorary Chairman of Committees of this House.
  - (2.) That in future, a Salary of £250 a year, be attached to the office of Chairman of Committees; and that an Address be presented to the Governor, requesting His Excellency to place upon the Estimates the necessary amount for this purpose.
3. THE COLONIAL TREASURER to move, That the Council do resolve itself into a Committee of the whole Council, to take into consideration the Supplementary Estimate of Expenditure for the year 1844.
4. DR. NICHOLSON to move for leave to postpone the consideration of the Petition from the District of Bourke, praying the separation of Port Phillip from the rest of the Colony, from Thursday 8th, to Thursday, 15th August.
5. DR. LANG to move for leave to postpone his motion for an Address to Her Majesty on the subject of the separation of Port Phillip, from Thursday, 8th, to Thursday, 15th August.

## ORDERS OF THE DAY :—

1. Apprentices Bill; third reading.
2. Jury Laws Bill; third reading.
3. Hawkers and Pedlars Bill; second reading.
4. Catarrh in Sheep Act continuation Bill; third reading.
5. Customs' Bill; to be further considered in Committee.

FRIDAY, AUGUST 2.

## NOTICES OF MOTION :—

1. DR. BLAND to move for leave to bring in a Bill to amend an Act, intituled, "*An Act to declare the Town of Sydney to be a City, and to incorporate the Inhabitants thereof.*"
2. MR. ROBINSON to move for leave to bring in a Bill to regulate Pawnbrokers.
3. MR. COWPER to move 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 instant, 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 and 6 Vic. 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, 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.

TUESDAY,

TUESDAY, AUGUST 6.

## NOTICE OF MOTION :—

1. THE COLONIAL TREASURER to move, That the Council do resolve itself into a Committee of the whole Council, to take into consideration the Estimates of Expenditure for the year 1845.

WEDNESDAY, AUGUST 7.

1. DR. NICHOLSON to move, That a humble Address be presented to Her Majesty, praying that Her Majesty may be graciously pleased to declare Geelong a free warehousing Port.
2. MR. COWPER to move for leave to bring in a Bill for regulating Marriages in New South Wales; and also, a Bill for the registration of Marriages, Births, Baptisms, and Burials, in the Colony of New South Wales; and if leave be granted, that a Select Committee be appointed to consider and report upon the Bills which may be laid before the House for effecting such objects.
3. MR. YOUNG to move for leave to bring in a Bill to amend the Act passed in the second year of the reign of Her present Majesty, intituled, "*An Act to define the qualifications of Medical Witnesses at coroners' inquests, and inquiries held before Justices of the Peace in the Colony of New South Wales.*"

## ORDERS OF THE DAY :—

1. Law of Libel Bill; second reading.
2. Consideration of the Petition from Geelong, praying to be erected into a free Port.

THURSDAY, AUGUST 8.

## NOTICE OF MOTION :—

1. DR. LANG to move, That a humble Address be presented to Her Majesty the Queen, praying that Her Majesty will be graciously pleased to direct that the requisite steps may be taken for the speedy and entire separation of the District of Port Phillip from the Territory of New South Wales, and its erection into a separate and independent Colony.

## ORDERS OF THE DAY :—

1. Consideration of the Petition from the District of Bourke, praying the separation of Port Phillip from the rest of the Colony.

FRIDAY, AUGUST 9.

1. Colonial Spirits Exportation Bill; second reading.

WEDNESDAY, AUGUST 14.

## NOTICE OF MOTION :—

1. Mr. ROBINSON to move, That an humble Address be presented to Her Majesty, setting forth that according to the Estimates for 1845, laid before the Council, it will be requisite to raise, from the general Revenue and Municipal Assessments, the sum of £96,741 7s. 6d. for Police, Gaols, Building of Gaols, &c., being in a ratio of 12s. per head on the population of the Colony (165,541); whereas the whole expense of the Government of the Canadas does not exceed 7s. per head; and were a ratio similar to that existing in New South Wales, necessary for the United Kingdom, a sum not less than £16,200,000 would be required for these purposes.

That for the eight years, ending on the 31st December, 1843, a sum of £839,800 7s. 7d. was paid by the Colony for those services.

That the number of persons who have arrived free, or have been born in the Colony, bear a proportion to those who have arrived as convicts, of 30 to 72; and that, as a matter of equity, instead of the Colony being subjected to the payment of this enormous sum, it should not be called upon for more than £33,990 5s. 7d., whilst the Home Government is justly chargeable with the balance of £62,751 1s. 11d.

That of the amount of £839,800 7s. 7d. already paid by the Colony, only £295,064 6s. 3d. is its fair proportion; and that the balance of £544,736 1s. 4d. is due to it by the Home Government.

That the necessity of providing the large amount, already alluded to, is severely felt by the inhabitants of this Colony; and they are thereby prevented from taking any effectual steps towards arresting the perpetuity of crime, by making an adequate provision for the education of the children of the Colony, the expense of which would be far greater, in proportion, than in England, from the scattered state of its population.

That they are thereby prevented from establishing a cheap and uniform rate of postage, and increasing the facilities of correspondence, which have been attended with so highly beneficial results in the Mother Country.

That

That they are thereby prevented from appropriating any sum for the making or repairing of roads or bridges, or for other works indispensably necessary for the development of the resources of any new country, but more particularly of a Colony like this, which is nearly devoid of any facility for Inland Navigation.

That the raising of the sum in question is now felt to be the more burdensome in consequence of the stoppage of transportation, and the expenditure of the Home Government, for military and convict purposes, having fallen off from £300,058 2s. 3d. in 1839, to £170,072 17s. 5d. in 1843.

That the experiment of imposing a similar charge on the Colony for like purposes in Van Diemen's Land has totally failed; one third of the local expenditure of that Colony being now, of necessity, defrayed from the Military Chest.

—And that Her Majesty be therefore humbly requested to recommend to Parliament that the amount of £544,736 1s. 4d., being arrears due to the Colony, and the sum of £62,751 1s. 11d. per annum, being the due portion of the expense entailed by the presence of a convict population in the Colony, be defrayed by the Home Government. Or should Her Majesty deem it more desirable, upon taking into her gracious consideration the fact that 59,788 convicts were transported to the Colony, and also the present exigencies of both countries, in the one of which upwards of 4,000,000 of its population are subsisting on private and public charities; and in the other, hundreds of cattle are daily destroyed for the mere hides and tallow; it would, in the opinion of this Council, be of equivalent advantage to this Colony that the like number of 59,788 Free Emigrants be sent out at the expense of the Home Government within the next five years, and the Colony through their consumption of taxable commodities, be reimbursed in the sum annually due to it amounting to £62,751 1s. 11d. as hereinbefore expressed, which measure would likewise tend largely to increase the prosperity of the Colony, and the Exports of the United Kingdom.

THURSDAY, AUGUST 15.

ORDER OF THE DAY:—

1. Melbourne Corporation Act Amendment Bill; second reading.

ALEX. Mc LEAY,  
Speaker.

## VOTES AND PROCEEDINGS

OF

## THE LEGISLATIVE COUNCIL.

THURSDAY, 1 AUGUST, 1844.

1. Council met pursuant to adjournment; the Speaker took the Chair.  
Bathurst, Maitland, and Berrima Courts of Requests:—Mr. Lord having, pursuant to notice, moved for and obtained leave to bring in “*A Bill to extend to the Courts of Requests for the Districts of Bathurst, Maitland, and Berrima, certain provisions of an Act passed in the sixth year of the Reign of Her present Majesty Queen Victoria, intituled, “ ‘ An Act to consolidate and amend the Law relating to Courts of Requests, and to extend the jurisdiction of such Courts in the County of Cumberland, and to authorise the Governor to appoint the Chairman of Quarter Sessions Commissioner of the Courts of Requests for the said Districts,*” Bill read a first time; ordered to be printed, and read a second time on Thursday, August 15.
2. Hastings Elwin, Esq.:—The Colonial Secretary, pursuant to notice, moved, That the thanks of this House be given to Hastings Elwin, Esq., for the able and satisfactory manner in which he discharged the duties of Honorary Chairman of Committees of this House.  
Question put and passed unanimously, and the thanks of the Council to be communicated to Mr. Elwin by the Speaker.
3. Chairmanship of Committees of the whole Council:—The Colonial Secretary, pursuant to notice, moved, That in future, a salary of £250 a year, be attached to the office of Chairman of Committees; and that an Address be presented to the Governor, requesting His Excellency to place upon the Estimates, the necessary amount for this purpose.  
Question put and passed, and Address to be presented by the Colonial Treasurer and Mr. Cowper.
4. Supplementary Estimates:—The Council, on the motion of the Colonial Treasurer, went into Committee on the Supplementary Estimate of Expenditure for the year 1844; Mr. Cowper in the Chair.  
The Chairman reported progress, and obtained leave to sit again on Wednesday, next, August 7.
5. Dr. Nicholson obtained leave to postpone the consideration of the Petition from the District of Bourke, praying the separation of Port Phillip from the rest of the Colony, from Thursday, 8th, to Thursday, 15th August.
6. Dr. Lang obtained leave to postpone his motion for an Address to Her Majesty on the subject of the separation of Port Phillip, from Thursday, 8th, to Thursday, 15th August.
7. Apprentices Bill; read a third time, and passed.
8. Jury Laws Bill; third reading postponed until to-morrow.
9. Hawkers and Pedlars Bill; read a second time; to be considered in Committee on Friday, August 9.
10. Catarrh in Sheep Act continuation Bill; read a third time, and passed.
11. Customs Bill; further consideration in Committee postponed until to-morrow.  
Council adjourned at half-past Nine o’Clock, until to-morrow at Three o’Clock.

## NOTICES OF MOTION AND ORDERS OF THE DAY.

FRIDAY, AUGUST 2.

## NOTICES OF MOTION :—

1. DR. BLAND to move for leave to bring in a Bill to amend an Act, intituled, "*An Act to declare the Town of Sydney to be a City, and to incorporate the Inhabitants thereof.*"
2. MR. ROBINSON to move for leave to bring in a Bill to regulate Pawnbrokers.
3. MR. COWPER to move 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 instant, 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 and 6 Vic. 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, 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.

4. MR. COWPER to move, That Charles Nicholson, Esq., be appointed Chairman of the Committees of the whole Council, during the remainder of the present Session.
5. MR. BLAND to move, That Major D'Arcy Wentworth, be appointed Chairman of the Committees of the whole Council during the remainder of the present Session.
6. MR. WINDEYER to move, That the Petitions presented last Session, from Brisbane and North Hunter, North Hunter, and Newcastle and Stockton, relative to their Electoral boundaries, be referred to the Select Committee on the Elective Franchise.
7. MR. WINDEYER to move, That an Address be presented to His Excellency the Governor, requesting that there may be laid on the Table of this House, a copy of the Warrants of His Excellency the Governor, under which the Prothonotary and Master in Equity have been paid their salaries for so much of the present year as has elapsed.

## ORDERS OF THE DAY :—

1. Jury Laws' Bill; third reading.
2. Customs' Bill; to be further considered in Committee.

TUESDAY, AUGUST 6.

## NOTICE OF MOTION :—

1. THE COLONIAL TREASURER to move, That the Council do resolve itself into a Committee of the whole Council, to take into consideration the Estimates of Expenditure for the year 1845.

WEDNESDAY,



WEDNESDAY, AUGUST 7.

NOTICES OF MOTION :—

1. DR. NICHOLSON to move, That a humble Address be presented to Her Majesty, praying that Her Majesty may be graciously pleased to declare Geelong a free warehousing Port.
2. MR. COWPER to move for leave to bring in a Bill for regulating Marriages in New South Wales; and also, a Bill for the registration of Marriages, Births, Baptisms, and Burials, in the Colony of New South Wales; and if leave be granted, that a Select Committee be appointed to consider and report upon the Bills which may be laid before the House for effecting such objects.
3. MR. YOUNG to move for leave to bring in a Bill to amend the Act passed in the second year of the reign of Her present Majesty, intituled, "*An Act to define the qualifications of medical witnesses at coroners' inquests, and inquiries held before Justices of the Peace in the Colony of New South Wales.*"
4. MR. WENTWORTH to move for leave to bring in the following Bills :—
  - (1.) A Bill to regulate the sale of fermented and spirituous liquors in New South Wales.
  - (2.) A Bill to amend the laws relating to the distribution of fees, fines, and penalties, in certain cases.

ORDERS OF THE DAY :—

1. Supplementary Estimate of Expenditure for the year 1844; to be further considered in Committee.
2. Law of Libel Bill; second reading.
3. Consideration of the Petition from Geelong, praying to be erected into a free Port.

FRIDAY, AUGUST 9.

ORDERS OF THE DAY :—

1. Colonial Spirits Exportation Bill; second reading.
2. Hawkers and Pedlars Bill; to be considered in Committee.

WEDNESDAY, AUGUST 14.

NOTICE OF MOTION :—

1. Mr. ROBINSON to move, That an humble Address be presented to Her Majesty, setting forth that according to the Estimates for 1845, laid before the Council, it will be requisite to raise, from the general Revenue and Municipal Assessments, the sum of £96,741 7s. 6d. for Police, Gaols, Building of Gaols, &c., being in a ratio of 12s. per head on the population of the Colony (165,541); whereas the whole expense of the Government of the Canadas does not exceed 7s. per head; and were a ratio similar to that existing in New South Wales, necessary for the United Kingdom, a sum not less than £16,200,000 would be required for these purposes.

That for the eight years, ending on the 31st December, 1843, a sum of £839,800 7s. 7d. was paid by the Colony for those services.

That the number of persons who have arrived free, or have been born in the Colony, bear a proportion to those who have arrived as convicts, of 39 to 72; and that, as a matter of equity, instead of the Colony being subjected to the payment of this enormous sum, it should not be called upon for more than £33 990 5s. 7d., whilst the Home Government is justly chargeable with the balance of £62,751 1s. 11d.

That of the amount of £839,800 7s. 7d. already paid by the Colony, only £295,064 6s. 3d. is its fair proportion; and that the balance of £544,736 1s. 4d. is due to it by the Home Government.

That the necessity of providing the large amount, already alluded to, is severely felt by the inhabitants of this Colony; and they are thereby prevented from taking any effectual steps towards arresting the perpetuity of crime, by making an adequate provision for the education of the children of the Colony, the expense of which would be far greater, in proportion, than in England, from the scattered state of its population.

That they are thereby prevented from establishing a cheap and uniform rate of postage, and increasing the facilities of correspondence which have been attended with so highly beneficial results in the Mother Country.

That they are thereby prevented from appropriating any sum for the making or repairing of roads or bridges, or for other works indispensably necessary for the development of the resources of any new country, but more particularly of a Colony like this, which is nearly devoid of any facility for Inland Navigation.

That the raising of the sum in question is now felt to be the more burdensome in consequence of the stoppage of transportation, and the expenditure of the Home Government, for military and convict purposes, having fallen off from £300,058 2s. 3d. in 1839, to £170,072 17s. 5d. in 1843.

That the experiment of imposing a similar charge on the Colony for like purposes in Van Diemen's Land has totally failed; one third of the local expenditure of that Colony being now, of necessity, defrayed from the Military Chest.

And

And that Her Majesty be therefore humbly requested to recommend to Parliament that the amount of £544,736 ls. 4d., being arrears due to the Colony, and the sum of £62,751 ls. 11d. per annum, being the due portion of the expense entailed by the presence of a convict population in the Colony, be defrayed by the Home Government. Or should Her Majesty deem it more desirable, upon taking into her gracious consideration the fact that 59,788 convicts were transported to the Colony, and also the present exigencies of both countries, in the one of which upwards of 4,000,000 of its population are subsisting on private and public charities; and in the other, hundreds of cattle are daily destroyed for the mere hides and tallow; it would, in the opinion of this Council, be of equivalent advantage to this Colony that the like number of 59,788 Free Emigrants be sent out at the expense of the Home Government within the next five years, and the Colony through their consumption of taxable commodities, be reimbursed in the sum annually due to it amounting to £62,751 ls. 11d. as hereinbefore expressed, which measure would likewise tend largely to increase the prosperity of the Colony, and the Exports of the United Kingdom.

---

THURSDAY, AUGUST 15.

NOTICE OF MOTION :—

1. DR. LANG to move, That a humble Address be presented to Her Majesty the Queen praying that Her Majesty will be graciously pleased to direct that the requisite steps may be taken for the speedy and entire separation of the District of Port Phillip from the Territory of New South Wales, and its erection into a separate and independent Colony.

ORDERS OF THE DAY :—

1. Melbourne Corporation Act amendment Bill; second reading.
2. Consideration of the Petition from the District of Bourke, praying the separation of Port Phillip from the rest of the Colony.
3. Country Courts of Requests amendment Bill; second reading.

ALEX. M<sup>c</sup> LEAY,  
*Speaker.*

**VOTES AND PROCEEDINGS**  
OF  
**THE LEGISLATIVE COUNCIL.**

FRIDAY, 2 AUGUST, 1844.

1. Council met pursuant to adjournment; the Speaker took the Chair.  
John M. Gray :—Mr. Wentworth presented a Petition from Mr. John Murray Gray, late Assistant Harbour Master, representing that, in the year 1825, he had performed certain services in which he was occupied for 166 days, and for which he was ordered by Sir Thomas Brisbane, to receive four dollars a day, but his claim was afterwards admitted by Governor Darling to the extent only, of 200 dollars—that he had been upwards of 21 years in the service of Government, and had become crippled in the service; and praying that this House will be pleased to take his case into consideration, and allow him moderate compensation, or a small pension; Petition read at length, and received.
2. Chairmanship of Committees of the whole Council :—The following Message from His Excellency the Governor, received and read :—  
*Message from His Excellency the Governor, to the Legislative Council, in reply to an Address from the Council, requesting that provision may be made in the Estimates, for a Salary of £250 a year, to be attached to the office of Chairman of Committees.*  
GENTLEMEN,  
According to the desire expressed in your Address, dated the 1st instant, I will cause a salary at the rate of £250, per annum, for the Chairman of Committees, to be placed upon the Estimates,  
*Government House,* GEORGE GIPPS.  
*Sydney, 2nd August, 1844.*  
Message to be taken into consideration on Wednesday next.
3. District Councils :—The Colonial Secretary laid upon the Table, the Return to the Address, adopted on the motion of Dr. Nicholson on the 10th ultimo.  
Return ordered to be printed.
4. City of Sydney Incorporation Act :—Dr. Bland having, pursuant to notice, moved for, and obtained leave to bring in “*A Bill to amend an Act intituled, ‘An Act to declare ‘the Town of Sydney to be a City, and to Incorporate the Inhabitants thereof,’*” Bill read a first time; ordered to be printed, and read a second time on Friday, August 9.
5. Pawnbrokers :—Mr. Robinson having, pursuant to notice, moved for, and obtained leave to bring in “*A Bill for the preventing fraud in taking of goods in pawn;*” Bill read a first time; ordered to be printed, and read a second time on Thursday, August 22.
6. Mr. Cowper obtained leave to postpone his motion, for an Address to His Excellency the Governor on the subject of District Councils, from this day, to Friday, August 9.
7. Chairmanship of Committees of the whole Council :—Mr. Cowper, pursuant to notice, moved, That Charles Nicholson, Esq., be appointed Chairman of the Committees of the whole Council, during the remainder of the present Session.  
Dr. Bland, pursuant to notice, moved as an amendment, That Major D’Arcy Wentworth be appointed Chairman of the Committees of the whole Council, during the remainder of the present Session.  
Debate ensued.  
Question put on the original motion.  
Council divided.

Ayes 14.

MR. THERRY,  
MR. COGHILL,  
MR. PANTON,  
THE AUDITOR GENERAL,  
MR. YOUNG,  
MAJOR WENTWORTH,  
MR. FOSTER,  
MR. COWPER,  
MR. LOWE,  
MR. MURRAY,  
MR. WINDEYER,  
CAPTAIN DUMARESQ,  
SIR T. L. MITCHELL,  
MR. ROBINSON, (Teller.)

Noes 12.

MR. BERRY,  
THE COMMANDER OF THE FORCES,  
DR. LANG,  
THE COLLECTOR OF CUSTOMS,  
DR. NICHOLSON,  
DR. BLAND,  
MR. W. C. WENTWORTH,  
MR. BOWMAN,  
MR. SUTTOR,  
MR. LORD,  
MR. BRADLEY,  
THE COLONIAL TREASURER, (Teller.)

8. Dr. Nicholson appointed.
8. Mr. Windeyer, pursuant to notice, moved, That the Petitions presented last Session from Brisbane and North Hunter, North Hunter, and Newcastle and Stockton, relative to their Electoral boundaries, be referred to the Select Committee on the Elective Franchise.  
Question put and passed.

9. Prothonotary's and Master in Equity's Salaries :—Mr. Windeyer, pursuant to notice, moved, That an Address be presented to His Excellency the Governor, requesting that there may be laid upon the Table of this House, a copy of the Warrants of His Excellency the Governor, under which the Prothonotary and Master in Equity have been paid their Salaries, for so much of the present year as has elapsed. Question put and passed, and Address to be presented by the Colonial Secretary and the Colonial Treasurer.
10. Jury Laws Bill :—Moved by Mr. Windeyer, That this Bill be now read a third time. Moved, as an amendment, by the Attorney General, That this Bill be read this day six months. Debate ensued. Moved, as an amendment, by Mr. Wentworth, that the third reading of this Bill be deferred until this day week, in order that a Rider may be added to it, limiting its duration to two years. Question put on the last amendment, and negatived. Question put on the previous amendment. Council divided.

Ayes 7.

THE COLONIAL SECRETARY  
THE ATTORNEY GENERAL,  
MR. MURRAY.  
THE COLLECTOR OF CUSTOMS,  
MR. DARVALL,  
THE COLONIAL TREASURER,  
MR. TERRY, (Teller.)

Noes 17.

MR. COWPER,  
MR. W. C. WENTWORTH,  
MR. YOUNG;  
MR. WINDEYER,  
MR. PANTON,  
SIR T. L. MITCHELL,  
MR. LOWE,  
CAPTAIN DUMARESQ.  
MR. BRADLEY,  
MAJOR WENTWORTH.  
MR. SUTTOR,  
DR. LANG,  
MR. ROBINSON,  
DR. BLAND,  
MR. COGHILL,  
MR. WALKER,  
DR. NICHOLSON, (Teller.)

Bill read a third time, and *passed*; and ordered to be presented for Assent, together with the Apprentices Bill and Catarrh in sheep Act continuation Bill, to His Excellency the Governor, by a deputation, to consist of the Speaker and the Colonial Secretary.

11. Customs Bill :—The Council resolved itself into Committee for the further consideration of this Bill. The Chairman reported progress, and obtained leave to sit again on Friday next. Council adjourned at a quarter past Nine o'Clock, until Wednesday next, at Three o'Clock

## NOTICES OF MOTION AND ORDERS OF THE DAY.

WEDNESDAY, AUGUST 7.

### NOTICES OF MOTION :—

1. DR. NICHOLSON to move, That a humble Address be presented to Her Majesty, praying that Her Majesty may be graciously pleased to declare Geelong a free warehousing Port.
2. MR. COWPER to move for leave to bring in a Bill for regulating Marriages in New South Wales; and also, a Bill for the registration of Marriages, Births, Baptisms, and Burials, in the Colony of New South Wales; and if leave be granted, that a Select Committee be appointed to consider and report upon the Bills which may be laid before the House for effecting such objects.
3. MR. YOUNG to move for leave to bring in a Bill to amend the Act passed in the second year of the reign of Her present Majesty, intituled, "*An Act to define the qualifications of medical witnesses at coroners' inquests, and inquiries held before Justices of the Peace in the Colony of New South Wales.*"
4. MR. WENTWORTH to move for leave to bring in the following Bills :—  
(1.) A Bill to regulate the sale of fermented and spirituous liquors in New South Wales.  
(2.) A Bill to amend the laws relating to the distribution of fees, fines, and penalties, in certain cases.
5. MR. BOWMAN to move, That an humble Address be presented by this House to His Excellency the Governor, to request that he will be pleased to place a Sum on the Estimates to provide for a Salary for a Police Magistrate for the District of Mudgee, for the Year 1845.
6. THE COLONIAL SECRETARY to move for leave to bring in a Bill to continue for a further limited time an Act intituled, "*An Act to facilitate the apprehension of transported felons and offenders illegally at large, and of persons found with arms and suspected to be robbers.*"
7. THE COLONIAL TREASURER to move, That the Council do resolve itself into a Committee of the whole Council, to take into consideration the Estimates of Expenditure for the year 1845.

ORDERS

ORDERS OF THE DAY :—

1. Consideration of the Governor's Message as to the Chairman of Committees' salary.
2. Supplementary Estimates of Expenditure for the year 1844; to be further considered in Committee.
3. Law of Libel Bill; second reading.
4. Consideration of the Petition from Geelong, praying to be erected into a free Port.

FRIDAY, AUGUST 9.

NOTICE OF MOTION :—

3. MR. COWPER to move 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 instant, 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 and 6 Vic. 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, 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.

ORDERS OF THE DAY :—

1. Colonial Spirits Exportation Bill; second reading.
2. Hawkers and Pedlars Bill; to be considered in Committee.
3. Sydney Incorporation Act amendment Bill; second reading.
4. Customs' Bill; further consideration in Committee.

WEDNESDAY, AUGUST 14.

NOTICE OF MOTION :—

1. Mr. ROBINSON to move, That an humble Address be presented to Her Majesty, setting forth that according to the Estimates for 1845, laid before the Council, it will be requisite to raise, from the general Revenue and Municipal Assessments, the sum of £96,741 7s. 6d. for Police, Gaols, Building of Gaols, &c., being in a ratio of 12s. per head on the population of the Colony (165,541); whereas the whole expensu of the Government of the Canadas does not exceed 7s. per head; and were a ratio similar to that existing in New South Wales, necessary for the United Kingdom, a sum not less than £16,200,000 would be required for these purposes.

That for the eight years, ending on the 31st December, 1843, a sum of £839,800 7s. 7d. was paid by the Colony for those services.

That the number of persons who have arrived free, or have been born in the Colony, bear a proportion to those who have arrived as convicts, of 39 to 72; and that, as a matter of equity, instead of the Colony being subjected to the payment of this enormous sum, it should not be called upon for more than £33,990 5s. 7d., whilst the Home Government is justly chargeable with the balance of £62,751 1s. 11d.

That of the amount of £839,800 7s. 7d. already paid by the Colony, only £295,064 6s. 3d. is its fair proportion; and that the balance of £544,736 1s. 4d. is due to it by the Home Government.

That the necessity of providing the large amount, already alluded to, is severely felt by the inhabitants of this Colony; and they are thereby prevented from taking any effectual steps towards arresting the perpetuity of crime, by making an adequate provision for the education of the children of the Colony, the expense of which would be far greater, in proportion, than in England, from the scattered state of its population.

That they are thereby prevented from establishing a cheap and uniform rate of postage, and increasing the facilities of correspondence which have been attended with so highly beneficial results in the Mother Country.

That they are thereby prevented from appropriating any sum for the making or repairing of roads or bridges, or for other works indispensably necessary for the development of the resources of any new country, but more particularly of a Colony like this, which is nearly devoid of any facility for Inland Navigation.

That the raising of the sum in question is now felt to be the more burdensome in consequence of the stoppage of transportation, and the expenditure of the Home Government, for military and convict purposes, having fallen off from £300,058 2s. 3d. in 1839, to £170,072 17s. 5d. in 1843.

That the experiment of imposing a similar charge on the Colony for like purposes in Van Diemen's Land has totally failed; one third of the local expenditure of that Colony being now, of necessity, defrayed from the Military Chest.

And that Her Majesty be therefore humbly requested to recommend to Parliament that the amount of £544,736 ls. 4d., being arrears due to the Colony, and the sum of £62,751 ls. 11d. per annum, being the due portion of the expense entailed by the presence of a convict population in the Colony, be defrayed by the Home Government. Or should Her Majesty deem it more desirable, upon taking into her gracious consideration the fact that 59,788 convicts were transported to the Colony, and also the present exigencies of both countries, in the one of which upwards of 4,000,000 of its population are subsisting on private and public charities; and in the other, hundreds of cattle are daily destroyed for the mere hides and tallow; it would, in the opinion of this Council, be of equivalent advantage to this Colony that the like number of 59,788 Free Emigrants be sent out at the expense of the Home Government within the next five years, and the Colony through their consumption of taxable commodities, be reimbursed in the sum annually due to it amounting to £62,751 ls. 11d. as hereinbefore expressed, which measure would likewise tend largely to increase the prosperity of the Colony, and the Exports of the United Kingdom.

---

THURSDAY, AUGUST 15.

NOTICE OF MOTION:—

1. DR. LANG to move, That a humble Address be presented to Her Majesty the Queen praying that Her Majesty will be graciously pleased to direct that the requisite steps may be taken for the speedy and entire separation of the District of Port Phillip from the Territory of New South Wales, and its erection into a separate and independent Colony.

ORDERS OF THE DAY:—

1. Melbourne Corporation Act amendment Bill; second reading.
2. Consideration of the Petition from the District of Bourke, praying the separation of Port Phillip from the rest of the Colony.
3. Country Courts of Requests amendment Bill; second reading.

---

THURSDAY, AUGUST 22.

ORDER OF THE DAY:—

1. Pawnbrokers regulation Bill; second reading.

ALEX. M<sup>o</sup> LEAY,  
*Speaker.*

VOTES AND PROCEEDINGS  
OF  
THE LEGISLATIVE COUNCIL.

WEDNESDAY, 7 AUGUST, 1844.

1. Council met pursuant to adjournment; the Speaker took the Chair.  
Assent to Bills:—The Speaker reported that His Excellency the Governor had assented to the Law of Evidence Bill.
2. Corporation of Sydney:—The following Message from His Excellency the Governor, received and read:—

*Message from His Excellency the Governor, to the Legislative Council, in reply to an Address from the Council, dated the 13th June, 1844; wherein His Excellency was requested to lay before the Council, "A Return of the various items of Public Revenue, and of all other aids, endowments, and privileges, which Sir Richard Bourke proposed to surrender to the inhabitants of Sydney, in the event of the establishment of a Corporation in this City during the period of his Government."*

GENTLEMEN,

No documents can be traced in the offices of the Government, from which a Return could be compiled of the nature of that desired in your address; and the only information which I can obtain of the views entertained by my predecessor, in respect to the establishment of a Board of Commissioners in Sydney, is contained in the printed Journals of the Proceedings of the late Legislative Council, on the 7th and 21st days of July, in the year 1835.

Government House,

Sydney, 7th August, 1844.

GEORGE GIPPS.

3. Hastings Elwin, Esq.:—The Speaker read a letter from Mr. Elwin, in reply to the letter transmitted to him, communicating the thanks of this House, in pursuance of their resolution of the 1st instant; Letter ordered to be printed.
4. Return to Address for Papers:—The Colonial Secretary laid upon the Table, No. 1 of the Returns enumerated in the Address, adopted on the motion of Mr. Cowper, on the 5th ultimo; Return ordered to be printed, and referred to the Land Grievances Committee.
5. Return to Address for Papers:—The Colonial Secretary laid upon the Table, No. 2 of the Returns enumerated in the Address, adopted on the motion of Mr. Wentworth on the 13th of June last; Return ordered to be printed, and referred to the Circular Quay Wharfrage Bill Committee.
6. Dr. Nicholson obtained leave to postpone his motion for an Address to Her Majesty, praying that Geelong may be declared a Free Warehousing Port, from this day to Wednesday next, August 14.
7. Marriage Regulation Bill:—Mr. Cowper having, pursuant to notice, moved for, and obtained leave to bring in "A Bill for regulating Marriages in New South Wales and its Dependencies;" Bill read a first time, and ordered to be printed.
8. Marriages, Births, and Deaths, Registration Bill:—Mr. Cowper having, pursuant to notice, moved for, and obtained leave to bring in "A Bill for Registering Marriages, Births, and Deaths, in the Colony of New South Wales and its Dependencies;" Bill read a first time, and ordered to be printed.  
The above two Bills, on the motion of Mr. Cowper, referred to the consideration of a Select Committee, consisting of

MR. COWPER,  
MR. LOWE,  
MR. DARVALL,

DR. LANG,  
MR. ROBINSON,  
CAPTAIN DUMABESQ.

THE ATTORNEY GENERAL.

9. Macdonald River Court of Requests:—Mr. Foster presented a Petition from certain Landlords and other Inhabitants of the District of Macdonald River, in the Counties of Northumberland, and Hunter, praying that a proper sum may be placed upon the Estimates to secure the continuance of a Court of Requests in that District; Petition read and received.
10. Police expenses of District of Dungog:—Mr. Windeyer presented a Petition from "the landholders and other settlers of the District of Dungog," praying the Council to recommend to His Excellency the Governor, to provide for the whole of the Police expenses out of the General Revenue of the Colony; Petition read and received.

11. Estate of Hugh Niven, deceased;—Dr. Bland presented a Petition from “ Archibald Campbell, of Sydney, accountant,” praying that enquiry may be made as to the estate of Hugh Niven, who died at Melbourne in the year 1839, and whose property was taken possession of by John Edey Manning, then Registrar of the Supreme Court; and that such relief may be afforded as the case will admit of; Petition read and received.
12. Medical Witnesses Act Amendment Bill:—Mr. Young having, pursuant to notice, moved for, and obtained leave, to bring in, “ A Bill to amend an Act passed in the second year of the Reign of Her present Majesty, intituled, “ An Act to define the qualifications of Medical Witnesses at Coroners’ Inquests, and Inquiries, held before Justices of the Peace in the Colony of New South Wales” ; Bill read a first time, ordered to be printed, and read a second time on Friday next, August 9.
13. Publicans’ Licensing Act amendment Bill:—Mr. Wentworth having, pursuant to notice, moved for, and obtained leave, to bring in “ A Bill to regulate the sale of Fermented and Spirituous Liquors, in New South Wales;” Bill read a first time, ordered to be printed, and read a second time on Friday, August 23.
14. Fees, Fines, and Penalties Bill:—Mr. Wentworth having, pursuant to notice, moved for, and obtained leave, to bring in “ A Bill to amend the Laws relating to the distribution of Fees, Fines, and Penalties in certain cases;” Bill read a first time, ordered to be printed, and read a second time on Friday, August 23.
15. Address for Papers:—Mr Bowman, pursuant to notice, moved, That an humble Address be presented to His Excellency the Governor, to request that he will be pleased to place a sum on the Estimates, to provide for the salary of a Police Magistrate, for the district of Mudgee, for the year 1845.  
Debate ensued.  
Motion by leave withdrawn.
16. Bushranging Act continuation Bill:—The Colonial Secretary having, pursuant to notice, moved for, and obtained leave to bring in a Bill, intituled, “ A Bill to further continue for a limited time, An Act, intituled, ‘ An Act to facilitate the apprehension of Transported Felons and Offenders illegally at large, and of persons found with Arms and suspected to be Robbers;’” Bill read a first time, ordered to be printed, and read a second time to-morrow.
17. The Colonial Treasurer obtained leave to postpone his motion for taking into consideration the Estimates of Expenditure for the year 1845, from this day, until Tuesday next, the 13th instant.
18. Chairman of Committees’ Salary :—The Governor’s message relative to the Chairman of Committees’ Salary having been read, the Council, upon the motion of the Colonial Secretary, went into Committee thereupon; the Chairman reported the following resolution, adopted by the Committee.  
“ That a sum not exceeding £103 9s. 10d. be appropriated to defray the salary of the Chairman of Committees, for the remaining portion of the year 1844, being at the rate of £250 per annum ”.  
Resolution agreed to.
19. Supplementary Estimates :—The Council, on the motion, of the Colonial Treasurer, went into Committee on the Supplementary Estimates of Expenditure for the year 1844.  
The Chairman reported progress, and obtained leave to sit again to-morrow.
19. Law of Libel Bill; read a second time; to be considered in Committee on Friday next.
20. Consideration of the Petition from Geelong, praying to be erected into a Free Port, postponed until Wednesday, August 14.  
Council adjourned at half-past Eight o’Clock, until to-morrow at Three o’Clock.

NOTICES OF MOTION AND ORDERS OF THE DAY.

THURSDAY, AUGUST 8.

NOTICES OF MOTION:—

1. DR. NICHOLSON, That he would inquire of the Colonial Secretary, what are the regulations relative to the free transmission of public documents, addressed to Members of Council by post.
2. MR. FOSTER, That he would make a similar enquiry, relative to papers addressed to him.
3. MR. FOSTER to move, That the Petition presented by him yesterday, from the landholders and other Inhabitants of the Macdonald River, be printed.
4. THE COLONIAL SECRETARY to move, in the Committee on the Supplementary Estimates for 1844 :—  
(1.) That a sum not exceeding £280, be appropriated to defray the expense of preparing the Electoral Lists for 1844.  
(2.) That a sum not exceeding £2,000, be appropriated towards building a Bridge over the Yarra Yarra, at Melbourne.
5. MR. ROBINSON, That he would put a question to the Colonial Secretary, relative to the Parramatta Road.
6. MR. WENTWORTH to move, That this Council do not proceed to the consideration of the Estimates for 1845, until so much of the Territorial and Casual Revenues of the Crown, as are not appropriated by the 5th and 6th Victoria, cap. 36, be placed at the disposal of this Council; and if this resolution be adopted, that an Address be presented to His Excellency the Governor, communicating the same.

ORDERS OF THE DAY:—

1. Supplementary Estimate of Expenditure for the year 1844; to be further considered in Committee.
2. Bushranging Act continuation Bill; second reading.

FRIDAY,



FRIDAY, AUGUST 9.

## NOTICE OF MOTION :—

1. MR. COWPER to move 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 instant, 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 and 6 Vic. 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, 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.

2. MR. SURTOR to move for leave to bring in a Bill to vest in certain Trustees, the Estate in fee simple, of a certain piece of land in the Township of Bathurst, upon trust, for the benefit of a Society, denominated the Bathurst School of Arts and Mechanics' Institute.

## ORDERS OF THE DAY :—

1. Colonial Spirits Exportation Bill ; second reading.
2. Hawkers and Pedlars Bill ; to be considered in Committee.
3. Sydney Incorporation Act amendment Bill ; second reading.
4. Customs' Bill ; further consideration in Committee.
5. Medical Witnesses Act amendment Bill ; second reading.
6. Law of Libel Bill ; to be considered in Committee.

TUESDAY, AUGUST 13.

## NOTICES OF MOTION :—

1. MR. LOWE, to move, That Petitions to Her Majesty and both Houses of Parliament, be adopted by this Council, humbly praying that they will be pleased to admit corn, the produce of the Australian Colonies, on the same term as Canadian corn.
2. MR. WINDEYER to move, That an Address be presented to His Excellency the Governor, praying him to take such steps as may be requisite, to obtain from the Home Government, compensation to the sufferers by the defalcation of the late Sheriff.
3. THE COLONIAL TREASURER to move, That the Council do resolve itself into a Committee of the whole Council, to take into consideration the Estimates of Expenditure for the year 1845.

WEDNESDAY, AUGUST 14.

## NOTICE OF MOTION :—

1. Mr. ROBINSON to move, That an humble Address be presented to Her Majesty, setting forth that according to the Estimates for 1845, laid before the Council, it will be requisite to raise, from the general Revenue and Municipal Assessments, the sum of £96,741 7s. 6d. for Police, Gaols, Building of Gaols, &c., being in a ratio of 12s. per head

head on the population of the Colony (165,541); whereas the whole expense of the Government of the Canadas does not exceed 7s. per head; and were a ratio similar to that existing in New South Wales, necessary for the United Kingdom, a sum not less than £16,200,000 would be required for these purposes.

That for the eight years, ending on the 31st December, 1843, a sum of £839,800 7s. 7d. was paid by the Colony for those services.

That the number of persons who have arrived free, or have been born in the Colony, bear a proportion to those who have arrived as convicts, of 39 to 72; and that, as a matter of equity, instead of the Colony being subjected to the payment of this enormous sum, it should not be called upon for more than £33 990 5s. 7d., whilst the Home Government is justly chargeable with the balance of £62,751 1s. 11d.

That of the amount of £839,800 7s. 7d. already paid by the Colony, only £295,064 6s. 3d. is its fair proportion; and that the balance of £544,736 1s. 4d. is due to it by the Home Government.

That the necessity of providing the large amount, already alluded to, is severely felt by the inhabitants of this Colony; and they are thereby prevented from taking any effectual steps towards arresting the perpetuity of crime, by making an adequate provision for the education of the children of the Colony, the expense of which would be far greater, in proportion, than in England, from the scattered state of its population.

That they are thereby prevented from establishing a cheap and uniform rate of postage, and increasing the facilities of correspondence which have been attended with so highly beneficial results in the Mother Country.

That they are thereby prevented from appropriating any sum for the making or repairing of roads or bridges, or for other works indispensably necessary for the development of the resources of any new country, but more particularly of a Colony like this, which is nearly devoid of any facility for Inland Navigation.

That the raising of the sum in question is now felt to be the more burdensome in consequence of the stoppage of transportation, and the expenditure of the Home Government, for military and convict purposes, having fallen off from £300,058 2s. 3d. in 1839, to £170,072 17s. 5d. in 1843.

That the experiment of imposing a similar charge on the Colony for like purposes in Van Diemen's Land has totally failed; one third of the local expenditure of that Colony being now, of necessity, defrayed from the Military Chest.

And that Her Majesty be therefore humbly requested to recommend to Parliament that the amount of £544,736 1s. 4d., being arrears due to the Colony, and the sum of £62,751 1s. 11d. per annum, being the due portion of the expense entailed by the presence of a convict population in the Colony, be defrayed by the Home Government. Or should Her Majesty deem it more desirable, upon taking into her gracious consideration the fact that 59,788 convicts were transported to the Colony, and also the present exigencies of both countries, in the one of which upwards of 4,000,000 of its population are subsisting on private and public charities; and in the other, hundreds of cattle are daily destroyed for the mere hides and tallow; it would, in the opinion of this Council, be of equivalent advantage to this Colony that the like number of 59,788 Free Emigrants be sent out at the expense of the Home Government within the next five years, and the Colony through their consumption of taxable commodities, be reimbursed in the sum annually due to it amounting to £62,751 1s. 11d. as hereinbefore expressed, which measure would likewise tend largely to increase the prosperity of the Colony, and the Exports of the United Kingdom.

2. DR. NICHOLSON to move, That a humble Address be presented to Her Majesty, praying that Her Majesty may be graciously pleased to declare Geelong a free warehousing Port.

---

THURSDAY, AUGUST 15.

NOTICE OF MOTION:—

1. DR. LANG to move, That a humble Address be presented to Her Majesty the Queen praying that Her Majesty will be graciously pleased to direct that the requisite steps may be taken for the speedy and entire separation of the District of Port Phillip from the Territory of New South Wales, and its erection into a separate and independent Colony.

ORDERS OF THE DAY:—

1. Melbourne Corporation Act amendment Bill; second reading.
2. Consideration of the Petition from the District of Bourke, praying the separation of Port Phillip from the rest of the Colony.
3. Country Courts of Requests amendment Bill; second reading.

---

THURSDAY, AUGUST 22.

1. Pawnbrokers regulation Bill; second reading.

---

FRIDAY, AUGUST 23.

1. Publicans' Licensing Act amendment Bill; second reading.
2. Fees, Fines, and Penalties Bill; second reading.

ALEX. M<sup>c</sup> LEAY,  
*Speaker.*

## VOTES AND PROCEEDINGS

## THE LEGISLATIVE COUNCIL.

THURSDAY, 8 AUGUST, 1844.

1. Council met pursuant to adjournment; the Speaker took the Chair.  
Post Office Regulations:—Dr. Nicholson made the inquiry of the Colonial Secretary, of which he had given notice, as to what are the regulations relative to the free transmission of Public Documents, addressed to Members of Council, by Post. The Colonial Secretary replied, that it was proposed by the Government to allow such documents to be transmitted free, provided their weight did not exceed six ounces, and they were open at both ends; reference had been made to the Law Officers, and if the Government did not possess the power of according that privilege, an Act might be passed to confer it.
2. Supplementary Estimates:—The Council, on the motion of the Colonial Secretary, went into Committee on the Supplementary Estimates of Expenditure for the year 1844.  
The Chairman reported the following Resolutions, adopted by the Committee:—  
(1.) "That a sum not exceeding £280, be appropriated to defray the expense of preparing the Electoral Lists, for 1844."  
(2.) "That a sum not exceeding £2,000, be appropriated towards defraying the expense of building a Bridge over the Yarra Yarra, at Melbourne."  
Resolutions agreed to.
3. Macdonald River Court of Requests:—Mr. Foster, pursuant to notice, moved, That the Petition presented by him yesterday, from the Landholders and other Inhabitants of the Macdonald River, be printed; Question put and passed.
4. Parramatta Road:—Mr. Robinson put the question to the Colonial Secretary, of which he had given notice, relative to the Parramatta Road. The Colonial Secretary admitted that it was in a very bad state of repair, but the Government were at a loss as to what system to adopt for keeping it in repair. It had been formerly under the superintendence of the Colonial Engineer, but that Department had been abolished, and Contracts were very expensive. No provision had been made in the Estimates, on the supposition that the charge of the road would have been transferred to the District Council; as the Government, however, received the tolls, some provision for the repair of the road must be made.
5. Estimates of Expenditure for 1845:—Mr. Wentworth, pursuant to notice, moved, That this Council do not proceed to the consideration of the Estimates for 1845, until so much of the Territorial and Casual Revenues of the Crown, as is not appropriated by the 5th and 6th Victoria, cap. 36, be placed at the disposal of this Council, in pursuance of the compact made between His Excellency Sir Richard Bourke, in 1835, and the late Legislative Council, under directions from the Lords of the Treasury; and if this resolution be adopted, that an Address be presented to His Excellency the Governor, communicating the same.  
Debate ensued.  
Moved as an amendment, by Mr. Murray, That this Council do present an Address to His Excellency the Governor, requesting that so much of the Territorial and Casual Revenues of the Crown, as is not appropriated by the 5th and 6th of Victoria, cap. 36, be placed at the disposal of this Council.  
Debate ensued.  
Moved, as an amendment, by Mr. Young, That this question be now put.  
Debate continued.  
Question put on the last amendment.  
Council divided.

## Ayes 7.

DR. BLAND,  
MR. LAWSON,  
MR. BOWMAN,  
MR. W. C. WENTWORTH,  
MR. WINDEYER,  
MR. WALKER,  
MR. MURRAY, (Teller.)

## Noes 24.

THE COLONIAL SECRETARY,  
THE COMMANDER OF THE FORCES,  
MR. MACARTEUR,  
MR. DARVALL,  
THE ATTORNEY GENERAL,  
CAPTAIN DUMARESQ,  
MR. HAMILTON,  
MR. BERRY,  
MR. BRADLEY,  
MR. COWPER,  
MR. LOWE,  
MR. SUTTOR,  
MR. COGHILL,  
MR. ICELY,  
MR. FOSTER,  
MR. THERRY,  
MR. PANTON,  
MR. YOUNG,  
MR. ROBINSON,  
SIR T. L. MITCHELL,  
THE AUDITOR GENERAL,  
THE COLLECTOR OF CUSTOMS,  
DR. NICHOLSON,  
THE COLONIAL TREASURER, (Teller.)

6. Bushranging Act continuation Bill; having been read a second time, the Council went into Committee thereupon:—  
The Chairman having reported the Bill, without any amendment, Bill ordered to be engrossed, and read a third time to-morrow.  
Council adjourned at half-past Seven o'Clock, until to-morrow at Three o'Clock.

---

NOTICES OF MOTION AND ORDERS OF THE DAY.

---

FRIDAY, AUGUST 9.

## NOTICE OF MOTION:—

1. MR. COWPER to move 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 instant, 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 and 6 Vic. 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

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, 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.

2. MR. SUTTON to move for leave to bring in a Bill to vest in certain Trustees, the Estate in fee simple, of a certain piece of land in the Township of Bathurst, upon trust, for the benefit of a Society, denominated the Bathurst School of Arts and Mechanics' Institute.
3. MR. SUTTON to move, That an Address be presented to His Excellency the Governor, praying that His Excellency will be pleased to place on the Estimates for 1845, a sum of money towards the erection of a Court House and Gaol at Mudgee.
4. THE ATTORNEY GENERAL to move the second reading of the Insolvent Laws amendment Bill.

ORDERS OF THE DAY:—

1. Colonial Spirits Exportation Bill; second reading.
2. Hawkers and Pedlars Bill; to be considered in Committee.
3. Sydney Incorporation Act amendment Bill; second reading.
4. Customs' Bill; further consideration in Committee.
5. Medical Witnesses Act amendment Bill; second reading.
6. Bushranging Act continuation Bill; third reading.

TUESDAY, AUGUST 13.

NOTICES OF MOTION:—

1. MR. LOWE to move, That Petitions to Her Majesty and both Houses of Parliament, be adopted by this Council, humbly praying that they will be pleased to admit corn, the produce of the Australian Colonies, on the same term as Canadian corn.
2. MR. WINDEYER to move, That an Address be presented to His Excellency the Governor, praying him to take such steps as may be requisite, to obtain from the Home Government, compensation to the sufferers by the defalcation of the late Sheriff.
3. THE COLONIAL TREASURER to move, That the Council do resolve itself into a Committee of the whole Council, to take into consideration the Estimates of Expenditure for the year 1845.

WEDNESDAY, AUGUST 14.

1. Mr. ROBINSON to move, That an humble Address be presented to Her Majesty, setting forth that according to the Estimates for 1845, laid before the Council, it will be requisite to raise, from the general Revenue and Municipal Assessments, the sum of £96,741 7s. 6d. for Police, Gaols, Building of Gaols, &c., being in a ratio of 12s. per head on the population of the Colony (165,541); whereas the whole expense of the Government of the Canadas does not exceed 7s. per head; and were a ratio similar to that existing in New South Wales, necessary for the United Kingdom, a sum not less than £16,200,000 would be required for these purposes.

That for the eight years, ending on the 31st December, 1843, a sum of £839,800 7s. 7d. was paid by the Colony for those services.

That the number of convictions of those who have arrived free, or have been born in the Colony, bear a proportion to those who have arrived as convicts, of 39 to 72; and that, as a matter of equity, instead of the Colony being subjected to the payment of this enormous sum, it should not be called upon for more than £33,990 5s. 7d., whilst the Home Government is justly chargeable with the balance of £62,751 1s. 11d.

That of the amount of £839,800 7s. 7d. already paid by the Colony, only £295,064 6s. 3d. is its fair proportion; and that the balance of £544,736 1s. 4d. is due to it by the Home Government.

That the necessity of providing the large amount, already alluded to, is severely felt by the inhabitants of this Colony; and they are thereby prevented from taking any effectual steps towards arresting the perpetuity of crime, by making an adequate provision for the education of the children of the Colony, the expense of which would be far greater, in proportion, than in England, from the scattered state of its population.

That they are thereby prevented from establishing a cheap and uniform rate of postage, and increasing the facilities of correspondence which have been attended with so highly beneficial results in the Mother Country.

That they are thereby prevented from appropriating any sum for the making or repairing of roads or bridges, or for other works indispensably necessary for the development of the resources of any new country, but more particularly of a Colony like this, which is nearly devoid of any facility for Inland Navigation.

That the raising of the sum in question is now felt to be the more burdensome in consequence of the stoppage of transportation, and the expenditure of the Home Government, for military and convict purposes, having fallen off from £300,058 2s. 3d. in 1839, to £170,072 17s. 5d. in 1843.

That

That the experiment of imposing a similar charge on the Colony for like purposes in Van Diemen's Land has totally failed; one third of the local expenditure of that Colony being now, of necessity, defrayed from the Military Chest.

- And that Her Majesty be therefore humbly requested to recommend to Parliament that the amount of £544,736 ls. 4d., being arrears due to the Colony, and the sum of £62,751 ls. 11d. per annum, being the due portion of the expense entailed by the presence of a convict population in the Colony, be defrayed by the Home Government. Or should Her Majesty deem it more desirable, upon taking into her gracious consideration the fact that 59,788 convicts were transported to the Colony, and also the present exigencies of both countries, in the one of which upwards of 4,000,000 of its population are subsisting on private and public charities; and in the other, hundreds of cattle are daily destroyed for the mere hides and tallow; it would, in the opinion of this Council, be of equivalent advantage to this Colony that the like number of 59,788 Free Emigrants be sent out at the expense of the Home Government within the next five years, and the Colony through their consumption of taxable commodities, be reimbursed in the sum annually due to it amounting to £62,751 ls. 11d. as hereinbefore expressed, which measure would likewise tend largely to increase the prosperity of the Colony, and the Exports of the United Kingdom.
2. DR. NICHOLSON to move, That a humble Address be presented to Her Majesty, praying that Her Majesty may be graciously pleased to declare Geelong a free warehousing Port.

THURSDAY, AUGUST 15.

NOTICE OF MOTION :—

1. DR. LANG to move, That a humble Address be presented to Her Majesty the Queen praying that Her Majesty will be graciously pleased to direct that the requisite steps may be taken for the speedy and entire separation of the District of Port Phillip from the Territory of New South Wales, and its erection into a separate and independent Colony.
2. MR. FOSTER to move, That the Petition presented by him on the 7th instant, from the inhabitants of the district of Macdonald River, be taken into consideration.

ORDERS OF THE DAY :—

1. Melbourne Corporation Act amendment Bill; second reading.
2. Consideration of the Petition from the District of Bourke, praying the separation of Port Phillip from the rest of the Colony.
3. Country Courts of Requests amendment Bill; second reading.

THURSDAY, AUGUST 22.

NOTICE OF MOTION :—

1. MR. ROBINSON to move, That an Address be presented to His Excellency the Governor, requesting that there be laid upon the Table of this House the following Returns :—
  - (1.) A Return of all sums expended by the Government from the General Revenue, in the formation and maintenance of streets and roadways, the building of bridges, and the construction of drains and sewers, within the City of Sydney, to 1843, inclusive, so far as the same can be ascertained, distinguishing the amount for each year; also, a Return of all sums expended by the Government for like purposes within the Town of Melbourne, to 1843, inclusive.
  - (2.) A Return of all sums expended by the Government in the introduction of Water into the City of Sydney, distinguishing the amount for each year; also, a Return of all sums, if any, expended by the Government for like purposes within the Town of Melbourne, to 1843, inclusive.
  - (3.) A Return of all sums expended by the Government in Lighting the City of Sydney, distinguishing the amount for each year; also, a Return of all sums, if any, expended by the Government for like purposes within the Town of Melbourne, to 1843, inclusive.
  - (4.) A Return of all sums expended by the Government in the establishment and maintenance of Markets, and the erection of Market Buildings, in the City of Sydney, distinguishing the amount for each year; also, a Return of all sums, if any, expended by the Government for like purposes within the Town of Melbourne, to 1843, inclusive.
  - (5.) A Return of all sums expended by the Government in the construction of Quays, Wharves and Jetties, in the City of Sydney, distinguishing the amount for each year; also, a Return of all sums, if any, expended by the Government for like purposes within the Town of Melbourne, together with separate Returns of all sums levied for Wharfage Dues in Sydney and Melbourne respectively, to 1843, inclusive.
  - (6.) A Return of all sums expended by the Government in the formation and maintenance of the Sydney Botanical Garden, distinguishing the amount for each year; also, a Return of all sums, if any, expended by the Government for like purposes within the Town of Melbourne, to 1843, inclusive.
  - (7.) A Return of all sums expended by the Government in the establishment and maintenance of the Australian Museum and Library, and the Sydney School of Arts, distinguishing the amount for each year; also, a Return of all sums, if any, expended by the Government for like purposes within the Town of Melbourne, to 1843, inclusive.

(8.)

(8.) A Return of all sums expended by the Government in the erection of Public Buildings other than those above specified, distinguishing the amount for each year; also, a Return of all sums expended by the Government for like purposes within the Town of Melbourne, to 1843, inclusive.

(9.) A Return of all sums expended by the Government in deepening and improving the Harbour of Port Jackson; also, of all sums, if any, expended by the Government in deepening and improving Hobson's Bay and the Yarra River.

(10.) A Return of all sums expended by the Government in the formation and maintenance of Parks, and other places of public amusement and recreation in Sydney; also, a Return of all sums, if any, expended by the Government for like purposes within the Town of Melbourne.

(11.) A Return of all sums expended by the Government in the building and maintenance of Colleges and Schools, and for other Educational purposes within the City of Sydney, distinguishing the amount for each year; also, a Return of all sums, if any, expended by the Government for like purposes within the Town of Melbourne, to 1843, inclusive.

(12.) A Return of all sums expended by the Government in the establishment and maintenance of Hospitals and Dispensaries within the City of Sydney, distinguishing the amount for each year; also, a Return of all sums, if any, expended by the Government for like purposes within the Town of Melbourne, to 1843, inclusive.

(13.) A Return of all sums expended by the Government for other local improvements not hereinbefore enumerated for the City of Sydney and Town of Melbourne respectively.

(14.) A Return of all sums received by the Government for the Sale of Town Allotments, within the City of Sydney, distinguishing the amount for each year; also, a Return of all sums received by the Government for the Sale of Melbourne Town Allotments, to 1843, inclusive.

(15.) A Return of the population in the City of Sydney, and the Town of Melbourne respectively, or as near thereto as can be estimated, distinguishing the free from the bond, for the year 1843.

(16.) A Return of all sums advanced out of the General Revenue by the Government to the Corporation of the City of Sydney, and Town of Melbourne respectively, in aid of the Town and Police Funds.

(17.) A Return of all Revenues transferred from the Government to the Corporations of Sydney and Melbourne respectively; specifying the annual amounts.

ORDERS OF THE DAY :—

1. Pawnbrokers' regulation Bill; second reading.
2. Law of Libel Bill; to be considered in Committee.

FRIDAY, AUGUST 23.

1. Publicans' Licensing Act amendment Bill; second reading.
2. Fees, Fines, and Penalties Bill; second reading.

ALEX. McLEAY,  
*Speaker.*





## VOTES AND PROCEEDINGS

or

## THE LEGISLATIVE COUNCIL.

FRIDAY, 9 AUGUST, 1844.

1. Council met pursuant to adjournment; the Speaker took the Chair. Bathurst School of Arts, and Mechanics' Institute:—Mr. Suttor, with leave, withdrew his Notice of Motion for leave to bring in a Bill relating to that Institution.
2. Mudgee Court House and Gaol:—Mr. Suttor, with leave, withdrew his Notice of Motion relative to providing means for the erection of those buildings—perceiving that it was unlikely that his motion would be supported; and intimated his intention of substituting a motion relative to the erection of a lock-up.
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 and 6 Vic. 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, 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.

Debate ensued; Question put; Council divided.

Ayes.

Ayes 20.

MR. MURRAY,  
MR. WALKER,  
MR. LOWE,  
MR. W. C. WENTWORTH,  
MR. BERRY,  
MR. COWPER,  
MR. WINDYER,  
CAPTAIN DUMABESQ,  
MR. PANTON,  
MR. BOWMAN,  
MR. LAWSON,  
MR. SUTTON,  
MR. BRADLEY,  
MR. COOHILL,  
MR. FOSTER,  
MR. YOUNG,  
MR. MACARTHUR,  
MR. ROBINSON,  
DR. BLAND,  
DR. NICHOLSON, (Teller.)

Noes 8.

MR. TERRY,  
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.

4. Insolvent Act amendment Bill :—Moved by the Attorney General, pursuant to notice, That this Bill be now read a second time.  
That this Bill be now read a second time.  
Question put and passed, and Bill read a second time accordingly.  
Moved, That the Speaker do now leave the chair, and that the Council do resolve itself into a Committee of the whole House, for consideration of this Bill.  
The Council resolved itself into Committee accordingly.  
The Chairman reported the Bill with amendments; Bill ordered to be engrossed, and read a third time on Tuesday next.
5. Bushranging Act amendment Bill; read a third time, and passed.
6. Colonial Spirits Exportation Bill; read a second time, to be considered in Committee on Friday next.
7. Hawkers and Pedlars Bill; the Council resolved itself into a Committee of the whole House for the consideration of this Bill.  
The Chairman having reported the Bill with amendments; Bill ordered to be engrossed, and read a third time on Wednesday next.  
Council adjourned at a quarter past Nine o'clock, until Tuesday next at Three o'clock.

## NOTICES OF MOTION AND ORDERS OF THE DAY.

TUESDAY, AUGUST 13.

### NOTICES OF MOTION :—

1. MR. LOWE to move, That Petitions to Her Majesty and both Houses of Parliament, be adopted by this Council, humbly praying that they will be pleased to admit corn, the produce of the Australian Colonies, on the same terms as Canadian corn.
2. MR. WINDYER to move, That an Address be presented to His Excellency the Governor, praying him to take such steps as may be requisite, to obtain from the Home Government, compensation to the sufferers by the defalcation of the late Sheriff.
3. THE COLONIAL TREASURER to move, That the Council do resolve itself into a Committee of the whole Council, to take into consideration the Estimates of Expenditure for the year 1845.

### ORDERS OF THE DAY :—

1. Insolvent Laws amendment Bill; third reading.
2. Sydney Incorporation Act amendment Bill; second reading.
3. Customs' Bill; further consideration in Committee.
4. Medical Witnesses Act amendment Bill; second reading.

WEDNESDAY,

WEDNESDAY, AUGUST 14.

NOTICE OF MOTION:—

1. Mr. ROBINSON to move, That an humble Address be presented to Her Majesty, setting forth that according to the Estimates for 1845, laid before the Council, it will be requisite to raise, from the general Revenue and Municipal Assessments, the sum of £296,741 7s. 6d. for Police, Gaols, Building of Gaols, &c., being in a ratio of 12s. per head on the population of the Colony (165,541); whereas the whole expensu of the Government of the Canadas does not exceed 7s. per head; and were a ratio similar to that existing in New South Wales, necessary for the United Kingdom, a sum not less than £16,200,000 would be required for these purposes.

That for the eight years, ending on the 31st December, 1843, a sum of £839,800 7s. 7d. was paid by the Colony for those services.

That the number of convictions of those who have arrived free, or have been born in the Colony, bear a proportion to those who have arrived as convicts, of 39 to 72; and that, as a matter of equity, instead of the Colony being subjected to the payment of this enormous sum, it should not be called upon for more than £33,990 5s. 7d., whilst the Home Government is justly chargeable with the balance of £62,751 1s. 11d.

That of the amount of £839,800 7s. 7d. already paid by the Colony, only £295,064 6s. 3d. is its fair proportion; and that the balance of £544,736 1s. 4d. is due to it by the Home Government.

That the necessity of providing the large amount, already alluded to, is severely felt by the inhabitants of this Colony; and they are thereby prevented from taking any effectual steps towards arresting the perpetuity of crime, by making an adequate provision for the education of the children of the Colony, the expense of which would be far greater, in proportion, than in England, from the scattered state of its population.

That they are thereby prevented from establishing a cheap and uniform rate of postage, and increasing the facilities of correspondence which have been attended with so highly beneficial results in the Mother Country.

That they are thereby prevented from appropriating any sum for the making or repairing of roads or bridges, or for other works indispensably necessary for the development of the resources of any new country, but more particularly of a Colony like this, which is nearly devoid of any facility for Inland Navigation.

That the raising of the sum in question is now felt to be the more burdensome in consequence of the stoppage of transportation, and the expenditure of the Home Government, for military and convict purposes, having fallen off from £300,058 2s. 3d. in 1839, to £170,072 17s. 5d. in 1843.

That the experiment of imposing a similar charge on the Colony for like purposes in Van Diemen's Land has totally failed; one third of the local expenditure of that Colony being now, of necessity, defrayed from the Military Chest.

And that Her Majesty be therefore humbly requested to recommend to Parliament that the amount of £544,736 1s. 4d., being arrears due to the Colony, and the sum of £62,751 1s. 11d. per annum, being the due portion of the expense entailed by the presence of a convict population in the Colony, be defrayed by the Home Government. Or should Her Majesty deem it more desirable, upon taking into her gracious consideration the fact that 59,788 convicts were transported to the Colony, and also the present exigencies of both countries, in the one of which upwards of 4,000,000 of its population are subsisting on private and public charities; and in the other, hundreds of cattle are daily destroyed for the mere hides and tallow; it would, in the opinion of this Council, be of equivalent advantage to this Colony that the like number of 59,788 Free Emigrants be sent out at the expense of the Home Government within the next five years, and the Colony through their consumption of taxable commodities, be reimbursed in the sum annually due to it amounting to £62,751 1s. 11d. as hereinbefore expressed, which measure would likewise tend largely to increase the prosperity of the Colony, and the Exports of the United Kingdom.

2. DR. NICHOLSON to move, That a humble Address be presented to Her Majesty, praying that Her Majesty may be graciously pleased to declare Geelong a free warehousing Port.

ORDER OF THE DAY:—

2. Hawkers and Pedlars Bill; third reading.

THURSDAY, AUGUST 15.

NOTICE OF MOTION:—

1. DR. LANG to move, That a humble Address be presented to Her Majesty the Queen praying that Her Majesty will be graciously pleased to direct that the requisite steps may be taken for the speedy and entire separation of the District of Port Phillip from the Territory of New South Wales, and its erection into a separate and independent Colony.
2. MR. FOSTER to move, That the Petition presented by him on the 7th instant, from the inhabitants of the district of Macdonald River, be taken into consideration.

3. MR. WESTWORTH to move, That in the opinion of this Council it is expedient, with a view to encourage agriculture, and to provide employment for a large body of agricultural and other laborers, and mechanics with families, who are in a state of distress, arising from want of such employment, that His Excellency the Governor be requested to issue Debentures, secured on the Land Fund, to the amount of the Debentures secured on the same Fund already issued, or hereafter to be issued in payment for immigrants arrived in this colony, and to apply the proceeds of such new Debentures in the following manner:—

1st.—To the location of such agricultural laborers, and others of the above mentioned classes, as are desirous of being so located, on small farms of Crown Lands, on the banks of navigable waters, or in other situations suited to agriculture,—giving parties, so located, yearly leases of such small farms at a nominal rent, under a recommendation to the Right Honorable the Secretary of State for the Colonies, that such alteration be made in the Land Act, as will enable the Governor for the time being, ultimately to convert such leases into grants; and providing such parties also, with a year's outfit of necessary food and clothing for themselves and their families, and with necessary seed, animals, and implements of agriculture, to bring their farms into cultivation, under a stipulation, that the value of the outfit, and other chattels thus supplied from the Crown Revenue, be reimbursed previously to the issue of a grant to the party receiving them.

2nd.—To the employment of such of the other enumerated classes, as may not be desirous of being so located, in the construction of roads, bridges, and such other public works of industry, utility, and urgent necessity, as are referred to in Lord Stanley's letter to His Excellency the Governor, enclosing the Act of Parliament, 5 and 6 Victoria, cap. 36, as far as the balance arising from the proceeds of such Debentures, after such location of families as is above referred to, which is to be deemed the primary charge thereon, will allow.

ORDERS OF THE DAY:—

1. Melbourne Corporation Act amendment Bill; second reading.
2. Consideration of the Petition from the District of Bourke, praying the separation of Port Phillip from the rest of the Colony.
3. Country Courts of Requests amendment Bill; second reading.

THURSDAY, AUGUST 22.

NOTICE OF MOTION:—

1. MR. ROBINSON to move, That an Address be presented to His Excellency the Governor, requesting that there be laid upon the Table of this House the following Returns:—
  - (1.) A Return of all sums expended by the Government from the General Revenue, in the formation and maintenance of streets and roadways, the building of bridges, and the construction of drains and sewers, within the City of Sydney, to 1843, inclusive, so far as the same can be ascertained, distinguishing the amount for each year; also, a Return of all sums expended by the Government for like purposes within the Town of Melbourne, to 1843, inclusive.
  - (2.) A Return of all sums expended by the Government in the introduction of Water into the City of Sydney, distinguishing the amount for each year; also, a Return of all sums, if any, expended by the Government for like purposes within the Town of Melbourne, to 1843, inclusive.
  - (3.) A Return of all sums expended by the Government in Lighting the City of Sydney, distinguishing the amount for each year; also, a Return of all sums, if any, expended by the Government for like purposes within the Town of Melbourne, to 1843, inclusive.
  - (4.) A Return of all sums expended by the Government in the establishment and maintenance of Markets, and the erection of Market Buildings, in the City of Sydney, distinguishing the amount for each year; also, a Return of all sums, if any, expended by the Government for like purposes within the Town of Melbourne, to 1843, inclusive.
  - (5.) A Return of all sums expended by the Government in the construction of Quays, Wharves and Jetties, in the City of Sydney, distinguishing the amount for each year; also, a Return of all sums, if any, expended by the Government for like purposes within the Town of Melbourne, together with separate Returns of all sums levied for Wharfage Dues in Sydney and Melbourne respectively, to 1843, inclusive.
  - (6.) A Return of all sums expended by the Government in the formation and maintenance of the Sydney Botanical Garden, distinguishing the amount for each year; also, a Return of all sums, if any, expended by the Government for like purposes within the Town of Melbourne, to 1843, inclusive.
  - (7.) A Return of all sums expended by the Government in the establishment and maintenance of the Australian Museum and Library, and the Sydney School of Arts, distinguishing the amount for each year; also, a Return of all sums, if any, expended by the Government for like purposes within the Town of Melbourne, to 1843, inclusive.
  - (8.) A Return of all sums expended by the Government in the erection of Public Buildings other than those above specified, distinguishing the amount for each year; also, a Return of all sums expended by the Government for like purposes within the Town of Melbourne, to 1843, inclusive.
  - (9.) A Return of all sums expended by the Government in deepening and improving the Harbour of Port Jackson; also, of all sums, if any, expended by the Government in deepening and improving Hobson's Bay and the Yarra River.
  - (10.)

(10.) A Return of all sums expended by the Government in the formation and maintenance of Parks, and other places of public amusement and recreation in Sydney; also, a Return of all sums, if any, expended by the Government for like purposes within the Town of Melbourne.

(11.) A Return of all sums expended by the Government in the building and maintenance of Colleges and Schools, and for other Educational purposes within the City of Sydney, distinguishing the amount for each year; also, a Return of all sums, if any, expended by the Government for like purposes within the Town of Melbourne, to 1843, inclusive.

(12.) A Return of all sums expended by the Government in the establishment and maintenance of Hospitals and Dispensaries within the City of Sydney, distinguishing the amount for each year; also, a Return of all sums, if any, expended by the Government for like purposes within the Town of Melbourne, to 1843, inclusive.

(13.) A Return of all sums expended by the Government for other local improvements not hereinbefore enumerated for the City of Sydney and Town of Melbourne respectively.

(14.) A Return of all sums received by the Government for the Sale of Town Allotments, within the City of Sydney, distinguishing the amount for each year; also, a Return of all sums received by the Government for the Sale of Melbourne Town Allotments, to 1843, inclusive.

(15.) A Return of the population in the City of Sydney, and the Town of Melbourne respectively, or as near thereto as can be estimated, distinguishing the free from the bond, for the year 1843.

(16.) A Return of all sums advanced out of the General Revenue by the Government to the Corporation of the City of Sydney, and Town of Melbourne respectively, in aid of the Town and Police Funds.

(17.) A Return of all Revenues transferred from the Government to the Corporations of Sydney and Melbourne respectively; specifying the annual amounts.

ORDERS OF THE DAY:—

1. Pawnbrokers' regulation Bill; second reading.
2. Law of Libel Bill; to be considered in Committee.

---

FRIDAY, AUGUST 23.

1. Publicans' Licensing Act amendment Bill; second reading.
2. Fees, Fines, and Penalties Bill; second reading.

ALEX. M<sup>c</sup> LEAY,  
*Speaker.*

The first part of the document  
 discusses the general principles  
 of the proposed system.  
 It is intended to provide  
 a clear and concise  
 summary of the main  
 points of the report.  
 The following sections  
 will deal with the  
 details of the  
 various aspects of  
 the system.

The second part of the document  
 describes the  
 various components  
 of the system.  
 It includes a  
 detailed description  
 of the hardware  
 and software  
 requirements.  
 The third part  
 of the document  
 discusses the  
 implementation  
 of the system.  
 It includes a  
 description of the  
 various stages  
 of the process.  
 The final part  
 of the document  
 discusses the  
 results of the  
 implementation.  
 It includes a  
 comparison of the  
 results with the  
 original objectives.  
 The document  
 concludes with a  
 summary of the  
 main findings.  
 It is hoped that  
 this document  
 will provide a  
 clear and  
 concise summary  
 of the main  
 points of the  
 report.

## VOTES AND PROCEEDINGS

OF

## THE LEGISLATIVE COUNCIL.

TUESDAY, 13 AUGUST, 1844.

1. Council met pursuant to adjournment; the Speaker took the Chair.  
Licensed Squatters :—Mr Robinson presented a Petition from certain Stockholders and others, Inhabitants of the Districts of New England and Port Macquarie, praying that the Council will Address the Crown, and both Houses of Parliament, to cause an Act to be passed, repealing so much of the Act 5 and 6 Victoria, cap. 76, as prohibits the appropriation of the Territorial Revenue by the Legislative Council; and also repealing so much of the Act 5 and 6 Victoria, cap. 96, as relates to the minimum price—to the letting—and to the general control of the Crown Lands, and Revenues thereof; and to transfer all powers and authority over the said lands, and the Revenues arising therefrom, which by either of the said Statutes, are vested in the Governor of New South Wales, to the Governor and Legislative Council of the said Colony; that they may establish a scale of minimum prices for Crown Lands, in accordance with their respective situation and quality; and that a fixed term of occupation (for a period of not less than twenty-one years) may be substituted for the present short and precarious tenure; together with such reasonable right of pre-emption as may be deemed expedient.  
Petition read and received, and ordered to be referred to the Committee on Crown Land Grievances.
2. Police Magistracy of Goulburn :—Mr. Bradley presented a Petition from the Warden and Councillors of the Police District of Goulburn, praying that the Council will adopt measures for providing a Salary for a Police Magistrate for the District of Goulburn; Petition read and received, and to be taken into consideration, when the Estimate for the Salaries of Police Magistrates is brought forward.
3. Estimates of Expenditure for 1845 :—The Colonial Treasurer postponed bringing forward his motion on this subject until to-morrow.
4. Dr. Lang postponed his motion for an Address to Her Majesty, on the subject of the separation of Port Phillip, from Thursday, August 15, to Tuesday, August 20.
5. Mr. Lowe, pursuant to notice, moved, That Petitions to Her Majesty, and both Houses of Parliament, be adopted by this Council, humbly praying that they will be pleased to admit corn and flour, the produce of the Australian Colonies, on the same terms as Canadian corn.  
Question put and passed—Mr. Lowe giving notice, that he would move to-morrow, for the appointment of a Select Committee to prepare the Petitions.
6. Mr. Windey's notice of motion on the subject of the defalcation of the late Sheriff, postponed until Friday next.
7. Insolvent Act amendment Bill, read a third time, and *passed*; to be presented for assent, together with the Bushranging Act continuation Bill, which passed the Council on the 2nd instant, to His Excellency the Governor, by a deputation, to consist of the Speaker and the Colonial Treasurer.
8. Sydney Incorporation Act amendment Bill; second reading postponed until Friday next.
9. Medical Witnesses Act amendment Bill; read a second time; to be considered in Committee on Friday next.
10. Customs' Bill; The Council resolved itself into Committee for the further consideration of this Bill.  
The Chairman reported progress, and obtained leave to sit again on Friday next, Council adjourned at a quarter before Six o'Clock, until to-morrow at Three o'Clock.

## NOTICES OF MOTION AND ORDERS OF THE DAY.

WEDNESDAY, AUGUST 14.

## NOTICES OF MOTION:—

1. Mr. ROBINSON to move, That an humble Address be presented to Her Majesty, setting forth that according to the Estimates for 1845, laid before the Council, it will be requisite to raise, from the general Revenue and Municipal Assessments, the sum of £96,741 7s. 6d. for Police, Gaols, Building of Gaols, &c.; being in a ratio of 12s. per head on the population of the Colony (165,541); whereas the whole expense of the Government of the Canadas does not exceed 7s. per head; and were a ratio similar to that existing in New South Wales, necessary for the United Kingdom, a sum not less than £16,200,000 would be required for these purposes.

That for the eight years, ending on the 31st December, 1843, a sum of £839,800 7s. 7d. was paid by the Colony for those services.

That the number of convictions of those who have arrived free, or have been born in the Colony, bear a proportion to those who have arrived as convicts, of 39 to 72; and that, as a matter of equity, instead of the Colony being subjected to the payment of this enormous sum, it should not be called upon for more than £33 990 5s. 7d., whilst the Home Government is justly chargeable with the balance of £62,751 1s. 11d.

That of the amount of £839,800 7s. 7d. already paid by the Colony, only £295,064 6s. 3d. is its fair proportion; and that the balance of £544,736 1s. 4d. is due to it by the Home Government.

That the necessity of providing the large amount, already alluded to, is severely felt by the inhabitants of this Colony; and they are thereby prevented from taking any effectual steps towards arresting the perpetuity of crime, by making an adequate provision for the education of the children of the Colony, the expense of which would be far greater, in proportion, than in England, from the scattered state of its population.

That they are thereby prevented from establishing a cheap and uniform rate of postage, and increasing the facilities of correspondence which have been attended with so highly beneficial results in the Mother Country.

That they are thereby prevented from appropriating any sum for the making or repairing of roads or bridges, or for other works indispensably necessary for the development of the resources of any new country, but more particularly of a Colony like this, which is nearly devoid of any facility for Inland Navigation.

That the raising of the sum in question is now felt to be the more burdensome in consequence of the stoppage of transportation, and the expenditure of the Home Government, for military and convict purposes, having fallen off from £300,058 2s. 3d. in 1839, to £170,072 17s. 5d. in 1843.

That the experiment of imposing a similar charge on the Colony for like purposes in Van Diemen's Land has totally failed; one third of the local expenditure of that Colony being now, of necessity, defrayed from the Military Chest.

And that Her Majesty be therefore humbly requested to recommend to Parliament that the amount of £544,736 1s. 4d., being arrears due to the Colony, and the sum of £62,751 1s. 11d. per annum, being the due portion of the expense entailed by the presence of a convict population in the Colony, be defrayed by the Home Government. Or should Her Majesty deem it more desirable, upon taking into her gracious consideration the fact that 59,788 convicts were transported to the Colony, and also the present exigencies of both countries, in the one of which upwards of 4,000,000 of its population are subsisting on private and public charities; and in the other, hundreds of cattle are daily destroyed for the mere hides and tallow; it would, in the opinion of this Council, be of equivalent advantage to this Colony that the like number of 59,788 Free Emigrants be sent out at the expense of the Home Government within the next five years, and the Colony through their consumption of taxable commodities, be reimbursed in the sum annually due to it amounting to £62,751 1s. 11d. as hereinbefore expressed, which measure would likewise tend largely to increase the prosperity of the Colony, and the Exports of the United Kingdom.

2. Dr. NICHOLSON to move, That a humble Address be presented to Her Majesty, praying that Her Majesty may be graciously pleased to declare Geelong a free warehousing Port.
3. Mr. LOWE, to move for the appointment of a Select Committee to prepare Petitions to Her Majesty, and both Houses of Parliament, praying that they will be pleased to admit into the United Kingdom, corn and flour, the produce of the Australian Colonies, on the same terms as Canadian corn.
4. THE COLONIAL TREASURER to move, That the Council do. resolve itself into a Committee of the whole Council, to take into consideration the Estimates of Expenditure for the year 1845.

## ORDER OF THE DAY:—

1. Hawkers and Pedlars Bill; third reading.

THURSDAY,



THURSDAY, AUGUST 15.

NOTICES OF MOTION :—

1. MR. FOSTER to move, That the Petition presented by him on the 7th instant, from the inhabitants of the district of Macdonald River, be taken into consideration.
2. MR. WENTWORTH to move, That in the opinion of this Council it is expedient, with a view to encourage agriculture, and to provide employment for a large body of agricultural and other laborers, and mechanics with families, who are in a state of distress, arising from want of such employment, that His Excellency the Governor be requested to issue Debentures, secured on the Land Fund, to the amount of the Debentures secured on the same Fund already issued, or hereafter to be issued in payment for immigrants arrived in this colony, and to apply the proceeds of such new Debentures in the following manner :—

1st.—To the location of such agricultural laborers, and others of the above mentioned classes, as are desirous of being so located, on small farms of Crown Lands, on the banks of navigable waters, or in other situations suited to agriculture,—giving parties, so located, yearly leases of such small farms at a nominal rent, under a recommendation to the Right Honorable the Secretary of State for the Colonies, that such alteration be made in the Land Act, as will enable the Governor for the time being, ultimately to convert such leases into grants ; and providing such parties also, with a year's outfit of necessary food and clothing for themselves and their families, and with necessary seed, animals, and implements of agriculture, to bring their farms into cultivation, under a stipulation, that the value of the outfit, and other chattels thus supplied from the Crown Revenue, be reimbursed previously to the issue of a grant to the party receiving them.

2nd.—To the employment of such of the other enumerated classes, as may not be desirous of being so located, in the construction of roads, bridges, and such other public works of industry, utility, and urgent necessity, as are referred to in Lord Stanley's letter to His Excellency the Governor, enclosing the Act of Parliament, 5 and 6 Victoria, cap. 36, as far as the balance arising from the proceeds of such Debentures, after such location of families as is above, referred to, which is to be deemed the primary charge thereon, will allow.

ORDERS OF THE DAY :—

1. Melbourne Corporation Act amendment Bill ; second reading.
2. Consideration of the Petition from the District of Bourke, praying the separation of Port Phillip from the rest of the Colony.
3. Country Courts of Requests amendment Bill ; second reading.

---

FRIDAY, AUGUST 16.

NOTICE OF MOTION :—

1. MR. WINDEYER to move, That an Address be presented to His Excellency the Governor, praying him to take such steps as may be requisite, to obtain from the Home Government, compensation to the sufferers by the defalcation of the late Sheriff.

ORDERS OF THE DAY :—

1. Sydney Incorporation Act amendment Bill ; second reading.
2. Medical Witnesses Act amendment Bill ; to be considered in Committee.
3. Customs' Bill ; to be further considered in Committee.

---

TUESDAY, AUGUST 20.

NOTICE OF MOTION :—

1. DR. LANG to move, That a humble Address be presented to Her Majesty the Queen praying that Her Majesty will be graciously pleased to direct that the requisite steps may be taken for the speedy and entire separation of the District of Port Phillip from the Territory of New South Wales, and its erection into a separate and independent Colony.

---

TUESDAY

THURSDAY, AUGUST 22.

NOTICE OF MOTION :—

1. Mr. ROBINSON to move, That an Address be presented to His Excellency the Governor, requesting that there be laid upon the Table of this House the following Returns :—
  - (1.) A Return of all sums expended by the Government from the General Revenue, in the formation and maintenance of streets and roadways, the building of bridges, and the construction of drains and sewers, within the City of Sydney, to 1843, inclusive, so far as the same can be ascertained, distinguishing the amount for each year ; also, a Return of all sums expended by the Government for like purposes within the Town of Melbourne, to 1843, inclusive.
  - (2.) A Return of all sums expended by the Government in the introduction of Water into the City of Sydney, distinguishing the amount for each year ; also, a Return of all sums, if any, expended by the Government for like purposes within the Town of Melbourne, to 1843, inclusive.
  - (3.) A Return of all sums expended by the Government in Lighting the City of Sydney distinguishing the amount for each year ; also, a Return of all sums, if any, expended by the Government for like purposes within the Town of Melbourne, to 1843, inclusive.
  - (4.) A Return of all sums expended by the Government in the establishment and maintenance of Markets, and the erection of Market Buildings, in the City of Sydney, distinguishing the amount for each year ; also, a Return of all sums, if any, expended by the Government for like purposes within the Town of Melbourne, to 1843, inclusive.
  - (5.) A Return of all sums expended by the Government in the construction of Quays, Wharves and Jetties, in the City of Sydney, distinguishing the amount for each year ; also, a Return of all sums, if any, expended by the Government for like purposes within the Town of Melbourne, together with separate Returns of all sums levied for Wharfage Dues in Sydney and Melbourne respectively, to 1843, inclusive.
  - (6.) A Return of all sums expended by the Government in the formation and maintenance of the Sydney Botanical Garden, distinguishing the amount for each year ; also, a Return of all sums, if any, expended by the Government for like purposes within the Town of Melbourne, to 1843, inclusive.
  - (7.) A Return of all sums expended by the Government in the establishment and maintenance of the Australian Museum and Library, and the Sydney School of Arts, distinguishing the amount for each year ; also, a Return of all sums, if any, expended by the Government for like purposes within the Town of Melbourne, to 1843, inclusive.
  - (8.) A Return of all sums expended by the Government in the erection of Public Buildings other than those above specified, distinguishing the amount for each year ; also, a Return of all sums expended by the Government for like purposes within the Town of Melbourne, to 1843, inclusive.
  - (9.) A Return of all sums expended by the Government in deepening and improving the Harbour of Port Jackson ; also, of all sums, if any, expended by the Government in deepening and improving Hobson's Bay and the Yarra River.
  - (10.) A Return of all sums expended by the Government in the formation and maintenance of Parks, and other places of public amusement and recreation in Sydney ; also, a Return of all sums, if any, expended by the Government for like purposes within the Town of Melbourne.
  - (11.) A Return of all sums expended by the Government in the building and maintenance of Colleges and Schools, and for other Educational purposes within the City of Sydney, distinguishing the amount for each year ; also, a Return of all sums, if any, expended by the Government for like purposes within the Town of Melbourne, to 1843, inclusive.
  - (12.) A Return of all sums expended by the Government in the establishment and maintenance of Hospitals and Dispensaries within the City of Sydney, distinguishing the amount for each year ; also, a Return of all sums, if any, expended by the Government for like purposes within the Town of Melbourne, to 1843, inclusive.
  - (13.) A Return of all sums expended by the Government for other local improvements not hereinbefore enumerated for the City of Sydney and Town of Melbourne respectively.
  - (14.) A Return of all sums received by the Government for the Sale of Town Allotments, within the City of Sydney, distinguishing the amount for each year ; also, a Return of all sums received by the Government for the Sale of Melbourne Town Allotments, to 1843, inclusive.
  - (15.) A Return of the population in the City of Sydney, and the Town of Melbourne respectively, or as near thereto as can be estimated, distinguishing the free from the bond, for the year 1843.
  - (16.) A Return of all sums advanced out of the General Revenue by the Government to the Corporation of the City of Sydney, and Town of Melbourne respectively, in aid of the Town and Police Funds.
  - (17.) A Return of all Revenues transferred from the Government to the Corporations of Sydney and Melbourne respectively ; specifying the annual amounts.

ORDERS OF THE DAY :—

1. Pawnbrokers' regulation Bill ; second reading.
2. Law of Libel Bill ; to be considered in Committee.

FRIDAY, AUGUST 23.

1. Publicans' Licensing Act amendment Bill ; second reading,
2. Fees, Fines, and Penalties Bill ; second reading.

ALEX. M<sup>o</sup> LEAY,  
Speaker.

## VOTES AND PROCEEDINGS

OF

# THE LEGISLATIVE COUNCIL.

WEDNESDAY, 14 AUGUST, 1844.

1. Council met pursuant to adjournment; the Speaker took the Chair.  
Reply to Address to Prince Albert :—The Speaker read a letter from Colonel G. Anson announcing that he had been commanded, by His Royal Highness Prince Albert, to return thanks to the Members of the Legislative Council, for their Address of congratulation, (of 5th September last) on the happy event of the birth of a Princess; letter ordered to be printed.
2. District Councils Bill :—The Speaker announced that the Address relative to the District Councils Bill, had been presented to His Excellency the Governor, who had been pleased to say, that he would communicate his reply by Message.
3. Reply to Address to the Queen :—The Colonial Secretary laid upon the Table, a Despatch from the Right Honorable Lord Stanley, to His Excellency the Governor, (No. 32.) dated 4th March, 1844, expressing, that it has been with much satisfaction, that Her Majesty has received the Address of congratulation from the Council, of (5th September last) on the birth of a Princess; Despatch read, and ordered to be printed.
4. Mr. Robinson postponed his motion for an Address to Her Majesty, which stands on the Paper for to-day, until Wednesday next, August 21.
5. Dr. Nicholson postponed his motion, for an Address to Her Majesty, praying that Geelong may be declared a Free Warehousing Port, from this day, until Thursday, August 22.
6. Mr Lowe, pursuant to notice, moved, That a Select Committee be appointed to prepare Petitions to Her Majesty, and both Houses of Parliament, praying that they will be pleased to admit into the United Kingdom, corn and flour, the produce of the Australian Colonies, on the same terms as Canadian corn.  
Question put and passed; and the following Committee appointed.—

MR. LOWE,

DR. NICHOLSON,  
MR. ROBINSON,  
MR. W. C. WENTWORTH,

MR. WALKER,  
MR. COWPER,  
THE COLLECTOR OF CUSTOMS.

7. Estimates of Expenditure for 1845 :—The Colonial Treasurer postponed his motion on this subject until Wednesday next, August 21.
8. Hawkers and Pedlars Bill; read a third time and *passed*; to be presented for assent, to His Excellency the Governor, by a deputation, to consist of the Speaker and the Colonial Treasurer.  
Council adjourned at Four o'Clock, until to-morrow at Three o'Clock.

NOTICES OF MOTION AND ORDERS OF THE DAY.

THURSDAY, AUGUST 15.

NOTICES OF MOTION :—

1. MR. FOSTER to move, That the Petition presented by him on the 7th instant, from the inhabitants of the district of Macdonald River, be taken into consideration.
2. MR. WENTWORTH to move, That in the opinion of this Council it is expedient, with a view to encourage agriculture, and to provide employment for a large body of agricultural and other laborers, and mechanics with families, who are in a state of distress, arising from want of such employment, that His Excellency the Governor be requested to issue Debentures, secured on the Land Fund, to the amount of the Debentures secured on the same Fund already issued, or hereafter to be issued in payment for immigrants arrived in this colony, and to apply the proceeds of such new Debentures in the following manner:—

1st.—To the location of such agricultural laborers, and others of the above mentioned classes, as are desirous of being so located, on small farms of Crown Lands, on the banks of navigable waters, or in other situations suited to agriculture,—giving parties, so located, yearly leases of such small farms at a nominal rent, under a recommendation to the Right Honorable the Secretary of State for the Colonies, that such alteration be made in the Land Act, as will enable the Governor for the time being, ultimately to convert such leases into grants; and providing such parties also, with a year's outfit of necessary food and clothing for themselves and their families, and with necessary seed, animals, and implements of agriculture, to bring their farms into cultivation, under a stipulation, that the value of the outfit, and other chattels thus supplied from the Crown Revenue, be reimbursed previously to the issue of a grant to the party receiving them.

2nd.—To the employment of such of the other enumerated classes, as may not be desirous of being so located, in the construction of roads, bridges, and such other public works of enduring utility, and urgent necessity, as are referred to in Lord Stanley's letter to His Excellency the Governor, enclosing the Act of Parliament, 5 and 6 Victoria, cap. 36, as far as the balance arising from the proceeds of such Debentures, after such location of families as is above referred to, which is to be deemed the primary charge thereon, will allow.

ORDERS OF THE DAY :—

1. Melbourne Corporation Act amendment Bill; second reading.
2. Consideration of the Petition from the District of Bourke, praying the separation of Port Phillip from the rest of the Colony.
3. Country Courts of Requests amendment Bill; second reading.

FRIDAY, AUGUST 16.

NOTICE OF MOTION :—

1. MR. WINDYER to move, That an Address be presented to His Excellency the Governor, praying him to take such steps as may be requisite, to obtain from the Home Government, compensation to the sufferers by the defalcation of the late Sheriff.

ORDERS OF THE DAY :—

1. Sydney Incorporation Act amendment Bill; second reading.
2. Medical Witnesses Act amendment Bill; to be considered in Committee.
3. Customs Bill; to be further considered in Committee.
4. Colonial Spirits Exportation Bill; to be considered in Committee.

TUESDAY, AUGUST 20.

NOTICE OF MOTION :—

1. DR. LANG to move, That a humble Address be presented to Her Majesty the Queen praying that Her Majesty will be graciously pleased to direct that the requisite steps may be taken for the speedy and entire separation of the District of Port Phillip from the Territory of New South Wales, and its erection into a separate and independent Colony.

WEDNESDAY,

WEDNESDAY, AUGUST 21.

## NOTICES OF MOTION:—

1. Mr. ROBINSON to move, That an humble Address be presented to Her Majesty, setting forth that according to the Estimates, for 1845, laid before the Council, it will be requisite to raise, from the general Revenue and Municipal Assessments, the sum of £90,741 7s. 6d. for Police, Gaols, Building of Gaols, &c., being in a ratio of 12s. per head on the population of the Colony (165,541); whereas the whole expense of the Government of the Canadas does not exceed 7s. per head; and were a ratio similar to that existing in New South Wales, necessary for the United Kingdom, a sum not less than £16,200,000 would be required for these purposes.

That for the eight years, ending on the 31st December, 1843, a sum of £839,800 7s. 7d. was paid by the Colony for those services.

That the number of convictions of those who have arrived free, or have been born in the Colony, bear a proportion to those who have arrived as convicts, of 39 to 72; and that, as a matter of equity, instead of the Colony being subjected to the payment of this enormous sum, it should not be called upon for more than £33 990 5s. 7d., whilst the Home Government is justly chargeable with the balance of £62,751 1s. 11d.

That of the amount of £839,800 7s. 7d. already paid by the Colony, only £295,064 6s. 3d. is its fair proportion; and that the balance of £544,736 1s. 4d. is due to it by the Home Government.

That the necessity of providing the large amount, already alluded to, is severely felt by the inhabitants of this Colony; and they are thereby prevented from taking any effectual steps towards arresting the perpetuity of crime, by making an adequate provision for the education of the children of the Colony, the expense of which would be far greater, in proportion, than in England, from the scattered state of its population.

That they are thereby prevented from establishing a cheap and uniform rate of postage, and increasing the facilities of correspondence which have been attended with so highly beneficial results in the Mother Country.

That they are thereby prevented from appropriating any sum for the making or repairing of roads or bridges, or for other works indispensably necessary for the development of the resources of any new country, but more particularly of a Colony like this, which is nearly devoid of any facility for Inland Navigation.

That the raising of the sum in question is now felt to be the more burdensome in consequence of the stoppage of transportation, and the expenditure of the Home Government, for military and convict purposes, having fallen off from £300,058 2s. 3d. in 1839, to £170,072 17s. 5d. in 1843.

That the experiment of imposing a similar charge on the Colony, for like purposes, in Van Diemen's Land has totally failed; one third of the local expenditure of that Colony being now, of necessity, defrayed from the Military Chest.

And that Her Majesty be therefore humbly requested to recommend to Parliament that the amount of £544,736 1s. 4d., being arrears due to the Colony, and the sum of £62,751 1s. 11d. per annum, being the due portion of the expense entailed by the presence of a convict population in the Colony, be defrayed by the Home Government. Or should Her Majesty deem it more desirable, upon taking into her gracious consideration the fact that 59,788 convicts were transported to the Colony, and also the present exigencies of both countries, in the one of which upwards of 4,000,000 of its population are subsisting on private and public charities; and in the other, hundreds of cattle are daily destroyed for the mere hides and tallow; it would, in the opinion of this Council, be of equivalent advantage to this Colony that the like number of 59,788 Free Emigrants be sent out at the expense of the Home Government within the next five years, and the Colony through their consumption of taxable commodities, be reimbursed in the sum annually due to it amounting to £62,751 1s. 11d. as hereinbefore expressed, which measure would likewise tend largely to increase the prosperity of the Colony, and the Exports of the United Kingdom.

2. THE COLONIAL TREASURER to move, That the Council do resolve itself into a Committee of the whole Council, to take into consideration the Estimates of Expenditure for the year 1845.

THURSDAY, AUGUST 22.

1. MR. ROBINSON to move, That an Address be presented to His Excellency the Governor, requesting that there be laid upon the Table of this House the following Returns:—

(1.) A Return of all sums expended by the Government from the General Revenue, in the formation and maintenance of streets and roadways, the building of bridges, and the construction of drains and sewers, within the City of Sydney, to 1843, inclusive, so far as the same can be ascertained, distinguishing the amount for each year; also, a Return of all sums expended by the Government for like purposes within the Town of Melbourne, to 1843, inclusive.

(2.) A Return of all sums expended by the Government in the introduction of Water into the City of Sydney, distinguishing the amount for each year; also, a Return of all sums, if any, expended by the Government for like purposes within the Town of Melbourne, to 1843, inclusive.

(3.) A Return of all sums expended by the Government in Lighting the City of Sydney distinguishing the amount for each year; also, a Return of all sums, if any, expended by the Government for like purposes within the Town of Melbourne, to 1843, inclusive.

(4.)

- (4.) A Return of all sums expended by the Government in the establishment and maintenance of Markets, and the erection of Market Buildings, in the City of Sydney, distinguishing the amount for each year; also, a Return of all sums, if any, expended by the Government for like purposes within the Town of Melbourne, to 1843, inclusive.
- (5.) A Return of all sums expended by the Government in the construction of Quays, Wharves and Jetties, in the City of Sydney, distinguishing the amount for each year; also, a Return of all sums, if any, expended by the Government for like purposes within the Town of Melbourne, together with separate Returns of all sums levied for Wharfage Dues in Sydney and Melbourne respectively, to 1843, inclusive.
- (6.) A Return of all sums expended by the Government in the formation and maintenance of the Sydney Botanical Garden, distinguishing the amount for each year; also, a Return of all sums, if any, expended by the Government for like purposes within the Town of Melbourne, to 1843, inclusive.
- (7.) A Return of all sums expended by the Government in the establishment and maintenance of the Australian Museum and Library, and the Sydney School of Arts, distinguishing the amount for each year; also, a Return of all sums, if any, expended by the Government for like purposes within the Town of Melbourne, to 1843, inclusive.
- (8.) A Return of all sums expended by the Government in the erection of Public Buildings other than those above specified, distinguishing the amount for each year; also, a Return of all sums expended by the Government for like purposes within the Town of Melbourne, to 1843, inclusive.
- (9.) A Return of all sums expended by the Government in deepening and improving the Harbour of Port Jackson; also, of all sums, if any, expended by the Government in deepening and improving Hobson's Bay and the Yarra River.
- (10.) A Return of all sums expended by the Government in the formation and maintenance of Parks, and other places of public amusement and recreation in Sydney; also, a Return of all sums, if any, expended by the Government for like purposes within the Town of Melbourne.
- (11.) A Return of all sums expended by the Government in the building and maintenance of Colleges and Schools, and for other Educational purposes within the City of Sydney, distinguishing the amount for each year; also, a Return of all sums, if any, expended by the Government for like purposes within the Town of Melbourne, to 1843, inclusive.
- (12.) A Return of all sums expended by the Government in the establishment and maintenance of Hospitals and Dispensaries within the City of Sydney, distinguishing the amount for each year; also, a Return of all sums, if any, expended by the Government for like purposes within the Town of Melbourne, to 1843, inclusive.
- (13.) A Return of all sums expended by the Government for other local improvements not hereinbefore enumerated for the City of Sydney and Town of Melbourne respectively.
- (14.) A Return of all sums received by the Government for the Sale of Town Allotments, within the City of Sydney, distinguishing the amount for each year; also, a Return of all sums received by the Government for the Sale of Melbourne Town Allotments, to 1843, inclusive.
- (15.) A Return of the population in the City of Sydney, and the Town of Melbourne respectively, or as near thereto as can be estimated, distinguishing the free from the bond; for the year 1843.
- (16.) A Return of all sums advanced out of the General Revenue by the Government to the Corporation of the City of Sydney, and Town of Melbourne respectively, in aid of the Town and Police Funds.
- (17.) A Return of all Revenues transferred from the Government to the Corporations of Sydney and Melbourne respectively; specifying the annual amounts.
2. DR. NICHOLSON to move, That a humble Address be presented to Her Majesty, praying that Her Majesty may be graciously pleased to declare Geelong a free warehousing Port.

ORDERS OF THE DAY:—

1. Pawnbrokers' regulation Bill; second reading.
2. Law of Libel Bill; to be considered in Committee.

FRIDAY, AUGUST 23.

1. Publicans' Licensing Act amendment Bill; second reading.
2. Fees, Fines, and Penalties Bill; second reading.

CONTINGENT NOTICE OF MOTION,

1. MR. BRADLEY to move, That when the Estimate for the Salaries of Police Magistrates is brought forward, the Petition from the Warden and Councillors of the District of Goulburn, praying for the provision of a Salary for a Police Magistrate, for that District, may be taken into consideration.

ALEX. M<sup>c</sup>LEAY,  
Speaker.

## VOTES AND PROCEEDINGS

## THE LEGISLATIVE COUNCIL.

THURSDAY, 15 AUGUST, 1844.

1. Council met pursuant to adjournment; the Speaker took the Chair. Mr. Cowper, in the absence, and at the request of Mr. Foster, postponed until Wednesday next, August 21, Mr. Forster's motion, which stands on the paper for to-day, for the consideration of a Petition, presented by him on the 7th instant, from the inhabitants of the District of Macdonald River.
2. Reduction of the Salaries of Public Officers:—Mr. Wentworth presented a Petition from certain Inhabitants of the District of Illawarra, stating it to be their opinion, that the Salaries of Public Officers, when compared with the depressed state of the Colony, are on a most extravagant scale; and far more than a just remuneration for their services; and that a reduction of at least twenty-five per cent., on the Salaries as estimated for the year 1846, is not more than the community have a right to expect; and praying, that the Council will scrutinize with the most anxious care, every item connected with each Department of the Public Service—will abolish such offices as can be dispensed with—and will, without injuring the general efficiency of the several Departments, cause such other reductions to be made, as may be deemed expedient; Petition read and received.
3. Mr. Wentworth, pursuant to notice, moved, That in the opinion of this Council it is expedient, with a view to encourage agriculture, and to provide employment for a large body of agricultural and other laborers, and mechanics with families, who are in a state of distress, arising from want of such employment, that His Excellency the Governor be requested to issue Debentures, secured on the Land Fund, to the amount of the Debentures secured on the same Fund already issued, or hereafter to be issued in payment of engagements already entered into, for the importation of Immigrants arrived, and to arrive in this colony, and to apply the proceeds of such new Debentures in the following manner:—
  - 1st.—To the location of such agricultural laborers, and others of the above mentioned classes, as are desirous of being so located, on small farms of Crown Lands, on the banks of navigable waters, or in other situations suited to agriculture.—giving parties, so located, yearly leases of such small farms at a nominal rent, under a recommendation to the Right Honorable the Secretary of State for the Colonies, that such farms be put up to auction; in conformity with the provisions of the 5th and 6th Victoria, cap. 36, and that a remission, equal to the value to be bid for the same, by the respective tenants thereof, be in all instances allowed them; and providing such parties also, with a year's outfit of necessary food and clothing for themselves and their families, and with necessary seed, animals, and implements of agriculture, to bring their farms into cultivation, under a stipulation, that the value of the outfit, and other chattels thus supplied from the Crown Revenue, be reimbursed previously to the issue of a grant to the party receiving them.
  - 2nd.—To the employment of such of the other enumerated classes, as may not be desirous of being so located, in the construction of roads, bridges, and such other public works of enduring utility, and urgent necessity, as are referred to in Lord Stanley's letter to His Excellency the Governor, enclosing the Act of Parliament, 5 and 6 Victoria, cap. 36, as far as the balance arising from the proceeds of such Debentures, after such location of families as is above referred to, which is to be deemed the primary charge thereon, will allow.
 Debate ensued.

Moved

Moved, as an amendment, by the Colonial Secretary, That this question be now put ;  
 Debate continued.

Question put on the amendment ; Council divided.

Ayes 5.

MR. W. C. WENTWORTH,  
 MR. SUTTOR,  
 MR. MACARTHUR,  
 DR. LANG,  
 DR. BLAND, (Teller.)

Noes 17.

THE COLONIAL SECRETARY,  
 MR. LOWE,  
 MR. YOUNG,  
 DR. NICHOLSON,  
 MR. DARVALL,  
 MR. COWPER,  
 MR. MURRAY,  
 THE AUDITOR GENERAL,  
 MR. WALKER,  
 MR. WINDEYER,  
 THE ATTORNEY GENERAL,  
 MR. ROBINSON,  
 THE COLLECTOR OF CUSTOMS,  
 MR. TERRY,  
 MR. ICELY,  
 MR. LORD,  
 THE COLONIAL TREASURER, (Teller.)

4. Colonial Architect's Department :—Mr. Windeyer presented a Petition from certain operatives, and others, resident in Sydney, representing that large sums of money have been voted for, and expended on, the Public Works of the Colony, but that no corresponding benefit has been conferred on the Working Classes, or the Public, which leads them to believe that there must be something radically wrong, or unfair, in their management ; and praying that such measures may be adopted, as will effect a thorough reformation in the Department of the Colonial Architect.  
 Petition read and received.
5. Colonial Spirits' Exportation Bill :—The Collector of Customs presented a Petition from certain Merchants, and others, in the City of Sydney, representing that they have perceived, with regret and alarm, that " A Bill to permit the Exportation of Colonial Spirits without Duty," has been read a second time ; and praying, that for reasons set forth in the Petition, the Council will not consent to the passing of a measure so fraught with danger to the Revenue of the Colony.  
 Petition read and received.
6. Melbourne Corporation Act amendment Bill ; read a second time, to be considered in Committee on Friday, August 23.
7. Consideration of the Petition from the District of Bourke, praying the separation of Port Phillip from the rest of the Colony, postponed until Tuesday next, August 20.
8. Country Courts of Requests Act amendment Bill ; second reading postponed until Thursday next, August 22.  
 Council adjourned at Seven o'Clock, until to-morrow at Three o'Clock.

## NOTICES OF MOTION AND ORDERS OF THE DAY.

FRIDAY, AUGUST 16.

NOTICE OF MOTION :—

1. MR. WINDEYER to move, That an Address be presented to His Excellency the Governor, praying him to take such steps as may be requisite, to obtain from the Home Government, compensation to the sufferers by the defalcation of the late Sheriff.

ORDERS OF THE DAY :—

1. Sydney Incorporation Act amendment Bill ; second reading.
2. Medical Witnesses Act amendment Bill ; to be considered in Committee.
3. Customs' Bill ; to be further considered in Committee.
4. Colonial Spirits Exportation Bill ; to be considered in Committee.

TUESDAY, AUGUST 20.

NOTICES OF MOTION :—

1. DR. LANG to move, That a humble Address be presented to Her Majesty the Queen praying that Her Majesty will be graciously pleased to direct that the requisite steps may be taken for the speedy and entire separation of the District of Port Phillip from the Territory of New South Wales, and its erection into a separate and independent Colony.
2. THE COLONIAL TREASURER to move for the appointment of a Select Committee, to enquire into the state of distress alleged to exist amongst certain Agricultural, and other Labourers, and Mechanics with families, and to suggest the means of affording them such relief as may appear requisite.

ORDER



## ORDER OF THE DAY:—

1. Consideration of the Petition from the District of Bourke, praying the Separation of Port Phillip from the rest of the Colony.

WEDNESDAY, AUGUST 21.

## NOTICES OF MOTION:—

1. Mr. ROBINSON to move, That an humble Address be presented to Her Majesty, setting forth that according to the Estimates for 1845, laid before the Council, it will be requisite to raise, from the general Revenue and Municipal Assessments, the sum of £96,741 7s. 6d. for Police, Gaols, Building of Gaols, &c., being in a ratio of 12s. per head on the population of the Colony (165,541); whereas the whole expense of the Government of the Canadas does not exceed 7s. per head; and were a ratio similar to that existing in New South Wales, necessary for the United Kingdom, a sum not less than £16,200,000 would be required for these purposes.

That for the eight years, ending on the 31st December, 1843, a sum of £839,800 7s. 7d. was paid by the Colony for those services.

That the number of convictions of those who have arrived free, or have been born in the Colony, bear a proportion to those who have arrived as convicts, of 39 to 72; and that, as a matter of equity, instead of the Colony being subjected to the payment of this enormous sum, it should not be called upon for more than £33 990 5s. 7d., whilst the Home Government is justly chargeable with the balance of £62,751 1s. 11d.

That of the amount of £839,800 7s. 7d. already paid by the Colony, only £295,064 6s. 3d. is its fair proportion; and that the balance of £544,736 1s. 4d. is due to it by the Home Government.

That the necessity of providing the large amount, already alluded to, is severely felt by the inhabitants of this Colony; and they are thereby prevented from taking any effectual steps towards arresting the perpetuity of crime, by making an adequate provision for the education of the children of the Colony, the expense of which would be far greater, in proportion, than in England, from the scattered state of its population.

That they are thereby prevented from establishing a cheap and uniform rate of postage, and increasing the facilities of correspondence which have been attended with so highly beneficial results in the Mother Country.

That they are thereby prevented from appropriating any sum for the making or repairing of roads or bridges, or for other works indispensably necessary for the development of the resources of any new country, but more particularly of a Colony like this, which is nearly devoid of any facility for Inland Navigation.

That the raising of the sum in question is now felt to be the more burdensome in consequence of the stoppage of transportation, and the expenditure of the Home Government, for military and convict purposes, having fallen off from £300,058 2s. 3d. in 1839, to £170,072 17s. 5d. in 1843.

That the experiment of imposing a similar charge on the Colony, for like purposes, in Van Diemen's Land has totally failed; one third of the local expenditure of that Colony being now, of necessity, defrayed from the Military Chest.

And that Her Majesty be therefore humbly requested to recommend to Parliament that the amount of £544,736 1s. 4d., being arrears due to the Colony, and the sum of £62,751 1s. 11d. per annum, being the due portion of the expense entailed by the presence of a convict population in the Colony, be defrayed by the Home Government. Or should Her Majesty deem it more desirable, upon taking into her gracious consideration the fact that 59,788 convicts were transported to the Colony, and also the present exigencies of both countries, in the one of which upwards of 4,000,000 of its population are subsisting on private and public charities; and in the other, hundreds of cattle are daily destroyed for the mere hides and tallow; it would, in the opinion of this Council, be of equivalent advantage to this Colony that the like number of 59,788 Free Emigrants be sent out at the expense of the Home Government within the next five years, and the Colony through their consumption of taxable commodities, be reimbursed in the sum annually due to it amounting to £62,751 1s. 11d. as hereinbefore expressed, which measure would likewise tend largely to increase the prosperity of the Colony, and the Exports of the United Kingdom.

2. THE COLONIAL TREASURER to move, That the Council do resolve itself into a Committee of the whole Council, to take into consideration the Estimates of Expenditure for the year 1845.
3. MR. FOSTER to move, That the Petition presented by him on the 7th instant, from the inhabitants of the district of Macdonald River, be taken into consideration.

THURSDAY, AUGUST 22.

1. Mr. ROBINSON to move, That an Address be presented to His Excellency the Governor, requesting that there be laid upon the Table of this House the following Returns:—  
(1.) A Return of all sums expended by the Government from the General Revenue, in the formation and maintenance of streets and roadways, the building of bridges, and the construction of drains and sewers, within the City of Sydney, to 1843, inclusive, so far as the same can be ascertained, distinguishing the amount for each year; also, a Return of all sums expended by the Government for like purposes within the Town of Melbourne, to 1843, inclusive,

(2.)

- (2.) A Return of all sums expended by the Government in the introduction of Water into the City of Sydney, distinguishing the amount for each year; also, a Return of all sums, if any, expended by the Government for like purposes within the Town of Melbourne, to 1843, inclusive.
- (3.) A Return of all sums expended by the Government in Lighting the City of Sydney distinguishing the amount for each year; also, a Return of all sums, if any, expended by the Government for like purposes within the Town of Melbourne, to 1843, inclusive.
- (4.) A Return of all sums expended by the Government in the establishment and maintenance of Markets, and the erection of Market Buildings, in the City of Sydney, distinguishing the amount for each year; also, a Return of all sums, if any, expended by the Government for like purposes within the Town of Melbourne, to 1843, inclusive.
- (5.) A Return of all sums expended by the Government in the construction of Quays, Wharves and Jetties, in the City of Sydney, distinguishing the amount for each year; also, a Return of all sums, if any, expended by the Government for like purposes within the Town of Melbourne, together with separate Returns of all sums levied for Wharfage Dues in Sydney and Melbourne respectively, to 1843, inclusive.
- (6.) A Return of all sums expended by the Government in the formation and maintenance of the Sydney Botanical Garden, distinguishing the amount for each year; also, a Return of all sums, if any, expended by the Government for like purposes within the Town of Melbourne, to 1843, inclusive.
- (7.) A Return of all sums expended by the Government in the establishment and maintenance of the Australian Museum and Library, and the Sydney School of Arts, distinguishing the amount for each year; also, a Return of all sums, if any, expended by the Government for like purposes within the Town of Melbourne, to 1843, inclusive.
- (8.) A Return of all sums expended by the Government in the erection of Public Buildings other than those above specified, distinguishing the amount for each year; also, a Return of all sums expended by the Government for like purposes within the Town of Melbourne, to 1843, inclusive.
- (9.) A Return of all sums expended by the Government in deepening and improving the Harbour of Port Jackson; also, of all sums, if any, expended by the Government in deepening and improving Hobson's Bay and the Yarra River.
- (10.) A Return of all sums expended by the Government in the formation and maintenance of Parks, and other places of public amusement and recreation in Sydney; also, a Return of all sums, if any, expended by the Government for like purposes within the Town of Melbourne.
- (11.) A Return of all sums expended by the Government in the building and maintenance of Colleges and Schools, and for other Educational purposes within the City of Sydney, distinguishing the amount for each year; also, a Return of all sums, if any, expended by the Government for like purposes within the Town of Melbourne, to 1843, inclusive.
- (12.) A Return of all sums expended by the Government in the establishment and maintenance of Hospitals and Dispensaries within the City of Sydney, distinguishing the amount for each year; also, a Return of all sums, if any, expended by the Government for like purposes within the Town of Melbourne, to 1843, inclusive.
- (13.) A Return of all sums expended by the Government for other local improvements not hereinbefore enumerated for the City of Sydney and Town of Melbourne respectively.
- (14.) A Return of all sums received by the Government for the Sale of Town Allotments, within the City of Sydney, distinguishing the amount for each year; also, a Return of all sums received by the Government for the Sale of Melbourne Town Allotments, to 1843, inclusive.
- (15.) A Return of the population in the City of Sydney, and the Town of Melbourne respectively, or as near thereto as can be estimated, distinguishing the free from the bond, for the year 1843.
- (16.) A Return of all sums advanced out of the General Revenue by the Government to the Corporation of the City of Sydney; and Town of Melbourne, respectively, in aid of the Town and Police Funds.
- (17.) A Return of all Revenues transferred from the Government to the Corporations of Sydney and Melbourne respectively; specifying the annual amounts.
2. Dr. NICHOLSON to move, That a humble Address be presented to Her Majesty, praying, that Her Majesty may be graciously pleased to declare Geelong a free warehousing Port.

ORDERS OF THE DAY:—

1. Pawnbrokers' regulation Bill; second reading.
2. Law of Libel; Bill; to be considered in Committee.
3. Country Courts of Requests amendment Bill; second reading.

FRIDAY, AUGUST 23.

NOTICE OF MOTION:—

1. Mr. WILKINSON to move for the appointment of a Select Committee, to enquire into the expense of Public Buildings.

ORDERS

## ORDERS OF THE DAY:—

1. Publicans' Licensing Act amendment Bill ; second reading,
2. Fees, Fines, and Penalties Bill ; second reading.
3. Melbourne Corporation Act amendment Bill ; to be considered in Committee.

---

**CONTINGENT NOTICE OF MOTION,**

1. **MR. BRADLEY** to move, That when the Estimate for the Salaries of Police Magistrates is brought forward, the Petition from the Warden and Councillors of the District of Goulburn, praying for the provision of a Salary for a Police Magistrate, for that District, may be taken into consideration.

**ALEX. M<sup>r</sup> LEAY,**  
*Speaker.*



## VOTES AND PROCEEDINGS

## THE LEGISLATIVE COUNCIL.

FRIDAY, 16 AUGUST, 1844.

1. Council met pursuant to adjournment; the Speaker took the Chair. The Colonial Secretary laid upon the Table, Extracts from the undermentioned Despatches;
  - Police and Gaols:—
  - (1.) Extract from a Despatch, from His Excellency Sir George Gipps, to the Right Honorable Lord Stanley, dated 28 October, 1843, (No. 175.)
  - (2.) Extract from a Despatch, from the Right Honorable Lord Stanley, to His Excellency Sir George Gipps, dated 29 March, 1844.
  - Schedules to the 5th and 6th Victoria, cap. 70:—
  - (3.) Extract from a Despatch, from His Excellency Sir George Gipps, to the Right Honorable Lord Stanley, dated 28 October, 1843, (No. 176.)
  - (4.) Extract from a Despatch, from the Right Honorable Lord Stanley, to Sir George Gipps, dated 29 March, 1844.
 Extracts ordered to be printed.
2. Municipal Police:—Mr. Wentworth presented a Petition from the Mayor, Aldermen, and Councillors of the City of Sydney, praying that the same powers of Police administration and control, as are exercised by the Borough Corporations in England, may be granted to them. Petition read and received.
3. Auctioneers' Licenses:—Mr. Suttor presented a Petition from certain residents of the District of Bathurst, praying that Auctioneers may be restricted, in the exercise of their calling, to the Districts in which they obtain their certificates from the Magistrates; and that the License fee may be increased. Petition read and received.
4. Police Magistracy of Hartley:—Mr. Icely presented a Petition from certain Magistrates, District Councillors, and other persons in the District of Hartley, praying that the services of the Police Magistrate at Hartley, may be retained, and that such salary may be voted for him, for the year 1845, as the Council may think necessary. Petition read and received.
5. Mr. Lowe, in the absence, and at the request, of Mr. Windeyer, postponed until Friday next, August 23, Mr. Windeyer's Motion which stands on the Paper for to-day, relative to the defalcation of the late Sheriff.
6. Sydney Incorporation Act amendment Bill; read a second time; to be considered in Committee on Friday next, August 23.
7. Medical Witnesses' Act amendment Bill:—The Council resolved itself into a Committee of the whole House, for the consideration of this Bill. The Chairman reported the Bill with amendments; Bill ordered to be engrossed, and read a third time on Friday next, August 23.
8. Customs' Bill:—The Council resolved itself into Committee for the further consideration of this Bill. The Chairman reported progress, and obtained leave to sit again on Friday next, August 23.
9. Colonial Spirits Exportation Bill:—The Council resolved itself into Committee for the consideration of this Bill. The Chairman reported progress. Council adjourned at a quarter before Eight o'clock, until Tuesday next at Three o'clock.



- like number of 59,788 Free Emigrants be sent out at the expense of the Home Government within the next five years, and the Colony through their consumption of taxable commodities, be reimbursed in the sum annually due to it amounting to £62,751 ls. 11d. as hereinbefore expressed, which measure would likewise tend largely to increase the prosperity of the Colony, and the Exports of the United Kingdom.
2. THE COLONIAL TREASURER to move, That the Council do resolve itself into a Committee of the whole Council, to take into consideration the Estimates of Expenditure for the year 1845.
  3. MR. FOSTER to move, That the Petition presented by him on the 7th instant, from the inhabitants of the district of Macdonald River, be taken into consideration.

---

THURSDAY, AUGUST 22.

1. MR. ROBINSON to move, That an Address be presented to His Excellency the Governor requesting that there be laid upon the Table of this House the following Returns:—
  - (1.) A Return of all sums expended by the Government from the General Revenue, in the formation and maintenance of streets and roadways, the building of bridges, and the construction of drains and sewers, within the City of Sydney, to 1843, inclusive, so far as the same can be ascertained, distinguishing the amount for each year; also, a Return of all sums expended by the Government for like purposes within the Town of Melbourne, to 1843, inclusive.
  - (2.) A Return of all sums expended by the Government in the introduction of Water into the City of Sydney, distinguishing the amount for each year; also, a Return of all sums, if any, expended by the Government for like purposes within the Town of Melbourne, to 1843, inclusive.
  - (3.) A Return of all sums expended by the Government in Lighting the City of Sydney distinguishing the amount for each year; also, a Return of all sums, if any, expended by the Government for like purposes within the Town of Melbourne, to 1843, inclusive.
  - (4.) A Return of all sums expended by the Government in the establishment and maintenance of Markets, and the erection of Market Buildings, in the City of Sydney, distinguishing the amount for each year; also, a Return of all sums, if any, expended by the Government for like purposes within the Town of Melbourne, to 1843, inclusive.
  - (5.) A Return of all sums expended by the Government in the construction of Quays, Wharves and Jetties, in the City of Sydney, distinguishing the amount for each year; also, a Return of all sums, if any, expended by the Government for like purposes within the Town of Melbourne, together with separate Returns of all sums levied for Wharfage Dues in Sydney and Melbourne respectively, to 1843, inclusive.
  - (6.) A Return of all sums expended by the Government in the formation and maintenance of the Sydney Botanical Garden, distinguishing the amount for each year; also, a Return of all sums, if any, expended by the Government for like purposes within the Town of Melbourne, to 1843, inclusive.
  - (7.) A Return of all sums expended by the Government in the establishment and maintenance of the Australian Museum and Library, and the Sydney School of Arts, distinguishing the amount for each year; also, a Return of all sums, if any, expended by the Government for like purposes within the Town of Melbourne, to 1843, inclusive.
  - (8.) A Return of all sums expended by the Government in the erection of Public Buildings other than those above specified, distinguishing the amount for each year; also, a Return of all sums expended by the Government for like purposes within the Town of Melbourne, to 1843, inclusive.
  - (9.) A Return of all sums expended by the Government in deepening and improving the Harbour of Port Jackson; also, of all sums, if any, expended by the Government in deepening and improving Hobson's Bay and the Yarra River.
  - (10.) A Return of all sums expended by the Government in the formation and maintenance of Parks, and other places of public amusement and recreation in Sydney; also, a Return of all sums, if any, expended by the Government for like purposes within the Town of Melbourne.
  - (11.) A Return of all sums expended by the Government in the building and maintenance of Colleges and Schools, and for other Educational purposes within the City of Sydney, distinguishing the amount for each year; also, a Return of all sums, if any, expended by the Government for like purposes within the Town of Melbourne, to 1843, inclusive.
  - (12.) A Return of all sums expended by the Government in the establishment and maintenance of Hospitals and Dispensaries within the City of Sydney, distinguishing the amount for each year; also, a Return of all sums, if any, expended by the Government for like purposes within the Town of Melbourne, to 1843, inclusive.
  - (13.) A Return of all sums expended by the Government for other local improvements not hereinbefore enumerated for the City of Sydney and Town of Melbourne respectively.
  - (14.) A Return of all sums received by the Government for the Sale of Town Allotments, within the City of Sydney, distinguishing the amount for each year; also, a Return of all sums received by the Government for the Sale of Melbourne Town Allotments, to 1843, inclusive.
  - (15.) A Return of the population in the City of Sydney, and the Town of Melbourne respectively, or as near thereto as can be estimated, distinguishing the free from the bond, for the year 1843.
  - (16.) A Return of all sums advanced out of the General Revenue by the Government to the Corporation of the City of Sydney, and Town of Melbourne respectively, in aid of the Town and Police Funds.
  - (17.)

- (17.) A Return of all Revenues transferred from the Government to the Corporations of Sydney and Melbourne respectively; specifying the annual amounts.
2. DR. NICHOLSON to move, That a humble Address be presented to Her Majesty, praying that Her Majesty may be graciously pleased to declare Geelong a free warehousing Port.

ORDERS OF THE DAY:—

1. Pawnbrokers' regulation Bill; second reading.
2. Law of Libel Bill; to be considered in Committee.
3. Country Courts of Requests amendment Bill; second reading.

FRIDAY, AUGUST 23.

NOTICES OF MOTION:—

1. MR. WINDEYER to move for the appointment of a Select Committee, to enquire into the expenso of Public Buildings.
2. MR. WINDEYER to move, That an Address be presented to His Excellency the Governor, praying him to take such steps as may be requisite, to obtain from the Home Government, compensation to the sufferers by the defalcation of the late Sheriff.

ORDERS OF THE DAY:—

1. Publicans' Licensing Act amendment Bill; second reading.
2. Fees, Fines, and Penalties Bill; second reading.
3. Melbourne Corporation Act amendment Bill; to be considered in Committee.
4. Sydney Incorporation Act amendment Bill; to be considered in Committee.
5. Medical Witnesses Act amendment Bill; third reading.
6. Customs' Bill; to be further considered in Committee.

CONTINGENT NOTICE OF MOTION;

1. MR. BRADLEY to move, That when the Estimate for the Salaries of Police Magistrates is brought forward, the Petition from the Warden and Councillors of the District of Goulburn, praying for the provision of a Salary for a Police Magistrate, for that District, may be taken into consideration.

ALEX. M<sup>c</sup> LEAY,  
Speaker.



## VOTES AND PROCEEDINGS

OF

## THE LEGISLATIVE COUNCIL.

TUESDAY, 20 AUGUST, 1844.

1. Council met pursuant to adjournment; the Speaker took the Chair.  
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, shewing 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.

2. Land Grievances:—Mr. Cowper, as Chairman, brought up the Report, and laid upon the Table, the Evidence taken before the Select Committee, appointed on the 30th of May last, to enquire into, and report upon all grievances connected with the lands of the Colony, with an instruction to distinguish between the grievances which can be redressed in the Colony, and those which cannot.  
Report and Evidence ordered to be printed, and taken into consideration on Thursday, September 5.
3. Police and Gaol Expenditure:—Mr. Robinson postponed bringing forward his motion, on this subject, until Wednesday, August 28.
4. Port Phillip; Separation:—Dr. Nicholson presented a Petition from certain Inhabitants of the District of Port Phillip, praying the Council to adopt such votes and resolutions, and submit such Petitions to the Imperial Legislature, as shall, in their judgment, be best calculated to obtain for Port Phillip, entire separation from the remainder of the Colony of New South Wales, and to adopt such further measures, as may, in the meantime, secure to that District, the exclusive Appropriation of its own Revenues; Petition read and received.
5. District Council;—Raymond Terrace:—Mr. Windeyer presented a Petition from certain Inhabitants of the District of Raymond Terrace, against the enforcement of taxation, under the Act of Parliament, 5 and 6 Victoria, chap. 76—complaining of their District being rated for a Police Magistrate for Dungog and Port Stephens—and praying the Council to afford them relief; Petition read and received.
6. Narellan; Court House:—Mr. Cowper presented a Petition from certain Landholders, Householders, and free Inhabitants of the District of Narellan, and its vicinity, praying that the sum of £200, which appears on the Estimates for the ensuing year, for the erection of a Court House at Camden, may be expended, in preference, on the erection of a Court House at Narellan; Petition read and received.

7. Port Phillip; Separation:—Dr. Lang, pursuant to notice, moved, That a humble Address be presented to Her Majesty the Queen, praying that Her Majesty will be graciously pleased to direct, that the requisite steps may be taken, for the speedy and entire separation of the District of Port Phillip, from the Territory of New South Wales, and its erection into a separate and Independent Colony.

Debate ensued.

Moved, as an amendment, That this Question be now put.

Debate continued.

Question put on the amendment.

Council divided:—

Ayes 6.

DR. LANG,  
DR. NICHOLSON,  
MR. WALKER,  
MR. YOUNG,  
MR. LOWE,  
MR. ROBINSON, (Teller.)

Noes 19.

THE COMMANDER OF THE FORCES,  
THE COLONIAL SECRETARY,  
MR. COWPER,  
DR. BLAND,  
MR. PANTON,  
MR. BRADLEY,  
MR. FOSTER,  
CAPTAIN DUMARESQU,  
MR. LAWSON,  
MR. COGHILL,  
MR. MURRAY,  
THE ATTORNEY GENERAL,  
MR. ICELY,  
THE AUDITOR GENERAL,  
THE COLLECTOR OF CUSTOMS,  
MR. MACARTHUR,  
MR. THERRY,  
MR. LORD,  
THE COLONIAL TREASURER, (Teller.)

9. Distressed Laborers:—The Colonial Treasurer, pursuant to notice, moved, That a Select Committee be appointed to enquire into the state of distress, alleged to exist amongst certain agricultural and other laborers and mechanics with families, and to suggest the means of affording them such relief, as may appear requisite.

Question put and passed, and the following Committee appointed accordingly:—

THE COLONIAL TREASURER,

MR. COWPER,  
MR. W. C. WENTWORTH,  
MR. ROBINSON,

DR. NICHOLSON,  
THE COLONIAL SECRETARY,  
DR. LANG.

10. Chief Justice; Half Salary:—On the motion of the Colonial Secretary, pursuant to notice, the Council resolved itself into a Committee of the whole House, to take into consideration the appropriation of £ , to defray the Half Salary of His Honor Sir James Dowling, Chief Justice of the Colony, for the remainder of the year 1844, during his absence on leave from the Colony.
- The Chairman reported, That the Colonial Secretary had withdrawn his motion in favor of an amendment, of which Mr. Murray gave notice for to-morrow.
- Council adjourned at Nine o'Clock, until to-morrow at Three o'Clock.

## NOTICES OF MOTION AND ORDERS OF THE DAY.

WEDNESDAY, AUGUST 21.

NOTICES OF MOTION:—

1. THE COLONIAL TREASURER to move, That the Council do resolve itself into a Committee of the whole Council, to take into consideration the Estimates of Expenditure for the year 1845.
2. MR. FOSTER to move, That the Petition presented by him on the 7th instant, from the inhabitants of the district of Macdonald River, be taken into consideration.
3. MR. ROBINSON to move, That on Wednesday, the 28th instant, the House be called over.
4. DR. NICHOLSON to move, That the Petition presented by him yesterday, from Port Phillip, for the separation of that District from the rest of the Colony of New South Wales, be printed.
5. DR. BLAND to move, That the Petition from Archibald Campbell, of Sydney, Accountant, praying that enquiry may be made as to the Estate of Hugh Niven, who died at Melbourne, in 1839, be referred to the General Grievance Committee.
6. THE COLONIAL SECRETARY to move, That a sum not exceeding £500 be appropriated, to make good to the Town Fund of Melbourne, a sum which has been withheld from it by the government, in order to reimburse itself for expenses incurred on account of the Police, which ought to have been defrayed by a Police rate on the inhabitants.

7. **MR. MURRAY** to move, That an Address be presented to His Excellency the Governor, requesting His Excellency to place upon the Estimates, the sum necessary to provide for full salary to His Honor Sir James Dowling, Chief Justice of the Colony, during his absence on leave from the Colony, for a period not exceeding two years.
8. **THE COLLECTOR OF CUSTOMS** to move, That the Bill for the Exportation of Colonial distilled Spirits, be referred to a Select Committee.

**ORDERS OF THE DAY :—**

1. Consideration of the Governor's Message on District Councils Expenditure.
2. Consideration of the Petition from the District of Bourke, praying the separation of Port Phillip from the rest of the Colony.

THURSDAY, AUGUST 22.

**NOTICES OF MOTION :—**

1. **MR. ROBINSON** to move, That an Address be presented to His Excellency the Governor requesting that there be laid upon the Table of this House the following Returns :—
  - (1.) A Return of all sums expended by the Government from the General Revenue, in the formation and maintenance of streets and roadways, the building of bridges, and the construction of drains and sewers, within the City of Sydney, to 1843, inclusive, so far as the same can be ascertained, distinguishing the amount for each year ; also, a Return of all sums expended by the Government for like purposes within the Town of Melbourne, to 1843, inclusive.
  - (2.) A Return of all sums expended by the Government in the introduction of Water into the City of Sydney, distinguishing the amount for each year ; also, a Return of all sums, if any, expended by the Government for like purposes within the Town of Melbourne, to 1843, inclusive.
  - (3.) A Return of all sums expended by the Government in Lighting the City of Sydney distinguishing the amount for each year ; also, a Return of all sums, if any, expended by the Government for like purposes within the Town of Melbourne, to 1843, inclusive.
  - (4.) A Return of all sums expended by the Government in the establishment and maintenance of Markets, and the erection of Market Buildings, in the City of Sydney, distinguishing the amount for each year ; also, a Return of all sums, if any, expended by the Government for like purposes within the Town of Melbourne, to 1843, inclusive.
  - (5.) A Return of all sums expended by the Government in the construction of Quays, Wharves and Jetties, in the City of Sydney, distinguishing the amount for each year ; also, a Return of all sums, if any, expended by the Government for like purposes within the Town of Melbourne, together with separate Returns of all sums levied for Wharfage Dues in Sydney and Melbourne respectively, to 1843, inclusive.
  - (6.) A Return of all sums expended by the Government in the formation and maintenance of the Sydney Botanical Garden, distinguishing the amount for each year ; also, a Return of all sums, if any, expended by the Government for like purposes within the Town of Melbourne, to 1843, inclusive.
  - (7.) A Return of all sums expended by the Government in the establishment and maintenance of the Australian Museum and Library, and the Sydney School of Arts, distinguishing the amount for each year ; also, a Return of all sums, if any, expended by the Government for like purposes within the Town of Melbourne, to 1843, inclusive.
  - (8.) A Return of all sums expended by the Government in the erection of Public Buildings other than those above specified, distinguishing the amount for each year ; also, a Return of all sums expended by the Government for like purposes within the Town of Melbourne, to 1843, inclusive.
  - (9.) A Return of all sums expended by the Government in deepening and improving the Harbour of Port Jackson ; also, of all sums, if any, expended by the Government in deepening and improving Hobson's Bay and the Yarra River.
  - (10.) A Return of all sums expended by the Government in the formation and maintenance of Parks, and other places of public amusement and recreation in Sydney ; also, a Return of all sums, if any, expended by the Government for like purposes within the Town of Melbourne.
  - (11.) A Return of all sums expended by the Government in the building and maintenance of Colleges and Schools, and for other Educational purposes within the City of Sydney, distinguishing the amount for each year ; also, a Return of all sums, if any, expended by the Government for like purposes within the Town of Melbourne, to 1843, inclusive.
  - (12.) A Return of all sums expended by the Government in the establishment and maintenance of Hospitals and Dispensaries within the City of Sydney, distinguishing the amount for each year ; also, a Return of all sums, if any, expended by the Government for like purposes within the Town of Melbourne, to 1843, inclusive.
  - (13.) A Return of all sums expended by the Government for other local improvements not hereinbefore enumerated for the City of Sydney and Town of Melbourne respectively.
  - (14.) A Return of all sums received by the Government for the Sale of Town Allotments, within the City of Sydney, distinguishing the amount for each year ; also, a Return of all sums received by the Government for the Sale of Melbourne Town Allotments, to 1843, inclusive.

(15.)

(15.) A Return of the population in the City of Sydney, and the Town of Melbourne respectively, or as near thereto as can be estimated, distinguishing the free from the bond, for the year 1843.

(16.) A Return of all sums advanced out of the General Revenue by the Government to the Corporation of the City of Sydney, and Town of Melbourne respectively, in aid of the Town and Police Funds.

(17.) A Return of all Revenues transferred from the Government to the Corporations of Sydney and Melbourne respectively; specifying the annual amounts.

- 2. DR. NICHOLSON to move, That a humble Address be presented to Her Majesty, praying that Her Majesty may be graciously pleased to declare Geolong a free warehousing Port.
- 3. MR. WALKER to move, That the Colonial Spirits exportation Bill, be further considered in a Committee of the whole Council.

ORDERS OF THE DAY :—

- 1. Pawnbrokers' regulation Bill; second reading.
- 2. Law of Libel Bill; to be considered in Committee.
- 3. Country Courts of Requests amendment Bill; second reading.

FRIDAY, AUGUST 23.

NOTICES OF MOTION :—

- 1. MR. WINDEYER to move for the appointment of a Select Committee, to enquire into the expense of Public Buildings.
- 2. MR. WINDEYER to move, That an Address be presented to His Excellency the Governor, praying him to take such steps as may be requisite, to obtain from the Home Government, compensation to the sufferers by the defalcation of the late Sheriff.

ORDERS OF THE DAY :—

- 1. Publicans' Licensing Act amendment Bill; second reading.
- 2. Fees, Fines, and Penalties Bill; second reading.
- 3. Melbourne Corporation Act amendment Bill; to be considered in Committee.
- 4. Sydney Incorporation Act amendment Bill; to be considered in Committee.
- 5. Medical Witnesses Act amendment Bill; third reading.
- 6. Customs' Bill; to be further considered in Committee.

WEDNESDAY, AUGUST 28.

NOTICE OF MOTION :—

- 1. MR. ROBINSON to move, That an humble Address be presented to Her Majesty, setting forth that according to the Estimates for 1845, laid before the Council, it will be requisite to raise, from the general Revenue and Municipal Assessments, the sum of £96,741 7s. 6d. for Police, Gaols, Building of Gaols, &c., being in a ratio of 12s. per head on the population of the Colony (165,541); whereas the whole expense of the Government of the Canadas does not exceed 7s. per head; and were a ratio similar to that existing in New South Wales, necessary for the United Kingdom, a sum not less than £16,200,000 would be required for these purposes.

That for the eight years, ending on the 31st December, 1843, a sum of £839,800 7s. 7d. was paid by the Colony for those services.

That the number of convictions of those who have arrived free, or have been born in the Colony, bear a proportion to those who have arrived as convicts, of 39 to 72; and that, as a matter of equity, instead of the Colony being subjected to the payment of this enormous sum, it should not be called upon for more than £33 990 5s. 7d., whilst the Home Government is justly chargeable with the balance of £62,751 1s. 11d.

That of the amount of £839,800 7s. 7d. already paid by the Colony, only £295,064 6s. 3d. is its fair proportion; and that the balance of £544,736 1s. 4d. is due to it by the Home Government.

That the necessity of providing the large amount, already alluded to, is severely felt by the inhabitants of this Colony; and they are thereby prevented from taking any effectual steps towards arresting the perpetuity of crime, by making an adequate provision for the education of the children of the Colony, the expense of which would be far greater, in proportion, than in England, from the scattered state of its population.

That they are thereby prevented from establishing a cheap and uniform rate of postage, and increasing the facilities of correspondence which have been attended with so highly beneficial results in the Mother Country.

That they are thereby prevented from appropriating any sum for the making or repairing of roads or bridges, or for other works indispensably necessary for the development of the resources of any new country, but more particularly of a Colony like this, which is nearly devoid of any facility for Inland Navigation.

That

That the raising of the sum in question is now felt to be the more burdensome in consequence of the stoppage of transportation, and the expenditure of the Home Government, for military and convict purposes, having fallen off from £300,058 2s. 3d. in 1839, to £170,072 17s. 5d. in 1843.

That the experiment of imposing a similar charge on the Colony, for like purposes, in Van Diemen's Land has totally failed; one third of the local expenditure of that Colony being now, of necessity, defrayed from the Military Chest.

And that Her Majesty be therefore humbly requested to recommend to Parliament, that the amount of £544,736 ls. 4d., being arrears due to the Colony, and the sum of £62,751 ls. 11d. per annum, being the due portion of the expense entailed by the presence of a convict population in the Colony, be defrayed by the Home Government. Or should Her Majesty deem it more desirable, upon taking into her gracious consideration the fact that 59,788 convicts were transported to the Colony, and also the present exigencies of both countries, in the one of which upwards of 4,000,000 of its population are subsisting on private and public charities; and in the other, hundreds of cattle are daily destroyed for the mere hides and tallow; it would, in the opinion of this Council, be of equivalent advantage to this Colony that the like number of 59,788 Free Emigrants be sent out at the expence of the Home Government within the next five years; and the Colony, through their consumption of taxable commodities, be reimbursed in the sum annually due to it, amounting to £62,751 ls. 11d. as hereinbefore expressed, which measure would likewise tend largely to increase the prosperity of the Colony, and the Exports of the United Kingdom.

---

TUESDAY, SEPTEMBER 3.

1. MR. WINDEYER to move, That a Select Committee be appointed to prepare an humble Address to Her Majesty the Queen, to remove the misapprehensions likely to be created in the mind of Her Majesty, relative to the views and acts of this Council, by so much of the Despatch of His Excellency the Governor, to Lord Stanley, dated 28th October, 1843, (No. 176.) as has been laid before the Council.

---

THURSDAY SEPTEMBER 5.

ORDER OF THE DAY:—

1. Consideration of the Report from the Select Committee on Land Grievances.

---

CONTINGENT NOTICE OF MOTION,

1. MR. BRADLEY to move, That when the Estimate for the Salaries of Police Magistrates is brought forward, the Petition from the Warden and Councillors of the District of Goulburn, praying for the provision of a Salary for a Police Magistrate, for that District, may be taken into consideration.

ALEX. M<sup>o</sup> LEAY,  
*Speaker.*



VOTES AND PROCEEDINGS

THE LEGISLATIVE COUNCIL.

WEDNESDAY, 21 AUGUST, 1844.

1. Council met pursuant to adjournment; the Speaker took the Chair. Colonial Architect; Distressed Mechanics:—Dr. Bland presented a Petition from certain Mechanics and Colonists of New South Wales, exonerating the Colonial Architect from the charges preferred against his Department, in a Petition presented to the Council on the 15th instant, and praying the Council to grant them a further extension of labor, and advancement of wages, to enable them to maintain their families; Petition read, received, and referred to the Distressed Laborers' Committee.
2. Public Roads:—Mr. Robinson presented a Petition from certain Land Proprietors, Coach Owners, Rate Payers, and Traffickers on the Road between Sydney, Liverpool, and Parramatta, praying that, in the event of the Executive declining to expend any part of the sum paid as Toll on the said Road, the Council will interpose to relieve them altogether from such impost; Petition read, received, and referred to the Distressed Laborers' Committee.
3. William Mannings Arnold:—Dr. Nicholson presented a Petition from William Mannings Arnold, praying compensation for loss sustained by him in consequence of a non-suit in an action, which he brought against a Magistrate of the Territory, for false imprisonment; and further, that he may be heard at the Bar of the House in support of such prayer; Petition read and received.
4. Return to Address for Papers:—The Colonial Secretary laid upon the Table; Nos. 2 and 3 of the Returns enumerated in the Address, adopted on the motion of Mr. W. C. Wentworth on the 13th June last. Returns ordered to be printed, and referred to the Circular Quay Wharfage Committee.
5. Estimates of Expenditure for 1845:—The Colonial Treasurer, by leave, postponed bringing forward his motion on this subject until the Governor's Message on District Councils' Expenditure shall have been taken into consideration.
6. Macdonald River; Court of Requests:—Mr. Forster, pursuant to notice, moved; That the Petition on this subject from certain Landlords and other Inhabitants of the District of Macdonald River, presented by him on the 7th instant, be now taken into consideration; and further, that the following Address to His Excellency the Governor, founded on the prayer thereof, be adopted, viz. :—

" 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 place upon the Estimates of Expenditure for the year 1845, such sum as may, in Your Excellency's opinion, be necessary for the establishment of a Court of Requests to be holden within the District of the Macdonald River."

Debate ensued.

Question put on the Address; Council divided.

Ayes 17.

- MR. COWPER,
- MR. BERRY,
- DR. NICHOLSON,
- MR. BOWMAN,
- DR. BLAND,
- MR. FOSTER,
- MR. SUTOR,
- DR. LANG,
- MR. LORD,
- MR. BRADLEY,
- CAPTAIN DUMARESQ,
- MR. PANTON,
- MR. TERRY,
- MR. COGHILL,
- MR. ICELY,
- THE COLLECTOR OF CUSTOMS,
- MR. ROBINSON, (Teller.)

Noes 11.

- THE COLONIAL SECRETARY,
- MR. MURRAY,
- MR. LOWE,
- MR. DARVALL,
- MR. YOUNG,
- MR. WINDEYER,
- MAJOR WENTWORTH.
- THE ATTORNEY GENERAL,
- MR. WALKER,
- THE AUDITOR GENERAL,
- THE COLONIAL TREASURER, (Teller.)

Address to be presented by the Speaker, Mr. Cowper, and Mr. Terry.

7. Call of the House :— Mr. Robinson, pursuant to notice, moved, that on Friday, the 30th instant, the House be called over.  
Question put and passed.
8. Police and Gaol Expenditure :— Mr. Robinson postponed bringing forward his motion on this subject, until Friday, the 30th instant.
9. Port Phillip—Separation :— Dr. Nicholson, pursuant to notice, moved, That the Petition on this subject, from Port Phillip, presented by him yesterday, be printed.  
Question put and passed, and Petition ordered to be printed accordingly.
10. Estate of Hugh Niven, deceased :— Dr. Bland, pursuant to notice, moved, That the Petition presented by him, on the 7th instant, from Archibald Campbell, of Sydney, Accountant, praying that enquiry may be made as to the Estate of Hugh Niven, who died at Melbourne, in 1839, be referred to the General Grievance Committee.  
Question put and passed, and Petition so referred accordingly.
11. Melbourne Police :— On the motion of the Colonial Secretary, pursuant to notice, the Council resolved itself into a Committee of the whole House, to take into consideration the appropriation of a sum not exceeding £500, to make good to the Town Fund of Melbourne, a sum which has been withheld from it by the government, in order to reimburse itself for expenses incurred on account of the Police, which ought to have been defrayed by a Police rate on the inhabitants.  
The Chairman reported the following Resolution adopted in Committee :—  
“ That a sum not exceeding £500, be appropriated to make good to the Town Fund of Melbourne, a sum which has been withheld from it by the Government, in order to reimburse itself for expenses incurred on account of the Police, which was intended to have been defrayed by a Police rate on the inhabitants.”
12. Chief Justice; Salary :— Mr. Murray, pursuant to notice, moved the following Address on this subject, to His Excellency the Governor, viz. :—

“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 place upon the Estimates the sum necessary to provide for full Salary to His Honor Sir James Dowling, Chief Justice of the Colony, during his absence on leave from the Colony, for a period not exceeding two years.”

Moved as an amendment, That the following be the Address to be presented to His Excellency the Governor :—

“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 place upon the Estimates a sum of £1000 to be presented to His Honor the Chief Justice, Sir James Dowling, on the occasion of his departure from the Colony on sick leave, as a testimonial of the sense entertained by this Council, of the uprightness and zeal which have distinguished His Honor's most laborious career in the service of this Colony for a period of seventeen years, and in the exercise of which his health has broken down.”

Debate ensued :—

Question put on the amendment; Council divided.

Ayes 11.

MR. ROBINSON,  
MR. BERRY,  
MAJOR WENTWORTH,  
MR. BOWMAN,  
CAPTAIN DUMARESQ.  
MR. WALKER,  
MR. COGHILL,  
MR. BRADLEY,  
MR. SUTTOR,  
MR. LORD,  
DR. NICHOLSON, (Teller.)

Noes 16.

THE COMMANDER OF THE FORCES,  
MR. ICELY,  
THE ATTORNEY GENERAL,  
MR. THERRY,  
MR. YOUNG,  
MR. LOWE,  
MR. COWPER,  
THE COLLECTOR OF CUSTOMS,  
MR. DARVALL,  
THE COLONIAL SECRETARY  
DR. BLAND,  
MR. MURRAY,  
DR. LANG,  
THE AUDITOR GENERAL,  
MR. FOSTER,  
THE COLONIAL TREASURER, (Teller.)

Question on the original motion, put and passed.

Address to be presented, by the Speaker and the Colonial Secretary.

13. Colonial Corn and Flour :— Mr. Lowe, as Chairman, brought up the Report from the Select Committee, appointed, on the 14th instant, to prepare Petitions to Her Majesty, and both Houses of Parliament, praying that they will be pleased to admit into the United Kingdom, Corn and Flour, the produce of the Australian Colonies on the same terms as Canadian Corn.  
Report ordered to be printed and taken into consideration on Tuesday next.
14. Colonial Spirits exportation Bill :— The Collector of Customs, pursuant to notice, moved, That the Bill for the exportation of Colonial distilled Spirits, be referred to a Select Committee.

Question



Question put and passed, and the following Committee appointed accordingly :—

THE COLLECTOR OF CUSTOMS,

THE ATTORNEY GENERAL,	MR. PANTON,
MR. WALKER,	MR. LORD,
MR. ROBINSON,	MR. COGHILL.

15. District Councils' Expenditure :—Consideration of the Governor's Message on this subject postponed, on the motion of the Colonial Secretary, until to-morrow.
16. Port Phillip ; Separation :—Dr. Nicholson, by leave, withdrew from the Paper, his proposed motion, for the consideration of the Petition on this subject from the District Council of Bourke, presented by him on the 25th of July last.  
Council adjourned at ten minutes after Seven o'Clock, until to-morrow at Three o'Clock.

NOTICES OF MOTION AND ORDERS OF THE DAY.

THURSDAY, AUGUST 22.

NOTICES OF MOTION :—

1. MR. ROBINSON to move, That an Address be presented to His Excellency the Governor requesting that there be laid upon the Table of this House the following Returns :—
  - (1.) A Return of all sums expended by the Government from the General Revenue, in the formation and maintenance of streets and roadways, the building of bridges, and the construction of drains and sewers, within the City of Sydney, to 1843, inclusive, so far as the same can be ascertained, distinguishing the amount for each year ; also, a Return of all sums expended by the Government for like purposes within the Town of Melbourne, to 1843, inclusive.
  - (2.) A Return of all sums expended by the Government in the introduction of Water into the City of Sydney, distinguishing the amount for each year ; also, a Return of all sums, if any, expended by the Government for like purposes within the Town of Melbourne, to 1843, inclusive.
  - (3.) A Return of all sums expended by the Government in Lighting the City of Sydney distinguishing the amount for each year ; also, a Return of all sums, if any, expended by the Government for like purposes within the Town of Melbourne, to 1843, inclusive.
  - (4.) A Return of all sums expended by the Government in the establishment and maintenance of Markets, and the erection of Market Buildings, in the City of Sydney, distinguishing the amount for each year ; also, a Return of all sums, if any, expended by the Government for like purposes within the Town of Melbourne, to 1843, inclusive.
  - (5.) A Return of all sums expended by the Government in the construction of Quays, Wharves and Jetties, in the City of Sydney, distinguishing the amount for each year ; also, a Return of all sums, if any, expended by the Government for like purposes within the Town of Melbourne, together with separate Returns of all sums levied for Wharfage Dues in Sydney and Melbourne respectively, to 1843, inclusive.
  - (6.) A Return of all sums expended by the Government in the formation and maintenance of the Sydney Botanical Garden, distinguishing the amount for each year ; also, a Return of all sums, if any, expended by the Government for like purposes within the Town of Melbourne, to 1843, inclusive.
  - (7.) A Return of all sums expended by the Government in the establishment and maintenance of the Australian Museum and Library, and the Sydney School of Arts, distinguishing the amount for each year ; also, a Return of all sums, if any, expended by the Government for like purposes within the Town of Melbourne, to 1843, inclusive.
  - (8.) A Return of all sums expended by the Government in the erection of Public Buildings other than those above specified, distinguishing the amount for each year ; also, a Return of all sums expended by the Government for like purposes within the Town of Melbourne, to 1843, inclusive.
  - (9.) A Return of all sums expended by the Government in deepening and improving the Harbour of Port Jackson ; also, of all sums, if any, expended by the Government in deepening and improving Hobson's Bay and the Yarra River.
  - (10.) A Return of all sums expended by the Government in the formation and maintenance of Parks, and other places of public amusement and recreation in Sydney ; also, a Return of all sums, if any, expended by the Government for like purposes within the Town of Melbourne.
  - (11.) A Return of all sums expended by the Government in the building and maintenance of Colleges and Schools, and for other Educational purposes within the City of Sydney, distinguishing the amount for each year ; also, a Return of all sums, if any, expended by the Government for like purposes within the Town of Melbourne, to 1843, inclusive.
  - (12.) A Return of all sums expended by the Government in the establishment and maintenance of Hospitals and Dispensaries within the City of Sydney, distinguishing the amount for each year ; also, a Return of all sums, if any, expended by the Government for like purposes within the Town of Melbourne, to 1843, inclusive.

(13)

- (13.) A Return of all sums expended by the Government for other local improvements not hereinbefore enumerated for the City of Sydney and Town of Melbourne respectively.
- (14.) A Return of all sums received by the Government for the Sale of Town Allotments, within the City of Sydney, distinguishing the amount for each year; also, a Return of all sums received by the Government for the Sale of Melbourne Town Allotments, to 1843, inclusive.
- (15.) A Return of the population in the City of Sydney, and the Town of Melbourne respectively, or as near thereto as can be estimated, distinguishing the free from the bond, for the year 1843.
- (16.) A Return of all sums advanced out of the General Revenue by the Government to the Corporation of the City of Sydney, and Town of Melbourne respectively, in aid of the Town and Police Funds.
- (17.) A Return of all Revenues transferred from the Government to the Corporations of Sydney and Melbourne respectively; specifying the annual amounts.
- 2. DR. NICHOLSON to move, That a humble Address be presented to Her Majesty, praying that Her Majesty may be graciously pleased to declare Geelong a free warehousing Port.
- 3. MR. WALKER to move, That the Colonial Spirits exportation Bill, be further considered in a Committee of the whole Council.
- 4. DR. NICHOLSON to move an Address to His Excellency the Governor, requesting that His Excellency will be pleased to cause to be laid upon the Table of this House :—
  - (1.) Copies of all Letters relative to the committal of Mr. W. M. Arnold, by Major Johnston, on a charge of having "stolen property found on his premises"
  - (2.) That the Petition of Mr. Arnold be taken into consideration on Tuesday next, the 27th instant.
- 5. THE COLONIAL SECRETARY to move for leave to bring in a Bill for applying certain sums arising from the Revenue, receivable in New South Wales, to the supplementary service thereof, for the year one thousand eight hundred and forty-four.

ORDERS OF THE DAY :—

- 1. Pawnbrokers' regulation Bill; second reading.
- 2. Law of Libel Bill; to be considered in Committee.
- 3. Country Courts of Requests amendment Bill; second reading.
- 4. Consideration of the Governor's Message on District Councils Expenditure.

FRIDAY, AUGUST 23.

NOTICES OF MOTION :—

- 1. MR. WINDEYER to move for the appointment of a Select Committee, to enquire into the expense of Public Buildings.
- 2. MR. WINDEYER to move, That an Address be presented to His Excellency the Governor, praying him to take such steps as may be requisite, to obtain from the Home Government, compensation to the sufferers by the defalcation of the late Sheriff.

ORDERS OF THE DAY :—

- 1. Publicans' Licensing Act amendment Bill; second reading.
- 2. Fines, Fines, and Penalties Bill; second reading.
- 3. Melbourne Corporation Act amendment Bill; to be considered in Committee.
- 4. Sydney Incorporation Act amendment Bill; to be considered in Committee.
- 5. Medical Witnesses Act amendment Bill; third reading.
- 6. Customs' Bill; to be further considered in Committee.

TUESDAY, AUGUST 27.

- 1. Consideration of Report from the Select Committee on the Council's Corn and Flour Petitions.

WEDNESDAY, AUGUST 28.

NOTICES OF MOTION :—

- 1. MR. WINDEYER to move, That an Address be presented to His Excellency the Governor, praying him to place upon the Estimates, a sum of money for the employment of the Dredging Machine, in removing the obstructions existing to the navigation of the River Hunter.
- 2. MAJOR WENTWORTH to move, That an Address be presented to His Excellency the Governor, praying him to place on the Estimates for 1845, a sum of money to erect a bridge over Wallis's Creek, Maitland—the only pass from the northern portion of the Colony.

FRIDAY, AUGUST 30.

## NOTICE OF MOTION :—

1. Mr. ROBINSON to move, That an humble Address be presented to Her Majesty, setting forth that according to the Estimates for 1845, laid before the Council, it will be requisite to raise, from the general Revenue and Municipal Assessments, the sum of £96,741 7s. 6d. for Police, Gaols, Building of Gaols, &c., being in a ratio of 12s. per head on the population of the Colony (165,541); whereas the whole expense of the Government of the Canadas does not exceed 7s. per head; and were a ratio similar to that existing in New South Wales, necessary for the United Kingdom, a sum not less than £16,200,000 would be required for these purposes.

That for the eight years, ending on the 31st December, 1843, a sum of £830,800 7s. 7d. was paid by the Colony for those services.

That the number of convictions of those who have arrived free, or have been born in the Colony, bear a proportion to those who have arrived as convicts, of 39 to 72; and that, as a matter of equity, instead of the Colony being subjected to the payment of this enormous sum, it should not be called upon for more than £33,990 5s. 7d., whilst the Home Government is justly chargeable with the balance of £62,751 1s. 11d.

That of the amount of £830,800 7s. 7d. already paid by the Colony, only £295,064 6s. 3d. is its fair proportion; and that the balance of £544,736 1s. 4d. is due to it by the Home Government.

That the necessity of providing the large amount, already alluded to, is severely felt by the inhabitants of this Colony; and they are thereby prevented from taking any effectual steps towards arresting the perpetuity of crime, by making an adequate provision for the education of the children of the Colony, the expense of which would be far greater, in proportion, than in England, from the scattered state of its population.

That they are thereby prevented from establishing a cheap and uniform rate of postage, and increasing the facilities of correspondence which have been attended with so highly beneficial results in the Mother Country.

That they are thereby prevented from appropriating any sum for the making or repairing of roads or bridges, or for other works indisponably necessary for the development of the resources of any new country, but more particularly of a Colony like this, which is nearly devoid of any facility for Inland Navigation.

That the raising of the sum in question is now felt to be the more burdensome in consequence of the stoppage of transportation, and the expenditure of the Home Government, for military and convict purposes, having fallen off from £300,058 2s. 3d. in 1839, to £170,072 17s. 5d. in 1843.

That the experiment of imposing a similar charge on the Colony, for like purposes, in Van Diemen's Land has totally failed; one third of the local expenditure of that Colony being now, of necessity, defrayed from the Military Chest.

And that Her Majesty be therefore humbly requested to recommend to Parliament, that the amount of £544,736 1s. 4d., being arrears due to the Colony, and the sum of £62,751 1s. 11d. per annum, being the due portion of the expense entailed by the presence of a convict population in the Colony, be defrayed by the Home Government. Or should Her Majesty deem it more desirable, upon taking into her gracious consideration the fact that 59,788 convicts were transported to the Colony, and also the present exigencies of both countries, in the one of which upwards of 4,000,000 of its population are subsisting on private and public charities; and in the other, hundreds of cattle are daily destroyed for the mere hides and tallow; it would, in the opinion of this Council, be of equivalent advantage to this Colony that the like number of 59,788 Free Emigrants be sent out at the expense of the Home Government within the next five years; and the Colony, through their consumption of taxable commodities, be reimbursed in the sum annually due to it, amounting to £62,751 1s. 11d. as hereinbefore expressed, which measure would likewise tend largely to increase the prosperity of the Colony, and the Exports of the United Kingdom.

## ORDER OF THE DAY :—

1. Call of the House.

TUESDAY, SEPTEMBER 3.

## NOTICE OF MOTION :—

1. MR. WINDEYER to move, That a Select Committee be appointed to prepare an humble Address to Her Majesty the Queen, to remove the misapprehensions likely to be created in the mind of Her Majesty, relative to the views and acts of this Council, by so much of the Despatch of His Excellency the Governor, to Lord Stanley, dated 28th October, 1843, (No. 176.) as has been laid before the Council.

THURSDAY

THURSDAY SEPTEMBER 5.

## ORDER OF THE DAY:—

1. Consideration of the Report from the Select Committee on Land Grievances.

---

**CONTINGENT NOTICES OF MOTION,**

1. **MR. BRADLEY** to move, That when the Estimate for the Salaries of Police Magistrates is brought forward, the Petition from the Warden and Councillors of the District of Goulburn, praying for the provision of a Salary for a Police Magistrate, for that District, may be taken into consideration.
2. **THE COLONIAL TREASURER** to move, after the Governor's Message, on the District Councils Expenditure shall have been taken into consideration, That the Council do resolve itself into a Committee of the whole House, to take into consideration the Estimates of Expenditure for the year 1845.

ALEX. McLEAY,  
*Speaker.*

VOTES AND PROCEEDINGS

OF

THE LEGISLATIVE COUNCIL.

THURSDAY, 22 AUGUST, 1844.

- I. There being present only ten Members, namely, Mr. Young; Mr. Cowper; Dr. Nicholson; the Auditor General; Mr. W. C. Wentworth; Mr. Robinson; the Colonial Secretary; the Colonial Treasurer; Mr. Lowe; and the Collector of Customs; the Speaker took the Chair, and adjourned the Council at twenty-five minutes before Four o'Clock until to-morrow at three o'Clock.

NOTICES OF MOTION AND ORDERS OF THE DAY.

FRIDAY, AUGUST 23.

NOTICES OF MOTION :—

1. MR. WINDEYER to move for the appointment of a Select Committee, to enquire into the expense of Public Buildings.
2. MR. WINDEYER to move, That an Address be presented to His Excellency the Governor, praying him to take such steps as may be requisite, to obtain from the Home Government, compensation to the sufferers by the defalcation of the late Sheriff.
3. MR. ROBINSON to move, That an Address be presented to His Excellency the Governor requesting that there be laid upon the Table of this House the following Returns :—
  - (1.) A Return of all sums expended by the Government from the General Revenue, in the formation and maintenance of streets and roadways, the building of bridges, and the construction of drains and sewers, within the City of Sydney, to 1843, inclusive, so far as the same can be ascertained, distinguishing the amount for each year; also, a Return of all sums expended by the Government for like purposes within the Town of Melbourne, to 1843, inclusive.
  - (2.) A Return of all sums expended by the Government in the introduction of Water into the City of Sydney, distinguishing the amount for each year; also, a Return of all sums, if any, expended by the Government for like purposes within the Town of Melbourne, to 1843, inclusive.
  - (3.) A Return of all sums expended by the Government in Lighting the City of Sydney distinguishing the amount for each year; also, a Return of all sums, if any, expended by the Government for like purposes within the Town of Melbourne, to 1843, inclusive.
  - (4.) A Return of all sums expended by the Government in the establishment and maintenance of Markets, and the erection of Market Buildings, in the City of Sydney, distinguishing the amount for each year; also, a Return of all sums, if any, expended by the Government for like purposes within the Town of Melbourne, to 1843, inclusive.
  - (5.) A Return of all sums expended by the Government in the construction of Quays Wharves and Jetties, in the City of Sydney, distinguishing the amount for each year; also, a Return of all sums, if any, expended by the Government for like purposes within the Town of Melbourne, together with separate Returns of all sums levied for Wharfage Dues in Sydney and Melbourne respectively, to 1843, inclusive.
  - (6.) A Return of all sums expended by the Government in the formation and maintenance of the Sydney Botanical Garden, distinguishing the amount for each year; also, a Return of all sums, if any, expended by the Government for like purposes within the Town of Melbourne, to 1843, inclusive.
  - (7.)

(7.) A Return of all sums expended by the Government in the establishment and maintenance of the Australian Museum and Library, and the Sydney School of Arts, distinguishing the amount for each year; also, a Return of all sums, if any, expended by the Government for like purposes within the Town of Melbourne; to 1843, inclusive.

(8.) A Return of all sums expended by the Government in the erection of Public Buildings other than those above specified, distinguishing the amount for each year; also, a Return of all sums expended by the Government for like purposes within the Town of Melbourne, to 1843, inclusive.

(9.) A Return of all sums expended by the Government in deepening and improving the Harbour of Port Jackson; also, of all sums, if any, expended by the Government in deepening and improving Hobson's Bay and the Yarra River.

(10.) A Return of all sums expended by the Government in the formation and maintenance of Parks, and other places of public amusement and recreation in Sydney; also, a Return of all sums, if any, expended by the Government for like purposes within the Town of Melbourne.

(11.) A Return of all sums expended by the Government in the building and maintenance of Colleges and Schools, and for other Educational purposes within the City of Sydney, distinguishing the amount for each year; also, a Return of all sums, if any, expended by the Government for like purposes within the Town of Melbourne, to 1843, inclusive.

(12.) A Return of all sums expended by the Government in the establishment and maintenance of Hospitals and Dispensaries within the City of Sydney, distinguishing the amount for each year; also, a Return of all sums, if any, expended by the Government for like purposes within the Town of Melbourne, to 1843, inclusive.

(13.) A Return of all sums expended by the Government for other local improvements not hereinbefore enumerated for the City of Sydney and Town of Melbourne respectively.

(14.) A Return of all sums received by the Government for the Sale of Town Allotments, within the City of Sydney, distinguishing the amount for each year; also, a Return of all sums received by the Government for the Sale of Melbourne Town Allotments, to 1843, inclusive.

(15.) A Return of the population in the City of Sydney, and the Town of Melbourne respectively, or as near thereto as can be estimated, distinguishing the free from the bond, for the year 1843.

(16.) A Return of all sums advanced out of the General Revenue by the Government to the Corporation of the City of Sydney, and Town of Melbourne respectively, in aid of the Town and Police Funds.

(17.) A Return of all Revenues transferred from the Government to the Corporations of Sydney and Melbourne respectively; specifying the annual amounts.

4. DR. NICHOLSON to move, That a humble Address be presented to Her Majesty, praying that Her Majesty may be graciously pleased to declare Geolong a free warehousing Port.

5. MR. WALKER to move, That the Colonial Spirits exportation Bill, be further considered in a Committee of the whole Council.

6. DR. NICHOLSON to move an Address to His Excellency the Governor, requesting that His Excellency will be pleased to cause to be laid upon the Table of this House:—

(1.) Copies of all Letters relative to the committal of Mr. W. M. Arnold, by Major Johnston, on a charge of having "stolen property found on his premises".

(2.) That the Petition of Mr. Arnold be taken into consideration on Tuesday next, the 27th instant.

THE COLONIAL SECRETARY to move for leave to bring in a Bill for applying certain sums arising from the Revenue, receivable in New South Wales, to the supplementary service thereof, for the year one thousand eight hundred and forty-four.

ORDERS OF THE DAY:—

1. Publicans' Licensing Act amendment Bill; second reading.

2. Fees, Fines, and Penalties Bill; second reading.

3. Melbourne Corporation Act amendment Bill; to be considered in Committee.

4. Sydney Incorporation Act amendment Bill; to be considered in Committee.

5. Medical Witnesses Act amendment Bill; third reading.

6. Customs' Bill; to be further considered in Committee.

7. Pawnbrokers' regulation Bill; second reading.

8. Law of Libel Bill; to be considered in Committee.

9. County Courts of Requests amendment Bill; second reading.

10. Consideration of the Governor's Message on District Councils Expenditure.

TUESDAY, AUGUST 27.

1. Consideration of Report from the Select Committee on the Council's Corn and Flour Petitions.

WEDNESDAY,

NOTICES OF MOTION:—

1. MR. WINDEYER to move, That an Address be presented to His Excellency the Governor, praying him to place upon the Estimates, a sum of money for the employment of the Dredging Machine, in removing the obstructions existing to the navigation of the River Hunter.
2. MAJOR WENTWORTH to move, That an Address be presented to His Excellency the Governor, praying him to place on the Estimates for 1845, a sum of money to erect a bridge over Wallis's Creek, Maitland—the only pass from the northern portion of the Colony.

FRIDAY, AUGUST 30.

NOTICE OF MOTION:—

1. Mr. ROBINSON to move, That an humble Address be presented to Her Majesty, setting forth that according to the Estimates for 1845, laid before the Council, it will be requisite to raise, from the general Revenue and Municipal Assessments, the sum of £96,741 7s. 6d. for Police, Gaols, Building of Gaols, &c., being in a ratio of 12s. per head on the population of the Colony (165,541); whereas the whole expence of the Government of the Colonies does not exceed 7s. per head; and were a ratio similar to that existing in New South Wales, necessary for the United Kingdom, a sum not less than £16,200,000 would be required for these purposes.

That for the eight years, ending on the 31st December, 1843, a sum of £839,800 7s. 7d. was paid by the Colony for those services.

That the number of convictions of those who have arrived free, or have been born in the Colony, bear a proportion to those who have arrived as convicts, of 39 to 72; and that as a matter of equity, instead of the Colony being subjected to the payment of this enormous sum, it should not be called upon for more than £39,900 5s. 7d.; whilst the Home Government is justly chargeable with the balance of £62,751 1s. 11d.

That of the amount of £839,800 7s. 7d. already paid by the Colony, only £295,064 6s. 3d. is its fair proportion; and that the balance of £544,736 1s. 4d. is due to it by the Home Government.

That the necessity of providing the large amount, already alluded to, is severely felt by the inhabitants of this Colony; and they are thereby prevented from taking any effectual steps towards arresting the perpetuity of crime, by making an adequate provision for the education of the children of the Colony, the expence of which would be far greater, in proportion, than in England, from the scattered state of its population.

That they are thereby prevented from establishing a cheap and uniform rate of postage, and increasing the facilities of correspondence which have been attended with so highly beneficial results in the Mother Country.

That they are thereby prevented from appropriating any sum for the making or repairing of roads or bridges, or for other works indispensably necessary for the development of the resources of any new country, but more particularly of a Colony like this, which is nearly devoid of any facility for Inland Navigation.

That the raising of the sum in question is now felt to be the more burdensome in consequence of the stoppage of transportation, and the expenditure of the Home Government, for military and convict purposes, having fallen off from £300,058 2s. 3d. in 1839, to £170,072 17s. 5d. in 1843.

That the experiment of imposing a similar charge on the Colony, for like purposes, in Van Diemen's Land has totally failed; one third of the local expenditure of that Colony being now, of necessity, defrayed from the Military Chest.

And that Her Majesty be therefore humbly requested to recommend to Parliament, that the amount of £544,736 1s. 4d., being arrears due to the Colony, and the sum of £62,751 1s. 11d. per annum, being the due portion of the expence entailed by the presence of a convict population in the Colony, be defrayed by the Home Government. Or should Her Majesty deem it more desirable, upon taking into her gracious consideration the fact that 59,788 convicts were transported to the Colony, and also the present exigencies of both countries, in the one of which upwards of 4,000,000 of its population are subsisting on private and public charities; and in the other, hundreds of cattle are daily destroyed for the mere hides and tallow; it would, in the opinion of this Council, be of equivalent advantage to this Colony that the like number of 59,788 Free Emigrants be sent out at the expence of the Home Government within the next five years; and the Colony, through their consumption of taxable commodities, be reimbursed in the sum annually due to it, amounting to £62,751 1s. 11d. as hereinbefore expressed, which measure would likewise tend largely to increase the prosperity of the Colony, and the Exports of the United Kingdom.

ORDER OF THE DAY:—

1. Call of the House.

TUESDAY, SEPTEMBER 3.

NOTICE OF MOTION:—

1. MR. WINDEYER to move, That a Select Committee be appointed to prepare an humble Address to Her Majesty the Queen, to remove the misapprehensions likely to be created in the mind of Her Majesty, relative to the views and acts of this Council, by so much of the Despatch of His Excellency the Governor, to Lord Stanley, dated 28th October, 1843, (No. 176.) as has been laid before the Council.

THURSDAY SEPTEMBER 5.

ORDER OF THE DAY:—

1. Consideration of the Report from the Select Committee on Land Grievances.

CONTINGENT NOTICES OF MOTION,

1. MR. BRADLEY to move, That when the Estimate for the Salaries of Police Magistrates is brought forward, the Petition from the Warden and Councillors of the District of Goulburn, praying for the provision of a Salary for a Police Magistrate, for that District, may be taken into consideration.
2. THE COLONIAL TREASURER to move, after the Governor's Message, on the District Councils Expenditure shall have been taken into consideration, That the Council do resolve itself into a Committee of the whole House, to take into consideration the Estimates of Expenditure for the year 1845.

ALEX. M<sup>c</sup> LEAY,  
*Speaker.*



VOTES AND PROCEEDINGS

OF

THE LEGISLATIVE COUNCIL.

FRIDAY, 23 AUGUST, 1844.

1. Council met pursuant to adjournment; the Speaker took the Chair. Assent to Bills; the Speaker reported that His Excellency the Governor had assented to the following Bills:—
  - (1.) Bushranging Act continuation Bill.
  - (2.) Apprentices Bill.
  - (3.) Catarrh in sheep Act continuation Bill.
  - (4.) Jury Laws amendment Bill.
  - (5.) Insolvent Act amendment Bill.
2. Leave of absence granted to Mr. Suttor for a fortnight from this day; to Mr. Murray for a fortnight from this day; and to Mr. Young for a fortnight from Wednesday next.
3. Insecurity of Life and Property:—Dr. Nicholson, as Chairman, brought up the Report, and laid upon the Table the Minutes of Evidence taken before the Committee appointed on the 6th June, to enquire into, and report upon the means for checking the outrages against the public peace, and the security of life and property, to which the inhabitants of Sydney and its neighbourhood are now daily exposed; to enquire into the nature of the control and superintendence exercised over the prisoners in Hyde Park Barracks, or employed in gangs and public works; to ascertain the numbers and adequacy of the present Police Force of Sydney, and to suggest such means as may appear advisable for giving to it due and requisite efficiency;—with an instruction to examine, and report upon the extent to which the violation of the public peace, the great increase of crime, and the consequent demoralization of a large portion of the community, may be considered referrible to the return of expired convicts from Norfolk Island; and to determine upon the expediency of presenting from this Council, a humble Petition to Her Majesty, praying that Her Majesty may be graciously pleased to direct that all Prisoners of the Crown, whose sentence of transportation to Norfolk Island may have expired, or who may have received Conditional Pardons, be prohibited from returning to any part of the Colony of New South Wales. Report and Evidence ordered to be printed.
4. Schoolmasters:—Mr. W. C. Wentworth presented a Petition from certain Schoolmasters of the Colony, praying compensation for their services during the last quarter of the year 1841. Petition read at length, and received.
5. Publicans' Licensing Act amendment Bill:—Dr. Lang presented a Petition from certain citizens of Sydney, praying the appointment of a Committee to examine into the laws regulating the sale of fermented and spirituous liquors. Petition read and received.
6. Expense of Public Buildings:—Mr. Windeyer, pursuant to notice, moved, That a Select Committee be appointed to enquire into the expense of Public Buildings. Question put and passed, and the following Committee appointed accordingly:—

MR. WINDEYER,	
DR. NICHOLSON, THE AUDITOR GENERAL, CAPTAIN DUMARESQ,	 DR. BLAND, MR. COWPER, MR. LOWE.

7. Defalcation of the late Sheriff:—Mr. Windeyer, pursuant to notice, moved, That an Address be presented to His Excellency the Governor, praying him to take such steps as may be requisite, to obtain compensation to the sufferers by the defalcation of the late Sheriff.  
Question put and passed, and Address to be presented by the Speaker and the Colonial Secretary.
8. Expenditure on Public Works and Buildings; Sydney and Port Phillip:—Mr. Robinson, pursuant to notice, moved, That an Address be presented to His Excellency the Governor, requesting that there be laid upon the Table of this House the following Returns:—
- (1.) A Return of all sums expended by the Government from the General Revenue, in the formation and maintenance of streets and roadways, the building of bridges, and the construction of drains and sewers, within the City of Sydney, for the seven years ending 1843, so far as the same can be ascertained, distinguishing the amount for each year; also, a Return of all sums expended by the Government for like purposes within the Town of Melbourne, to 1843, inclusive.
  - (2.) A Return of all sums expended by the Government in the introduction of Water into the City of Sydney, distinguishing the amount for each year; also, a Return of all sums, if any, expended by the Government for like purposes within the Town of Melbourne, for the seven years ending 1843.
  - (3.) A Return of all sums expended by the Government in Lighting the City of Sydney, distinguishing the amount for each year; also, a Return of all sums, if any, expended by the Government for like purposes within the Town of Melbourne, for the seven years ending 1843.
  - (4.) A Return of all sums expended by the Government in the establishment and maintenance of Markets, and the erection of Market Buildings, in the City of Sydney, distinguishing the amount for each year; also, a Return of all sums, if any, expended by the Government for like purposes within the Town of Melbourne, for the seven years ending 1843.
  - (5.) A Return of all sums expended by the Government in the construction of Quays, Wharves and Jetties, in the City of Sydney, distinguishing the amount for each year; also, a Return of all sums, if any, expended by the Government for like purposes within the Town of Melbourne; together with separate Returns of all sums levied for Wharfage Dues in Sydney and Melbourne respectively, for the seven years ending 1843.
  - (6.) A Return of all sums expended by the Government in the formation and maintenance of the Sydney Botanical Garden, distinguishing the amount for each year; also, a Return of all sums, if any, expended by the Government for like purposes within the Town of Melbourne, for the seven years ending 1843.
  - (7.) A Return of all sums expended by the Government in the establishment and maintenance of the Australian Museum and Library, and the Sydney School of Arts, distinguishing the amount for each year; also, a Return of all sums, if any, expended by the Government for like purposes within the Town of Melbourne, for the seven years ending 1843.
  - (8.) A Return of all sums expended by the Government in the erection of Public Buildings other than those above specified, distinguishing the amount for each year; also, a Return of all sums expended by the Government for like purposes within the Town of Melbourne, for the seven years ending 1843.
  - (9.) A Return of all sums expended by the Government in deepening and improving the Harbour of Port Jackson; also, of all sums, if any, expended by the Government in deepening and improving Hobson's Bay and the Yarra River.
  - (10.) A Return of all sums expended by the Government in the formation and maintenance of Parks, and other places of public amusement and recreation in Sydney; also, a Return of all sums, if any, expended by the Government for like purposes within the Town of Melbourne.
  - (11.) A Return of all sums expended by the Government in the building and maintenance of Colleges and Schools, and for other Educational purposes within the City of Sydney, distinguishing the amount for each year; also, a Return of all sums, if any, expended by the Government for like purposes within the Town of Melbourne, for the seven years ending 1843.
  - (12.) A Return of all sums expended by the Government in the establishment and maintenance of Hospitals and Dispensaries within the City of Sydney, distinguishing the amount for each year; also, a Return of all sums, if any, expended by the Government for like purposes within the Town of Melbourne, for the seven years ending 1843.
  - (13.) A Return of all sums expended by the Government for other local improvements, not hereinbefore enumerated, for the City of Sydney and Town of Melbourne respectively.
  - (14.) A Return of all sums received by the Government for the Sale of Town Allotments, within the City of Sydney, distinguishing the amount for each year; also, a Return of all sums received by the Government for the Sale of Melbourne Town Allotments, for the seven years ending 1843.
  - (15.) A Return of the population in the City of Sydney, and the Town of Melbourne, respectively; or as near thereto as can be estimated, distinguishing the free from the bond, for the year 1843.
  - (16.) A Return of all sums advanced out of the General Revenue by the Government to the Corporation of the City of Sydney, and Town of Melbourne, respectively, in aid of the Town and Police Funds.
  - (17.) A Return of all Revenues transferred from the Government to the Corporations of Sydney and Melbourne, respectively, specifying the annual amounts.

Debate ensued.

Question put; Council divided:—

Ayes

Ayes 16.  
 DR. BLAND,  
 DR. LANG,  
 MR. ROBINSON,  
 DR. NICHOLSON, (Teller.)

Noes 20.  
 THE COLONIAL SECRETARY  
 MR. WINDEYER,  
 MR. PASTON,  
 THE ATTORNEY GENERAL,  
 MR. W. C. WENTWORTH,  
 MR. YOUNG,  
 MR. LOWE,  
 MR. LAWSON,  
 MAJOR WENTWORTH,  
 MR. COWPER,  
 MR. BRADLEY,  
 MR. COGHILL,  
 MR. LORD,  
 CAPTAIN DUMARESQ,  
 MR. SUTTON,  
 THE AUDITOR GENERAL,  
 MR. TERRY,  
 MR. ICRLY,  
 THE COLLECTOR OF CUSTOMS,  
 THE COLONIAL TREASURER, (Teller.)

- 9. Geelong;—Free Port:—Dr. Nicholson, by leave, withdrew from the Paper, his notice of motion on this subject.
- 10. Colonial Spirits Exportation Bill:—Mr. Walker's notice of motion on this subject, withdrawn from the Paper, on the representation of the Speaker, in absence of Mr. Walker, that the motion of the Collector of Customs, carried on the 21st instant, superseded it.
- 11. William Mannings Arnold:—Dr. Nicholson, pursuant to notice, moved, That an Address be presented to His Excellency the Governor, requesting that His Excellency will be pleased to cause to be laid upon the Table of this House, copies of all Letters relative to the committal and discharge of Mr. W. M. Arnold, by Major Johnston, on a charge of having "stolen property found on his premises"  
 Debate ensued.  
 Moved as an amendment, That this question be now put.  
 Question put on the amendment; Council divided.

Ayes 16.

Noes 6.

THE COLONIAL SECRETARY,  
 MR. SUTTON,  
 MR. COWPER,  
 MR. ROBINSON,  
 MR. BOWMAN,  
 MR. W. C. WENTWORTH,  
 DR. BLAND,  
 MR. TERRY,  
 THE COLLECTOR OF CUSTOMS,  
 DR. LANG,  
 MR. BRADLEY,  
 CAPTAIN DUMARESQ,  
 MR. COGHILL,  
 MR. LAWSON,  
 THE AUDITOR GENERAL,  
 DR. NICHOLSON, (Teller.)

MR. DARVALL,  
 MR. YOUNG,  
 MR. LOWE,  
 MR. WINDEYER,  
 THE ATTORNEY GENERAL,  
 THE COLONIAL TREASURER, (Teller.)

- Question on the original motion put and passed, and Address to be presented by the the Colonial Secretary and the Colonial Treasurer.
- Dr. Nicholson, by leave, withdrew from the Paper, his notice of motion, for the consideration of Mr. Arnold's Petition on Tuesday next.
- 12. Supplementary Appropriation Bill:—The Colonial Secretary having, pursuant to notice, moved for and obtained leave to bring in "A Bill for applying certain sums arising from the Revenue receivable in New South Wales, to the Supplementary Service thereof, for the year one thousand eight hundred and forty-four; Bill read a first time; ordered to be printed, and read a second time on Wednesday next.
- 13. District Councils' Expenditure:—The consideration of the Governor's Message, of the 20th instant, on this subject, postponed, on the motion of the Colonial Secretary, until Wednesday next, and to take precedence of all other Orders of the day.
- 14. Despatch, No. 176, of 28th October, 1843:—Mr. Windeyer postponed his motion on this subject, of which he had given notice for Tuesday, the 3rd proximo, until Friday, the 6th proximo.
- 15. Publicans' Licensing Act amendment Bill; read a second time; to be considered in Committee on Friday, August 30.
- 16. Fess, Fines and Penalties Bill; second reading, postponed, on the motion of Mr. W. C. Wentworth, until Friday, August 30.
- 17. Melbourne Corporation Act amendment Bill:—Consideration in Committee postponed, on the motion of Mr. Robinson, until Tuesday next.
- 18. Sydney Incorporation Act amendment Bill:—The Council resolved itself into a Committee of the whole House, for consideration of this Bill.

The Chairman reported progress and obtained leave to sit again on Tuesday next:  
 19.

- 19. Medical Witnesses Act amendment Bill; read a third time and passed; to be presented to His Excellency the Governor for assent; by the Speaker and the Colonial Secretary.
- 20. Customs' Bill:—The Council resolved itself into a Committee of the whole House, for the further consideration of this Bill.  
The Chairman reported the Bill with various amendments; Bill ordered to be engrossed and read a third time on Friday, September 6.
- 21. Pawnbrokers' regulation Bill; read a second time; to be considered in Committee on Tuesday; September 3.
- 22. Law of Libel Bill; consideration in Committee postponed until Tuesday next.
- 23. Country Courts of Requests amendment Bill; second reading postponed until Friday, August 30.  
Council adjourned at a quarter after Nine o'Clock, until Tuesday next, at three o'Clock.

NOTICES OF MOTION AND ORDERS OF THE DAY.

TUESDAY, AUGUST 27.

NOTICES OF MOTION:—

- 1. DR. LANG to move, That the Petition for a Committee of enquiry into the laws regulating the sale of Fermented and Spirituous Liquors, presented by him on the 23rd instant, be printed.
- 2. DR. BLAND to move, That an Address be presented to His Excellency the Governor, praying him to take such steps as may be requisite, to obtain compensation to the sufferers by the defalcation of the late Registrar of the Supreme Court, either from his securities, or otherwise.

ORDERS OF THE DAY:—

- 1. Consideration of Report from the Select Committee on the Council's Corn and Flour Petitions.
- 2. Melbourne Corporation Act amendment Bill; to be considered in Committee.
- 3. Sydney Incorporation Act amendment Bill; to be further considered in Committee.
- 4. Law of Libel Bill; to be considered in Committee.

WEDNESDAY, AUGUST 28.

NOTICES OF MOTION:—

- 1. MR. WINDEYER to move, That an Address be presented to His Excellency the Governor, praying him to place upon the Estimates, a sum of money for the employment of the Dredging Machine, in removing the obstructions existing to the navigation of the River Hunter.
- 2. MAJOR WENTWORTH to move, That an Address be presented to His Excellency the Governor, praying him to place on the Estimates for 1845, a sum of money to erect a bridge over Wallis's Creek, Maitland—the only pass from the northern portion of the Colony.
- 3. THE COLONIAL SECRETARY to move, That the Council do resolve itself into a Committee of the whole House, to consider the Report on the Supplementary Estimate for the service of the year 1844.

ORDERS OF THE DAY:—

- 1. Consideration of the Governor's Message on District Councils' Expenditure.
- 2. Supplementary Appropriation Bill; second reading.

FRIDAY, AUGUST 30.

NOTICE OF MOTION:—

- 1. Mr. ROBINSON to move, That an humble Address be presented to Her Majesty, setting forth that according to the Estimates for 1846, laid before the Council, it will be requisite to raise, from the general Revenue and Municipal Assessments, the sum of £36,741 7s. 6d. for Police, Gaols, Building of Gaols, &c., being in a ratio of 12s. per head on the population of the Colony (165,541); whereas the whole expense of the Government of the Canadas does not exceed 7s. per head; and were a ratio similar to that existing in New South Wales, necessary for the United Kingdom, a sum not less than £16,200,000 would be required for these purposes.

That

That for the eight years, ending on the 31st December, 1843, a sum of £839,800 7s. 7d. was paid by the Colony for those services.

That the number of convicts of those who have arrived free, or have been born in the Colony, bear a proportion to those who have arrived as convicts, of 30 to 72; and that, as a matter of equity, instead of the Colony being subjected to the payment of this enormous sum, it should not be called upon for more than £38,990 5s. 7d., whilst the Home Government is justly chargeable with the balance of £62,751 1s. 11d.

That of the amount of £839,800 7s. 7d. already paid by the Colony, only £295,064 6s. 3d. is its fair proportion; and that the balance of £544,736 1s. 4d. is due to it by the Home Government.

That the necessity of providing the large amount, already alluded to, is severely felt by the inhabitants of this Colony; and they are thereby prevented from taking any effectual steps towards arresting the perpetuity of crime, by making an adequate provision for the education of the children of the Colony, the expense of which would be far greater, in proportion, than in England, from the scattered state of its population.

That they are thereby prevented from establishing a cheap and uniform rate of postage, and increasing the facilities of correspondence which have been attended with so highly beneficial results in the Mother Country.

That they are thereby prevented from appropriating any sum for the making or repairing of roads or bridges, or for other works indispensably necessary for the development of the resources of any new country, but more particularly of a Colony like this, which is nearly devoid of any facility for Inland Navigation.

That the raising of the sum in question is now felt to be the more burdensome in consequence of the stoppage of transportation, and the expenditure of the Home Government, for military and convict purposes, having fallen off from £300,058 2s. 3d. in 1839, to £170,072 17s. 5d. in 1843.

That the experiment of imposing a similar charge on the Colony, for like purposes, in Van Diemen's Land has totally failed; one third of the local expenditure of that Colony being now, of necessity, defrayed from the Military Chest.

And that Her Majesty be therefore humbly requested to recommend to Parliament, that the amount of £544,736 1s. 4d., being arrears due to the Colony, and the sum of £62,751 1s. 11d. per annum, being the due portion of the expense entailed by the presence of a convict population in the Colony, be defrayed by the Home Government. Or should Her Majesty deem it more desirable, upon taking into her gracious consideration the fact that 59,788 convicts were transported to the Colony, and also the present exigencies of both countries, in the one of which upwards of 4,000,000 of its population are subsisting on private and public charities; and in the other, hundreds of cattle are daily destroyed for the mere hides and tallow; it would, in the opinion of this Council, be of equivalent advantage to this Colony that the like number of 59,788 Free Emigrants be sent out at the expense of the Home Government within the next five years; and the Colony, through their consumption of taxable commodities, be reimbursed in the sum annually due to it, amounting to £62,751 1s. 11d. as hereinbefore expressed, which measure would likewise tend largely to increase the prosperity of the Colony, and the Exports of the United Kingdom.

ORDERS OF THE DAY:—

1. Call of the House.
2. Publicans' Licensing Act amendment Bill; to be considered in Committee.
3. Fees, Fines, and Penalties Bill; second reading.
4. Country Courts of Requests amendment Bill; second reading.

---

TUESDAY, SEPTEMBER 3.

1. Pawnbrokers' regulation Bill; to be considered in Committee.

---

THURSDAY, SEPTEMBER 5.

1. Consideration of the Report from the Select Committee on Land Grievances.

---

FRIDAY, SEPTEMBER 6.

NOTICE OF MOTION:—

1. Mr. WINDEYER to move, That a Select Committee be appointed to prepare an humble Address to Her Majesty the Queen, to remove the misapprehensions likely to be created in the mind of Her Majesty, relative to the views and acts of this Council, by so much of the Despatch of His Excellency the Governor, to Lord Stanley, dated 28th October, 1843, (No. 176.) as has been laid before the Council.

ORDER OF THE DAY:—

1. Customs' Bill; third reading.

## CONTINGENT NOTICES OF MOTION,

1. MR. BRADLEY to move, That when the Estimate for the Salaries of Police Magistrates is brought forward, the Petition from the Warden and Councillors of the District of Goulburn, praying for the provision of a Salary for a Police Magistrate, for that District, may be taken into consideration.
2. THE COLONIAL TREASURER to move, after the Governor's Message, on the District Councils Expenditure shall have been taken into consideration, That the Council do resolve itself into a Committee of the whole House, to take into consideration the Estimates of Expenditure for the year 1845.

ALEX. Mc LEAY,  
*Speaker.*

## VOTES AND PROCEEDINGS

## THE LEGISLATIVE COUNCIL.

TUESDAY, 27 AUGUST, 1844.

1. Council met pursuant to adjournment; the Speaker took the Chair.  
Licensed Squatters:—Mr. Robinson presented a Petition from certain Stockholders and other Inhabitants of Moreton Bay and the adjacent districts, praying the Council to take such steps as to them may seem meet, to guard against licensed occupiers of land beyond the boundaries, being placed in such a position, as may render them liable to interruption, in the quiet possession of their stations, until the same shall be included within the boundaries of location; Petition read, received, and ordered to be printed.
2. Licensed Squatters:—Mr. Robinson presented a Petition from certain Stockholders and other Inhabitants of the Clarence River, and the adjacent districts, similar in its prayer to the foregoing; Petition read, received, and ordered to be printed.
3. Defalcation of the late Registrar of the Supreme Court:—Dr. Nicholson presented a Petition from John Gilchrist, of the City of Sydney, Merchant, praying enquiry into the loss sustained by the Estate of the late George Guthrie Barrie, who died intestate in May, 1841, by the defalcation of the late Registrar of the Supreme Court; Petition read and received.
4. Defalcation of the late Registrar of the Supreme Court:—Dr. Nicholson presented a Petition from John Gilchrist, of the City of Sydney, Merchant, praying enquiry into the loss sustained by the Estate of the late William Thompson, who died intestate in the year 1840, by the defalcation of the late Registrar of the Supreme Court; Petition read and received.
5. Sale of Spirituous Liquors:—Dr. Lang, pursuant to notice, moved, That the Petition for a Committee of enquiry into the laws regulating the sale of fermented and spirituous liquors, presented by him on the 23rd instant, be printed.  
Question put and passed, and Petition ordered to be printed accordingly.
6. Defalcation of the late Registrar of the Supreme Court:—Dr. Bland, pursuant to notice, moved, That an Address be presented to His Excellency the Governor, praying him to take such steps as may be requisite to obtain compensation to the sufferers by the defalcation of the late Registrar of the Supreme Court, either from his sureties or otherwise.  
Question put and passed, and Address to be presented by the Speaker and the Colonial Secretary.
7. Navigation of the Hunter:—Mr. Windeyer postponed bringing forward his motion on this subject, from to-morrow until Friday next.
8. Council's Corn and Flour Petitions:—On the motion of Mr. Lowe, the Council resolved itself into a committee of the whole House, for consideration of the report from the Select Committee, appointed on the 14th instant, to prepare Petitions to Her Majesty and both Houses of Parliament, praying the admission into the United Kingdom of Corn and Flour, the produce of the Australian Colonies, on the same terms as Canadian Corn.  
The Chairman reported the Petitions with several amendments, and also the following Resolution:—  
Resolved, That the thanks of the Council be presented to William Hutt, Esquire, M. P. for Gateshead, and Ross Donnelly Mangles, Esquire, M. P. for Guilford, for their able advocacy of the rights of the Australian Colonies; and that the Speaker do request Mr. Hutt to present the Petition to the House of Commons, and the Earl of Ripon, to the House of Lords.  
Moved, That the Council do agree to the Petitions.  
Question put and passed.  
Moved, That the Council do agree to the Resolution.  
Question put and passed.

- 9. Replies to Addresses for Papers :—The Colonial Secretary laid upon the Table the Return to the Address adopted on the motion of Mr. Windoyer, on the 2nd instant, and also the Return to the Address adopted on the motion of Dr. Lang, on the 26th July.  
The latter Return ordered to be printed.
- 10. Melbourne Corporation Act Amendment Bill:—On the motion of Mr. Robinson, the Council resolved itself into a Committee of the whole House, for consideration of this Bill.  
The Chairman reported progress, and obtained leave to sit again this day week.
- 11. Sydney Incorporation Act Amendment Bill :—On the motion of Mr. Cowper, in absence of Dr. Bland, the further consideration of this Bill in Committee postponed until Friday next.
- 12. Law of Libel Bill :—Moved by Mr. Robinson, That the Council do now resolve itself into a Committee of the whole House, for consideration of this Bill.  
Moved as an amendment, That the Council go into Committee, for consideration of this Bill, this day six months.  
Debate ensued.  
Moved as an amendment, That the Council go into Committee, for consideration of this Bill, this day month.  
First amendment, by leave, withdrawn.  
Question on the remaining amendment, put and passed.  
Council adjourned at a quarter before Seven o'Clock, until to-morrow, at Three o'Clock.

NOTICES OF MOTION AND ORDERS OF THE DAY.

WEDNESDAY, AUGUST 28.

NOTICES OF MOTION :—

- 1. MAJOR WENTWORTH to move, That an Address be presented to His Excellency the Governor, praying him to place on the Estimates for 1845, a sum of money to erect a bridge over Wallis's Creek, Maitland—the only pass from the northern portion of the Colony.
- 2. THE COLONIAL SECRETARY to move, That the Council do resolve itself into a Committee of the whole House, to consider the Report on the Supplementary Estimate for the service of the year 1844.

ORDERS OF THE DAY :—

- 1. Consideration of the Governor's Message on District Councils' Expenditure.
- 2. Supplementary Appropriation Bill ; second reading.

FRIDAY, AUGUST 30.

NOTICES OF MOTION :—

- 1. Mr. ROBINSON to move, That an humble Address be presented to Her Majesty, setting forth that according to the Estimates for 1845, laid before the Council, it will be requisite to raise, from the general Revenue and Municipal Assessments, the sum of £96,741 7s. 6d. for Police, Gaols, Building of Gaols, &c., being in a ratio of 12s. per head on the population of the Colony (165,541) ; whereas the whole expense of the Government of the Canadas does not exceed 7s. per head ; and were a ratio similar to that existing in New South Wales, necessary for the United Kingdom, a sum not less than £16,200,000 would be required for these purposes.

That for the eight years, ending on the 31st December, 1843, a sum of £839,800 7s. 7d. was paid by the Colony for those services.

That the number of convictions of those who have arrived free, or have been born in the Colony, bear a proportion to those who have arrived as convicts, of 39 to 72 ; and that, as a matter of equity, instead of the Colony being subjected to the payment of this enormous sum, it should not be called upon for more than £33 990 5s. 7d., whilst the Home Government is justly chargeable with the balance of £62,751 1s. 11d.

That of the amount of £839,800 7s. 7d. already paid by the Colony, only £295,064 6s. 3d. is its fair proportion ; and that the balance of £544,736 1s. 4d. is due to it by the Home Government.

That the necessity of providing the large amount, already alluded to, is severely felt by the inhabitants of this Colony ; and they are thereby prevented from taking any effectual steps towards arresting the perpetuity of crime, by making an adequate provision for the education of the children of the Colony, the expense of which would be far greater, in proportion, than in England, from the scattered state of its population.

That they are thereby prevented from establishing a cheap and uniform rate of postage, and increasing the facilities of correspondence which have been attended with so highly beneficial results in the Mother Country.

That



157.

That they are thereby prevented from appropriating any sum for the making or repairing of roads or bridges, or for other works indispensably necessary for the development of the resources of any new country, but more particularly of a Colony like this, which is nearly devoid of any facility for Inland Navigation.

That the raising of the sum in question is now felt to be the more burdensome in consequence of the stoppage of transportation, and the expenditure of the Home Government, for military and convict purposes, having fallen off from £300,058 2s. 3d. in 1839, to £170,072 17s. 5d. in 1843.

That the experiment of imposing a similar charge on the Colony, for like purposes, in Van Diemen's Land has totally failed; one third of the local expenditure of that Colony being now, of necessity, defrayed from the Military Chest.

And that Her Majesty be therefore humbly requested to recommend to Parliament, that the amount of £544,736 1s. 4d., being arrears due to the Colony, and the sum of £62,751 1s. 11d. per annum, being the due portion of the expense entailed by the presence of a convict population in the Colony, be defrayed by the Home Government. Or should Her Majesty deem it more desirable, upon taking into her gracious consideration the fact that 59,788 convicts were transported to the Colony, and also the present exigencies of both countries, in the one of which upwards of 4,000,000 of its population are subsisting on private and public charities; and in the other, hundreds of cattle are daily destroyed for the mere hides and tallow; it would, in the opinion of this Council, be of equivalent advantage to this Colony that the like number of 59,788 Free Emigrants be sent out at the expense of the Home Government within the next five years; and the Colony, through their consumption of taxable commodities, be reimbursed in the sum annually due to it, amounting to £62,751 1s. 11d. as hereinbefore expressed, which measure would likewise tend largely to increase the prosperity of the Colony, and the Exports of the United Kingdom.

2. MR. WINDEYER to move, That an Address be presented to His Excellency the Governor, praying him to place upon the Estimates, a sum of money for the employment of the Dredging Machine, in removing the obstructions existing to the navigation of the River Hunter.

ORDERS OF THE DAY :—

1. Call of the House.
2. Publicans' Licensing Act amendment Bill; to be considered in Committee.
3. Fees, Fines, and Penalties Bill; second reading.
4. Country Courts of Requests amendment Bill; second reading.
5. Sydney Incorporation Act amendment Bill; to be further considered in Committee.

---

TUESDAY, SEPTEMBER 3.

NOTICE OF MOTION :—

1. MR. FOSTER to move, for leave to bring in a Bill to regulate the rate of interest in the Colony.

ORDERS OF THE DAY :—

1. Pawnbrokers' regulation Bill; to be considered in Committee.
2. Melbourne Corporation Act amendment Bill; to be further considered in Committee.

---

THURSDAY, SEPTEMBER 5.

1. Consideration of the Report from the Select Committee on Land Grievances.

---

FRIDAY, SEPTEMBER 6.

NOTICE OF MOTION :—

1. MR. WINDEYER to move, That a Select Committee be appointed to prepare an humble Address to Her Majesty the Queen, to remove the misapprehensions likely to be created in the mind of Her Majesty, relative to the views and acts of this Council, by so much of the Despatch of His Excellency the Governor, to Lord Stanley, dated 28th October, 1843, (No. 176.) as has been laid before the Council.

ORDER OF THE DAY :—

1. Customs' Bill; third reading.

---

TUESDAY, SEPTEMBER 24.

ORDER OF THE DAY :—

1. Law of Libel Bill; to be considered in Committee.

CONTINGENT NOTICES OF MOTION,

1. MR. BRADLEY to move, That when the Estimate for the Salaries of Police Magistrates is brought forward, the Petition from the Warden and Councillors of the District of Goulburn, praying for the provision of a Salary for a Police Magistrate, for that District, may be taken into consideration.
2. THE COLONIAL TREASURER to move, after the Governor's Message, on the District Councils Expenditure shall have been taken into consideration, That the Council do resolve itself into a Committee of the whole House, to take into consideration the Estimates of Expenditure for the year 1845.

ALEX. M<sup>c</sup> LEAY,  
*Speaker.*

## VOTES AND PROCEEDINGS

OF

## THE LEGISLATIVE COUNCIL.

WEDNESDAY, 28 AUGUST, 1844.

1. Council met pursuant to adjournment; the Speaker took the Chair. Maitland; Court of Requests:—Mr. Windeyer presented a Petition from certain residents in the District of Maitland, praying the extension to their District, of the present system of Courts of Requests in the County of Cumberland; Petition read.
2. Defalcation of the late Sheriff:—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 23rd August, 1844, wherein His Excellency was requested to take such steps as may be requisite to obtain compensation to the sufferers by the defalcations of the late Sheriff.*

GENTLEMEN,

I greatly apprehend that the only way by which compensation can be afforded to the sufferers by the defalcation of the late Sheriff, will be by appropriating to that purpose a sufficient sum out of the public funds of the Colony; but I do not feel at liberty to propose to the Legislative Council such an appropriation of public money, without the previous sanction of Her Majesty's Government.

I will, however, communicate to Her Majesty's Principal Secretary of State for the Colonies, the Address of the Council; and request that the decision of Her Majesty's Government on the subject of it, may be made known to me.

*Government House,  
Sydney, 28th August, 1844.*

GEORGE GIPPS.

Message ordered to be printed.

3. Chief Justice; Salary:—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 21st August, 1844, wherein His Excellency was requested to place upon the Estimates, the sum necessary to provide for full salary to His Honor Sir James Dowling, Chief Justice of the Colony, during his absence, on leave, from the Colony, for a period not exceeding two years.*

GENTLEMEN,

The Regulations of Her Majesty's Government, expressly prohibit the Governor of this Colony from granting to any Public Officer, leave of absence for a longer period than eighteen months; and the same Regulations direct, that Officers on leave of absence shall enjoy half their usual salaries.

I will, however, communicate to the Principal Secretary of State for the Colonies, the desire of the Council that the Chief Justice may, during his absence on leave, receive full salary for a period not exceeding two years.

*Government House,  
Sydney, 28th August, 1844.*

GEORGE GIPPS.

Message ordered to be printed.

4. Maitland ; Courts of Requests :—Moved by Mr. Windeyer, That the Petition presented by him, on this subject, before the reception of the Messages from His Excellency the Governor, be received.  
Question put and passed.
5. Education :—Mr. Lowe, as Chairman, brought up the Report, and laid upon the Table the Minutos of Evidence taken before the Select Committee, appointed on the 21st June, 1844, to enquire into and report upon the state of Education in this Colony, and to devise the means of placing the Education of youth upon a basis suited to the wants and wishes of the community.  
Report and Evidence ordered to be printed, and taken into consideration on Tuesday, September 10.
6. Bridge over Wallis's Creek ; Maitland :—Major Wentworth postponed bringing forward his motion, on this subject, until Friday next.
7. Supplementary Estimates, 1844 :—The Colonial Secretary, pursuant to notice, moved, That the Council do resolve itself into a Committee of the whole House, to consider the Report on the Supplementary Estimates for the service of the year 1844.—  
Question put and passed, and Council resolved itself into Committee accordingly.  
The Chairman reported the following Resolutions :—
- (1.) Resolved, that a sum not exceeding £300 16s. 6d., be appropriated to defray the Supplementary expense of the Legislative Council Establishment, for the year 1844.
  - (2.) Resolved, that a sum not exceeding £128 13s. 10d., be appropriated to defray the Supplementary expense of the Customs' Establishment at Port Albert, for the year 1844.
  - (3.) Resolved, that a sum not exceeding £35, be appropriated to defray the Supplementary expense of the Customs' Establishment at Port Fairy, for the year 1844.
  - (4.) Resolved, that a sum not exceeding £32 0s. 6d., be appropriated to defray the difference of pay to the Messenger to the Chief Commissioner of Insolvent Estates at Sydney, increased from 1s. 9d. to 3s. 6d. per diem, from the 1st day of January, 1844.
  - (5.) Resolved, that a sum not exceeding £600, be appropriated to defray the Salary of the Crown Prosecutor at Quarter Sessions, for the year 1844.
  - (6.) Resolved, that a sum not exceeding £225, be appropriated to defray the expense of Bedsteads for the Sydney and Parramatta Gaols, for the year 1844.
  - (7.) Resolved, that a sum not exceeding £59 9d. 6s., be appropriated to defray the Salary of an additional Turnkey to the Berrima Gaol, for the year 1844.
  - (8.) Resolved, that a sum not exceeding £58 6s. 8d., be appropriated to defray the Salary of a Medical Attendant to the Bathurst Gaol, being at the rate of £40 per annum, from the 1st day of September, 1843.
  - (9.) Resolved, that a further sum, not exceeding £200, be appropriated towards the completion of the Breakwater at Wollongong, for the year 1844.
  - (10.) Resolved, that a further sum not exceeding £1,500, be appropriated towards the completion of the New Gaol, Sydney, for the year 1844.
  - (11.) Resolved, that a sum not exceeding £250, be appropriated to defray the expense of supplying the said Gaol with water, for the year 1844.
  - (12.) Resolved, that a sum not exceeding £1,500, be appropriated to defray the expense of erecting a Warehouse to adjoin the New Custom House, Sydney.
  - (13.) Resolved, that a sum not exceeding £2,000, be appropriated to defray the expense of building a Wall to inclose the New Gaol at Goulburn, and of building a Cook House and Out Offices.
  - (14.) Resolved, that a sum not exceeding £2,000, be appropriated to defray the expense of completing the Prison building of the New Gaol at Bathurst, and of erecting a Cook House and Out Offices.
  - (15.) Resolved, that a sum not exceeding £202 19s., be appropriated in aid of the Sydney Dispensary, an equal sum having been raised by private subscription, in the year 1843.
  - (16.) Resolved, that a sum not exceeding £34 10s., be appropriated to defray the allowances to parties who acted as firemen from the 1st day of July, to the 30th day of September, 1843, and gratuities to those first in attendance at fires, in the months of September and October, of the said year.
  - (17.) Resolved, that a sum not exceeding £84 10s., be appropriated to defray the Supplementary expense of the Post Office Establishment at Port Phillip, for the year 1844.
  - (18.) Resolved, that a sum not exceeding £182 10s., be appropriated to defray the expense of the Medical Establishment at Port Phillip, for the year 1844.
  - (19.) Resolved, that a sum not exceeding £817 3s., be appropriated to defray the expense of the Police Establishment, in the Police District of Bourke, in the District of Port Phillip, for the year 1844.
  - (20.) Resolved, that a sum not exceeding £117 12s., be appropriated to defray the expense of the Police Establishment at Port Albert, in the District of Port Phillip, for the year 1844.
  - (21.) Resolved, that a sum not exceeding £1,650, be appropriated towards the erection of Public Offices, and for the maintenance of Convicts employed on Public Works, in the District of Port Phillip, for the year 1844.
  - (22.) Resolved, that a sum not exceeding £60, be appropriated to defray the expense of Fuel, Light, and Water, for the Melbourne Gaol, in the District of Port Phillip, for the year 1844.

- (23.) Resolved, that a sum not exceeding £100, be appropriated to defray the expense of Fuel, Light, and Water, for the several Public Offices in the District of Port Phillip, for the year 1844.
8. Supplementary Appropriation Bill having been read a second time, the Council, on the motion of the Colonial Secretary, resolved itself into a Committee of the whole House, for consideration thereof.  
The Chairman having reported the Bill with amendments, Bill ordered to be engrossed, and read a third time on Friday next.
9. District Councils' Expenditure; and Estimates for 1845:—The Governor's Message of the 20th instant, on District Councils' Expenditure, having been read and considered, the Council, on the motion of the Colonial Secretary, pursuant to the contingent notice of motion given by the Colonial Treasurer, resolved itself into a Committee of the whole House, for consideration of the Estimates of Expenditure for the year 1845.  
The Chairman reported progress, and obtained leave to sit again to-morrow.  
Council adjourned at Eight o'Clock, until to-morrow, at Three o'Clock.

## NOTICES OF MOTION AND ORDERS OF THE DAY.

THURSDAY, AUGUST 29.

### ORDER OF THE DAY:—

1. Estimates for the year 1845; to be further considered in Committee.

FRIDAY, AUGUST 30.

### NOTICES OF MOTION:—

1. Mr. ROBINSON to move, That an humble Address be presented to Her Majesty, setting forth that according to the Estimates for 1845, laid before the Council, it will be requisite to raise, from the general Revenue and Municipal Assessments, the sum of £96,741 7s. 6d. for Police, Gaols, Building of Gaols, &c., being in a ratio of 12s. per head on the population of the Colony (165,541); whereas the whole expense of the Government of the Canadas does not exceed 7s. per head; and were a ratio similar to that existing in New South Wales, necessary for the United Kingdom, a sum not less than £16,200,000 would be required for these purposes.

That for the eight years, ending on the 31st December, 1843, a sum of £839,800 7s. 7d. was paid by the Colony for those services.

That the number of convictions of those who have arrived free, or have been born in the Colony, bear a proportion to those who have arrived as convicts, of 39 to 72; and that, as a matter of equity, instead of the Colony being subjected to the payment of this enormous sum, it should not be called upon for more than £33 990 5s. 7d., whilst the Home Government is justly chargeable with the balance of £62,751 1s. 11d.

That of the amount of £839,800 7s. 7d. already paid by the Colony, only £295,064 6s. 3d. is its fair proportion; and that the balance of £544,736 1s. 4d. is due to it by the Home Government.

That the necessity of providing the large amount, already alluded to, is severely felt by the inhabitants of this Colony; and they are thereby prevented from taking any effectual steps towards arresting the perpetuity of crime, by making an adequate provision for the education of the children of the Colony, the expense of which would be far greater, in proportion, than in England, from the scattered state of its population.

That they are thereby prevented from establishing a cheap and uniform rate of postage, and increasing the facilities of correspondence which have been attended with so highly beneficial results in the Mother Country.

That they are thereby prevented from appropriating any sum for the making or repairing of roads or bridges, or for other works indispensably necessary for the development of the resources of any new country, but more particularly of a Colony like this, which is nearly devoid of any facility for Inland Navigation.

That the raising of the sum in question is now felt to be the more burdensome in consequence of the stoppage of transportation, and the expenditure of the Home Government, for military and convict purposes, having fallen off from £300,058 2s. 3d. in 1839, to £170,072 17s. 5d. in 1843.

That the experiment of imposing a similar charge on the Colony, for like purposes, in Van Diemen's Land has totally failed; one third of the local expenditure of that Colony being now, of necessity, defrayed from the Military Chest.

And that Her Majesty be therefore humbly requested to recommend to Parliament, that the amount of £544,736 1s. 4d., being arrears due to the Colony, and the sum of £62,751 1s. 11d. per annum, being the due portion of the expense entailed by the presence of a convict population in the Colony, be defrayed by the Home Government. Or should Her Majesty deem it more desirable, upon taking into her gracious consideration the fact that 59,788 convicts were transported to the Colony, and also the present exigencies of both countries, in the one of which upwards of 4,000,000 of its population are subsisting on private and public charities; and in the other, hundreds of cattle are daily destroyed for the mere hides and tallow; it would, in the opinion of this Council, be of equivalent advantage to this Colony that the like number of 59,788 Free Emigrants be sent out at the expense of the Home Government within the next five years; and the Colony, through their consumption

sumption of taxable commodities, be reimbursed in the sum annually due to it, amounting to £62,751 1s. 11d. as hereinbefore expressed, which measure would likewise tend largely to increase the prosperity of the Colony, and the Exports of the United Kingdom.

2. MR. WINDEYER to move, That an Address be presented to His Excellency the Governor, praying him to place upon the Estimates, a sum of money for the employment of the Dredging Machine, in removing the obstructions existing to the navigation of the River Hunter.
3. MAJOR WENTWORTH to move, That an Address be presented to His Excellency the Governor, praying him to place on the Estimates for 1845, a sum of money to erect a bridge over Wallis's Creek, Maitland—the only pass from the northern portion of the Colony.

ORDERS OF THE DAY :—

1. Call of the House.
2. Publicans' Licensing Act amendment Bill ; to be considered in Committee.
3. Fees, Fines, and Penalties Bill ; second reading.
4. Country Courts of Requests amendment Bill ; second reading.
5. Sydney Incorporation Act amendment Bill ; to be further considered in Committee.
6. Supplementary Appropriation Bill ; third reading.

TUESDAY, SEPTEMBER 3.

NOTICE OF MOTION :—

1. MR. FOSTER to move, for leave to bring in a Bill to regulate the rate of interest in the Colony.

ORDERS OF THE DAY :—

1. Pawnbrokers' regulation Bill ; to be considered in Committee.
2. Melbourne Corporation Act amendment Bill ; to be further considered in Committee.

THURSDAY, SEPTEMBER 5.

1. Consideration of the Report from the Select Committee on Land Grievances.

FRIDAY, SEPTEMBER 6.

NOTICE OF MOTION :—

1. MR. WINDEYER to move, That a Select Committee be appointed to prepare an humble Address to Her Majesty the Queen, to remove the misapprehensions likely to be created in the mind of Her Majesty, relative to the views and acts of this Council, by so much of the Despatch of His Excellency the Governor, to Lord Stanley, dated 28th October, 1843, (No. 176.) as has been laid before the Council.

ORDERS OF THE DAY :—

1. Customs' Bill ; third reading.

TUESDAY, SEPTEMBER 10.

1. Consideration of Report from Select Committee on Education.

TUESDAY, SEPTEMBER 24.

1. Law of Libel Bill ; to be considered in Committee.

CONTINGENT NOTICE OF MOTION.

1. MR. BRADLEY to move, That when the Estimate for the Salaries of Police Magistrates is brought forward, the Petition from the Warden and Councillors of the District of Goulburn, praying for the provision of a Salary for a Police Magistrate, for that District, may be taken into consideration.

ALEX. M<sup>c</sup> LEAY,  
*Speaker.*

VOTES AND PROCEEDINGS

OF

THE LEGISLATIVE COUNCIL.

THURSDAY, 29 AUGUST, 1844.

1. Council met pursuant to adjournment; the Speaker took the Chair.  
Bridge over Wallis's Creek:—Major Wentworth withdrew from the Paper his notice of motion on this subject for Friday next.
2. Estimates for 1845:—On the motion of the Colonial Treasurer, the Council resolved itself into a Committee of the whole House, for the further consideration of the Estimates of Expenditure, for the year 1845.

The Chairman reported the following Resolution:—

“ This Council being empowered, under the 34th section of the Imperial Act, cap. 76, to fix the amount to be appropriated to every detail of the public service, and being now called upon, by His Excellency the Governor, to vote the sum of £8,635 5s. 10d., as a supplement to Schedule A, in the Estimates for 1845, is therefore bound, in the exercise of its duty, to fix every detail of such amount, previously to its appropriation by the Local Legislature.”

“ But His Excellency the Governor having rendered the due performance of this duty impossible, by submitting such supplement in connexion with the said Schedule, the right to fix the details whereof (an indispensable preliminary to any enquiry into the details of the Schedule itself) is denied by the Right Honorable the Secretary of State for the Colonies, in accordance with His Excellency's Message to this Council, of the 19th October, 1843.”

“ This Council, therefore, in assertion of this, its undoubted right and duty, declines to enter into any consideration of the required Supplement.”

Moved, That the Council do agree to this Resolution.

Question put; Council divided:—

Ayes 15.

MR. BLAXLAND,  
MR. COWPER,  
MR. WINDEYER,  
MR. W. C. WENTWORTH,  
MAJOR WENTWORTH.  
MR. ROBINSON,  
DR. LANG,  
MR. LAWSON,  
CAPTAIN DUMARESQ,  
MR. BRADLEY,  
MR. LORD,  
MR. COGHILL,  
MR. MACARTHUR,  
DR. BLAND,  
DR. NICHOLSON, (Teller.)

Noes 11.

THE COLONIAL SECRETARY,  
MR. TERRY,  
MR. YOUNG,  
MR. HAMILTON,  
MR. DARVALL,  
THE ATTORNEY GENERAL,  
THE COLLECTOR OF CUSTOMS,  
THE AUDITOR GENERAL,  
MR. ICELY,  
THE COMMANDER OF THE FORCES,  
THE COLONIAL TREASURER, (Teller.)

Resolution ordered to be carried to His Excellency the Governor, by the Speaker and the Colonial Secretary.

Estimates ordered to be further considered in Committee on Wednesday next.

Council adjourned at a quarter past Seven o'Clock, until to-morrow, at Three o'Clock.

## NOTICES OF MOTION AND ORDERS OF THE DAY.

FRIDAY, AUGUST 30.

## NOTICES OF MOTION:—

1. Mr. ROBINSON to move, That an humble Address be presented to Her Majesty, setting forth that according to the Estimates for 1845, laid before the Council, it will be requisite to raise, from the general Revenue and Municipal Assessments, the sum of £96,741 7s. 6d. for Police, Gaols, Building of Gaols, &c., being in a ratio of 12s. per head on the population of the Colony (165,541); whereas the whole expense of the Government of the Canadas does not exceed 7s. per head; and were a ratio similar to that existing in New South Wales, necessary for the United Kingdom, a sum not less than £16,200,000 would be required for these purposes.

That for the eight years, ending on the 31st December, 1843, a sum of £839,800 7s. 7d. was paid by the Colony for those services.

That the number of convictions of those who have arrived free, or have been born in the Colony, bear a proportion to those who have arrived as convicts, of 39 to 72; and that, as a matter of equity, instead of the Colony being subjected to the payment of this enormous sum, it should not be called upon for more than £33,990 5s. 7d., whilst the Home Government is justly chargeable with the balance of £62,751 1s. 11d.

That of the amount of £839,800 7s. 7d. already paid by the Colony, only £295,064 6s. 3d. is its fair proportion; and that the balance of £544,736 1s. 4d. is due to it by the Home Government.

That the necessity of providing the large amount, already alluded to, is severely felt by the inhabitants of this Colony; and they are thereby prevented from taking any effectual steps towards arresting the perpetuity of crime, by making an adequate provision for the education of the children of the Colony, the expense of which would be far greater, in proportion, than in England, from the scattered state of its population.

That they are thereby prevented from establishing a cheap and uniform rate of postage, and increasing the facilities of correspondence which have been attended with so highly beneficial results in the Mother Country.

That they are thereby prevented from appropriating any sum for the making or repairing of roads or bridges, or for other works indispensably necessary for the development of the resources of any new country, but more particularly of a Colony like this, which is nearly devoid of any facility for Inland Navigation.

That the raising of the sum in question is now felt to be the more burdensome in consequence of the stoppage of transportation, and the expenditure of the Home Government, for military and convict purposes, having fallen off from £300,058 2s. 3d. in 1839, to £170,073 17s. 5d. in 1843.

That the experiment of imposing a similar charge on the Colony, for like purposes, in Van Diemen's Land has totally failed; one third of the local expenditure of that Colony being now, of necessity, defrayed from the Military Chest.

And that Her Majesty be therefore humbly requested to recommend to Parliament, that the amount of £544,736 1s. 4d. being arrears due to the Colony, and the sum of £62,751 1s. 11d. per annum, being the due portion of the expense entailed by the presence of a convict population in the Colony, be defrayed by the Home Government.

Or should Her Majesty deem it more desirable, upon taking into her gracious consideration the fact, that 59,788 convicts were transported to the Colony, and also the present exigencies of both countries, in the one of which upwards of 4,000,000 of its population are subsisting on private and public charities; and in the other, hundreds of cattle are daily destroyed for the mere hides and tallow; it would, in the opinion of this Council, be of equivalent advantage to this Colony that the like number, of 59,788, Free Emigrants be sent out at the expense of the Home Government within the next five years; and the Colony, through their consumption of taxable commodities, be reimbursed in the sum annually due to it, amounting to £62,751 1s. 11d. as hereinbefore expressed, which measure would likewise tend largely to increase the prosperity of the Colony, and the Exports of the United Kingdom.

2. Mr. WINDEYER to move, That an Address be presented to His Excellency the Governor, praying him to place upon the Estimates, a sum of money for the employment of the Dredging Machine, in removing the obstructions existing to the navigation of the River Hunter.

3. MAJOR WESTWORTH to move, That an Address be presented to His Excellency the Governor, praying him to place on the Supplementary Estimate for 1844, a sum of money to repair, and render secure, the present temporary bridge over Wallis's Creek, Maitland; and upon the Estimate of Expenditure, for 1845, a further sum to erect a permanent stone bridge over that Creek.

## ORDERS OF THE DAY:—

1. Call of the House.
2. Publicans' Licensing Act amendment Bill; to be considered in Committee.
3. Fees, Fines, and Penalties Bill; second reading.
4. Country Courts of Requests amendment Bill; second reading.
5. Sydney Incorporation Act amendment Bill; to be further considered in Committee.
6. Supplementary Appropriation Bill; third reading.

TUESDAY,



TUESDAY, SEPTEMBER 3.

NOTICE OF MOTION :—

1. Mr. FOSTER to move, for leave to bring in a Bill to regulate the rate of interest in the Colony.

ORDERS OF THE DAY :—

1. Pawnbrokers' regulation Bill; to be considered in Committee.
2. Melbourne Corporation Act amendment Bill; to be further considered in Committee.

---

WEDNESDAY, SEPTEMBER 4.

1. Estimates for the year 1845; to be further considered in Committee.

---

THURSDAY, SEPTEMBER 5.

1. Consideration of the Report from the Select Committee on Land Grievances.

---

FRIDAY, SEPTEMBER 6.

NOTICE OF MOTION :—

1. Mr. WINDEYER to move, That a Select Committee be appointed to prepare an humble Address to Her Majesty the Queen, to remove the misapprehensions likely to be created in the mind of Her Majesty, relative to the views and acts of this Council, by so much of the Despatch of His Excellency the Governor, to Lord Stanley, dated 28th October, 1843, (No. 176.) as has been laid before the Council.

ORDERS OF THE DAY :—

1. Customs' Bill; third reading.

---

TUESDAY, SEPTEMBER 10.

1. Consideration of Report from Select Committee on Education.

---

TUESDAY, SEPTEMBER 24.

1. Law of Libel Bill; to be considered in Committee.

---

CONTINGENT NOTICE OF MOTION.

1. Mr. BRADLEY to move, That when the Estimate for the Salaries of Police Magistrates is brought forward, the Petition from the Warden and Councillors of the District of Goulburn, praying for the provision of a Salary for a Police Magistrate, for that District, may be taken into consideration.

ALEX. M<sup>c</sup> LEAY,  
*Speaker.*

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

## VOTES AND PROCEEDINGS

OF

## THE LEGISLATIVE COUNCIL.

FRIDAY, 30 AUGUST, 1844.

1. Council met pursuant to adjournment; the Speaker took the Chair.  
Wallis's Creek—Maitland:—Major Wentworth presented a Petition from certain Inhabitants of the District of Maitland, praying the Council to present an Address to His Excellency the Governor, requesting that he will be pleased to place upon the Supplementary Estimates for 1844, a sum of money to make the necessary repairs on the present Bridge over Wallis's Creek, and upon the Estimates for 1845, a sum sufficient to defray the expense of erecting a more substantial Bridge over the said Creek; Petition read and received.
2. Thomas Coleman:—Dr. Nicholson presented a Petition from Thomas Coleman, resident in Sydney, praying compensation for the loss sustained by him, by having commuted his pension as an invalided soldier, in order to emigrate to this Colony, on representations which he has found to have been fallacious; Petition read and received.
3. Sale of Spirituous Liquors:—The Attorney General presented a Petition from certain Citizens of Sydney, against the Publicans' Licensing Act amendment Bill now before the Council, and praying the appointment of a Select Committee to enquire into the Laws regulating the Sale of Fermented and Spirituous Liquors; Petition read and received.
4. Sale of Spirituous Liquors:—The Attorney General presented a Petition from the Members of St. Patrick's Total Abstinence Society, against the Publicans' Licensing Act amendment Bill now before the Council, and similar in its prayer to the foregoing; Petition read and received.
5. Call of the House:—The names of the Members called over, pursuant to order; absent on leave, Mr. Murray, Mr. Suttor, and Mr. Young; resigned, Sir Thomas Livingstone Mitchell, and Mr. Lowe.
6. Police and Gaol Expenditure:—Mr. Robinson, pursuant to notice, moved, That an humble Address be presented to Her Majesty, setting forth that according to the Estimates for 1845, laid before the Council, it will be requisite to raise, from the general Revenue and Municipal Assessments, the sum of £96,741 7s. 6d. for Police, Gaols, Building of Gaols, &c., being in a ratio of 12s. per head on the population of the Colony (165,541); whereas the whole expense of the Government of the Canadas does not exceed 7s. per head; and were a ratio similar to that existing in New South Wales, necessary for the United Kingdom, a sum not less than £16,200,000 would be required for these purposes.

That for the eight years, ending on the 31st December, 1843, a sum of £839,800 7s. 7d. was paid by the Colony for those services.

That the number of convictions of those who have arrived free, or have been born in the Colony, bear a proportion to those who have arrived as convicts, of 39 to 72; and that, as a matter of equity, instead of the Colony being subjected to the payment of this enormous sum, it should not be called upon for more than £33 990 5s. 7d., whilst the Home Government is justly chargeable with the balance of £62,751 1s. 11d.

That of the amount of £839,800 7s. 7d. already paid by the Colony, only £295,064 6s. 3d. is its fair proportion; and that the balance of £544,736 1s. 4d. is due to it by the Home Government.

That the necessity of providing the large amount, already alluded to, is severely felt by the inhabitants of this Colony; and they are thereby prevented from taking any effectual steps towards arresting the perpetuity of crime, by making an adequate provision for the education of the children of the Colony, the expense of which would be far greater, in proportion, than in England, from the scattered state of its population.

That they are thereby prevented from establishing a cheap and uniform rate of postage, and increasing the facilities of correspondence which have been attended with so highly beneficial results in the Mother Country.

That

That they are thereby prevented from appropriating any sum for the making or repairing of roads or bridges, or for other works indispensably necessary for the development of the resources of any new country, but more particularly of a Colony like this, which is nearly devoid of any facility for Inland Navigation.

That the raising of the sum in question is now felt to be the more burdensome in consequence of the stoppage of transportation, and the expenditure of the Home Government, for military and convict purposes, having fallen off from £300,058 2s. 3d. in 1839, to £170,072 17s. 5d. in 1843.

That the experiment of imposing a similar charge on the Colony, for like purposes, in Van Diemen's Land has totally failed; one third of the local expenditure of that Colony being now, of necessity, defrayed from the Military Chest.

And that Her Majesty be therefore humbly requested to recommend to Parliament, that the amount of £544,736 ls. 4d., being arrears due to the Colony, and the sum of £62,751 ls. 11d. per annum, being the due portion of the expense entailed by the presence of a convict population in the Colony, be defrayed by the Home Government. Or should Her Majesty deem it more desirable, upon taking into her gracious consideration the fact that 59,788 convicts were transported to the Colony, and also the present exigencies of both countries, in the one of which upwards of 4,000,000 of its population are subsisting on private and public charities, and in the other, hundreds of cattle are daily destroyed for the mere hides and tallow, it would, in the opinion of this Council, be of equivalent advantage to this Colony that the like number of 59,788 Free Emigrants be sent out at the expense of the Home Government within the next five years; and the Colony, through their consumption of taxable commodities, be reimbursed in the sum annually due to it, amounting to £62,751 ls. 11d. as hereinbefore expressed, which measure would likewise tend largely to increase the prosperity of the Colony, and the Exports of the United Kingdom.

Moved, as an amendment, That these Resolutions be referred to the Select Committee on General Grievances, with instructions that they prepare and submit for the consideration of the Council, an Address to Her Majesty, and Petitions to both Houses of the British Parliament, on the subject of them.

Question on the amendment put and passed.

7. Navigation of the Hunter:—Mr. Windoyer postponed bringing forward his motion on this subject, until Friday, September 13.
8. Bridge over Wallis's Creek:—Major Wentworth postponed bringing forward his motion on this subject, until Friday, September 6.
9. Supplementary Appropriation Bill; read a third time and passed; and ordered to be presented to His Excellency the Governor for Assent, by the Speaker and the Colonial Treasurer.
10. Publicans' Licensing Act amendment Bill:—Consideration in Committee postponed, on the motion of Mr. W. C. Wentworth, until Friday, September 6.
11. Foes, Fines and Penalties' Bill:—Second reading postponed, on the motion of Mr. W. C. Wentworth, until Friday, September 6.
12. Country Courts of Requests amendment Bill:—Moved, That this Bill be now read a second time.

Debate ensued.

Question put and passed; and Bill read a second time accordingly.

Moved, That this Bill be referred to the consideration of a Select Committee.

Question put and passed; and the following Committee appointed accordingly.

MR. WINDEYER.

MR. LORD.

MR. FOSTER.

THE ATTORNEY GENERAL.

MR. DARVALL.

MR. PANTON.

MR. ROBINSON.

13. Sydney Incorporation Act amendment Bill:—The Council resolved itself into a Committee of the whole House, for the further consideration of this Bill. The Chairman reported progress, and obtained leave to sit again on Friday, September 6. Council adjourned at Ten o'Clock, until Tuesday next, at Three o'Clock.

## NOTICES OF MOTION AND ORDERS OF THE DAY.

TUESDAY, SEPTEMBER 3.

NOTICES OF MOTION:—

1. MR. FOSTER to move, for leave to bring in a Bill to regulate the rate of interest in the Colony.
2. THE ATTORNEY GENERAL to move, That the Petitions presented by him on the 30th ultimo, from certain Citizens of Sydney, and also from the St. Patrick's Total Abstinence Society, against the Publicans' Licensing Act amendment Bill now before the Council, and praying the appointment of a Committee of enquiry into the law regulating the sale of fermented and spirituous liquors, be printed.

ORDERS

ORDERS OF THE DAY:—

1. Pawnbrokers' regulation Bill; to be considered in Committee.
2. Melbourne Corporation Act amendment Bill; to be further considered in Committee.

---

WEDNESDAY, SEPTEMBER 4.

NOTICE OF MOTION:—

1. MAJOR WENTWORTH to move, That the Petition from Maitland, respecting the Bridge over Wallis's Creek, presented by him on the 30th ultimo, be printed.

ORDER OF THE DAY:—

1. Estimates for the year 1845; to be further considered in Committee.

---

THURSDAY, SEPTEMBER 5.

NOTICE OF MOTION:—

1. MR. COWPER to move the following Resolutions, when the Report from the Select Committee on Crown Land Grievances is taken into consideration:—
  - (1.) That this Council having taken into consideration the Report of the Select Committee, appointed "to enquire into, and report upon all grievances connected with the lands of the Territory, with an instruction to distinguish between the grievances which can be redressed in the Colony, and those which cannot;" adopts, generally, the opinions contained therein.
  - (2.) That in the opinion of this Council, the Depasturing Regulations, published by His Excellency the Governor, on the 2nd April, 1844, are impracticable in principle, and oppressive in detail, and ought to be recalled.
  - (3.) That the Recommendations said to have been transmitted by His Excellency the Governor, for the consideration and approval of the Right Honorable the Secretary of State, by the "General Hewitt," on the 3rd April, 1844, are founded on principles which cannot be worked out, without the utter ruin of the grazing interests.
  - (4.) That as the amount raised by assessment on stock, beyond the boundaries of location, exceeds the expense of the Commissioners and Border Police, it is the opinion of this Council, that the License Fee should be reduced to a nominal sum, or abolished altogether.
  - (5.) That the Act of the late Legislative Council, 2 Victoria, No. 27, ought, in the opinion of this Council, to be repealed.
  - (6.) That an Act ought to be passed, limiting and defining the powers of the Commissioners of Crown Lands, and transferring the powers now vested in a Commissioner or Justice of the Peace alone, to some tribunal in the nature of a Jury, over which the Commissioner shall preside; that such assessment shall be imposed, as the Council shall think reasonable, with reference to the proposed abolition of License Fees, making such assessment part of the ordinary Revenue.
  - (7.) That the upset price of Occupation Licenses, within the Boundaries, ought to be reduced to 15s. per section, per annum.
  - (8.) That it is the opinion of this Council, that the Crown ought to waive the Prerogative of insisting upon payment of Quit Rents due more than six years before the present time; and that such portions of them should be remitted to individuals, and such arrangements made for their extinction in future, as the equity of each case may seem to require.
  - (9.) That this Council is of opinion that, as a general rule, the Quit Rents in Sydney may be left as they are; that Quit Rents in Country Towns, should be reduced to one-fourth of their present amount; and that the Quit Rents on Country Lands should be reduced to 2s. on every one hundred acres. As an equitable principle applicable to all these cases, the Council is also of opinion, that any person who has paid, or shall pay, as Quit Rent, or otherwise, a sum of money equal to ten years' purchase of Quit Rent, calculated at the above rates, shall hold his land discharged from this demand.
  - (10.) That measures ought to be taken to vest in the Grantees, and purchasers of Crown Lands, the minerals they contain, guarding such existing interests for the period they have to run, as may be deemed to have a lawful foundation.
  - (11.) That it is the opinion of this Council, that a Compact was entered into, on the 18th day of May, 1836, by His Excellency Sir Richard Bourke, with the late Legislative Council of this Colony, by which the Council undertook to defray the expenses of Police and Gaols, and the Crown to cede to the Council the surplus of the Casual and Territorial Revenues of this Colony, after defraying the expenses of Emigration; that Sir Richard Bourke was fully authorised to make this Compact by the letter of the Lords of the Treasury, signed F. Baring, and dated 23rd September, 1834; and that this Compact has since been acted on, and thereby ratified.
  - (12.) That an Address be presented to His Excellency the Governor, transmitting the above Resolutions, and praying that he will be pleased to take them into his favorable consideration, and carry them into effect.

(13.)

(13.) That Petitions be presented to Her Majesty and both Houses of Parliament, humbly praying that they will be graciously pleased to pass an Act, repealing the Act of the Imperial Parliament, 5 and 6 Victoria, cap. 36, so far as regards New South Wales; and also so much of the 5 and 6 Victoria, cap. 76, as provides that no law made by the Council, shall interfere, in any manner, with the sale or other appropriation of the lands belonging to the Crown, within this Colony, or with the Revenue thence arising; and enacting that the management of the waste lands of the Crown, and the appropriation of the Revenue arising therefrom, shall be vested in the Governor and Legislative Council of the Colony; and that an Address be also presented to His Excellency the Governor, praying that he will be pleased to recommend the passing of such an Act, to Her Majesty's Government.

(14.) That Mr. Speaker be requested to convey the thanks of this Council, to Charles Buller, Esq., M. P. for Liskeard, for the distinguished services rendered by him to the cause of systematic Colonization, and the Honorable Francis Scott, M. P. for Roxburghshire, for his masterly exposition of the case of the Australian Squatters.

ORDER OF THE DAY :—

1. Consideration of the Report from the Select Committee on Land Grievances.

---

FRIDAY, SEPTEMBER 6.

NOTICES OF MOTION :—

1. MR. WINDEYER to move, That a Select Committee be appointed to prepare an humble Address to Her Majesty the Queen, to remove the misapprehensions likely to be created in the mind of Her Majesty, relative to the views and acts of this Council, by so much of the Despatch of His Excellency the Governor, to Lord Stanley, dated 28th October, 1843, (No. 176.) as has been laid before the Council.
2. MAJOR WENTWORTH to move, That an Address be presented to His Excellency the Governor, praying him to place on the Supplementary Estimate for 1844, a sum of money to repair, and render secure, the present temporary bridge over Wallis's Creek, Maitland; and upon the Estimate of Expenditure, for 1845, a further sum to erect a permanent stone bridge over that Creek.

ORDERS OF THE DAY :—

1. Customs' Bill; third reading.
2. Publicans' Licensing Act amendment Bill; to be considered in Committee.
3. Fees, Fines, and Penalties Bill; second reading.
4. Sydney Incorporation Act amendment Bill; to be further considered in Committee.

---

TUESDAY, SEPTEMBER 10.

1. Consideration of Report from Select Committee on Education.

---

FRIDAY, SEPTEMBER 13.

NOTICE OF MOTION :—

1. MR. WINDEYER to move, That an Address be presented to His Excellency the Governor, praying him to place upon the Estimates, a sum of money for the employment of the Dredging Machine, in removing the obstructions existing to the navigation of the River Hunter.

---

TUESDAY, SEPTEMBER 24.

ORDER OF THE DAY :—

1. Law of Libel Bill; to be considered in Committee.

---

CONTINGENT NOTICE OF MOTION.

1. MR. BRADLEY to move, That when the Estimate for the Salaries of Police Magistrates is brought forward, the Petition from the Warden and Councillors of the District of Goulburn, praying for the provision of a Salary for a Police Magistrate, for that District, may be taken into consideration.

ALEX. M<sup>o</sup> LEAY,  
*Speaker.*

VOTES AND PROCEEDINGS

THE LEGISLATIVE COUNCIL.

TUESDAY, 3 SEPTEMBER, 1844.

1. There being present only nine Members, namely,—Dr. Nicholson; the Colonial Secretary; the Colonial Treasurer; Mr. Robinson; Captain Dumaresq; Mr. Cowper; the Attorney General; Mr. Foster; and the Auditor General; the Speaker took the Chair, and adjourned the Council at Twenty-three minutes before Four o'Clock, until to-morrow at Three o'Clock.

NOTICES OF MOTION AND ORDERS OF THE DAY.

WEDNESDAY, SEPTEMBER 4.

NOTICES OF MOTION:—

1. **MAYOR WENTWORTH** to move, That the Petition from Maitland, respecting the Bridge over Wallis's Creek, presented by him on the 30th ultimo, be printed.
2. **MR. FOSTER** to move, for leave to bring in a Bill to regulate the rate of interest in the Colony.
3. **THE ATTORNEY GENERAL** to move, That the Petitions presented by him on the 30th ultimo, from certain Citizens of Sydney, and also from the St. Patrick's Total Abstinence Society, against the Publicans' Licensing Act amendment Bill now before the Council, and, praying the appointment of a Committee of enquiry into the law regulating the sale of fermented and spirituous liquors, be printed.

ORDERS OF THE DAY:—

1. Estimates for the year 1845; to be further considered in Committee.
2. Pawnbrokers' regulation Bill; to be considered in Committee.
3. Melbourne Corporation Act amendment Bill; to be further considered in Committee.

THURSDAY, SEPTEMBER 5.

NOTICE OF MOTION:—

1. **MR. COWPER** to move the following Resolutions, when the Report from the Select Committee on Crown Land Grievances is taken into consideration:—
  - (1.) That this Council having taken into consideration the Report of the Select Committee, appointed "to enquire into, and report upon all grievances connected with the "lands of the Territory, with an instruction to distinguish between the grievances "which can be redressed in the Colony, and those which cannot;" adopts generally, the opinions contained therein.
  - (2.) That in the opinion of this Council, the Depasturing Regulations, published by His Excellency the Governor, on the 2nd April, 1844, are impracticable in principle, and oppressive in detail, and ought to be recalled.
  - (3.) That the Recommendations said to have been transmitted by His Excellency the Governor, for the consideration and approval of the Right Honorable the Secretary of State,

State, by the "General Hewitt," on the 3rd April, 1844, are founded on principles which cannot be worked out, without the utter ruin of the grazing interests.

(4.) That as the amount raised by assessment on stock, beyond the boundaries of location, exceeds the expense of the Commissioners and Border Police, it is the opinion of this Council, that the License Fee should be reduced to a nominal sum, or abolished altogether.

(5.) That the Act of the late Legislative Council, 2 Victoria, No. 27, ought, in the opinion of this Council, to be repealed.

(6.) That an Act ought to be passed, limiting and defining the powers of the Commissioners of Crown Lands, and transferring the powers now vested in a Commissioner or Justice of the Peace alone, to some tribunal in the nature of a Jury, over which the Commissioner shall preside; that such assessment shall be imposed, as the Council shall think reasonable, with reference to the proposed abolition of License Fees, -making such assessment part of the ordinary Revenue.

(7.) That the upset price of Occupation Licenses, within the Boundaries, ought to be reduced to 15s. per section, per annum.

(8.) That it is the opinion of this Council, that the Crown ought to waive the Prerogative of insisting upon payment of Quit Rents due more than six years before the present time; and that such portions of them should be remitted to individuals, and such arrangements made for their extinction in future, as the equity of each case may seem to require.

(9.) That this Council is of opinion that, as a general rule, the Quit Rents in Sydney may be left as they are; that Quit Rents in Country Towns, should be reduced to one-fourth of their present amount; and that the Quit Rents on Country Lands should be reduced to 2s. on every one hundred acres. As an equitable principle applicable to all these cases, the Council is also of opinion, that any person who has paid, or shall pay, as Quit Rent, or otherwise, a sum of money equal to ten years' purchase of Quit Rent, calculated at the above rates, shall hold his land discharged from this demand.

(10.) That measures ought to be taken to vest in the Grantees, and purchasers of Crown Lands, the minerals they contain, guarding such existing interests for the period they have to run, as may be deemed to have a lawful foundation.

(11.) That it is the opinion of this Council, that a Compact was entered into, on the 18th day of May, 1835, by His Excellency Sir Richard Bourke, with the late Legislative Council of this Colony, by which the Council undertook to defray the expenses of Police and Gaols, and the Crown to cede to the Council the surplus of the Casual and Territorial Revenues of this Colony, after defraying the expenses of Emigration; that Sir Richard Bourke was fully authorised to make this Compact by the letter of the Lords of the Treasury, signed F. Baring, and dated 23rd September, 1834; and that this Compact has since been acted on, and thereby ratified.

(12.) That an Address be presented to His Excellency the Governor, transmitting the above Resolutions, and praying that he will be pleased to take them into his favorable consideration, and carry them into effect.

(13.) That Petitions be presented to Her Majesty and both Houses of Parliament, humbly praying that they will be graciously pleased to pass an Act, repealing the Act of the Imperial Parliament, 5 and 6 Victoria, cap. 36, so far as regards New South Wales; and also so much of the 5 and 6 Victoria, cap. 76, as provides that no law made by the Council, shall interfere, in any manner, with the sale or other appropriation of the lands belonging to the Crown, within this Colony, or with the Revenue thence arising; and enacting that the management of the waste lands of the Crown, and the appropriation of the Revenue arising therefrom, shall be vested in the Governor and Legislative Council of the Colony; and that an Address be also presented to His Excellency the Governor, praying that he will be pleased to recommend the passing of such an Act, to Her Majesty's Government.

(14.) That Mr. Speaker be requested to convey the thanks of this Council, to Charles Buller, Esq., M. P. for Liskeard, for the distinguished services rendered by him to the cause of systematic Colonization, and the Honorable Francis Scott, M. P. for Roxburghshire, for his masterly exposition of the case of the Australian Squatters.

ORDER OF THE DAY:—

1. Consideration of the Report from the Select Committee on Land Grievances.

FRIDAY, SEPTEMBER 6.

NOTICES OF MOTION:—

1. MR. WINDEYER to move, That a Select Committee be appointed to prepare an humble Address to Her Majesty the Queen, to remove the misapprehensions likely to be created in the mind of Her Majesty, relative to the views and acts of this Council, by so much of the Despatch of His Excellency the Governor, to Lord Stanley, dated 28th October, 1843, (No. 176.) as has been laid before the Council.
2. MAJOR WENTWORTH to move, That an Address be presented to His Excellency the Governor, praying him to place on the Supplementary Estimate for 1844, a sum of money to repair, and render secure, the present temporary bridge over Wallis's Creek, Maitland; and upon the Estimate of Expenditure, for 1845, a further sum to erect a permanent stone bridge over that Creek.

ORDERS



ORDERS OF THE DAY:—

1. Customs' Bill ; third reading.
2. Publicans' Licensing Act amendment Bill ; to be considered in Committee.
3. Fees, Fines, and Penalties Bill ; second reading.
4. Sydney Incorporation Act amendment Bill ; to be further considered in Committee.

TUESDAY, SEPTEMBER 10.

1. Consideration of Report from Select Committee on Education.

FRIDAY, SEPTEMBER 13.

NOTICE OF MOTION:—

1. MR. WINDEYER to move, That an Address be presented to His Excellency the Governor, praying him to place upon the Estimates, a sum of money for the employment of the Dredging Machine, in removing the obstructions existing to the navigation of the River Hunter.

TUESDAY, SEPTEMBER 24.

ORDER OF THE DAY:—

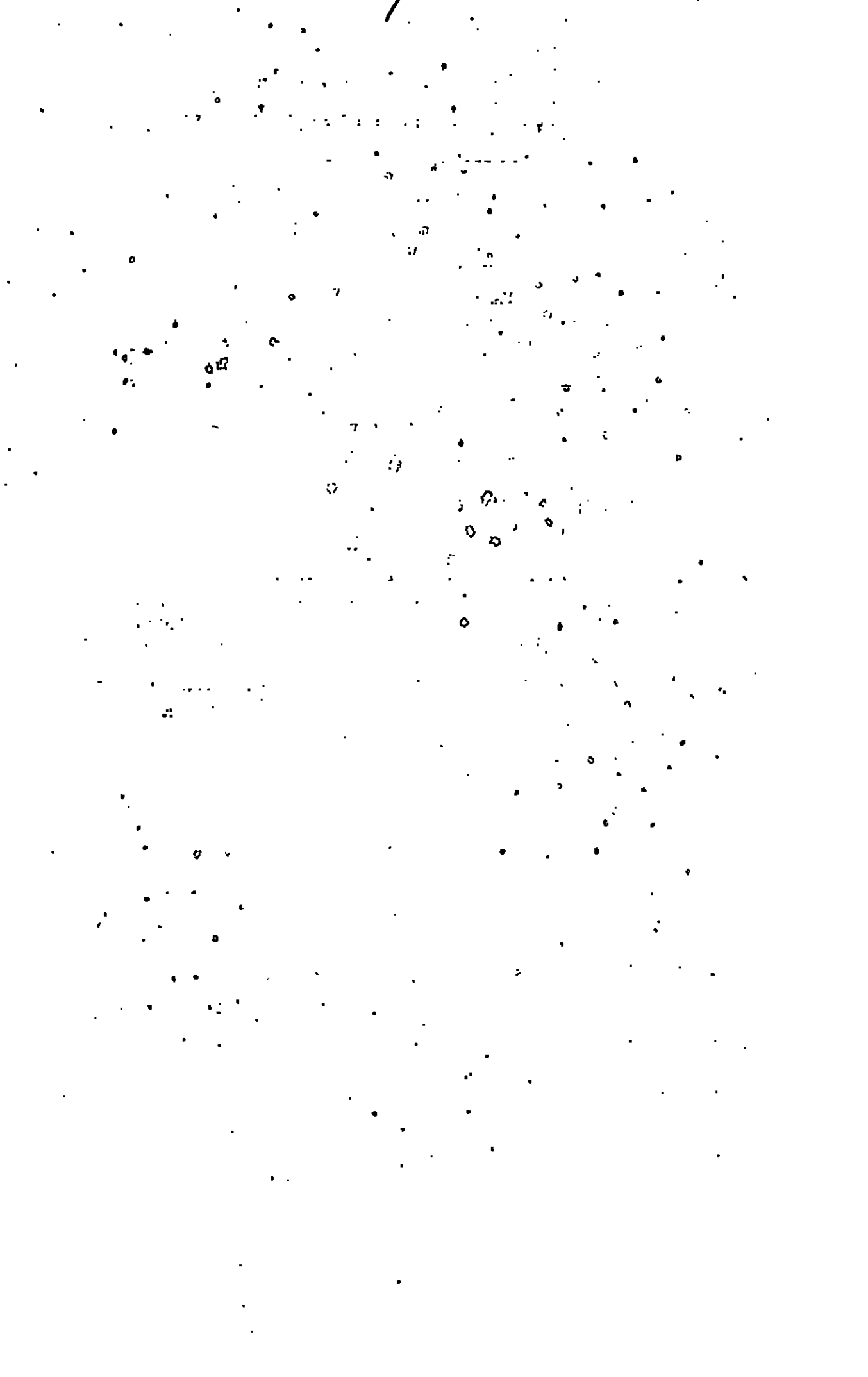
1. Law of Libel Bill ; to be considered in Committee.

CONTINGENT NOTICE OF MOTION.

1. MR. BRADLEY to move, That when the Estimate for the Salaries of Police Magistrates is brought forward, the Petition from the Warden and Councillors of the District of Goulburn, praying for the provision of a Salary for a Police Magistrate, for that District, may be taken into consideration.

ALEX. M<sup>c</sup> LEAY,  
*Speaker.*

174



VOTES AND PROCEEDINGS  
or  
THE LEGISLATIVE COUNCIL.

WEDNESDAY, 4 SEPTEMBER, 1844.

1. Council met pursuant to adjournment; the Speaker took the Chair.  
Medical Witnesses Act amendment Bill:—The following Message from His Excellency the Governor received and read:—

*Message from His Excellency the Governor, to the Legislative Council, proposing amendments in a Bill, which has been presented to him for the Royal Assent, intituled, "An Act to amend the Act passed in the second year of the reign of Her present Majesty Queen Victoria, intituled; " "An Act to define the qualifications of Medical Witnesses at Coroners' Inquests, and inquiries held before Justices of the Peace, in the Colony of New South Wales."*

GENTLEMEN,

Agreeably to the provisions of the 30th clause of the 5th and 6th Victoria, c. 76, I have to propose the following amendments in the Bill which has been passed by the Council, intituled, "An Act to amend the Act, passed in the second year of the reign of Her present Majesty Queen Victoria, intituled, 'An Act to define the qualifications of Medical Witnesses at Coroners' Inquests, and inquiries held before Justices of the Peace, in the Colony of New South Wales.'"

1.—In the first clause, and in the 45th line of the Bill as printed, that after the word "person," be inserted the words, "resident in the District of Port Phillip;" and that in the next, or the 46th line as printed, the following words be struck out, "for the District of Port Phillip."

2.—That in the 2nd clause, and in the second line of the clause as printed, after the word "all," be inserted the following words, "persons declared by the Board to be;" and in the next line of the clause, the following words to be struck out, "for the District of Port Phillip."

3.—That a clause be added to the Bill, as follows:—

"And be it enacted, That all persons declared to be legally qualified Medical Practitioners, either by the Medical Board of New South Wales, or by that of the District of Port Phillip, shall be held and taken to be legally qualified Medical Practitioners, throughout the whole Territory of New South Wales."

Government House,  
Sydney, 3rd September, 1844.

GEORGE GIPPS.

Message ordered to be printed, and taken into consideration on Tuesday next.

2. Hawkers and Pedlars Bill:—The following Message from His Excellency the Governor received and read.

*Message from His Excellency the Governor to the Legislative Council, proposing amendments in a Bill which has been presented to him for the Royal Assent, intituled, "An Act to alter and amend the Laws relating to Hawkers and Pedlars in New South Wales."*

GENTLEMEN,

Agreeably to the provisions of the 30th clause of the 5th and 6th Vic., c. 76, I have to propose the following amendments in the Bill which has been passed by the Council, intituled, "An Act to alter and amend the Laws relating to Hawkers and Pedlars in New South Wales."—

1.—In the 3rd clause of the Bill, after the words "four pounds," to strike out the remainder of the clause, and to insert the following words: "to the Colonial Treasurer, the same to be by him carried to the credit of the fund arising from Taxes, Duties, Rates, or Imposts in the Colony."

2.—In the 8th clause of the Bill, after the words "conviction of such offence," to insert the following words: "if a Convict," and at the end of the clause, the following words to be added: "and if not a convict, the person so convicted shall suffer imprisonment with hard labour, for any period not exceeding six calendar months."

3.—In the 15th clause of the Bill, that the following words be struck out: "for the purposes of the General Revenue of the said Colony," and that in the place of them the following words be inserted: "for the public uses of the said Colony, and the support of the Government thereof."

Government House,  
September 3rd, 1844.

GEORGE GIPPS.

Message ordered to be printed, and taken into consideration on Tuesday next.

- 3. Defalcation of the late Registrar of the Supreme Court :—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 27th August, 1844, wherein His Excellency was requested to take such steps as may be requisite to obtain compensation to the sufferers by the defalcation of the late Registrar of the Supreme Court, either from his sureties or otherwise.*

GENTLEMEN,

By a Despatch from Lord Stanley, dated the 11th Juno, 1842, \* I was informed that His Lordship had communicated with the Lords of the Treasury, in order that their Lordships might take such measures as they might deem necessary for calling on the sureties of Mr. Manning, resident in England, for the amount of their securities.

I have not, since the receipt of Lord Stanley's Despatch, heard anything further on the subject ; but I will seek for further information.

I am not aware of any other source, from which compensation to the sufferers by Mr. Manning's defalcation can be afforded, unless it be a grant of money out of the public funds of the Colony ; and such a grant I do not feel authorised to propose without the sanction of Her Majesty's Government.

Government House,  
Sydney, 3rd September, 1844.

GEORGE GIPPS.

Message ordered to be printed.

- 4. Judicial Estimates :—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 29th ultimo, wherein His Excellency was informed that the Council had declined to grant any sums of money for the Administration of Justice, for the year 1845, in addition to those which have been provided by Parliament.*

GENTLEMEN,

The Council having declined to grant any sums of money for the Administration of Justice, in addition to those which have been provided for by Parliament, I shall take measures for limiting the Expenditure on account of the Administration of Justice during the year 1845, to the sums mentioned in the Schedule marked A, annexed to the 5th and 6th Victoria, c. 76 ; and I shall advise with the Judges upon the manner in which this may be done with the least possible amount of inconvenience to the Public.

Government House,  
Sydney, 3rd September, 1844.

GEORGE GIPPS.

Message ordered to be printed.

- 5. Assent to Bill :—The Speaker reported that His Excellency the Governor had assented to the following Bill :—

(1.) Supplementary Appropriation Bill.

- 6. Resignations :—The Speaker read a letter of resignation, from Sir Thomas Livingstone Mitchell, dated 15th August, 1844 ; and also a letter of resignation, from Robert Lowe, Esq., dated 28th August, 1844.

- 7. Bridge over Wallis's Creek :—Major Wentworth, pursuant to notice, moved, That the Petition from Maitland, respecting the Bridge over Wallis's Creek, presented by him on the 30th ultimo, be printed.

Question put and passed, and Petition ordered to be printed accordingly.

- 8. Crown Land Grievances :—Mr. Cowper postponed bringing forward his motion, on this subject, from Thursday next, until Friday, September 13.

- 9. Interest Bill :—Mr. Foster having, pursuant to notice, moved for and obtained leave to bring in " A Bill to regulate the rate of Interest on Money lent on the security of real and personal property," Bill read a first time ; ordered to be printed, and read a second time on Friday, September 13.

- 10. Publicans' Licensing Act amendment Bill :—The Attorney General, pursuant to notice, moved, That the Petitions presented by him on the 30th ultimo, from certain Citizens of Sydney, and also from the St. Patrick's Total Abstinence Society, against the Publicans' Licensing Act amendment Bill now before the Council, and praying the appointment of a Committee of enquiry into the law regulating the sale of fermented and spirituous liquors, be printed.

Question put and passed, and Petitions ordered to be printed accordingly.

- 11. Estimates for 1845 :—On the motion of the Colonial Treasurer, the Council resolved itself into a Committee of the whole House, for the further consideration of the Estimates of Expenditure for the year 1845.

The Chairman reported progress, and obtained leave to sit again to-morrow.

- 12. Pawnbrokers' regulation Bill :—Consideration in Committee postponed, on the motion of Mr. Robinson, until to-morrow.

- 13. Melbourne Corporation Act amendment Bill :—Further consideration in Committee postponed, on the motion of Mr. Robinson, until to-morrow.  
Council adjourned at Half-past Eight o'Clock, until to-morrow at Three o'Clock.

NOTICES

\* For a copy of this Despatch see page 324 of the Votes and Proceedings, of 1843.

177

## NOTICES OF MOTION AND ORDERS OF THE DAY.

---

THURSDAY, SEPTEMBER 5.

NOTICE OF MOTION:—

1. MR. WINDEYER to move, That the copy of the Warrants under which the Master in Equity and Prothonotary have been paid their Salaries, be printed.

ORDERS OF THE DAY:—

1. Estimates for the year 1845; to be further considered in Committee.
  2. Consideration of the Report from the Select Committee on Land Grievances.
  3. Pawnbrokers' regulation Bill; to be considered in Committee.
  4. Melbourne Corporation Act amendment Bill; to be further considered in Committee.
- 

FRIDAY, SEPTEMBER 6.

NOTICES OF MOTION:—

1. MR. WINDEYER to move, That a Select Committee be appointed to prepare an humble Address to Her Majesty the Queen, to remove the misapprehensions likely to be created in the mind of Her Majesty, relative to the views and acts of this Council, by so much of the Despatch of His Excellency the Governor, to Lord Stanley, dated 28th October, 1843, (No. 176.) as has been laid before the Council.
2. MAJOR WENTWORTH to move, That an Address be presented to His Excellency the Governor, praying him to place on the Supplementary Estimate for 1844, a sum of money to repair, and render secure, the present temporary bridge over Wallis's Creek, Maitland; and upon the Estimate of Expenditure, for 1845, a further sum to erect a permanent stone bridge over that Creek.
3. DR. NICHOLSON to move,
  - (1.) That an Address be presented to Her Majesty, praying that Her Majesty be graciously pleased to declare Geelong a "Free Warehousing Port;" or, in the event of such a measure being deemed premature, to declare the same a "Port of Entry and Clearance."
  - (2.) That a Select Committee be appointed to prepare such Address.

ORDERS OF THE DAY:—

1. Customs' Bill; third reading.
  2. Publicans' Licensing Act amendment Bill; to be considered in Committee.
  3. Fees, Fines, and Penalties Bill; second reading.
  4. Sydney Incorporation Act amendment Bill; to be further considered in Committee.
- 

TUESDAY, SEPTEMBER 10.

1. Consideration of Report from Select Committee on Education.
  2. Consideration of the Governor's Message on Medical Witnesses Bill.
  3. Consideration of the Governor's Message on the Hawkers and Pedlars Bill.
- 

FRIDAY, SEPTEMBER 13.

NOTICES OF MOTION:—

1. MR. WINDEYER to move, That an Address be presented to His Excellency the Governor, praying him to place upon the Estimates, a sum of money for the employment of the Dredging Machine, in removing the obstructions existing to the navigation of the River Hunter.
2. MR. COWPER to move the following Resolutions, when the Report from the Select Committee on Crown Land Grievances is taken into consideration:—
  - (1.) That this Council having taken into consideration the Report of the Select Committee, appointed "to enquire into, and report upon all grievances connected with the "lands of the Territory, with an instruction to distinguish between the grievances "which can be redressed in the Colony, and those which cannot;" adopts, generally, the opinions contained therein.
  - (2.) That in the opinion of this Council, the Depasturing Regulations, published by His Excellency the Governor, on the 2nd April, 1844, are impracticable in principle, and oppressive in detail, and ought to be recalled.
  - (3.) That the Recommendations said to have been transmitted by His Excellency the Governor, for the consideration and approval of the Right Honorable the Secretary of

State,

State, by the "General Hewitt," on the 3rd April, 1844, are founded on principles which cannot be worked out, without the utter ruin of the grazing interests.

(4.) That as the amount raised by assessment on stock, beyond the boundaries of location, exceeds the expense of the Commissioners and Border Police, it is the opinion of this Council, that the License Fee should be reduced to a nominal sum, or abolished altogether.

(5.) That the Act of the late Legislative Council, 2 Victoria, No. 27, ought, in the opinion of this Council, to be repealed.

(6.) That an Act ought to be passed, limiting and defining the powers of the Commissioners of Crown Lands, and transferring the powers now vested in a Commissioner or Justice of the Peace alone, to some tribunal in the nature of a Jury, over which the Commissioner shall preside; that such assessment shall be imposed, as the Council shall think reasonable, with reference to the proposed abolition of License Fees, making such assessment part of the ordinary Revenue.

(7.) That the upset price of Occupation Licenses, within the Boundaries, ought to be reduced to 15s. per section, per annum.

(8.) That it is the opinion of this Council, that the Crown ought to waive the Prerogative of insisting upon payment of Quit Rents due more than six years before the present time; and that such portions of them should be remitted to individuals, and such arrangements made for their extinction in future, as the equity of each case may seem to require.

(9.) That this Council is of opinion that, as a general rule, the Quit Rents in Sydney may be left as they are; that Quit Rents in Country Towns, should be reduced to one-fourth of their present amount; and that the Quit Rents on Country Lands should be reduced to 2s. on every one hundred acres. As an equitable principle applicable to all these cases, the Council is also of opinion, that any person who has paid, or shall pay, as Quit Rent, or otherwise, a sum of money equal to ten years' purchase of Quit Rent, calculated at the above rates, shall hold his land discharged from this demand.

(10.) That measures ought to be taken to vest in the Grantees, and purchasers of Crown Lands, the minerals they contain, guarding such existing interests for the period they have to run, as may be deemed to have a lawful foundation.

(11.) That it is the opinion of this Council, that a Compact was entered into, on the 18th day of May, 1835, by His Excellency Sir Richard Bourke, with the late Legislative Council of this Colony, by which the Council undertook to defray the expenses of Police and Gaols, and the Crown to cede to the Council the surplus of the Casual and Territorial Revenues of this Colony, after defraying the expenses of Emigration; that Sir Richard Bourke was fully authorised to make this Compact by the letter of the Lords of the Treasury, signed F. Baring, and dated 23rd September, 1834; and that this Compact has since been acted on, and thereby ratified.

(12.) That an Address be presented to His Excellency the Governor, transmitting the above Resolutions, and praying that he will be pleased to take them into his favorable consideration, and carry them into effect.

(13.) That Petitions be presented to Her Majesty and both Houses of Parliament, humbly praying that they will be graciously pleased to pass an Act, repealing the Act of the Imperial Parliament, 5 and 6 Victoria, cap. 36, so far as regards New South Wales; and also so much of the 5 and 6 Victoria, cap. 76, as provides that no law made by the Council, shall interfere, in any manner, with the sale or other appropriation of the lands belonging to the Crown, within this Colony, or with the Revenue thence arising; and enacting that the management of the waste lands of the Crown, and the appropriation of the Revenue arising therefrom, shall be vested in the Governor and Legislative Council of the Colony; and that an Address be also presented to His Excellency the Governor, praying that he will be pleased to recommend the passing of such an Act, to Her Majesty's Government.

(14.) That Mr. Speaker be requested to convey the thanks of this Council, to Charles Buller, Esq., M. P. for Liskeard, for the distinguished services rendered by him to the cause of systematic Colonization, and the Honorable Francis Scott, M. P. for Roxburgshire, for his masterly exposition of the case of the Australian Squatters.

ORDER OF THE DAY:—

1. Interest Bill; second reading.

TUESDAY, SEPTEMBER 24.

ORDER OF THE DAY:—

1. Law of Libel Bill; to be considered in Committee.

#### CONTINGENT NOTICE OF MOTION.

1. MR. BRADLEY to move, That when the Estimate for the Salaries of Police Magistrates is brought forward, the Petition from the Warden and Councillors of the District of Goulburn, praying for the provision of a Salary for a Police Magistrate, for that District, may be taken into consideration.

ALEX. M<sup>c</sup> LEAY,  
Speaker.

VOTES AND PROCEEDINGS  
OF  
THE LEGISLATIVE COUNCIL.

THURSDAY, 5 SEPTEMBER, 1844.

1. Council met pursuant to adjournment; the Speaker took the Chair.  
Salaries of Master in Equity and Prothonotary:—Mr. Windeyer, pursuant to notice, moved, That the copy of the Warrants under which the Master in Equity and Prothonotary have been paid their Salaries, be printed.  
Question put and passed, and Warrants ordered to be printed accordingly.
2. Colonial Spirits Exportation Bill:—The Collector of Customs, as Chairman, brought up the Report, and laid upon the Table, the Evidence taken before the Select Committee, to whom was referred the consideration of the Colonial Spirits Exportation Bill.  
Report and Evidence ordered to be printed.
3. Estimates for 1845:—On the motion of the Colonial Treasurer, the Council resolved itself into a Committee of the whole House, for the further consideration of the Estimates of Expenditure for the year 1845.  
The Chairman reported progress, and obtained leave to sit again on Wednesday next.
4. Crown Land Grievances:—On the motion of Mr. Cowper, the consideration of the Report from the Select Committee on Crown Land Grievances, postponed until Thursday, September 12.
5. Pawnbrokers' regulation Bill:—On the motion of Mr. Robinson, the Council resolved itself into a Committee of the whole House, for consideration of this Bill.  
The House counted, and twelve Members not being present:—  
Council adjourned at a quarter after Eight o'Clock, until to-morrow at Three o'Clock.

NOTICES OF MOTION AND ORDERS OF THE DAY.

FRIDAY, SEPTEMBER 6.

NOTICES OF MOTION:—

1. MR. WINDEYER to move, That a Select Committee be appointed to prepare an humble Address to Her Majesty the Queen, to remove the misapprehensions likely to be created in the mind of Her Majesty, relative to the views and acts of this Council, by so much of the Despatch of His Excellency the Governor, to Lord Stanley, dated 28th October, 1843, (No. 176.) as has been laid before the Council.
2. MAJOR WENTWORTH to move, That an Address be presented to His Excellency the Governor, praying him to place on the Supplementary Estimate for 1844, a sum of money to repair, and render secure, the present temporary bridge over Wallis's Creek, Maitland; and upon the Estimate of Expenditure, for 1845, a further sum to erect a permanent stone bridge over that Creek.
3. DR. NICHOLSON to move,  
(1.) That an Address be presented to Her Majesty, praying that Her Majesty be graciously pleased to declare Goelong a "Free Warehousing Port;" or, in the event of such a measure being deemed premature, to declare the same a "Port of Entry and Clearance."  
(2.) That a Select Committee be appointed to prepare such Address.

ORDERS OF THE DAY:—

1. Customs' Bill; third reading.
2. Publicans' Licensing Act amendment Bill; to be considered in Committee.
3. Fees, Fines, and Penalties Bill; second reading.
4. Sydney Incorporation Act amendment Bill; to be further considered in Committee.
5. Pawnbrokers' regulation Bill; to be considered in Committee.
6. Melbourne Corporation Act amendment Bill; to be further considered in Committee.

TUESDAY,

TUESDAY, SEPTEMBER 10.

## ORDERS OF THE DAY —

1. Consideration of Report from Select Committee on Education.
2. Consideration of the Governor's Message on Medical Witnesses Bill.
3. Consideration of the Governor's Message on the Hawkers and Pedlars Bill.

WEDNESDAY, SEPTEMBER 11.

1. Estimates for the year 1845 ; to be further considered in Committee.

THURSDAY, SEPTEMBER 12.

1. Consideration of the Report from the Select Committee on Crown Land Grievances.

FRIDAY, SEPTEMBER 13.

## NOTICES OF MOTION :—

1. MR. WINDEYER to move, That an Address be presented to His Excellency the Governor, praying him to place upon the Estimates, a sum of money for the employment of the Dredging Machine, in removing the obstructions existing to the navigation of the River Hunter.
2. MR. COWPER to move the following Resolutions, when the Report from the Select Committee on Crown Land Grievances is taken into consideration :—
  - (1.) That this Council having taken into consideration the Report of the Select Committee, appointed "to enquire into, and report upon all grievances connected with the "lands of the Territory, with an instruction to distinguish between the grievances "which can be redressed in the Colony, and those which cannot;" adopts, generally, the opinions contained therein.
  - (2.) That in the opinion of this Council, the Depasturing Regulations, published by His Excellency the Governor, on the 2nd April, 1844, are impracticable in principle, and oppressive in detail, and ought to be recalled.
  - (3.) That the Recommendations said to have been transmitted by His Excellency the Governor, for the consideration and approval of the Right Honorable the Secretary of State, by the "General Hewitt," on the 3rd April, 1844, are founded on principles which cannot be worked out, without the utter ruin of the grazing interests.
  - (4.) That as the amount raised by assessment on stock, beyond the boundaries of location, exceeds the expence of the Commissioners and Border Police, it is the opinion of this Council, that the License Fee should be reduced to a nominal sum, or abolished altogether.
  - (5.) That the Act of the late Legislative Council, 2 Victoria, No. 27, ought, in the opinion of this Council, to be repealed.
  - (6.) That an Act ought to be passed, limiting and defining the powers of the Commissioners of Crown Lands, and transferring the powers now vested in a Commissioner or Justice of the Peace alone, to some tribunal in the nature of a Jury, over which the Commissioner shall preside ; that such assessment shall be imposed, as the Council shall think reasonable, with reference to the proposed abolition of License Fees, making such assessment part of the ordinary Revenue.
  - (7.) That the upset price of Occupation Licenses, within the Boundaries, ought to be reduced to 15s. per section, per annum.
  - (8.) That it is the opinion of this Council, that the Crown ought to waive the Prerogative of insisting upon payment of Quit Rents due more than six years before the present time ; and that such portions of them should be remitted to individuals, and such arrangements made for their extinction in future, as the equity of each case may seem to require.
  - (9.) That this Council is of opinion that, as a general rule, the Quit Rents in Sydney may be left as they are ; that Quit Rents in Country Towns, should be reduced to one-fourth of their present amount ; and that the Quit Rents on Country Lands should be reduced to 2s. on every one hundred acres. As an equitable principle applicable to all these cases, the Council is also of opinion, that any person who has paid, or shall pay, as Quit Rent, or otherwise, a sum of money equal to ten years' purchase of Quit Rent, calculated at the above rates, shall hold his land discharged from this demand.
  - (10.) That measures ought to be taken to vest in the Grantees, and purchasers of Crown Lands, the minerals they contain, guarding such existing interests for the period they have to run, as may be deemed to have a lawful foundation.
  - (11.) That it is the opinion of this Council, that a Compact was entered into, on the 18th day of May, 1835, by His Excellency Sir Richard Bourke, with the late Legislative Council of this Colony, by which the Council undertook to defray the expenses of



of Police and Gaols, and the Crown to cede to the Council the surplus of the Casual and Territorial Revenues of this Colony, after defraying the expenses of Emigration; that Sir Richard Bourke was fully authorised to make this Compact by the letter of the Lords of the Treasury, signed F. Baring, and dated 23rd September, 1834; and that this Compact has since been acted on, and thereby ratified.

(12.) That an Address be presented to His Excellency the Governor, transmitting the above Resolutions, and praying that he will be pleased to take them into his favorable consideration, and carry them into effect.

(13.) That Petitions be presented to Her Majesty and both Houses of Parliament, humbly praying that they will be graciously pleased to pass an Act, repealing the Act of the Imperial Parliament, 5 and 6 Victoria, cap. 30, so far as regards New South Wales; and also so much of the 5 and 6 Victoria, cap. 76, as provides that no law made by the Council, shall interfere, in any manner, with the sale or other appropriation of the lands belonging to the Crown, within this Colony, or with the Revenue thence arising; and enacting that the management of the waste lands of the Crown, and the appropriation of the Revenue arising therefrom, shall be vested in the Governor and Legislative Council of the Colony; and that an Address be also presented to His Excellency the Governor, praying that he will be pleased to recommend the passing of such an Act, to Her Majesty's Government.

(14.) That Mr. Speaker be requested to convey the thanks of this Council, to Charles Buller, Esq., M. P. for Liskeard, for the distinguished services rendered by him to the cause of systematic Colonization, and the Honorable Francis Scott, M. P. for Roxburgshire, for his masterly exposition of the case of the Australian Squatters.

ORDERS OF THE DAY:—

1. Interest Bill; second reading.

---

TUESDAY, SEPTEMBER 24.

1. Law of Libel Bill; to be considered in Committee.

---

CONTINGENT NOTICE OF MOTION.

1. MR. BRADLEY to move, That when the Estimate for the Salaries of Police Magistrates is brought forward, the Petition from the Warden and Councillors of the District of Goulburn, praying for the provision of a Salary for a Police Magistrate, for that District, may be taken into consideration.

ALEX. M<sup>r</sup> LEAY,  
*Speaker.*



VOTES AND PROCEEDINGS

OF

THE LEGISLATIVE COUNCIL.

FRIDAY, 6 SEPTEMBER, 1844.

1. Council met pursuant to adjournment; the Speaker took the Chair.  
Camden; Court House:—Mr. Therry presented a Petition from certain Proprietors, Householders, and other Inhabitants residing at, or near the Village of Camden, praying the Council will not hesitate to vote the sum of £200, for building a Court House at the Village of Camden, as proposed in the Estimate for the year 1845; Petition read and received.
2. Bathurst District Hospital:—Mr. W. C. Wentworth presented a Petition from the Managing Committee of the Bathurst District Hospital, praying the restoration, in the Estimates of Expenditure for the year 1845, of the sums originally on the said Estimates for Local Hospitals; Petition read and received.
3. Despatch No. 176, of the 28th October, 1843:—Mr. Windeyer, pursuant to notice, moved, That a Select Committee be appointed to prepare an humble Address to Her Majesty the Queen, to remove the misapprehensions likely to be created in the mind of Her Majesty, relative to the views and acts of this Council, by so much of the Despatch of His Excellency the Governor, to Lord Stanley, dated 28th October, 1843, (No. 176) as has been laid before the Council.

Debate ensued.

Moved, as an amendment, That the Extracts from the Despatches of His Excellency Sir George Gipps, to the Right Honorable Lord Stanley, Numbered 175 and 176, and dated the 28th October, 1843, upon the subject of the Schedules 5 and 6 Victoria Regina, cap. 76, and also, in reference to Police and Gaols, laid upon the Table of this House by the Colonial Secretary, and ordered by the Council to be printed, on the 16th August, 1844, be referred to a Select Committee, with instructions to prepare an Address to Her Majesty, to remove any misapprehensions which may have been created in the mind of Her Majesty by those Despatches, relative to the proceedings of this Council.

Debate continued.

Question put on the amendment.

Council divided.

Ayes 13.

CAPTAIN DUMARESQ,  
DR. LANG,  
MR. BRADLEY,  
MR. LORD,  
MR. LAWSON,  
DR. BLAND,  
MR. W. C. WENTWORTH,  
MAJOR WENTWORTH,  
MR. WINDEYER,  
MR. ROBINSON,  
MR. FOSTER,  
MR. COWPER,  
DR. NICHOLSON, (Teller.)

Noes 9.

THE COLONIAL SECRETARY,  
MR. HAMILTON,  
MR. THERRY,  
THE ATTORNEY GENERAL,  
MR. DARVALL,  
MR. ICELY,  
THE AUDITOR GENERAL,  
THE COLLECTOR OF CUSTOMS,  
THE COLONIAL TREASURER, (Teller.)

Amendment carried, and the following Committee appointed accordingly:—

MR. COWPER,  
MR. LAWSON,  
MR. BRADLEY,  
CAPTAIN DUMARESQ.

MR. LORD,  
MR. ROBINSON,  
MR. W. C. WENTWORTH,  
MR. WINDEYER.

- 4. **Bridge over Wallis's Creek** :—Major Wentworth, pursuant to notice, moved, That an Address be presented to His Excellency the Governor, praying him to place on the Supplementary Estimate for 1844, a sum of money to repair, and render secure, the present temporary bridge over Wallis's Creek, Maitland ; and upon the Estimates of Expenditure, for 1845, a further sum to erect a permanent stone bridge over that Creek.  
Question put and passed, and Address to be presented by the Speaker and the Colonial Secretary.
- 5. **Geelong**,—Free Port :—Dr. Nicholson, pursuant to notice, moved, That an Address be presented to Her Majesty, praying that Her Majesty be graciously pleased to declare Geelong a " Free Warehousing Port ;" or, in the event of such a measure being deemed premature, to declare the same a " Port of Entry and Clearance ;" and that a Select Committee be appointed to prepare such Address.  
Question put and passed, and the following Committee appointed accordingly :—

<p>DR. NICHOLSON, MR. ROBINSON, MR. WALKER, MR. YOUNG.</p>		<p>DR. LANG, THE COLLECTOR OF CUSTOMS, MR. PANTON,</p>
--	--	--

- 6. **Postponements** :—The following Orders of the Day postponed :—
  - (1.) Consideration of the Governor's Message, on the Medical Witnesses' Bill, from Tuesday, September 10, until Wednesday, September 11.
  - (2.) Consideration of the Governor's Message, on the Hawkers' and Pedlars' Bill, from Tuesday, September 10, until Wednesday, September 11.
  - (3.) Consideration of the Report from Select Committee on Education, from Tuesday, September 10, until Friday, September 20.
  - (4.) Consideration in Committee, of the Publicans' Licensing Act amendment Bill, until Friday, September 20.
  - (5.) Consideration in Committee of the Pawnbrokers Regulation Bill, until Tuesday, September 10.
  - (6.) Further consideration in Committee, of the Melbourne Corporation Act amendment Bill, until Tuesday, September 10.
  - (7.) Further consideration in Committee of the Sydney Incorporation Act amendment Bill, until Friday, September 13.
  - (8.) Second reading of Fees, Fines, and Penalties Bill, until Friday, September 13.
  - (9.) Third reading of the Customs' Bill, until Thursday, September 12.

Council adjourned at half-past Nine o'Clock, until Tuesday next at Three o'Clock.

---

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

---

**TUESDAY, SEPTEMBER 10.**

- 1. **MR. WINDEYER** to move for an account of the number of weeks the Dredging Machine was employed since its arrival ; where it was employed ; the number of men employed in the working of it ; and the quantity of work performed by it, on an average of weeks ; and shewing whether, and in what degree, the number of men employed affects the work.
- 2. **THE COLONIAL SECRETARY** to move, That Roger Therry, Esq., be appointed a Member of the Court for the trial of any complaints that may be made against the return of Members to this Council, in the place of Hastings Elwin, Esq., who has resigned his seat in this House.
- 3. **THE COLONIAL SECRETARY** to move, That Dr. Bland and Dr. Nicholson, be the two Visitors to be appointed by the Legislative Council, to the Lunatic Asylum at Tarban Creek, under the Act of the Governor and Council, 7 Victoria, No. 14, for the year 1845.

**ORDERS OF THE DAY:—**

- 1. Pawnbrokers' regulation Bill ; to be considered in Committee.
- 2. Melbourne Corporation Act amendment Bill ; to be further considered in Committee.

---

**WEDNESDAY, SEPTEMBER 11.**

**NOTICE OF MOTION:—**

- 1. **MR. W. C. WESTWORTH** to move an Address to His Excellency the Governor to place a sum on the Estimates for 1845, towards the support of the Hospitals at Bathurst, Goulburn, and Windsor, on condition of sums to at least an equal amount being raised by private subscriptions.

**ORDERS OF THE DAY —**

- 1. Estimates for the year 1845 ; to be further considered in Committee.
- 2. Consideration of the Governor's Message on Medical Witnesses Bill.
- 3. Consideration of the Governor's Message on the Hawkers and Pedlars Bill.

---

**THURSDAY,**

THURSDAY, SEPTEMBER 12.

## NOTICE OF MOTION:—

## 1. MR. W. C. WENTWORTH to move the following Resolution:—

That His Excellency's Message to this Council, of which the following is the tenor:—

*Message from His Excellency the Governor, to the Legislative Council, replying to an Address of the Council, dated the 29th ultimo, wherein His Excellency was informed, that the Council had declined to grant any sums of money for the administration of Justice for the year 1845, in addition to those which have been provided by Parliament.*

GENTLEMEN,

The Council having declined to grant any sums of money for the administration of justice, in addition to those which have been provided for by Parliament, I shall take measures for limiting the Expenditure on account of the Administration of Justice during the year 1845, to the sums mentioned in the Schedule marked A, annexed to the 5th and 6th Vic., c. 76; and I shall advise with the Judges upon the manner in which this may be done with the least possible amount of inconvenience to the Public.

*Government House,  
Sydney, 3rd September, 1844.*

GEORGE GIPPS.

Being calculated to convey an erroneous impression to Her Majesty, as to the substance of the Resolution adopted by this Council, on the 29th ultimo, Resolved:—

- (1.) That the aforesaid Resolution does not involve, as the said Message implies, an absolute and unqualified refusal, to grant any sums of money for the Administration of Justice, in addition to those which have been provided for by Parliament, but only a qualified refusal to grant such monies, so long as the appropriation thereof be withheld, and a sum asked for from this Council, (as it was in that instance), in gross instead of detail, for the services enumerated in Schedule A, and the required Supplement thereto.
- (2.) That the Casual Revenue, which has been improperly withheld from the control of this Council, for the first time this year, and which in the Estimates for the year 1844, amounted to £6,698 12s. 6d., arising, as it does, chiefly from fines and penalties levied in Courts of Justice within the Colony, affords an ample and suitable fund, out of which any supposed inadequacy of the provision made by Parliament in Schedule A, for the due administration of justice, may be supplied.
- (3.) That to prevent any missapprehension which may arise in the mind of Her Majesty, as to the substance of the said Resolution of the 29th ultimo, an humble Address be presented to Her Majesty, communicating to Her Majesty these Resolutions, and also the tenor of the aforesaid Resolution of this Council, referred to in His Excellency's said Message.

## ORDERS OF THE DAY:—

1. Consideration of the Report from the Select Committee on Crown Land Grievances.
2. Customs' Bill; third reading.

FRIDAY, SEPTEMBER 13.

## NOTICES OF MOTION:—

1. MR. WINDEYER to move, That an Address be presented to His Excellency the Governor, praying him to place upon the Estimates, a sum of money for the employment of the Dredging Machine, in removing the obstructions existing to the navigation of the River Hunter.
2. MR. COWPER to move the following Resolutions, when the Report from the Select Committee on Crown Land Grievances is taken into consideration:—
  - (1.) That this Council having taken into consideration the Report of the Select Committee, appointed "to enquire into, and report upon all grievances connected with the "lands of the Territory, with an instruction to distinguish between the grievances "which can be redressed in the Colony, and those which cannot;" adopts, generally, the opinions contained therein.
  - (2.) That in the opinion of this Council, the Depasturing Regulations, published by His Excellency the Governor, on the 2nd April, 1844, are impracticable in principle, and oppressive in detail, and ought to be recalled.
  - (3.) That the Recommendations said to have been transmitted by His Excellency the Governor, for the consideration and approval of the Right Honorable the Secretary of State, by the "General Hewitt," on the 3rd April, 1844, are founded on principles which cannot be worked out, without the utter ruin of the grazing interests.
  - (4.) That as the amount raised by assessment on stock, beyond the boundaries of location, exceeds the expense of the Commissioners and Border Police, it is the opinion of this Council, that the License Fee should be reduced to a nominal sum, or abolished altogether.
  - (5.) That the Act of the late Legislative Council, 2 Victoria, No. 27, ought, in the opinion of this Council, to be repealed.
  - (6.) That an Act ought to be passed, limiting and defining the powers of the Commissioners of Crown Lands, and transferring the powers now vested in a Commissioner

or

or Justice of the Peace alone, to some tribunal in the nature of a Jury, over which the Commissioner shall preside; that such assessment shall be imposed, as the Council shall think reasonable, with reference to the proposed abolition of License Fees, making such assessment part of the ordinary Revenue.

(7.) That the upset price of Occupation Licenses, within the Boundaries, ought to be reduced to 15s. per section, per annum.

(8.) That it is the opinion of this Council, that the Crown ought to waive the Prerogative of insisting upon payment of Quit Rents due more than six years before the present time; and that such portions of them should be remitted to individuals, and such arrangements made for their extinction in future, as the equity of each case may seem to require.

(9.) That this Council is of opinion that, as a general rule, the Quit Rents in Sydney may be left as they are; that Quit Rents in Country Towns, should be reduced to one-fourth of their present amount; and that the Quit Rents on Country Lands should be reduced to 2s. on every one hundred acres. As an equitable principle applicable to all these cases, the Council is also of opinion, that any person who has paid, or shall pay, as Quit Rent, or otherwise, a sum of money equal to ten years' purchase of Quit Rent, calculated at the above rates, shall hold his land discharged from this demand.

(10.) That measures ought to be taken to vest in the Grantees, and purchasers of Crown Lands, the minerals they contain, guarding such existing interests for the period they have to run, as may be deemed to have a lawful foundation.

(11.) That it is the opinion of this Council, that a Compact was entered into, on the 18th day of May, 1835, by His Excellency Sir Richard Bourke, with the late Legislative Council of this Colony, by which the Council undertook to defray the expenses of Police and Gaols, and the Crown to cede to the Council the surplus of the Casual and Territorial Revenues of this Colony, after defraying the expenses of Emigration; that Sir Richard Bourke was fully authorised to make this Compact by the letter of the Lords of the Treasury, signed F. Baring, and dated 23rd September, 1834; and that this Compact has since been acted on, and thereby ratified.

(12.) That an Address be presented to His Excellency the Governor, transmitting the above Resolutions, and praying that he will be pleased to take them into his favorable consideration, and carry them into effect.

(13.) That Petitions be presented to Her Majesty and both Houses of Parliament, humbly praying that they will be graciously pleased to pass an Act, repealing the Act of the Imperial Parliament, 5 and 6 Victoria, cap. 36, so far as regards New South Wales; and also so much of the 5 and 6 Victoria, cap. 76, as provides that no law made by the Council, shall interfere, in any manner, with the sale or other appropriation of the lands belonging to the Crown, within this Colony, or with the Revenue thence arising; and enacting that the management of the waste lands of the Crown, and the appropriation of the Revenue arising therefrom, shall be vested in the Governor and Legislative Council of the Colony; and that an Address be also presented to His Excellency the Governor, praying that he will be pleased to recommend the passing of such an Act, to Her Majesty's Government.

(14.) That Mr. Speaker be requested to convey the thanks of this Council, to Charles Buller, Esq., M. P. for Liskeard, for the distinguished services rendered by him to the cause of systematic Colonization, and the Honorable Francis Scott, M. P. for Roxburgshire, for his masterly exposition of the case of the Australian Squatters.

- 3. DR. NICHOLSON to move, That an humble Address be presented to His Excellency the Governor, praying that His Excellency will be pleased, in furtherance of the object of the Right Honorable the Earl Bathurst, then Secretary of State for the Colonies, as communicated in His Lordship's Despatch to the Governor of this Colony, dated the 30th March, 1827, to cause some suitable apartments to be forthwith provided for the Australian Museum; or, if this be not practicable, to direct the Colonial Architect to prepare a Plan, Elevation, and Estimate, of a suitable Building for the purpose, to be laid before the Legislative Council for approval.

ORDERS OF THE DAY :—

- 1. Interest Bill; second reading.
- 2. Sydney Incorporation Act amendment Bill; to be further considered in Committee.
- 3. Fees, Fines, and Penalties Bill; second reading.

TUESDAY, SEPTEMBER 17.

NOTICE OF MOTION :—

- 1. DR. LANG to move the following Resolutions :—
  - (1.) That it is the opinion of this Council, That no letter, posted in any City or Town for delivery within such City or Town, should be chargeable with a higher rate of postage than one penny, irrespective of its weight.
  - (2.) That it is the opinion of this Council, That for all greater distances within the Colony, whether by sea or land, no letter, not exceeding half an ounce in weight, should be chargeable with a higher rate of postage than two-pence; and that two-pence additional should be chargeable on every letter, for every additional half ounce which such letter may weigh.
  - (3.) That it is the opinion of this Council, That the privilege of franking should be abolished; and that the postage of the various Departments of the Public Service should be

be chargeable on these Departments respectively, in such manner as to His Excellency the Governor and the Executive Council may seem fit.

- (1.) That it is the opinion of this Council, That the postage of the Military, Commissariat, and Convict Departments, should not be chargeable upon the Colonial Revenue.  
 (2.) That, in the event of any defalcation of Revenue arising from the proposed change of system in the Post Office Department, this House pledges itself to make good such deficiency, from whatever other sources may be available for the purpose.

---

FRIDAY, SEPTEMBER 20.

NOTICE OF MOTION :—

1. MR. ROBINSON to move the following Resolutions :—
- (1.) That this Council, having taken into consideration the report of the select committee, appointed to enquire into and report upon the state of Education in this Colony, and to devise the means of placing the education of youth upon a basis, suited to the wants and wishes of the community, adopts, generally, the opinions contained therein.  
 (2.) That it is advisable to introduce Lord Stanley's system of National Education into this Colony.  
 (3.) That in order to introduce this system, His Excellency the Governor be requested to appoint a board of persons favorable to the introduction of Lord Stanley's National system of Education, and belonging to the different religious denominations; this board to be invested with a very wide discretion, as to the arrangements necessary for carrying the system into effect; and all funds to be henceforth applied for the purpose of Education, to be administered by them.  
 (4.) The leading principle by which the Board of Education shall be guided, is to afford the same facilities for Education, to all classes of professing Christians, without any attempt to interfere with the peculiar religious opinions of any, or to countenance proselytism.  
 (5.) That the board be incorporated.  
 (6.) That an Address be presented to His Excellency the Governor, transmitting the above Resolutions, and praying that he will be pleased to take them into his favorable consideration, and carry them into effect.

ORDERS OF THE DAY :—

1. Consideration of Report from Select Committee on Education.
2. Publicans' Licensing Act amendment Bill; to be considered in Committee.

---

TUESDAY, SEPTEMBER 24.

1. Law of Libel Bill; to be considered in Committee.

---

CONTINGENT NOTICE OF MOTION.

1. MR. BRADLEY to move, That when the Estimate for the Salaries of Police Magistrates is brought forward, the Petition from the Warden and Councillors of the District of Goulburn, praying for the provision of a Salary for a Police Magistrate, for that District, may be taken into consideration.

ALEX. M. LEAY,  
*Speaker.*

THE UNIVERSITY OF CHICAGO  
LIBRARY

1911



## VOTES AND PROCEEDINGS

OF

## THE LEGISLATIVE COUNCIL.

TUESDAY, 10 SEPTEMBER, 1844.

1. Council met pursuant to adjournment; the Speaker took the Chair.  
Licensed Squatters :—Mr. Cowper presented a Petition from certain Stockholders and other Inhabitants of the District of Parramatta, and its neighbourhood, praying the Council to take such steps as to them may seem meet, to guard against Licensed Occupiers of Land beyond the boundaries, being placed in such a position as may render them liable to interruption in the quiet possession of their Stations, until the same shall be included within the boundaries of location; Petition read and received.
2. Licensed Squatters :—Mr. Robinson presented a Petition from certain Stockholders and other Inhabitants of Maneroo, and the adjacent Districts, similar in its prayer to the foregoing; Petition read and received.
3. Education :—Mr. Robinson presented a Petition from the Mayor, Aldermen, and Councillors of the Town of Melbourne, praying that provision may be made out of the General Revenue, for the Education of the Youth of the Colony, on a system adapted to all denominations; Petition read and received.
4. Melbourne Town Fund :—Mr. Robinson presented a Petition from the Mayor, Aldermen, and Councillors of the Town of Melbourne, praying aid towards the formation of Streets in the Town of Melbourne; Petition read and received.
5. Melbourne Police :—Mr. Robinson presented a Petition from the Town Council of Melbourne, praying to be relieved from providing for the expense of the Melbourne Police Establishment for the year 1845; Petition read and received.
6. Education :—Mr. Cowper presented a Petition from certain Inhabitants of the Districts of Narrellan and Camden, against the system of Education recommended by the Select Committee of the Council; Petition read and received.
7. Education :—Dr. Lang presented a Petition from certain Presbyterians of Sydney, in favor of the system of Education recommended by the Select Committee of the Council; Petition read and received.
8. Education :—Mr. Bowman presented a Petition from certain Inhabitants of Richmond, against the system of Education recommended by the Select Committee of the Council; Petition read and received.
9. William Mannings Arnold :—Mr. Windeyer presented a Petition from certain Inhabitants of the District of Paterson, exonerating Major Johnstone from the charges preferred against him in Mr. Arnold's Petition, presented on the 23rd August last; Petition read and received.
10. Commuted Pensioners :—Mr. Windeyer presented a Petition from certain commuted Pensioners, praying the extension to them of the same advantages as those enjoyed by the Canadian Pensioners; Petition read and received.
11. District Council of Grant :—Dr. Nicholsson presented a Petition from the District Council of Grant, in the District of Port Phillip, praying aid for District purposes; Petition read and received.
12. Education :—Mr. Cowper presented a Petition from certain Inhabitants of the Parish of St. Mary Magdalen, South Creek, against the Irish system of Education; Petition read and received.
13. Crown Land Grievances :—Mr. Cowper postponed bringing forward his motion for the consideration of the Report from the Select Committee on Crown Land Grievances, from Thursday, September 12, until Friday, September 13.
14. Dredging Machine :—Mr. Windeyer, pursuant to notice, moved, That an Address be presented to His Excellency the Governor, praying that he will be pleased to direct to be laid upon the Table of this House, a Statement of the whole cost of the Dredging Machine, and an account of the number of weeks it has been employed; the number of men employed in the working of it; and the quantity of work performed by it, on an average of weeks; and shewing in what degree the number of men employed affects the work.  
Question put and passed, and Address to be presented by the Speaker and the Colonial Secretary.

- 15. Court for trial of Disputed Elections :—The Colonial Secretary postponed bringing forward his motion on this subject, until Tuesday next.
- 16. Visitors Lunatic Asylum, Tarban Creek :—The Colonial Secretary, pursuant to notice, moved, That Dr. Bland and Dr. Nicholson be the two Visitors to be appointed by the Legislative Council, to the Lunatic Asylum at Tarban Creek, under the Act of the Governor and Council, 7 Victoria, No. 14, for the year 1845.  
Question put and passed.
- 17. Pawnbrokers' regulation Bill ; Consideration in Committee postponed, until Tuesday, September 24.
- 18. Melbourne Corporation Act amendment Bill :—On the motion of Mr. Robinson, the Council resolved itself into a Committee of the whole House, for the further consideration of this Bill.  
The Chairman reported progress, and obtained leave to sit again on Tuesday, September 17.  
Council adjourned at half-past Five o'Clock, until to-morrow at Three o'Clock.

NOTICES OF MOTION AND ORDERS OF THE DAY.

WEDNESDAY, SEPTEMBER 11.

NOTICES OF MOTION:—

- 1. MR. W. C. WENTWORTH to move an Address to His Excellency the Governor to place a sum on the Estimates for 1845, towards the support of the Hospitals at Bathurst, Goulburn, and Windsor, on condition of sums to at least an equal amount being raised by private subscriptions.
- 2. MR. COWPER to move, That the Petition presented by him yesterday, from certain Stockholders and other Inhabitants of the District of Parramatta, be printed.
- 3. MR. ROBINSON to move, That the Petition presented by him yesterday, from certain Stockholders and other Inhabitants of Maneroo and the adjacent Districts, be printed.
- 4. MR. ROBINSON to move, That the Petition presented by him yesterday, from the Mayor, Aldermen, and Councillors of the Town of Melbourne, on the subject of Education, be printed.
- 5. MR. ROBINSON to move, That the Petition presented by him yesterday, from the Mayor, Aldermen, and Councillors of the Town of Melbourne, for aid towards the formation of the streets of that Town, and for other purposes, be printed.
- 6. MR. COWPER to move, That the Petition presented by him yesterday, from the Inhabitants of the District of Narrellan and Camden, on the subject of Education, be printed.
- 7. DR. LANG to move, That the Petition presented by him yesterday, from certain Presbyterians of Sydney, on the subject of Education, be printed.
- 8. MR. HAMILTON to move, That the Standing Orders be recommitted, with a view to the introduction of a clause to the following effect :—  
That no Member shall speak disrespectfully of the Queen or any of the Royal Family, or person administering the Government of this Colony.
- 9. MR. BOWMAN to move, That the Petition presented by him yesterday, from certain Inhabitants of Richmond, on the subject of Education, be printed.
- 10. MR. COWPER to move, That the Petition presented by him yesterday, from the Minister of the Church of England and certain Inhabitants of the Parish of St. Mary Magdalen, South Creek, be printed.

ORDERS OF THE DAY —

- 1. Estimates for the year 1845 ; to be further considered in Committee.
- 2. Consideration of the Governor's Message on Medical Witnesses Bill.
- 3. Consideration of the Governor's Message on the Hawkers and Pedlars Bill.

THURSDAY, SEPTEMBER 12.

NOTICE OF MOTION:—

- 1. MR. W. C. WENTWORTH to move the following Resolution :—  
That His Excellency's Message to this Council, of which the following is the tenor :—  
*Message from His Excellency the Governor, to the Legislative Council, replying to an Address of the Council, dated the 29th ultimo, wherein His Excellency was informed, that the Council had declined to grant any sums of money for the administration of Justice for the year 1845, in addition to those which have been provided by Parliament.*

GENTLEMEN,

The Council having declined to grant any sums of money for the administration of justice, in addition to those which have been provided for by Parliament, I shall take measures for limiting the Expenditure on account of the Administration of Justice during the year 1845, to the sums mentioned in the Schedule marked A, annexed to the 5th and 6th Vic., c. 76 ; and I shall advise with the Judges upon the manner in which this may be done with the least possible amount of inconvenience to the Public.

Government House,  
Sydney, 3rd September, 1844.

GEORGE GIPPS.

Being

Being calculated to convey an erroneous impression to Her Majesty, as to the substance of the Resolution adopted by this Council, on the 29th ultimo, Resolved :—

- (1.) That the aforesaid Resolution does not involve, as the said Message implies, an absolute and unqualified refusal, to grant any sums of money for the Administration of Justice, in addition to those which have been provided for by Parliament, but only a qualified refusal to grant such monies, so long as the appropriation thereof be withheld, and a sum asked for from this Council, (as it was in that instance), in gross instead of detail, for the services enumerated in Schedule A, and the required Supplement thereto.
  - (2.) That the Casual Revenue, which has been improperly withheld from the control of this Council, for the first time this year, and which in the Estimates for the year 1844, amounted to £6,698 12s. 6d., arising, as it does, chiefly from fines and penalties levied in Courts of Justice within the Colony, affords an ample and suitable fund, out of which any supposed inadequacy of the provision made by Parliament in Schedule A, for the due administration of justice, may be supplied.
  - (3.) That to prevent any misapprehension which may arise in the mind of Her Majesty, as to the substance of the said Resolution of the 29th ultimo, an humble Address be presented to Her Majesty, communicating to Her Majesty these Resolutions, and also the tenor of the aforesaid Resolution of this Council, referred to in His Excellency's said Message.
2. THE COLLECTOR OF CUSTOMS to move the recommittal of the Customs' Bill, previous to the third reading.

ORDER OF THE DAY :—

1. Customs' Bill ; third reading.

FRIDAY, SEPTEMBER 13.

NOTICES OF MOTION :—

1. MR. WINDEYER to move, That an Address be presented to His Excellency the Governor, praying him to place upon the Estimates, a sum of money for the employment of the Dredging Machine, in removing the obstructions existing to the navigation of the River Hunter.
2. MR. COWPER to move the following Resolutions, when the Report from the Select Committee on Crown Land Grievances is taken into consideration :—
  - (1.) That this Council having taken into consideration the Report of the Select Committee, appointed " to enquire into, and report upon all grievances connected with the " lands of the Territory, with an instruction to distinguish between the grievances " which can be redressed in the Colony, and those which cannot ;" adopts, generally, the opinions contained therein.
  - (2.) That in the opinion of this Council, the Depasturing Regulations, published by His Excellency the Governor, on the 2nd April, 1844, are impracticable in principle, and oppressive in detail, and ought to be recalled.
  - (3.) That the Recommendations said to have been transmitted by His Excellency the Governor, for the consideration and approval of the Right Honorable the Secretary of State, by the " General Hewitt," on the 3rd April, 1844, are founded on principles which cannot be worked out, without the utter ruin of the grazing interests.
  - (4.) That as the amount raised by assessment on stock, beyond the boundaries of location, exceeds the expense of the Commissioners and Border Police, it is the opinion of this Council, that the License Fee should be reduced to a nominal sum, or abolished altogether.
  - (5.) That the Act of the late Legislative Council, 2 Victoria, No. 27, ought, in the opinion of this Council, to be repealed.
  - (6.) That an Act ought to be passed, limiting and defining the powers of the Commissioners of Crown Lands, and transferring the powers now vested in a Commissioner or Justice of the Peace alone, to some tribunal in the nature of a Jury, over which the Commissioner shall preside ; that such assessment shall be imposed, as the Council shall think reasonable, with reference to the proposed abolition of License Fees, making such assessment part of the ordinary Revenue.
  - (7.) That the upset price of Occupation Licenses, within the Boundaries, ought to be reduced to 15s. per section, per annum.
  - (8.) That it is the opinion of this Council, that the Crown ought to waive the Prerogative of insisting upon payment of Quit Rents due more than six years before the present time ; and that such portions of them should be remitted to individuals, and such arrangements made for their extinction in future, as the equity of each case may seem to require.
  - (9.) That this Council is of opinion that, as a general rule, the Quit Rents in Sydney may be left as they are ; that Quit Rents in Country Towns, should be reduced to one-fourth of their present amount ; and that the Quit Rents on Country Lands should be reduced to 2s. on every one hundred acres. As an equitable principle applicable to all these cases, the Council is also of opinion, that any person who has paid, or shall pay, as Quit Rent, or otherwise, a sum of money equal to ten years' purchase of Quit Rent, calculated at the above rates, shall hold his land discharged from this demand.

(10.) That measures ought to be taken to vest in the Grantees, and purchasers of Crown Lands, the minerals they contain, guarding such existing interests for the period they have to run, as may be deemed to have a lawful foundation.

(11.) That it is the opinion of this Council, that a Compact was entered into, on the 18th day of May, 1835, by His Excellency Sir Richard Bourke, with the late Legislative Council of this Colony, by which the Council undertook to defray the expenses of Police and Gaols, and the Crown to cede to the Council the surplus of the Casual and Territorial Revenues of this Colony, after defraying the expenses of Emigration; that Sir Richard Bourke was fully authorised to make this Compact by the letter of the Lords of the Treasury, signed F. Baring, and dated 23rd September, 1834; and that this Compact has since been acted on, and thereby ratified.

(12.) That an Address be presented to His Excellency the Governor, transmitting the above Resolutions, and praying that he will be pleased to take them into his favorable consideration, and carry them into effect.

(13.) That Petitions be presented to Her Majesty and both Houses of Parliament, humbly praying that they will be graciously pleased to pass an Act, repealing the Act of the Imperial Parliament, 5 and 6 Victoria, cap. 36, so far as regards New South Wales; and also so much of the 5 and 6 Victoria, cap. 76, as provides that no law made by the Council, shall interfore, in any manner, with the sale or other appropriation of the lands belonging to the Crown, within this Colony, or with the Revenue thence arising; and enacting that the management of the waste lands of the Crown, and the appropriation of the Revenue arising therefrom, shall be vested in the Governor and Legislative Council of the Colony; and that an Address be also presented to His Excellency the Governor, praying that he will be pleased to recommend the passing of such an Act, to Her Majesty's Government.

(14.) That Mr. Speaker be requested to convey the thanks of this Council, to Charles Buller, Esq., M. P. for Liskeard, for the distinguished services rendered by him to the cause of systematic Colonization, and the Honorable Francis Scott, M. P. for Roxburghshire, for his masterly exposition of the case of the Australian Squatters.

3. DR. NICHOLSON to move, That an humble Address be presented to His Excellency the Governor, praying that His Excellency will be pleased, in furtherance of the object of the Right Honorable the Earl Bathurst, then Secretary of State for the Colonies, as communicated in His Lordship's Despatch to the Governor of this Colony, dated the 30th March, 1827, to cause some suitable apartments to be forthwith provided for the Australian Museum; or, if this be not practicable, to direct the Colonial Architect to prepare a Plan, Elevation, and Estimate, of a suitable Building for the purpose, to be laid before the Legislative Council for approval.

ORDERS OF THE DAY:—

1. Interest Bill; second reading.
2. Sydney Incorporation Act amendment Bill; to be further considered in Committee.
3. Fees, Fines, and Penalties Bill; second reading.
4. Consideration of the Report from the Select Committee on Crown Land Grievances.

TUESDAY, SEPTEMBER 17.

NOTICE OF MOTION:—

1. DR. LANG to move the following Resolutions:—
  - (1.) That it is the opinion of this Council, That no letter, posted in any City or Town for delivery within such City or Town, should be chargeable with a higher rate of postage than one penny, irrespective of its weight.
  - (2.) That it is the opinion of this Council, That for all greater distances within the Colony, whether by sea or land, no letter, not exceeding half an ounce in weight, should be chargeable with a higher rate of postage than two-pence; and that two-pence additional should be chargeable on every letter, for every additional half ounce which such letter may weigh.
  - (3.) That it is the opinion of this Council, That the privilege of franking should be abolished; and that the postage of the various Departments of the Public Service should be chargeable on these Departments respectively, in such manner as to His Excellency the Governor and the Executive Council may seem fit.
  - (4.) That it is the opinion of this Council, That the postage of the Military, Commissariat, and Convict Departments, should not be chargeable upon the Colonial Revenue.
  - (5.) That, in the event of any defalcation of Revenue arising from the proposed change of system in the Post Office Department, this House pledges itself to make good such deficiency, from whatever other sources may be available for the purpose.
2. MR. WINDEYER to move, That the Petitions from the commuted Pensioners be taken into consideration.
3. THE COLONIAL SECRETARY to move, That Roger Therry, Esq., be appointed a Member of the Court for the trial of any complaints that may be made against the return of Members to this Council, in the place of Hastings Elwin, Esq., who has resigned his seat in this House.

ORDER OF THE DAY:—

1. Melbourne Corporation Act amendment Bill; to be further considered in Committee.

FRIDAY,

1905  
5

FRIDAY, SEPTEMBER 20.

NOTICE OF MOTION:—

1. MR. ROBINSON to move the following Resolutions:—
  - (1.) That this Council, having taken into consideration the report of the select committee, appointed to enquire into and report upon the state of Education in this Colony, and to devise the means of placing the education of youth upon a basis, suited to the wants and wishes of the community, adopts, generally, the opinions contained therein.
  - (2.) That it is advisable to introduce Lord Stanley's system of National Education into this Colony.
  - (3.) That in order to introduce this system, His Excellency the Governor be requested to appoint a board of persons favorable to the introduction of Lord Stanley's National system of Education, and belonging to the different religious denominations; this board to be invested with a very wide discretion, as to the arrangements necessary for carrying the system into effect; and all funds to be henceforth applied for the purpose of Education, to be administered by them.
  - (4.) The leading principle by which the Board of Education shall be guided, is to afford the same facilities for Education, to all classes of professing Christians, without any attempt to interfere with the peculiar religious opinions of any, or to countenance proselytism.
  - (5.) That the board be incorporated.
  - (6.) That an Address be presented to His Excellency the Governor, transmitting the above Resolutions, and praying that he will be pleased to take them into his favorable consideration, and carry them into effect.

ORDERS OF THE DAY:—

1. Consideration of Report from Select Committee on Education.
2. Publicans' Licensing Act amendment Bill; to be considered in Committee.

TUESDAY, SEPTEMBER 24.

1. Law of Libel Bill; to be considered in Committee.
2. Pawnbrokers' regulation Bill; to be considered in Committee.

CONTINGENT NOTICE OF MOTION.

1. MR. BRADLEY to move, That when the Estimate for the Salaries of Police Magistrates is brought forward, the Petition from the Warden and Councillors of the District of Goulburn, praying for the provision of a Salary for a Police Magistrate, for that District, may be taken into consideration.

ALEX. M<sup>c</sup> LEAY,  
*Speaker.*

194.

## VOTES AND PROCEEDINGS

OF

## THE LEGISLATIVE COUNCIL.

WEDNESDAY, 11 SEPTEMBER, 1844.

1. Council met pursuant to adjournment; the Speaker took the Chair.  
New Member:—John Lamb, Esq., having taken the Oath required by the Act of Parliament, 5 and 6 Victoria, chap. 76, took his seat as a non-elective Member, in room of Robert Lowe, Esq., resigned.
2. Colonial Distilled Spirits:—Mr. Bowman presented a Petition from certain Landholders, Farmers, and other Inhabitants of the District of Windsor, Richmond, and Wilberforce, praying the abolition, or modification of the duties on spirits distilled from Colonial grain; Petition read and received.
3. Education:—Mr. Macarthur presented a Petition from certain Inhabitants of Parramatta, against the system of Education recommended by the Select Committee of the Council; Petition read and received.
4. Education:—Mr. Cowper presented a Petition from certain Inhabitants of the parish of Mulgoa, against the system of Education recommended by the Select Committee of the Council; Petition read and received.
5. Dredging Machinery:—Mr. Windeyer postponed bringing forward his motion, on this subject, from Friday, September 13, until Tuesday, September 24.
6. Interest Bill:—On the motion of Mr. Cowper, in the absence and at the request of Mr. Foster, second reading of this Bill postponed from Friday, September 13, until Tuesday, September 17.
7. Hospitals; Bathurst, Goulburn, and Windsor:—Mr. W. C. Wentworth, pursuant to notice, moved, That an Address be presented to His Excellency the Governor, requesting that he will be pleased to place a sum on the Estimates for 1845, towards the support of the Hospitals at Bathurst, Goulburn, and Windsor, on condition of sums to at least an equal amount being raised by private subscriptions.  
Question put and passed, and Address to be presented by the Speaker and the Colonial Treasurer.
8. Licensed Squatters:—Mr. Cowper, pursuant to notice, moved, That the Petition presented by him yesterday, from certain Stockholders and other Inhabitants of the District of Parramatta, against the Depasturing Regulations of the 2nd of May, 1844, be printed.  
Question put and passed, and Petition ordered to be printed accordingly.
9. Licensed Squatters:—Mr. Robinson, pursuant to notice, moved, That the Petition presented by him yesterday, from certain Stockholders and other Inhabitants of Maneroo, and adjoining Districts, against the Depasturing Regulations of the 2nd of May, 1844, be printed.  
Question put and passed, and Petition ordered to be printed accordingly.
10. Education:—Mr. Robinson, pursuant to notice, moved, That the Petition presented by him yesterday, from the Mayor, Aldermen, and Councillors, of the Town of Melbourne, praying that provision may be made out of the General Revenue, for the Education of the Youth of the Colony, on a system adapted to all denominations, be printed.  
Question put and passed, and Petition ordered to be printed accordingly.
11. Melbourne Town Fund:—Mr. Robinson, pursuant to notice, moved, That the Petition presented by him yesterday, from the Mayor, Aldermen, and Councillors, of the Town of Melbourne, praying aid towards the formation of Streets in that Town, be printed.  
Question put and passed, and Petition ordered to be printed accordingly.
12. Education:—Mr. Cowper, pursuant to notice, moved, That the Petition presented by him yesterday, from certain Inhabitants of the Districts of Narrellan and Camden, against the system of Education recommended by the Select Committee of the Council, be printed.  
Question put; Council divided:—

Ayes

Ayes ..

MR. THERRY,  
MR. MACARTHUR,  
MR. ICELY,  
MR. BRADLEY,  
DR. LANG,  
MR. WINDEYER,  
MR. LORD,  
MR. LAWSON,  
MR. HAMILTON,  
CAPTAIN DUMARESQ,  
MR. BOWMAN,  
MR. W. C. WENTWORTH,  
MR. COWPER,  
MR. PANTON,  
MR. COGHILL,  
THE AUDITOR GENERAL,  
MR. LAMB,  
THE COMMANDER OF THE FORCES,  
THE COLLECTOR OF CUSTOMS,  
MR. ROBINSON,  
THE COLONIAL TREASURER, (Teller.)

Noes 4.

THE COLONIAL SECRETARY,  
MR. WALKER,  
DR. NICHOLSON,  
DR. BLAND, (Teller.)

Petition ordered to be printed accordingly.

- 13. Education :—Dr. Lang, pursuant to notice, moved, That the Petition presented by him yesterday, from certain Presbyterians of Sydney, in favor of the system of Education recommended by the Select Committee of the Council, be printed.  
Question put and passed, and Petition ordered to be printed accordingly.
- 14. Education :—Dr. Lang presented a Petition from certain Inhabitants of the Paterson, Hunter's Rivor, in favor of the system of Education recommended by the Select Committee of the Council.  
Petition read and received.
- 15. Education :—Dr. Lang presented a Petition from certain Inhabitants of Patrick's Plains, in favor of the system of Education recommended by the Select Committee of the Council.  
Petition read and received.
- 16. Standing Orders :—Mr. Hamilton, pursuant to notice, moved, That the Standing Orders be recommitted, with a view to the introduction of a clause to the following effect :— That no Member shall speak disrespectfully of the Queen or any of the Royal Family, or person administering the Government of this Colony.  
Moved, as an amendment, That the Standing Orders of the House be referred to the Standing Committee on the same, with a view to suggest such alterations and amendments as past experience of their operation may shew to be necessary.  
Debate ensued.  
Moved, as an amendment, That the original motion be expunged from the Records of this Council.  
Debate continued.  
Moved as an amendment, that this Question be now put.  
Question put on last amendment ; Council divided—

Ayes 9.

MR. LAMB,  
MR. DARVALL,  
MR. THERRY,  
MR. HAMILTON,  
THE AUDITOR GENERAL,  
THE COMMANDER OF THE FORCES,  
THE COLLECTOR OF CUSTOMS,  
THE COLONIAL SECRETARY,  
THE COLONIAL TREASURER, (Teller.)

Noes 15.

MR. WALKER,  
DR. LANG,  
MR. ROBINSON,  
MR. COGHILL,  
MR. PANTON,  
MR. LORD,  
CAPTAIN DUMARESQ,  
MR. BRADLEY,  
MR. COWPER,  
MR. LAWSON,  
MR. BOWMAN,  
MR. WINDEYER,  
MR. W. C. WENTWORTH,  
DR. BLAND,  
DR. NICHOLSON, (Teller.)

- 17. Education :—Mr. Bowman, pursuant to notice, moved, That the Petition presented by him yesterday, from certain Inhabitants of Richmond, against the system of Education recommended by the Select Committee of the Council, be printed.  
Question put and passed, and Petition ordered to be printed accordingly.
- 18. Education :—Mr. Cowper postponed bringing forward his motion for printing the Petition on this subject, from the parish of St Mary Magdalen, South Creek, until to-morrow.
- 19. Estimates for the year 1845 :—Further consideration in Committee, postponed on the motion of the Colonial Secretary, until Wednesday, September 18.
- 20. Medical Witnesses Bill :—The Governor's Message of the 3rd instant, having been read, the Council, on the motion of the Colonial Secretary, resolved itself into a Committee of the whole House, for consideration thereof.



147  
3

The Chairman brought up the following Message to His Excellency the Governor :—

*Message from the Legislative Council to His Excellency the Governor, in answer to certain amendments proposed by His Excellency, in a Bill presented to His Excellency for the Royal Assent, intituled, "A Bill to amend the Act passed in the second year of the reign of Her present Majesty Queen Victoria, intituled, 'An Act to define the qualifications of Medical Witnesses at Coroners' Inquests, and inquiries held before Justices of the Peace, in the Colony of New South Wales.'"*

"Agreeably to the provisions of the 30th clause of the Act for the Government of New South Wales, 5th and 6th Victoria, cap. 76, the Legislative Council have taken into consideration certain amendments proposed to the said Council, by His Excellency the Governor in His Message of the 27th instant, and having agreed to the whole of the said amendments, beg to present the said Bill to His Excellency for Her Majesty's assent, with the amendments so agreed to."

Message adopted, and Bill ordered to be re-engrossed as so amended, and presented to His Excellency the Governor for assent, together with the said Message, by the Speaker and the Colonial Treasurer.

21. Hawkers and Pedlars Bill :—The Governor's Message of the 3rd instant having been read, the Council, on the motion of the Colonial Secretary, resolved itself into a Committee of the whole House for the consideration thereof.

The Chairman brought up the following Message to His Excellency the Governor :—

*"Message from the Legislative Council to His Excellency the Governor, in answer to certain amendments proposed by His Excellency in a Bill presented to His Excellency for the Royal Assent, intituled, 'A Bill to alter and amend the laws relating to Hawkers and Pedlars, in New South Wales.'"*

"Agreeably to the provisions of the 30th clause of the Act for the Government of New South Wales, 5th and 6th Victoria, cap 76, the Legislative Council have taken into consideration certain amendments proposed to the said Council, by His Excellency the Governor, in his Message of the 3rd instant, and have agreed to the second of the said amendments, and beg to present the said Bill to His Excellency, for Her Majesty's assent, with the second only of these amendments so agreed to."

Message adopted, and Bill ordered to be engrossed, as so amended, and presented to His Excellency the Governor for assent, together with the said Message, by the Speaker and Colonial Treasurer.

Council adjourned at Nine o'clock, until to-morrow at Three o'clock.

---

## NOTICES OF MOTION AND ORDERS OF THE DAY.

---

THURSDAY, SEPTEMBER 12.

### NOTICES OF MOTION:—

1. MR. W. C. WENTWORTH to move the following Resolution :—

That His Excellency's Message to this Council, of which the following is the tenor :—

*Message from His Excellency the Governor, to the Legislative Council, replying to an Address of the Council, dated the 29th ultimo, wherein His Excellency was informed, that the Council had declined to grant any sums of money for the administration of Justice for the year 1845, in addition to those which have been provided by Parliament.*

GENTLEMEN,

The Council having declined to grant any sums of money for the administration of justice, in addition to those which have been provided for by Parliament, I shall take measures for limiting the Expenditure on account of the Administration of Justice during the year 1845, to the sums mentioned in the Schedule marked A, annexed to the 5th and 6th Vic., c. 76; and I shall advise with the Judges upon the manner in which this may be done with the least possible amount of inconvenience to the Public.

*Government House,  
Sydney, 3rd September, 1844.*

GEORGE GIPPS.

Being calculated to convey an erroneous impression to Her Majesty, as to the substance of the Resolution adopted by this Council, on the 29th ultimo, Resolved :—

(1.) That the aforesaid Resolution does not involve, as the said Message implies, an absolute and unqualified refusal, to grant any sums of money for the Administration of Justice, in addition to those which have been provided for by Parliament, but only a qualified refusal to grant such monies, so long as the appropriation thereof be withheld, and a sum asked for from this Council, (as it was in that instance), in gross instead of detail, for the services enumerated in Schedule A, and the required Supplement thereto.

(2.)

(3.) That the Casual Revenue, which has been improperly withheld from the control of this Council, for the first time this year, and which in the Estimates for the year 1844, amounted to £6,698 12s. 6d., arising, as it does, chiefly from fines and penalties levied in Courts of Justice within the Colony, affords an ample and suitable fund, out of which any supposed inadequacy of the provision made by Parliament in Schedule A, for the due administration of justice, may be supplied.

(3.) That to prevent any misapprehension which may arise in the mind of Her Majesty, as to the substance of the said Resolution of the 29th ultimo, an humble Address be presented to Her Majesty, communicating to Her Majesty these Resolutions, and also the tenor of the aforesaid Resolution of this Council, referred to in His Excellency's said Message.

2. MR. WESTWORTH to move when his motion relative to His Excellency's Message, of the 29th ultimo, comes on, That the humble Address to Her Majesty, mentioned in the said motion be referred to a Select Committee of this House, to prepare it.
3. MR. WINDEYER to move, That a Committee be appointed to decide what petitions it shall be open to Members to move shall be printed.
4. MR. COWPER to move, That the Petition presented by him on the 10th inst., from the Minister of the Church of England and certain Inhabitants of the Parish of St. Mary Magdalen, South Creek, be printed.
5. THE COLLECTOR OF CUSTOMS to move the recommittal of the Customs' Bill, previous to the third reading.

ORDER OF THE DAY :—

1. Customs' Bill ; third reading.

FRIDAY, SEPTEMBER 13.

NOTICES OF MOTION :—

1. MR. COWPER to move the following Resolutions, when the Report from the Select Committee on Crown Land Grievances is taken into consideration :—

(1.) That this Council having taken into consideration the Report of the Select Committee, appointed "to enquire into, and report upon all grievances connected with the lands of the Territory, with an instruction to distinguish between the grievances "which can be redressed in the Colony, and those which cannot;" adopts, generally, the opinions contained therein.

(2.) That in the opinion of this Council, the Depasturing Regulations, published by His Excellency the Governor, on the 2nd April, 1844, are impracticable in principle, and oppressive in detail, and ought to be recalled.

(3.) That the Recommendations said to have been transmitted by His Excellency the Governor, for the consideration and approval of the Right Honorable the Secretary of State, by the "General Hewitt," on the 3rd April, 1844, are founded on principles which cannot be worked out, without the utter ruin of the grazing interests.

(4.) That as the amount raised by assessment on stock, beyond the boundaries of location, exceeds the expense of the Commissioners and Border Police, it is the opinion of this Council, that the License Fee should be reduced to a nominal sum, or abolished altogether.

(5.) That the Act of the late Legislative Council, 2 Victoria, No. 27, ought, in the opinion of this Council, to be repealed.

(6.) That an Act ought to be passed, limiting and defining the powers of the Commissioners of Crown Lands, and transferring the powers now vested in a Commissioner or Justice of the Peace alone, to some tribunal in the nature of a Jury, over which the Commissioner shall preside ; that such assessment shall be imposed, as the Council shall think reasonable, with reference to the proposed abolition of License Fees, making such assessment part of the ordinary Revenue.

(7.) That the upset price of Occupation Licenses, within the Boundaries, ought to be reduced to 15s. per section, per annum.

(8.) That it is the opinion of this Council, that the Crown ought to waive the Prerogative of insisting upon payment of Quit Rents due more than six years before the present time ; and that such portions of them should be remitted to individuals, and such arrangements made for their extinction in future, as the equity of each case may seem to require.

(9.) That this Council is of opinion that, as a general rule, the Quit Rents in Sydney may be left as they are ; that Quit Rents in Country Towns, should be reduced to one-fourth of their present amount ; and that the Quit Rents on Country Lands should be reduced to 2s. on every one hundred acres. As an equitable principle applicable to all these cases, the Council is also of opinion, that any person who has paid, or shall pay, as Quit Rent, or otherwise, a sum of money equal to ten years' purchase of Quit Rent, calculated at the above rates, shall hold his land discharged from this demand.

(10.) That measures ought to be taken to vest in the Grantees, and purchasers of Crown Lands, the minerals they contain, guarding such existing interests for the period they have to run, as may be deemed to have a lawful foundation.

(11.)

(11.) That it is the opinion of this Council, that a Compact was entered into, on the 18th day of May, 1836, by His Excellency Sir Richard Bourke, with the late Legislative Council of this Colony, by which the Council undertook to defray the expenses of Police and Gaols, and the Crown to cede to the Council the surplus of the Casual and Territorial Revenues of this Colony, after defraying the expenses of Emigration; that Sir Richard Bourke was fully authorised to make this Compact by the letter of the Lords of the Treasury, signed F. Baring, and dated 23rd September, 1834; and that this Compact has since been acted on, and thereby ratified.

(12.) That an Address be presented to His Excellency the Governor, transmitting the above Resolutions, and praying that he will be pleased to take them into his favorable consideration, and carry them into effect.

(13.) That Petitions be presented to Her Majesty and both Houses of Parliament, humbly praying that they will be graciously pleased to pass an Act, repealing the Act of the Imperial Parliament, 5 and 6 Victoria, cap. 36, so far as regards New South Wales; and also so much of the 5 and 6 Victoria, cap. 76, as provides that no law made by the Council, shall interfere, in any manner, with the sale or other appropriation of the lands belonging to the Crown, within this Colony, or with the Revenue thence arising; and enacting that the management of the waste lands of the Crown, and the appropriation of the Revenue arising therefrom, shall be vested in the Governor and Legislative Council of the Colony; and that an Address be also presented to His Excellency the Governor, praying that he will be pleased to recommend the passing of such an Act, to Her Majesty's Government.

(14.) That Mr. Speaker be requested to convey the thanks of this Council, to Charles Buller, Esq., M. P. for Liskeard, for the distinguished services rendered by him to the cause of systematic Colonization, and the Honorable Francis Scott, M. P. for Roxburgshire, for his masterly exposition of the case of the Australian Squatters.

2. DR. NICHOLSON to move, That a humble Address be presented to His Excellency the Governor, praying that His Excellency will be pleased, in furtherance of the object of the Right Honorable the Earl Bathurst, then Secretary of State for the Colonies, as communicated in His Lordship's Despatch to the Governor of this Colony, dated the 30th March, 1827, to cause some suitable apartments to be forthwith provided for the Australian Museum; or, if this be not practicable, to direct the Colonial Architect to prepare a Plan, Elevation, and Estimate, of a suitable Building for the purpose, to be laid before the Legislative Council for approval.
3. MR. WALKER to move, That the Council resolve itself into a Committee of the whole House, for the consideration of the Colonial Spirits Exportation Bill.
4. MR. WENTWORTH to move for leave to bring in a Bill to explain and amend an Act 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.

ORDERS OF THE DAY:—

1. Sydney Incorporation Act amendment Bill; to be further considered in Committee.
2. Fees, Fines, and Penalties Bill; second reading.
3. Consideration of the Report from the Select Committee on Crown Land Grievances.

TUESDAY, SEPTEMBER 17.

NOTICES OF MOTION:—

1. DR. LANG to move the following Resolutions:—
  - (1.) That it is the opinion of this Council, That no letter, posted in any City or Town for delivery within such City or Town, should be chargeable with a higher rate of postage than one penny, irrespective of its weight.
  - (2.) That it is the opinion of this Council, That for all greater distances within the Colony, whether by sea or land, no letter, not exceeding half an ounce in weight, should be chargeable with a higher rate of postage than two-pence; and that two-pence additional should be chargeable on every letter, for every additional half ounce which such letter may weigh.
  - (3.) That it is the opinion of this Council, That the privilege of franking should be abolished; and that the postage of the various Departments of the Public Service should be chargeable on these Departments respectively, in such manner as to His Excellency the Governor and the Executive Council may seem fit.
  - (4.) That it is the opinion of this Council, That the postage of the Military, Commissariat, and Convict Departments, should not be chargeable upon the Colonial Revenue.
  - (5.) That, in the event of any defalcation of Revenue arising from the proposed change of system in the Post Office Department, this House pledges itself to make good such deficiency, from whatever other sources may be available for the purpose.
2. MR. WINDEYER to move, That the Petitions from the commuted Pensioners be taken into consideration.
3. THE COLONIAL SECRETARY to move, That Roger Therry, Esq., be appointed a Member of the Court for the trial of any complaints that may be made against the return of Members to this Council, in the place of Hastings Elwin, Esq., who has resigned his seat in this House.

ORDERS

**ORDERS OF THE DAY:—**

1. Melbourne Corporation Act amendment Bill; to be further considered in Committee.
2. Interest Bill; second reading.

WEDNESDAY, SEPTEMBER 18.

**NOTICE OF MOTION:—**

1. **DR. NICHOLSON** to move the following Resolutions:—
  - (1.) That this Council having taken into consideration the Report of the Select Committee on the Security of Life and Property, adopts, generally, the opinions expressed therein.
  - (2.) That the importation of Prisoners from Norfolk Island into Sydney, is an intolerable grievance, intailing upon the Colony, in an aggravated form, all the evils, without any of the benefits of the Convict system.
  - (3.) That no Prisoner who has been transported from this Colony to a penal settlement for life ought to be allowed to return.
  - (4.) That the assembling of nearly eight hundred Convicts in a single building, in the midst of this City, has tended to the insecurity of life and property; afforded temptations and facilities for the commission of crime; and exercised a demoralising influence on the habits and character of the community.
  - (5.) That these evils have been greatly augmented, by the absence of any proper system of discipline and management; by the employment of Convict Overseers; and by the great remissness of the Officers to whom these Overseers are accountable.
  - (6.) That in the opinion of this Council, the Convicts now in Hyde Park Barracks ought to be immediately sent into the country, under proper guards, to be employed on the roads or other public works.
  - (7.) That no assigned servants should be allowed to remain in Sydney.
  - (8.) That no ticket of leave should be granted or exchanged for Sydney, or any other large town.
  - (9.) That any reduction of the Military Force now stationed in the Colony, will be dangerous to the lives and property of Her Majesty's subjects in New South Wales.
  - (10.) That a copy of these Resolutions be transmitted to the Right Honorable the Secretary of State for the Colonies.
  - (11.) That an Address be presented to the Governor, transmitting the foregoing Resolutions, and praying that His Excellency will be pleased to take the steps necessary for carrying them into effect.

**ORDER OF THE DAY:—**

1. Estimates for the year 1845; to be further considered in Committee.

FRIDAY, SEPTEMBER 20.

**NOTICE OF MOTION:—**

1. **MR. ROBINSON** to move the following Resolutions:—
  - (1.) That this Council, having taken into consideration the report of the select committee, appointed to enquire into and report upon the state of Education in this Colony, and to devise the means of placing the education of youth upon a basis, suited to the wants and wishes of the community, adopts, generally, the opinions contained therein.
  - (2.) That it is advisable to introduce Lord Stanley's system of National Education into this Colony.
  - (3.) That in order to introduce this system, His Excellency the Governor be requested to appoint a board of persons favorable to the introduction of Lord Stanley's National system of Education, and belonging to the different religious denominations; this board to be invested with a very wide discretion, as to the arrangements necessary for carrying the system into effect; and all funds to be henceforth applied for the purpose of Education, to be administered by them.
  - (4.) The leading principle by which the Board of Education shall be guided, is to afford the same facilities for Education, to all classes of professing Christians, without any attempt to interfere with the peculiar religious opinions of any, or to countenance proselytism.
  - (5.) That the board be incorporated.
  - (6.) That an Address be presented to His Excellency the Governor, transmitting the above Resolutions, and praying that he will be pleased to take them into his favorable consideration, and carry them into effect.

**ORDERS OF THE DAY:—**

1. Consideration of Report from Select Committee on Education.
2. Publicans' Licensing Act amendment Bill; to be considered in Committee.

TUESDAY,

TUESDAY, SEPTEMBER 24.

NOTICE OF MOTION:—

1. MR. WINDEYER to move, That an Address be presented to His Excellency the Governor, praying him to place upon the Estimates, a sum of money for the employment of the Dredging Machine, in removing the obstructions existing to the navigation of the River Hunter.

ORDERS OF THE DAY:—

1. Law of Libel Bill; to be considered in Committee.
2. Pawnbrokers' regulation Bill; to be considered in Committee.

---

CONTINGENT NOTICE OF MOTION.

1. MR. BRADLEY to move, That when the Estimate for the Salaries of Police Magistrates is brought forward, the Petition from the Warden and Councillors of the District of Goulburn, praying for the provision of a Salary for a Police Magistrate, for that District, may be taken into consideration.

ALEX. M<sup>c</sup> LEAY,  
*Speaker.*



## VOTES AND PROCEEDINGS

OF

## THE LEGISLATIVE COUNCIL.

THURSDAY, 12 SEPTEMBER, 1844.

1. Council met pursuant to adjournment ; the Speaker took the Chair.  
Pilot at Brisbane Water :—Mr. Foster presented a Petition from George Mulhall, Pilot at Brisbane Water, representing that he has learnt that his situation is to be abolished, and praying that some compensation may be allowed him, so that his wife and large family may not be thrown destitute on the world ; Petition read and received.
2. Education :—Mr. Foster presented a Petition from the Reverend William West Simpson, M.A., Minister of the Church of England in the District of the Lower Hawkesbury, St. Albans, and Colo, and certain Inhabitants of that District, praying, that in any system of Education which may be agreed to by the Council, the Church of England may suffer no interruption of the right of educating the children of her members in her own principles, under the direction of her own Clergy ; and that sufficient funds for that purpose may be voted to the Petitioners, as heretofore, from the Public Revenue of the Colony, having 318 signatures ; Petition read and received.
3. Education :—Dr. Lang presented a Petition from certain Inhabitants of the Districts of Paterson, and William's River, expressing their pleasure at having learned that a Committee of the Council have recommended the establishment of a general and comprehensive system of Education, for the middle and humbler classes of this Colony, on the principles of Lord Stanley's system of National Education for Ireland, and based on the recognition and inculcation of those great facts and doctrines of Divine Revelation, on which professed Christians, of all denominations, are cordially agreed, having 52 signatures ; Petition read and received.
4. Education :—Mr. Cowper presented a Petition from certain Inhabitants of the Districts of Cobbity, Cabramatta, the Oaks, and Stonequarry, representing, that they feel themselves conscientiously bound to reject any scheme of General Education from which the Holy Scriptures are to be excluded, or under which only selections from the Word of God are to be read ; and submitting, that in the event of the Council giving its sanction to the establishment of Schools under the Irish system, it will be but justice to the Members of the Church of England, who cannot conscientiously send their Children to such Schools, that a sum shall be voted for the Education of the humbler classes of their communion, in fair proportion to their numbers, having 250 signatures ; Petition read and received.
5. William Munnings Arnold :—Mr. Windeyer presented a Petition from certain sufferers by the Insolvency of William Munnings Arnold, representing that they have received nothing from the Insolvent Estate of Mr. Arnold, and have observed that he has petitioned the Council to be allowed compensation for loss sustained by him in bringing an action against one of the Magistrates of the Paterson District ; and praying that, in the event of the Council granting any compensation to Mr. Arnold, the claims of the Petitioners, being of a peculiarly hard nature, may be taken into consideration, having 6 signatures ; Petition read and received.
6. Security of Life and Property :—Dr. Nicholson postponed bringing forward his motion on this subject from Wednesday, September 18, to Friday, September 20.
7. Judicial Expenditure for the year 1845 :—Mr. Wentworth, pursuant to notice, moved the following Resolutions :—

That His Excellency's Message to this Council, of which the following is the tenor :—

*Message from His Excellency the Governor, to the Legislative Council, replying to an Address of the Council, dated the 29th ultimo, wherein His Excellency was informed, that the Council had declined to grant any sums of money for the administration of Justice for the year 1845, in addition to those which have been provided by Parliament.*

GENTLEMEN,

The Council having declined to grant any sums of money for the administration of justice, in addition to those which have been provided for by Parliament, I shall take measures for limiting the Expenditure on account of the Administration of Justice during the year 1845, to the sums mentioned in the Schedule marked A, annexed to the 5th and 6th Vic., c. 76 ; and I shall advise with the Judges upon the manner in which this may be done with the least possible amount of inconvenience to the Public.

Government House,  
Sydney, 3rd September, 1844.

GEORGE GIPPS.

Being

Being calculated to convey an erroneous impression to Her Majesty, as to the substance of the Resolution adopted by this Council, on the 29th ultimo, Resolved :—

- (1.) That the aforesaid Resolution does not involve, as the said Message implies, an absolute and unqualified refusal, to grant any sums of money for the Administration of Justice, in addition to those which have been provided for by Parliament, but only a qualified refusal to grant such monies, so long as the appropriation thereof be withheld, and a sum asked for from this Council, (as it was in that instance), in gross instead of detail, for the services enumerated in Schedule A, and the required Supplement thereto.
- (2.) That the Casual Revenue, which has been improperly withheld from the control of this Council, for the first time this year, and which, in the Abstract of the Expenditure for the year 1843, amounted to £6,698 12s. 6d., arising, as it does, chiefly from fines and penalties levied in Courts of Justice within the Colony, affords an ample and suitable fund, out of which any supposed inadequacy of the provision made by Parliament in Schedule A, for the due administration of justice, may be supplied.
- (3.) That to prevent any misapprehension which may arise in the mind of Her Majesty, as to the substance of the said Resolution of the 29th ultimo, an humble Address be presented to Her Majesty, communicating to Her Majesty these Resolutions, and also the tenor of the aforesaid Resolution of this Council, referred to in His Excellency's said Message.

Debate ensued :—

Question put; Council Divided.

Ayes 15.

DR. BLAND,  
MR. WINDEYER,  
MR. W. C. WENTWORTH,  
MR. FOSTER,  
MR. COWPER,  
MR. BLAXLAND,  
MR. LAWSON,  
DR. LANG,  
MR. BRADLEY,  
MR. LORD,  
CAPTAIN DUMARESQ,  
MAJOR WENTWORTH,  
MR. ROBINSON,  
MR. WALKER,  
DR. NICHOLSON, (Teller.)

Noes 11.

MR. DARVALL,  
THE COLONIAL SECRETARY,  
THE COLLECTOR OF CUSTOMS,  
MR. THERRY,  
MR. YOUNG,  
MR. HAMILTON,  
MR. LAMB,  
THE AUDITOR GENERAL,  
THE COMMANDER OF THE FORCES,  
MR. ICELY,  
THE COLONIAL TREASURER, (Teller.)

8. Mr. Wentworth, pursuant to notice, moved, That the humble Address to Her Majesty mentioned in the Resolution which has been just adopted, be referred to a Select Committee of this House to prepare it.

Question put and passed, and the following Committee appointed accordingly :—

MR. WENTWORTH.

DR. BLAND,  
THE COMMANDER OF THE FORCES,  
DR. LANG.

MR. LAWSON,  
MR. ROBINSON,  
MR. WALKER.

9. Liverpool Quit Rents :—Mr. Cowper presented a Petition from the Warden and District Councillors of Liverpool, praying that the Quit Rents on allotments in that Town, may be reduced from four-pence per perch to two-pence per perch per annum, as recommended by the Select Committee on Crown Land Grievances.  
Petition read and received.
10. Printing of Petitions :—Mr. Windeyer, by leave, withdrew from the paper his notice of motion on this subject.
11. Education :—Mr. Cowper, by leave, withdrew from the paper his notice of motion, that the Petition presented by him on the 10th instant, from the Minister of the Church of England, and certain Inhabitants of the Parish of St. Mary Magdalen, South Creek, be printed.
12. Customs' Bill :—The Collector of Customs postponed bringing forward his motion for the re-committal of this Bill previous to its third reading, from this day, to Thursday, September 19.
13. Customs' Bill :—Third reading postponed until Thursday, September 19.  
Council adjourned at a quarter before Nine o'clock, until to-morrow at Three o'clock,

## NOTICES OF MOTION AND ORDERS OF THE DAY.

FRIDAY, SEPTEMBER 13.

NOTICES OF MOTION :—

1. MR. COWPER to move the following Resolutions, when the Report from the Select Committee on Crown Land Grievances is taken into consideration :—
- (1.) That this Council having taken into consideration the Report of the Select Committee, appointed "to enquire into, and report upon all grievances connected with the "lands of the Territory, with an instruction to distinguish between the grievances "which can be redressed in the Colony, and those which cannot;" adopts, generally, the opinions contained therein.

(2.)



- (2.) That in the opinion of this Council, the Depasturing Regulations, published by His Excellency the Governor, on the 2nd April, 1844, are impracticable in principle, and oppressive in detail, and ought to be recalled.
- (3.) That the Recommendations said to have been transmitted by His Excellency the Governor, for the consideration and approval of the Right Honorable the Secretary of State, by the "General Hewitt," on the 3rd April, 1844, are founded on principles which cannot be worked out, without the utter ruin of the grazing interests.
- (4.) That as the amount raised by assessment on stock, beyond the boundaries of location, exceeds the expense of the Commissioners and Border Police, it is the opinion of this Council, that the License Fee should be reduced to a nominal sum, or abolished altogether.
- (5.) That the Act of the late Legislative Council, 2 Victoria, No. 27, ought, in the opinion of this Council, to be repealed.
- (6.) That an Act ought to be passed, limiting and defining the powers of the Commissioners of Crown Lands, and transferring the powers now vested in a Commissioner or Justice of the Peace alone, to some tribunal in the nature of a Jury, over which the Commissioner shall preside; that such assessment shall be imposed, as the Council shall think reasonable, with reference to the proposed abolition of License Fees, making such assessment part of the ordinary Revenue.
- (7.) That the upset price of Occupation Licenses, within the Boundaries, ought to be reduced to 15s. per section, per annum.
- (8.) That it is the opinion of this Council, that the Crown ought to waive the Prerogative of insisting upon payment of Quit Rents due more than six years before the present time; and that such portions of them should be remitted to individuals, and such arrangements made for their extinction in future, as the equity of each case may seem to require.
- (9.) That this Council is of opinion that, as a general rule, the Quit Rents in Sydney may be left as they are; that Quit Rents in Country Towns, should be reduced to one-fourth of their present amount; and that the Quit Rents on Country Lands should be reduced to 2s. on every one hundred acres. As an equitable principle applicable to all these cases, the Council is also of opinion, that any person who has paid, or shall pay, as Quit Rent, or otherwise, a sum of money equal to ten years' purchase of Quit Rent, calculated at the above rates, shall hold his land discharged from this demand.
- (10.) That measures ought to be taken to vest in the Grantees, and purchasers of Crown Lands, the minerals they contain, guarding such existing interests for the period they have to run, as may be deemed to have a lawful foundation.
- (11.) That it is the opinion of this Council, that a Compact was entered into, on the 18th day of May, 1835, by His Excellency Sir Richard Bourke, with the late Legislative Council of this Colony, by which the Council undertook to defray the expenses of Police and Gaols, and the Crown to cede to the Council the surplus of the Casual and Territorial Revenues of this Colony, after defraying the expenses of Emigration; that Sir Richard Bourke was fully authorised to make this Compact by the letter of the Lords of the Treasury, signed F. Baring, and dated 23rd September, 1834; and that this Compact has since been acted on, and thereby ratified.
- (12.) That an Address be presented to His Excellency the Governor, transmitting the above Resolutions, and praying that he will be pleased to take them into his favorable consideration, and carry them into effect.
- (13.) That Petitions be presented to Her Majesty and both Houses of Parliament, humbly praying that they will be graciously pleased to pass an Act, repealing the Act of the Imperial Parliament, 5 and 6 Victoria, cap. 36, so far as regards New South Wales; and also so much of the 5 and 6 Victoria, cap. 76, as provides that no law made by the Council, shall interfere, in any manner, with the sale or other appropriation of the lands belonging to the Crown, within this Colony, or with the Revenue thence arising; and enacting that the management of the waste lands of the Crown, and the appropriation of the Revenue arising therefrom, shall be vested in the Governor and Legislative Council of the Colony; and that an Address be also presented to His Excellency the Governor, praying that he will be pleased to recommend the passing of such an Act, to Her Majesty's Government.
- (14.) That Mr. Speaker be requested to convey the thanks of this Council, to Charles Buller, Esq., M. P. for Liskeard, for the distinguished services rendered by him to the cause of systematic Colonization, and the Honorable Francis Scott, M. P. for Roxburgshire, for his masterly exposition of the case of the Australian Squatters.
2. DR. NICHOLSON to move, That an humble Address be presented to His Excellency the Governor, praying that His Excellency will be pleased, in furtherance of the object of the Right Honorable the Earl Bathurst, then Secretary of State for the Colonies, as communicated in His Lordship's Despatch to the Governor of this Colony, dated the 30th March, 1827, to cause some suitable apartments to be forthwith provided for the Australian Museum; or, if this be not practicable, to direct the Colonial Architect to prepare a Plan, Elevation, and Estimate, of a suitable Building for the purpose, to be laid before the Legislative Council for approval.
  3. MR. WALKER to move, That the Council resolve itself into a Committee of the whole House, for the consideration of the Colonial Spirits Exportation Bill.
  4. MR. WENTWORTH to move for leave to bring in a Bill to explain and amend an Act 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.

## ORDERS OF THE DAY:—

1. Sydney Incorporation Act amendment Bill; to be further considered in Committee.
2. Fees, Fines, and Penalties Bill; second reading.
3. Consideration of the Report from the Select Committee on Crown Land Grievances.

---

TUESDAY, SEPTEMBER 17.

## NOTICES OF MOTION:—

1. DR. LANG to move the following Resolutions:—
  - (1.) That it is the opinion of this Council, That no letter, posted in any City or Town for delivery within such City or Town, should be chargeable with a higher rate of postage than one penny, irrespective of its weight.
  - (2.) That it is the opinion of this Council, That for all greater distances within the Colony, whether by sea or land, no letter, not exceeding half an ounce in weight, should be chargeable with a higher rate of postage than two-pence; and that two-pence additional should be chargeable on every letter, for every additional half ounce which such letter may weigh.
  - (3.) That it is the opinion of this Council, That the privilege of franking should be abolished; and that the postage of the various Departments of the Public Service should be chargeable on these Departments respectively, in such manner as to His Excellency the Governor and the Executive Council may seem fit.
  - (4.) That it is the opinion of this Council, That the postage of the Military, Commissariat, and Convict Departments, should not be chargeable upon the Colonial Revenue.
  - (5.) That, in the event of any defalcation of Revenue arising from the proposed change of system in the Post Office Department, this House pledges itself to make good such deficiency, from whatever other sources may be available for the purpose.
2. MR. WINDEYER to move, That the Petitions from the commuted Pensioners be taken into consideration.
3. THE COLONIAL SECRETARY to move, That Roger Therry, Esq., be appointed a Member of the Court for the trial of any complaints that may be made against the return of Members to this Council, in the place of Hastings Elwin, Esq., who has resigned his seat in this House.
4. MR. THIERRY to move, That there be laid before this House, a Return of the amount received for commission by the Master in Equity, in his capacity as Curator of Intestate Estates, from the 17th of August, 1843, to the 17th of August, 1844, distinguishing the amounts respectively paid by him for clerical services, country agents, and postage.
5. MR. ROBINSON to move for leave to bring in a Bill for establishing Turnpike trusts in New South Wales.

## ORDERS OF THE DAY:—

1. Melbourne Corporation Act amendment Bill; to be further considered in Committee.
2. Interest Bill; second reading.

---

WEDNESDAY, SEPTEMBER 18.

## NOTICE OF MOTION:—

1. THE COLONIAL SECRETARY to move, in the Committee on the Estimates for 1845, That a sum not exceeding £1,000 be appropriated, to defray the half salary of His Honor Sir James Dowling, Chief Justice of the Colony, for the year 1845, whilst absent on leave.

## ORDER OF THE DAY:—

1. Estimates for the year 1845; to be further considered in Committee.

---

THURSDAY, SEPTEMBER 19.

## NOTICE OF MOTION:—

5. THE COLLECTOR OF CUSTOMS to move the recommittal of the Customs' Bill, previous to the third reading.

## ORDER OF THE DAY:—

1. Customs' Bill; third reading.

---

FRIDAY,

FRIDAY, SEPTEMBER 20.

NOTICES OF MOTION :—

1. MR. ROBINSON to move the following Resolutions :—
  - (1.) That this Council, having taken into consideration the report of the select committee, appointed to enquire into and report upon the state of Education in this Colony, and to devise the means of placing the education of youth upon a basis, suited to the wants and wishes of the community, adopts, generally, the opinions contained therein.
  - (2.) That it is advisable to introduce Lord Stanley's system of National Education into this Colony.
  - (3.) That in order to introduce this system, His Excellency the Governor be requested to appoint a board of persons favorable to the introduction of Lord Stanley's National system of Education, and belonging to the different religious denominations; this board to be invested with a very wide discretion, as to the arrangements necessary for carrying the system into effect; and all funds to be henceforth applied for the purpose of Education, to be administered by them.
  - (4.) The leading principle by which the Board of Education shall be guided, is to afford the same facilities for Education, to all classes of professing Christians, without any attempt to interfere with the peculiar religious opinions of any, or to countenance proselytism.
  - (5.) That the board be incorporated.
  - (6.) That an Address be presented to His Excellency the Governor, transmitting the above Resolutions, and praying that he will be pleased to take them into his favorable consideration, and carry them into effect.
2. DR. NICHOLSON to move the following Resolutions :—
  - (1.) That this Council having taken into consideration the Report of the Select Committee on the Security of Life and Property, adopts, generally, the opinions expressed therein.
  - (2.) That the importation of Prisoners from Norfolk Island into Sydney, is an intolerable grievance, intailing upon the Colony, in an aggravated form, all the evils, without any of the benefits of the Convict system.
  - (3.) That no Prisoner who has been transported from this Colony to a penal settlement for life ought to be allowed to return.
  - (4.) That the assembling of nearly eight hundred Convicts in a single building, in the midst of this City, has tended to the insecurity of life and property; afforded temptations and facilities for the commission of crime; and exercised a demoralising influence on the habits and character of the community.
  - (5.) That these evils have been greatly augmented, by the absence of any proper system of discipline and management; by the employment of Convict Overseers; and by the great remissness of the Officers to whom these Overseers are accountable.
  - (6.) That in the opinion of this Council, the Convicts now in Hyde Park Barracks ought to be immediately sent into the country, under proper guards, to be employed on the roads or other public works.
  - (7.) That no assigned servants should be allowed to remain in Sydney.
  - (8.) That no ticket of leave should be granted or exchanged for Sydney, or any other large town.
  - (9.) That any reduction of the Military Force now stationed in the Colony, will be dangerous to the lives and property of Her Majesty's subjects in New South Wales.
  - (10.) That a copy of these Resolutions be transmitted to the Right Honorable the Secretary of State for the Colonies.
  - (11.) That an Address be presented to the Governor, transmitting the foregoing Resolutions, and praying that His Excellency will be pleased to take the steps necessary for carrying them into effect.

ORDERS OF THE DAY :—

1. Consideration of Report from Select Committee on Education.
2. Publicans' Licensing Act amendment Bill; to be considered in Committee.

TUESDAY, SEPTEMBER 24.

NOTICE OF MOTION :—

1. MR. WINDEYER to move, That an Address be presented to His Excellency the Governor, praying him to place upon the Estimates, a sum of money for the employment of the Dredging Machine, in removing the obstructions existing to the navigation of the River Hunter.

ORDERS OF THE DAY :—

1. Law of Libel Bill; to be considered in Committee.
2. Pawnbrokers' regulation Bill; to be considered in Committee.

CONTINGENT NOTICE OF MOTION.

1. MR. BRADLEY to move, That when the Estimate for the Salaries of Police Magistrates is brought forward, the Petition from the Warden and Councillors of the District of Goulburn, praying for the provision of a Salary for a Police Magistrate, for that District, may be taken into consideration.

ALEX. M. LEAY,  
Speaker.



## VOTES AND PROCEEDINGS

OF

## THE LEGISLATIVE COUNCIL.

FRIDAY, 13 SEPTEMBER, 1844.

1. Council met pursuant to adjournment; the Speaker took the Chair.  
Education:—Dr. Lang presented a Petition from certain Inhabitants of Liverpool, expressing their pleasure at having learned that a Committee of the Council have recommended the establishment of a general and comprehensive system of Education, for the middle and humbler classes of this Colony, on the principles of Lord Stanley's system of National Education for Ireland, and based on the recognition and inculcation of those great facts and doctrines of Divine Revelation, on which professed Christians, of all denominations, are cordially agreed, having 184 signatures; Petition read and received.
2. Crown Land Grievances:—Mr. Cowper, pursuant to notice, moved, That the Report from the Select Committee on Crown Land Grievances be taken into consideration, and that the following Resolution be adopted:—  
(1.) That this Council having taken into consideration the Report of the Select Committee, appointed "to enquire into, and report upon all grievances connected with the "lands of the Territory, with an instruction to distinguish between the grievances "which can be redressed in the Colony, and those which cannot;" adopts, generally, the opinions contained therein.  
Debate ensued.  
Moved, by Dr. Bland, That the further consideration of this Report, and the Resolutions founded thereupon, be postponed until Tuesday next, and that the continued Debate thereon take precedence of the other proceedings of the Day.  
Question put and passed.
3. Australian Museum:—Dr. Nicholson postponed bringing forward his motion on this subject, until Tuesday, September 17.
4. Colonial Spirits Exportation Bill:—Mr. Walker postponed bringing forward his motion on this subject, until Tuesday next, September 17.
5. Leave of Absence:—Mr. Hamilton obtained leave of absence for one month from this day.
6. Preferable Lien on Wool Act:—Mr. Wentworth postponed his motion for leave to bring in a Bill to explain and amend this Act, until Tuesday next, September 17.
7. Sydney Incorporation Act amendment Bill:—Further consideration in Committee postponed until Friday next, September 20.
8. Fees, Fines, and Penalties Bill:—Second reading postponed until Friday next, September 20.  
Council adjourned at a quarter before Nine o'clock, until Tuesday next at Three o'clock.

## NOTICES OF MOTION AND ORDERS OF THE DAY.

TUESDAY, SEPTEMBER 17.

## NOTICES OF MOTION:—

1. MR. COWPER to move the further consideration of the Report from the Select Committee on Crown Land Grievances, and the following Resolutions founded thereon:—  
(1.) That this Council having taken into consideration the Report of the Select Committee appointed "to enquire into, and report upon all grievances connected with the "lands of the Territory, with an instruction to distinguish between the grievances "which can be redressed in the Colony, and those which cannot;" adopts, generally, the opinions contained therein.  
(2.) That in the opinion of this Council, the Depasturing Regulations, published by His Excellency the Governor, on the 2nd April, 1844, are impracticable in principle, and oppressive in detail, and ought to be recalled.  
(3.) That the Recommendations said to have been transmitted by His Excellency the Governor, for the consideration and approval of the Right Honorable the Secretary of State, by the "General Hewitt," on the 3rd April, 1844, are founded on principles which cannot be worked out, without the utter ruin of the grazing interests.  
(4.) That as the amount raised by assessment on stock, beyond the boundaries of location, exceeds the expense of the Commissioners and Border Police, it is the opinion of this Council, that the License Fee should be reduced to a nominal sum, or abolished altogether.  
(5.)

- (5.) That the Act of the late Legislative Council, 2 Victoria, No. 27, ought, in the opinion of this Council, to be repealed.
- (6.) That an Act ought to be passed, limiting and defining the powers of the Commissioners of Crown Lands, and transferring the powers now vested in a Commissioner or Justice of the Peace alone, to some tribunal in the nature of a Jury, over which the Commissioner shall preside; that such assessment shall be imposed, as the Council shall think reasonable, with reference to the proposed abolition of License Fees, making such assessment part of the ordinary Revenue.
- (7.) That the upset price of Occupation Licenses, within the Boundaries, ought to be reduced to 15s. per section, per annum.
- (8.) That it is the opinion of this Council, that the Crown ought to waive the Prerogative of insisting upon payment of Quit Rents due more than six years before the present time; and that such portions of them should be remitted to individuals, and such arrangements made for their extinction in future, as the equity of each case may seem to require.
- (9.) That this Council is of opinion that, as a general rule, the Quit Rents in Sydney may be left as they are; that Quit Rents in Country Towns, should be reduced to one-fourth of their present amount; and that the Quit Rents on Country Lands should be reduced to 2s. on every one hundred acres. As an equitable principle applicable to all these cases, the Council is also of opinion, that any person who has paid, or shall pay, as Quit Rent, or otherwise, a sum of money equal to ten years' purchase of Quit Rent, calculated at the above rates, shall hold his land discharged from this demand.
- (10.) That measures ought to be taken to vest in the Grantees, and purchasers of Crown Lands, the minerals they contain, guarding such existing interests for the period they have to run, as may be deemed to have a lawful foundation.
- (11.) That it is the opinion of this Council, that a Compact was entered into, on the 18th day of May, 1835, by His Excellency Sir Richard Bourke, with the late Legislative Council of this Colony, by which the Council undertook to defray the expenses of Police and Gaols, and the Crown to cede to the Council the surplus of the Casual and Territorial Revenues of this Colony, after defraying the expenses of Emigration; that Sir Richard Bourke was fully authorised to make this Compact by the letter of the Lords of the Treasury, signed F. Baring, and dated 23rd September, 1834; and that this Compact has since been acted on, and thereby ratified.
- (12.) That an Address be presented to His Excellency the Governor, transmitting the above Resolutions, and praying that he will be pleased to take them into his favorable consideration, and carry them into effect.
- (13.) That Petitions be presented to Her Majesty and both Houses of Parliament, humbly praying that they will be graciously pleased to pass an Act, repealing the Act of the Imperial Parliament, 5 and 6 Victoria, cap. 36, so far as regards New South Wales; and also so much of the 5 and 6 Victoria, cap. 76, as provides that no law made by the Council, shall interfere, in any manner, with the sale or other appropriation of the lands belonging to the Crown, within this Colony, or with the Revenue thence arising; and enacting that the management of the waste lands of the Crown, and the appropriation of the Revenue arising therefrom, shall be vested in the Governor and Legislative Council of the Colony; and that an Address be also presented to His Excellency the Governor, praying that he will be pleased to recommend the passing of such an Act, to Her Majesty's Government.
- (14.) That Mr. Speaker be requested to convey the thanks of this Council, to Charles Buller, Esq., M. P. for Liskeard, for the distinguished services rendered by him to the cause of systematic Colonization, and the Honorable Francis Scott, M. P. for Roxburghshire, for his masterly exposition of the case of the Australian Squatters.
2. DR. LANG to move the following Resolutions:—
- (1.) That it is the opinion of this Council, That no letter, posted in any City or Town for delivery within such City or Town, should be chargeable with a higher rate of postage than one penny, irrespective of its weight.
- (2.) That it is the opinion of this Council, That for all greater distances within the Colony, whether by sea or land, no letter, not exceeding half an ounce in weight, should be chargeable with a higher rate of postage than two-pence; and that two-pence additional should be chargeable on every letter, for every additional half ounce which such letter may weigh.
- (3.) That it is the opinion of this Council, That the privilege of franking should be abolished; and that the postage of the various Departments of the Public Service should be chargeable on these Departments respectively, in such manner as to His Excellency the Governor and the Executive Council may seem fit.
- (4.) That it is the opinion of this Council, That the postage of the Military, Commissariat, and Convict Departments, should not be chargeable upon the Colonial Revenue.
- (5.) That, in the event of any defalcation of Revenue arising from the proposed change of system in the Post Office Department, this House pledges itself to make good such deficiency, from whatever other sources may be available for the purpose.
3. MR. WINDEYER to move, That the Petitions from the commuted Pensioners be taken into consideration.
4. THE COLONIAL SECRETARY to move, That Roger Therry, Esq., be appointed a Member of the Court for the trial of any complaints that may be made against the return of Members to this Council, in the place of Hastings Elwin, Esq., who has resigned his seat in this House.

5. MR. TERRY to move, That there be laid before this House, a Return of the amount received for commission by the Master in Equity, in his capacity as Curator of Intestate Estates, from the 17th of August, 1843, to the 17th of August, 1844, distinguishing the amounts respectively paid by him for clerical services, country agents, and postage.
6. MR. ROBINSON to move for leave to bring in a Bill for establishing Turnpike trusts in New South Wales.
7. DR. NICHOLSON to move the following Resolutions:—
  - (1.) That it would be highly beneficial to this Colony, to secure the services of a Member of the House of Commons, of undoubted ability, integrity, and influence, to advocate its claims, and to protect its interests.
  - (2.) That a sum not exceeding £500, should be appropriated annually by this Council, as an acknowledgment for such services.
  - (3.) That the Honorable Francis Scott, M. P. for Roxburghshire, is, in the opinion of this Council, eminently qualified to represent New South Wales in the House of Commons.
  - (4.) That an Address be presented to His Excellency the Governor, transmitting these Resolutions, and requesting that His Excellency may be pleased to place on the Estimates of Expenditure for the year 1845, a sum not exceeding £500 for this service.
8. DR. NICHOLSON to move, That an humble Address be presented to His Excellency the Governor, praying that His Excellency will be pleased, in furtherance of the object of the Right Honorable the Earl Bathurst, then Secretary of State for the Colonies, as communicated in His Lordship's Despatch to the Governor of this Colony, dated the 30th March, 1827, to cause some suitable apartments to be forthwith provided for the Australian Museum; or, if this be not practicable, to direct the Colonial Architect to prepare a Plan, Elevation, and Estimate, of a suitable Building for the purpose, to be laid before the Legislative Council for approval.
9. MR. WALKER to move, That the Council resolve itself into a Committee of the whole House, for the consideration of the Colonial Spirits Exportation Bill.
10. MR. WENTWORTH to move for leave to bring in a Bill to explain and amend an Act 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.

ORDERS OF THE DAY:—

1. Melbourne Corporation Act amendment Bill; to be further considered in Committee.
2. Interest Bill; second reading.

---

WEDNESDAY, SEPTEMBER 18.

NOTICE OF MOTION:—

1. THE COLONIAL SECRETARY to move, in the Committee on the Estimates for 1845, That a sum not exceeding £1,000 be appropriated, to defray the half salary of His Honor Sir James Dowling, Chief Justice of the Colony, for the year 1845, whilst absent on leave.

ORDER OF THE DAY:—

1. Estimates for the year 1845; to be further considered in Committee.

---

THURSDAY, SEPTEMBER 19.

NOTICE OF MOTION:—

1. THE COLLECTOR OF CUSTOMS to move the recommittal of the Customs' Bill, previous to the third reading.

ORDER OF THE DAY:—

1. Customs' Bill; third reading.

---

FRIDAY, SEPTEMBER 20.

NOTICES OF MOTION:—

1. MR. ROBINSON to move the following Resolutions:—
  - (1.) That this Council, having taken into consideration the report of the select committee, appointed to enquire into and report upon the state of Education in this Colony, and to devise the means of placing the education of youth upon a basis, suited to the wants and wishes of the community, adopts, generally, the opinions contained therein.
  - (2.) That it is advisable to introduce Lord Stanley's system of National Education into this Colony.

(3.)

(3.) That in order to introduce this system, His Excellency the Governor be requested to appoint a board of persons favorable to the introduction of Lord Stanley's National system of Education, and belonging to the different religious denominations; this board to be invested with a very wide discretion, as to the arrangements necessary for carrying the system into effect; and all funds to be henceforth applied for the purpose of Education, to be administered by them.

(4.) The leading principle by which the Board of Education shall be guided, is to afford the same facilities for Education, to all classes of professing Christians, without any attempt to interfere with the peculiar religious opinions of any, or to countenance proselytism.

(5.) That the board be incorporated.

(6.) That an Address be presented to His Excellency the Governor, transmitting the above Resolutions, and praying that he will be pleased to take them into his favorable consideration, and carry them into effect.

2. DR. NICHOLSON to move the following Resolutions:—

(1.) That this Council having taken into consideration the Report of the Select Committee on the Security of Life and Property, adopts, generally, the opinions expressed therein.

(2.) That the importation of Prisoners from Norfolk Island into Sydney, is an intolerable grievance, intailing upon the Colony, in an aggravated form, all the evils, without any of the benefits of the Convict system.

(3.) That no Prisoner who has been transported from this Colony to a penal settlement for life ought to be allowed to return.

(4.) That the assembling of nearly eight hundred Convicts in a single building, in the midst of this City, has tended to the insecurity of life and property; afforded temptations and facilities for the commission of crime; and exercised a demoralising influence on the habits and character of the community.

(5.) That these evils have been greatly augmented, by the absence of any proper system of discipline and management; by the employment of Convict Overseers; and by the great remissness of the Officers to whom these Overseers are accountable.

(6.) That in the opinion of this Council, the Convicts now in Hyde Park Barracks ought to be immediately sent into the country, under proper guards, to be employed on the roads or other public works.

(7.) That no assigned servants should be allowed to remain in Sydney.

(8.) That no ticket of leave should be granted or exchanged for Sydney, or any other large town.

(9.) That any reduction of the Military Force now stationed in the Colony, will be dangerous to the lives and property of Her Majesty's subjects in New South Wales.

(10.) That a copy of these Resolutions be transmitted to the Right Honorable the Secretary of State for the Colonies.

(11.) That an Address be presented to the Governor, transmitting the foregoing Resolutions, and praying that His Excellency will be pleased to take the steps necessary for carrying them into effect.

ORDERS OF THE DAY:—

1. Consideration of Report from Select Committee on Education.
2. Publicans' Licensing Act amendment Bill; to be considered in Committee.
3. Sydney Incorporation Act amendment Bill; to be further considered in Committee.
4. Fees, Fines, and Penalties Bill; second reading.

---

TUESDAY, SEPTEMBER 24.

NOTICE OF MOTION:—

1. MR. WINDEYER to move, That an Address be presented to His Excellency the Governor, praying him to place upon the Estimates, a sum of money for the employment of the Dredging Machine, in removing the obstructions existing to the navigation of the River Hunter.

ORDERS OF THE DAY:—

1. Law of Libel Bill; to be considered in Committee.
2. Pawnbrokers' regulation Bill; to be considered in Committee.

---

CONTINGENT NOTICE OF MOTION.

1. MR. BRADLEY to move, That when the Estimate for the Salaries of Police Magistrates is brought forward, the Petition from the Warden and Councillors of the District of Goulburn, praying for the provision of a Salary for a Police Magistrate, for that District, may be taken into consideration.

ALEX. M<sup>c</sup> LEAY,  
Speaker.



VOTES AND PROCEEDINGS  
OF  
THE LEGISLATIVE COUNCIL.

TUESDAY, 17 SEPTEMBER, 1844.

1. Council met pursuant to adjournment; the Speaker took the Chair.  
Assent to Bill:—The Speaker reported that His Excellency the Governor had assented to the following Bill:—  
(1.) Medical Witnesses' Act amendment Bill.
2. Assent withheld from Bill:—The Speaker reported that His Excellency the Governor had withheld Her Majesty's Assent from the following Bill:—  
(1.) Hawkers and Pedlars Bill.
3. Police Estimates for 1845:—The following Message from His Excellency the Governor, received and read.

*Message from His Excellency the Governor, to the Legislative Council, transmitting detailed Estimates of the Expense of the proposed Police Establishments of the Colony, for the Year 1845.*

GENTLEMEN,

With reference to my Message to the Council of the 20th ultimo; I herewith transmit detailed Estimates of the expense of the proposed Police Establishments of the Colony, for the year 1845.

*Government House,  
Sydney, 17 September, 1844.*

GEORGE GIPPS.

Message ordered to be printed, together with the Estimates therein referred to, and taken into consideration to-morrow.

4. Education:—Mr. Bowman presented a Petition from the Minister of St. Mathew's Church, Windsor, and certain Members of the same, in Windsor and its neighbourhood, against the system of Education recommended by the Select Committee of the Legislative Council.  
Petition read and received.
5. Melbourne Courts of Request:—Mr. Robinson presented a Petition from certain Merchants and Traders of Melbourne, praying the extension to Melbourne of the £30 jurisdiction of the Court of Requests; Petition read and received.
6. Education:—Dr. Lang presented a Petition from certain heads of families residing in Geelong, in favor of the system of Education recommended by the Select Committee of the Legislative Council; Petition read and received.
7. Education:—Mr. Lord presented a Petition from certain residents in the District of Bathurst, against the system of Education recommended by the Select Committee of the Legislative Council; Petition read and received.
8. Port Phillip Revenue:—Mr. Robinson presented a Petition from the Mayor, Aldermen, and Councillors of the Town of Melbourne, praying that the Revenue receivable from the District of Port Phillip may hereafter be applied exclusively to the benefit of that District; Petition read and received.
9. Education:—Dr. Lang presented a Petition from certain inhabitants of Windsor, in favor of the system of Education recommended by the Select Committee of the Legislative Council; Petition read and received.
10. Education:—On the motion of Mr. Robinson, the consideration of the Resolutions, as also of the Report from the Select Committee, on this subject, postponed from Friday, September 20; until Friday, October 4.
11. Education:—Mr. Cowper presented a Petition from certain inhabitants of the District of Castle Hill, and Dural, in the County of Cumberland, against the system of Education recommended by the Select Committee of the Legislative Council; Petition read and received.
12. Casual and Territorial Revenue:—The Colonial Secretary laid upon the Table, the undermentioned Despatches on the subject of the Casual and Territorial Revenues of the Colony, in further return to No. 4 of the Address, adopted on the motion of Mr. W. C. Wentworth on the 30th of May last, viz:—  
(1.) No. 41, of 30th July, 1827, from Lord Goderich, to Lieut. General Darling.  
(2.) Circular, of 4th March, 1832, from Lord Goderich, to Major General Bourke.  
(3.) No. 9, of 30th April, 1833, from Lord Stanley, to Major General Bourke.  
Despatches ordered to be printed.
13. William Mannings Arnold:—The Colonial Secretary laid upon the Table, the Return to the Address, adopted on the motion of Dr. Nicholson on the 23rd August last.

14. Crown Land Grievances :—Debate on the consideration of the Report from the Select Committee on Crown Land Grievances, and the first of the Resolutions founded thereon, moved by Mr. Cowper, on Friday, the 13th September, viz :—

“ (1.) That this Council having taken into consideration the Report of the Select Committee appointed ‘ to enquire into, and report upon all grievances connected with the ‘ lands of the Territory, with an instruction to distinguish between the grievances ‘ which can be redressed in the Colony, and those which cannot;’ adopts, generally, ‘ the opinions contained therein,” resumed.

Question put ; Council divided.

Ayes 13.

- MR. WINDEYER,
- MR. YOUNG,
- MR. BOWMAN;
- MR. COWPER,
- MR. PANTON,
- MR. ROBINSON,
- MR. W. C. WENTWORTH,
- MR. MACARTHUR,
- CAPTAIN DUMARESQ,
- MR. BRADLEY,
- DR. LANG,
- MR. FOSTER,
- DR. NICHOLSON, (Teller.)

Noes 6.

- THE COLONIAL SECRETARY.
- THE COMMANDER OF THE FORCES,
- THE COLLECTOR OF CUSTOMS,
- MR. THERRY,
- MR. DARVALL,
- THE COLONIAL TREASURER, (Teller.)

Resolution carried.

Moved that the following Resolution be adopted by this Council :—

(2.) That in the opinion of this Council, the Depasturing Regulations, published by His Excellency the Governor, on the 2nd April, 1844, are impracticable in principle, and oppressive in detail, and ought to be recalled.

Question put and passed.

Moved that the following Resolution be adopted by this Council :—

(3.) That the Recommendations said to have been transmitted by His Excellency the Governor, for the consideration and approval of the Right Honorable the Secretary of State, by the “ General Hewitt,” on the 3rd April, 1844, are founded on principles which cannot be worked out, without the utter ruin of the grazing interests.

Question put and passed.

Moved that the following Resolution be adopted by this Council :—

(4.) That as the amount raised by assessment on stock, beyond the boundaries of location, exceeds the expense of the Commissioners and Border Police, it is the opinion of this Council, that the License Fee should be reduced to a nominal sum, or abolished altogether.

Question put and passed.

Moved that the following Resolution be adopted by this Council :—

(5.) That the Act of the late Legislative Council, 2 Victoria, No. 27, ought, in the opinion of this Council, to be repealed.

Question put and passed.

Moved that the following Resolution be adopted by this Council :—

(6.) That an Act ought to be passed, limiting and defining the powers of the Commissioners of Crown Lands, and transferring the powers now vested in a Commissioner or Justice of the Peace alone, to some tribunal in the nature of a Jury, over which the Commissioner shall preside ; that such assessment shall be imposed, as the Council shall think reasonable, with reference to the proposed abolition of License Fees, making such assessment part of the ordinary Revenue.

Question put and passed.

Moved that the following Resolution be adopted by this Council :—

(7.) That the upset price of Occupation Licenses, within the Boundaries, ought to be reduced to 15s. per section, per annum.

Question put and passed.

Moved that the following Resolution be adopted by this Council :—

(8.) That it is the opinion of this Council, that the Crown ought to waive the Prerogative of insisting upon payment of Quit Rents due more than six years before the present time ; and that such portions of them should be remitted to individuals, and such arrangements made for their extinction in future, as the equity of each case may seem to require.

Question put and passed.

Moved that the following Resolution be adopted by this Council :—

(9.) That this Council is of opinion that, as a general rule, the Quit Rents in Sydney may be left as they are ; that Quit Rents in Country Towns, should be reduced to one-fourth of their present amount ; and that the Quit Rents on Country Lands should be reduced to 2s. on every one hundred acres : As an equitable principle applicable to all these cases, the Council is also of opinion, that any person who has paid, or shall pay, as Quit Rent, or otherwise, a sum of money equal to ten years' purchase of Quit Rent, calculated at the above rates, shall hold his land discharged from this demand.

Question put and passed.

Moved that the following Resolution be adopted by this Council :—

(10.) That measures ought to be taken to vest in the Grantees, and purchasers of Crown

Crown Lands, the minerals they contain, guarding such existing interests for the period they have to run, as may be deemed to have a lawful foundation.

Question put and passed.

Moved that the following Resolution be adopted by this Council :—

(11.) That it is the opinion of this Council, that a Compact was entered into, on the 18th day of May, 1835, by His Excellency Sir Richard Bourke, with the late Legislative Council of this Colony, by which the Council undertook to defray the expenses of Police and Gaols, and the Crown to cede to the Council the surplus of the Casual and Territorial Revenues of this Colony, after defraying the expenses of Emigration; that Sir Richard Bourke was fully authorised to make this Compact by the letter of the Lords of the Treasury, signed F. Baring, and dated 23rd September, 1834; and that this Compact has since been acted on, and thereby ratified.

Moved, as an amendment, That there be added to this, (the 11th Resolution) after the word "ratified" at the end thereof, the following words, viz :—

"But this Council is of opinion that the Colony of New South Wales ought to be placed in the same situation as other Colonies which have had the management of all the Revenues of the Crown made over to them; and that it is moreover entitled to receive a contribution from the British Government towards the expenses occasioned by the landing on its shores of British Criminals."

Question, on the amendment, put and passed.

Moved, That the 11th Resolution, as so amended, be adopted by this Council.

Question put and passed.

Moved, That the following Resolution be adopted by this Council :—

(12.) That an Address be presented to His Excellency the Governor, transmitting the above Resolutions, and praying that he will be pleased to take them into his favorable consideration, and carry them into effect.

Question put and passed.

Address, transmitting the above Resolutions to His Excellency the Governor, to be presented by the Speaker, Dr. Nicholson, Mr. Robinson, Mr. Windeyer, Mr. Bowman, Mr. Cowper, Mr. M'Arthur, and Mr. Bradley.

Moved, That the following Resolution be adopted by this Council :—

(13.) That Petitions be presented to Her Majesty and both Houses of Parliament, humbly praying that they will be graciously pleased to pass an Act, repealing the Act of the Imperial Parliament, 5 and 6 Victoria, cap. 36, so far as regards New South Wales; and also so much of the 5 and 6 Victoria, cap. 76, as provides that no law made by the Council, shall interfere, in any manner, with the sale or other appropriation of the lands belonging to the Crown, within this Colony, or with the Revenue thence arising; and enacting that the management of the waste lands of the Crown, and the appropriation of the Revenue arising therefrom, shall be vested in the Governor and Legislative Council of the Colony; and that an Address be also presented to His Excellency the Governor, praying that he will be pleased to recommend the passing of such an Act, to Her Majesty's Government.

Question put and passed.

Moved, That the following Resolution be adopted by this Council :—

(14.) That Mr. Speaker be requested to convey the thanks of this Council, to Charles Buller, Esq., M. P. for Liskeard, for the distinguished services rendered by him to the cause of systematic Colonization, and the Honorable Francis Scott, M. P. for Roxburghshire, for his masterly exposition of the case of the Australian Squatters.

Question put and passed.

15. Order in Insolvency :—The Colonial Secretary laid upon the Table, pursuant to the requirement of the Act of Council 7 Victoria, No. 19, an Order in Insolvency, made by His Honor the Resident Judge at Port Phillip, bearing date Friday, the 20 day of August, 1844.

Council adjourned at ten minutes before Eleven o'clock, until to-morrow at Three o'clock.

## NOTICES OF MOTION AND ORDERS OF THE DAY.

WEDNESDAY, SEPTEMBER 18.

### NOTICES OF MOTION :—

1. THE COLONIAL SECRETARY to move, in the Committee on the Estimates for 1845, That a sum not exceeding £1,000 be appropriated, to defray the half salary of His Honor Sir James Dowling, Chief Justice of the Colony, for the year 1845, whilst absent on leave.
2. MR. ROBINSON to move, That the Petition presented by him yesterday, from the Town Council of Melbourne, be printed.
3. MR. COWPER to move, That a Select Committee be appointed to prepare Petitions to Her Majesty, and both Houses of Parliament, humbly praying that they will be graciously pleased to pass an Act, repealing the Act of the Imperial Parliament, 5 and 6 Victoria, cap. 36, so far as regards New South Wales; and also so much of the 5 and 6 Victoria, cap. 76, as provides that no law made by the Council, shall interfere, in any manner, with the sale or other appropriation of the lands belonging to the Crown, within this Colony, or with the Revenue thence arising; and enacting that the management of the waste lands of the Crown, and the appropriation of the Revenue arising therefrom, shall be

be

- be vested in the Governor and Legislative Council of the Colony: And also an Address, to be presented to His Excellency the Governor, praying that he will be pleased to recommend the passing of such an Act, to Her Majesty's Government.
4. DR. LANG to move the following Resolutions:—
    - (1.) That it is the opinion of this Council, That no letter, posted in any City or Town for delivery within such City or Town, should be chargeable with a higher rate of postage than one penny, irrespective of its weight.
    - (2.) That it is the opinion of this Council, That for all greater distances within the Colony, whether by sea or land, no letter, not exceeding half an ounce in weight, should be chargeable with a higher rate of postage than two-pence; and that two-pence additional should be chargeable on every letter, for every additional half ounce which such letter may weigh.
    - (3.) That it is the opinion of this Council, That the privilege of franking should be abolished; and that the postage of the various Departments of the Public Service should be chargeable on those Departments respectively, in such manner as to His Excellency the Governor and the Executive Council may seem fit.
    - (4.) That it is the opinion of this Council, That the postage of the Military, Commissariat, and Convict Departments, should not be chargeable upon the Colonial Revenue.
    - (5.) That, in the event of any defalcation of Revenue arising from the proposed change of system in the Post Office Department, this House pledges itself to make good such deficiency, from whatever other sources may be available for the purpose.
  5. MR. WINDEYER to move, That the Petitions from the commuted Pensioners be taken into consideration.
  6. THE COLONIAL SECRETARY to move, That Roger Therry, Esq., be appointed a Member of the Court for the trial of any complaints that may be made against the return of Members to this Council, in the place of Hastings Elwin, Esq., who has resigned his seat in this House.
  7. MR. THERRY to move, That there be laid before this House, a Return of the amount received for commission by the Master in Equity, in his capacity as Curator of Intestate Estates, from the 17th of August, 1843, to the 17th of August, 1844, distinguishing the amounts respectively paid by him for clerical services, country agents, and postage.
  8. MR. ROBINSON to move for leave to bring in a Bill for establishing Turnpike trusts in New South Wales.
  9. DR. NICHOLSON to move the following Resolutions:—
    - (1.) That it would be highly beneficial to this Colony, to secure the services of a Member of the House of Commons, of undoubted ability, integrity, and influence, to advocate its claims, and to protect its interests.
    - (2.) That a sum not exceeding £500, should be appropriated annually by this Council, as an acknowledgment for such services.
    - (3.) That the Honorable Francis Scott, M. P. for Roxburghshire, is, in the opinion of this Council, eminently qualified to represent New South Wales in the House of Commons.
    - (4.) That an Address be presented to His Excellency the Governor, transmitting these Resolutions, and requesting that His Excellency may be pleased to place on the Estimates of Expenditure for the year 1845, a sum not exceeding £500 for this service.
  10. DR. NICHOLSON to move, That an humble Address be presented to His Excellency the Governor, praying that His Excellency will be pleased, in furtherance of the object of the Right Honorable the Earl Bathurst, then Secretary of State for the Colonies, as communicated in His Lordship's Despatch to the Governor of this Colony, dated the 30th March, 1827, to cause some suitable apartments to be forthwith provided for the Australian Museum; or, if this be not practicable, to direct the Colonial Architect to prepare a Plan, Elevation, and Estimate, of a suitable Building for the purpose, to be laid before the Legislative Council for approval.
  11. MR. WALKER to move, That the Council resolve itself into a Committee of the whole House, for the consideration of the Colonial Spirits Exportation Bill.
  12. MR. WENTWORTH to move for leave to bring in a Bill to explain and amend an Act 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.

ORDERS OF THE DAY:—

1. Estimates for the year 1845; to be further considered in Committee.
2. Consideration of the Governor's Message on Police Estimates for 1845.
3. Melbourne Corporation Act amendment Bill; to be further considered in Committee.
1. Interest Bill; second reading.

THURSDAY, SEPTEMBER 19.

NOTICES OF MOTION:—

1. THE COLLECTOR OF CUSTOMS to move the recommittal of the Customs' Bill, previous to the third reading.
2. THE COLONIAL SECRETARY to move, in the Committee on the Estimates, That a sum not exceeding £127 15s., be appropriated to defray the Salaries of the Pilots at Wollongong and Brisbane Water, for the year 1845.

ORDER OF THE DAY:—

1. Customs' Bill; third reading.

FRIDAY,

FRIDAY, SEPTEMBER 20.

NOTICE OF MOTION:—

1. DR. NICHOLSON to move the following Resolutions:—
  - (1.) That this Council having taken into consideration the Report of the Select Committee on the Security of Life and Property, adopts, generally, the opinions expressed therein.
  - (2.) That the importation of Prisoners from Norfolk Island into Sydney, is an intolerable grievance, intailing upon the Colony, in an aggravated form, all the evils, without any of the benefits of the Convict system.
  - (3.) That no Prisoner who has been transported from this Colony to a penal settlement for life ought to be allowed to return.
  - (4.) That the assembling of nearly eight hundred Convicts, in a single building, in the midst of this City, has tended to the insecurity of life and property; afforded temptations and facilities for the commission of crime; and exercised a demoralising influence on the habits and character of the community.
  - (5.) That these evils have been greatly augmented, by the absence of any proper system of discipline and management; by the employment of Convict Overseers; and by the great remissness of the Officers to whom these Overseers are accountable.
  - (6.) That in the opinion of this Council, the Convicts now in Hyde Park Barracks ought to be immediately sent into the country, under proper guards, to be employed on the roads or other public works.
  - (7.) That no assigned servants should be allowed to remain in Sydney.
  - (8.) That no ticket of leave should be granted or exchanged for Sydney, or any other large town.
  - (9.) That any reduction of the Military Force now stationed in the Colony, will be dangerous to the lives and property of Her Majesty's subjects in New South Wales.
  - (10.) That a copy of these Resolutions be transmitted to the Right Honorable the Secretary of State for the Colonies.
  - (11.) That an Address be presented to the Governor, transmitting the foregoing Resolutions, and praying that His Excellency will be pleased to take the steps necessary for carrying them into effect.

ORDERS OF THE DAY:—

1. Publicans' Licensing Act amendment Bill; to be considered in Committee.
2. Sydney Incorporation Act amendment Bill; to be further considered in Committee.
3. Fees, Fines, and Penalties Bill; second reading.

TUESDAY, SEPTEMBER 24.

NOTICE OF MOTION:—

1. MR. WINDEYER to move, That an Address be presented to His Excellency the Governor, praying him to place upon the Estimates, a sum of money for the employment of the Dredging Machine, in removing the obstructions existing to the navigation of the River Hunter.

ORDERS OF THE DAY:—

1. Law of Libel Bill; to be considered in Committee.
2. Pawnbrokers' regulation Bill; to be considered in Committee.

FRIDAY, OCTOBER 4.

NOTICE OF MOTION:—

1. MR. ROBINSON to move the following Resolutions:—
  - (1.) That this Council, having taken into consideration the report of the select committee, appointed to enquire into and report upon the state of Education in this Colony, and to devise the means of placing the education of youth upon a basis, suited to the wants and wishes of the community, adopts, generally, the opinions contained therein.
  - (2.) That it is advisable to introduce Lord Stanley's system of National Education into this Colony.
  - (3.) That in order to introduce this system, His Excellency the Governor be requested to appoint a board of persons favorable to the introduction of Lord Stanley's National system of Education, and belonging to the different religious denominations; this board to be invested with a very wide discretion, as to the arrangements necessary for carrying the system into effect; and all funds to be henceforth applied for the purpose of Education, to be administered by them.
  - (4.) The leading principle by which the Board of Education shall be guided, is to afford the same facilities for Education, to all classes of professing Christians, without any attempt to interfere with the peculiar religious opinions of any, or to countenance proselytism.
  - (5.) That the board be incorporated.

(6.)

(6.) That an Address be presented to His Excellency the Governor, transmitting the above Resolutions, and praying that he will be pleased to take them into his favorable consideration, and carry them into effect.

ORDER OF THE DAY :—

1. Consideration of Report from Select Committee on Education.

---

CONTINGENT NOTICE OF MOTION.

1. MR. BRADLEY to move, That when the Estimate for the Salaries of Police Magistrates is brought forward, the Petition from the Warden and Councillors of the District of Goulburn, praying for the provision of a Salary for a Police Magistrate, for that District, may be taken into consideration.

ALEX. M<sup>c</sup> LEAY,  
*Speaker.*

VOTES AND PROCEEDINGS

THE LEGISLATIVE COUNCIL.

WEDNESDAY, 18 SEPTEMBER, 1844.

- 1. Council met pursuant to adjournment; the Speaker took the Chair. Geelong; Free Port:—Dr. Nicholson, as Chairman, brought up the Report from the Select Committee, appointed on the 6th instant to prepare an Address to Her Majesty, praying that Her Majesty be graciously pleased to declare Geelong a "Free Warehousing Port;" or, in the event of such a measure being deemed premature, to declare the same a "Port of Entry and Clearance," giving notice that he would, on Friday next, move, that the Report be taken into consideration.
- 2. Casual and Territorial Revenue:—The Colonial Secretary laid upon the Table, the undermentioned Despatches on the subject of the Casual and Territorial Revenues of the Colony, in further return to No. 4 of the Address, adopted on the motion of Mr. W. C. Wentworth on the 30th of May last, viz:—
  - (1.) No. 318, of 18th May, 1837, from Lord Glenelg, to Lieut. General Sir Richard Bourke, K. C. B.
  - (2.) Extract, 10th October, 1835; Sir Richard Bourke, to Lord Glenelg.
  - (3.) Extract, 7th September, 1837; Sir Richard Bourke, to Lord Glenelg.
  - (4.) Extract, 6th June, 1837; Sir Richard Bourke, to Lord Glenelg.
  - (5.) No. 49, of 18th December, 1837; from Lord Glenelg, to Governor Sir George Gipps.
 Despatches ordered to be printed.
- 3. Education:—Mr. Cowper presented a Petition from the Minister and Inhabitants of Ponrith and its vicinity, against the system of Education recommended by the Select Committee of the Legislative Council; Petition read and received.
- 4. Estimates for 1845:—On the motion of the Colonial Secretary, the Council resolved itself into a Committee of the whole House, to take into consideration the Estimates of Expenditure for the year 1845. The Chairman reported progress, and obtained leave to sit again to-morrow.
- 5. Port Phillip Revenue:—Mr. Robinson, pursuant to notice, moved, that the Petition on this subject, presented by him yesterday, from the Town Council of Melbourne, be printed. Question put and passed, and Petition ordered to be printed accordingly.
- 6. Crown Land Grievances:—Mr. Cowper, pursuant to notice, moved, that a Select Committee be appointed to prepare Petitions to Her Majesty and both Houses of Parliament, humbly praying that they will be graciously pleased to pass an Act, repealing the Act of the Imperial Parliament, 5 and 6 Victoria, cap. 36, so far as regards New South Wales; and also so much of the 5 and 6 Victoria, cap. 76, as provides, that no law made by the Council shall interfere in any manner with the sale or other appropriation of the lands belonging to the Crown within this Colony, or with the Revenue thence arising; and enacting that the management of the waste lands of the Crown, and the appropriation of the Revenue arising therefrom, shall be vested in the Governor and Legislative Council of the Colony; and also an Address to be presented to His Excellency the Governor praying, that he will be pleased to recommend the passing of such an Act to Her Majesty's Government. Question put and passed, and the following Committee appointed accordingly:—

- MR. COWPER,
- MR. ROBINSON,
- MR. W. C. WESTWORTH,
- MR. BRADLEY,
- DR. NICHOLSON,
- MR. WINDEYER,
- MR. LORD.

Rates of Postage:—Dr. Lang, pursuant to notice, moved, that this Council do agree to the following Resolutions:—

- (1.) That it is the opinion of this Council, That no letter, posted in any City or Town for delivery within such City or Town, should be chargeable with a higher rate of postage than one penny; irrespective of its weight.
- (2.) That it is the opinion of this Council, That for all greater distances within the Colony, whether by sea or land, no letter, not exceeding half an ounce in weight, should be chargeable with a higher rate of postage than two pence; and that two pence additional should be chargeable on every letter, for every additional half ounce which such letter may weigh.

(3.) That it is the opinion of this Council, That the privilege of franking should be abolished; and that the postage of the various Departments of the Public Service should be chargeable on these Departments respectively, in such manner as to His Excellency the Governor and the Executive Council may seem fit.

(4.) That it is the opinion of this Council, That the postage of the Military, Commissariat, and Convict Departments, should not be chargeable upon the Colonial Revenue.

(5.) That, in the event of any defalcation of Revenue arising from the proposed change of system in the Post Office Department, this House pledges itself to make good such deficiency, from whatever other sources may be available for the purpose.

Debate ensued.

Moved as an amendment, that this question be now put.

Question put on the amendment; Council divided.

Ayes 11.

Noes 8.

MR. COWPER,  
MR. WINDEYER,  
MR. W. C. WENTWORTH,  
MAJOR WENTWORTH,  
MR. WALKER,  
MR. BOWMAN,  
MR. BRADLEY,  
MR. ROBINSON,  
MR. LAWSON,  
DR. LANG,  
DR. NICHOLSON, (Teller.)

THE COLONIAL SECRETARY,  
MR. THERRY,  
MR. DARVALL,  
THE COLLECTOR OF CUSTOMS,  
MR. ICELY,  
THE AUDITOR GENERAL,  
MR. LAMB,  
THE COLONIAL TREASURER, (Teller.)

It having been agreed that the Resolutions should be put *seriatim*;

Moved that this Council do agree to the following Resolution:—

(1.) That it is the opinion of this Council, That no letter, posted in any City or Town for delivery within such City or Town, should be chargeable with a higher rate of postage than one penny, irrespective of its weight, up to four ounces.

Question put and passed.

Moved that this Council do agree to the following Resolution:—

(2.) That it is the opinion of this Council, That for all greater distances within the Colony, whether by sea or land, no letter, not exceeding half an ounce in weight, should be chargeable with a higher rate of postage than two-pence; and that two-pence additional should be chargeable on every letter, for every additional half ounce which such letter may weigh.

Question put and passed.

Moved that this Council do agree to the following Resolution:—

(3.) That it is the opinion of this Council, That the privilege of franking should be abolished; and that the postage of the various Departments of the Public Service should be chargeable on these Departments respectively, in such manner as to His Excellency the Governor and the Executive Council may seem fit.

Question put and passed.

Moved that this Council do agree to the following Resolution:—

(4.) That it is the opinion of this Council, That the postage of the Military, Commissariat, and Convict Departments, should not be chargeable upon the Colonial Revenue.

Question put and passed.

Moved that this Council do agree to the following Resolution:—

(5.) That, in the event of any defalcation of Revenue arising from the proposed change of system in the Post Office Department, this House pledges itself to make good such deficiency, from whatever other sources may be available for the purpose.

Moved as an amendment, that this Council do agree to the following, as the fifth Resolution, instead of that originally proposed:—

“That the above Resolutions be communicated to His Excellency the Governor, in an Address, with a request that His Excellency will be pleased to take the requisite steps for giving early effect to the same.”

Question on the amendment, put and passed, and Address to be presented by the Speaker and the Colonial Secretary

8. Commuted Pensioners:—The Petitions from the Commuted Pensioners having, on the motion of Mr. Windeyer, pursuant to notice, been taken into consideration.

Moved, That the following Address be presented to his Excellency the Governor:—

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 take the case of the Commuted Pensioners in this Colony into consideration, and take such steps as may be most expedient to procure them the same indulgences as have been extended by Her Majesty's Government to Commuted Pensioners in Canada.

Question put and passed, and Address to be presented by the Speaker and the Colonial Secretary.

9. Court for Trial of disputed Elections:—The Colonial Secretary, pursuant to notice, moved, That Roger Therry, Esq., be appointed a Member of the Court for the trial of any complaints that may be made against the return of Members to this Council, in the place of Hastings Elwin, Esq., who has resigned his seat in this House. Motion postponed, by leave, until to-morrow.



10. **Intestate Estates**:—Mr. Therry, pursuant to notice, moved, That an Address be presented to His Excellency the Governor, praying that His Excellency will be pleased to cause to be laid upon the Table of this House, a Return of the amount received for Commission by the Curator of Intestate Estates, from the 17th of August, 1838, to the 17th of August, 1844, distinguishing the amounts respectively paid by him for clerical services, country agents, and postage.  
Question put and passed, and Address to be presented by the Speaker, the Colonial Secretary, and Mr. Therry.
11. **Turnpike Trusts**:—Mr. Robinson having, pursuant to notice, moved for and obtained leave to bring in "*A Bill for establishing Turnpike Trusts for New South Wales*:" Bill read a first time, ordered to be printed, and read a second time on Tuesday next.
12. **Representation of Colonial Interests in England**:—Dr. Nicholson, pursuant to notice, moved the following Resolutions:—  
(1.) That it would be highly beneficial to this Colony to have its interests represented in the House of Commons and elsewhere in the Mother Country, by a Gentleman of undoubted ability, integrity, and influence.  
(2.) That a sum not exceeding £500 should be appropriated annually by this Council, as an acknowledgment for his services, and towards defraying the expenses to which he may thereby be subjected.  
(3.) That the Honorable Francis Scott, M. P. for Roxburghshire is, in the opinion of this Council, eminently qualified, and is hereby appointed, to represent the interests of New South Wales in the House of Commons and elsewhere.  
(4.) That an Address be presented to His Excellency the Governor, transmitting these Resolutions, and requesting that His Excellency may be pleased to place on the Estimates of Expenditure for the year 1845, a sum not exceeding £500 for this service.  
Question put and passed, and Address to be presented by the Speaker and the Colonial Treasurer.  
Council adjourned at twenty minutes past Nine o'clock, until to-morrow at Three o'clock.

---

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

---

THURSDAY, SEPTEMBER 19.

NOTICES OF MOTION:—

1. **THE COLLECTOR OF CUSTOMS** to move the recommittal of the Customs' Bill, previous to the third reading.
2. **THE COLONIAL SECRETARY** to move, in the Committee on the Estimates, That a sum not exceeding £127 15s., be appropriated to defray the Salaries of the Pilots at Wollongong and Brisbane Water, for the year 1845.
3. **THE COLONIAL SECRETARY** to move, in the Committee on the Estimates for 1845, That a sum not exceeding £600 be appropriated, in aid of the Private Hospitals at Windsor, Bathurst, and Goulburn, on condition that an equal amount may be raised by private contribution.
4. **THE COLONIAL SECRETARY** to move, That Roger Therry, Esq., be appointed a Member of the Court for the trial of any complaints that may be made against the return of Members to this Council, in the place of Hastings Elwin, Esq., who has resigned his seat in this House.
5. **DR. NICHOLSON** to move, That an humble Address be presented to His Excellency the Governor, praying that His Excellency will be pleased, in furtherance of the object of the Right Honorable the Earl Bathurst, then Secretary of State for the Colonies, as communicated in His Lordship's Despatch to the Governor of this Colony, dated the 30th March, 1827, to cause some suitable apartments to be forthwith provided for the Australian Museum; or, if this be not practicable, to direct the Colonial Architect to prepare a Plan, Elevation, and Estimate, of a suitable Building for the purpose, to be laid before the Legislative Council for approval.
6. **MR. WALKER** to move, That the Council resolve itself into a Committee of the whole House, for the consideration of the Colonial Spirits Exportation Bill.
7. **MR. WENTWORTH** to move for leave to bring in a Bill to explain and amend an Act 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.

ORDERS OF THE DAY:—

1. Customs' Bill; third reading.
2. Estimates for the year 1845; to be further considered in Committee.
3. Consideration of the Governor's Message on Police Estimates for 1845.
4. Melbourne Corporation Act amendment Bill; to be further considered in Committee.
5. Interest Bill; second reading.

FRIDAY,

FRIDAY, SEPTEMBER 20.

NOTICES OF MOTION

1. DR. NICHOLSON to move the following Resolutions:—
- (1.) That this Council having taken into consideration the Report of the Select Committee on the Security of Life and Property, adopts, generally, the opinions expressed therein.
  - (2.) That the importation of Prisoners from Norfolk Island into Sydney, is an intolerable grievance, intailing upon the Colony, in an aggravated form, all the evils, without any of the benefits, of the Convict system.
  - (3.) That no Prisoner who has been transported from this Colony to a penal settlement for life, ought to be allowed to return.
  - (4.) That the assembling of nearly eight hundred Convicts in a single building, in the midst of this City, has tended to the insecurity of life and property; afforded temptations and facilities for the commission of crime; and exercised a demoralising influence on the habits and character of the community.
  - (5.) That these evils have been greatly augmented, by the absence of any proper system of discipline and management; by the employment of Convict Overseers; and by the great remissness of the Officers to whom these Overseers are accountable.
  - (6.) That in the opinion of this Council, the Convicts now in Hyde Park Barracks ought to be immediately sent into the country, under proper guards, to be employed on the roads or other public works.
  - (7.) That no assigned servants should be allowed to remain in Sydney.
  - (8.) That no ticket of leave should be granted or exchanged for Sydney, or any other large town.
  - (9.) That any reduction of the Military Force now stationed in the Colony, will be dangerous to the lives and property of Her Majesty's subjects in New South Wales.
  - (10.) That a copy of these Resolutions be transmitted to the Right Honorable the Secretary of State for the Colonies.
  - (11.) That an Address be presented to the Governor, transmitting the foregoing Resolutions, and praying that His Excellency will be pleased to take the steps necessary for carrying them into effect.
2. DR. NICHOLSON to move, That the Report presented by him on the 18th instant, from the Committee on the Port of Geelong, be taken into consideration.

ORDERS OF THE DAY

- 1. Publicans' Licensing Act amendment Bill; to be considered in Committee.
- 2. Sydney Incorporation Act amendment Bill; to be further considered in Committee.
- 3. Fees, Fines, and Penalties Bill; second reading.

TUESDAY, SEPTEMBER 21.

NOTICE OF MOTION

MR. WINDEYER to move, That an Address be presented to His Excellency the Governor, praying him to place upon the Estimates, a sum of money for the employment of the Dredging Machine, in removing the obstructions existing to the navigation of the River Hunter.

ORDERS OF THE DAY

- 1. Law of Libel Bill; to be considered in Committee.
- 2. Pawnbrokers' regulation Bill; to be considered in Committee.
- 3. Turnpike Trusts Bill; second reading.

FRIDAY, OCTOBER 4.

NOTICE OF MOTION

MR. ROBINSON to move the following Resolutions:—

- (1.) That this Council, having taken into consideration the report of the select committee, appointed to enquire into and report upon the state of Education in this Colony, and to devise the means of placing the education of youth upon a basis, suited to the wants and wishes of the community, adopts, generally, the opinions contained therein.
- (2.) That it is advisable to introduce Lord Stanley's system of National Education into this Colony.
- (3.) That in order to introduce this system, His Excellency the Governor be requested to appoint a board of persons favorable to the introduction of Lord Stanley's National system of Education, and belonging to the different religious denominations; this board to be invested with a very wide discretion, as to the arrangements necessary for carrying the system into effect; and all funds to be henceforth applied for the purpose of Education, to be administered by them.

(4.) The leading principle by which the Board of Education shall be guided, is to afford the same facilities for Education, to all classes of professing Christians, without any attempt to interfere with the peculiar religious opinions of any, or to countenance proselytism.

(5.) That the board be incorporated.

(6.) That an Address be presented to His Excellency the Governor, transmitting the above Resolutions, and praying that he will be pleased to take them into his favorable consideration, and carry them into effect.

**ORDER OF THE DAY:—**

1. Consideration of Report from Select Committee on Education.
- 

**CONTINGENT NOTICE OF MOTION.**

1. **MR. BRADLEY** to move, That when the Estimate for the Salaries of Police Magistrates is brought forward, the Petition from the Warden and Councillors of the District of Goulburn, praying for the provision of a Salary for a Police Magistrate, for that District, may be taken into consideration.

**ALEX. M<sup>c</sup> LEAY,**  
*Speaker.*



VOTES AND PROCEEDINGS

OF

THE LEGISLATIVE COUNCIL.

THURSDAY, 19 SEPTEMBER, 1844.

1. Council met pursuant to adjournment; the Speaker took the Chair.  
Court for Trial of disputed Elections:—The Speaker read the following letter of resignation, from Hastings Elwin, Esq.:—

*Sydney, 19th September, 1844.*

SIR,

Conceiving that the resignation of the seat I had the honor to hold in the Legislative Council, is an impediment to my continuing a Member of the Court for the trial of contested Elections, I beg leave, most respectfully, to tender my resignation of that seat also, and to assure the Council, that I shall be ready to perform any further act which may be thought necessary, on my part, to remove any obstacle to the appointment of a successor.

I have the honor to be,

Sir,

Your most obedient Servant,

HASTINGS ELWIN.

TO THE HONORABLE THE SPEAKER,  
&c., &c., &c.

Moved, That this Council do accept the resignation of Hastings Elwin, Esq., as a Member of the Court for the trial of complaints against the return of Members to this Council.

Question put and passed.

2. Distressed Laborers:—The Colonial Treasurer, as Chairman, brought up the Report, and laid upon the Table, the Evidence taken before the Select Committee, appointed on the 20th August last, to enquire into the state of distress alleged to exist amongst certain agricultural and other laborers and mechanics with families, and to suggest the means of affording them such relief as may appear requisite.  
Report and Evidence ordered to be printed, and taken into consideration on Tuesday, October 1.
3. Paterson Police Magistracy:—Mr. Windeyer presented a Petition from certain Inhabitants of the District of Paterson, praying the appointment of a paid Police Magistrate for their District; Petition read and received.
4. Customs Bill:—On the motion of the Collector of Customs, the third reading of this Bill postponed until Wednesday next.
5. Estimates for 1845:—On the motion of the Colonial Secretary, the Council resolved itself into a Committee of the whole House, for consideration of the Estimates of Expenditure for the year 1845.  
The Chairman reported progress and obtained leave to sit again on Wednesday next.  
Council adjourned at twenty minutes before Nine o'Clock, until to-morrow at Three o'Clock.

## NOTICES OF MOTION AND ORDERS OF THE DAY.

FRIDAY, SEPTEMBER 20.

## NOTICES OF MOTION :—

1. DR. NICHOLSON to move the following Resolutions :—
  - (1.) That this Council having taken into consideration the Report of the Select Committee on the Security of Life and Property, adopts, generally, the opinions expressed therein.
  - (2.) That the importation of Prisoners from Norfolk Island into Sydney, is an intolerable grievance, intailing upon the Colony, in an aggravated form, all the evils, without any of the benefits of the Convict system.
  - (3.) That no Prisoner who has been transported from this Colony to a penal settlement for life, ought to be allowed to return.
  - (4.) That the assembling of nearly eight hundred Convicts in a single building, in the midst of this City, has tended to the insecurity of life and property; afforded temptations and facilities for the commission of crime; and exercised a demoralising influence on the habits and character of the community.
  - (5.) That these evils have been greatly augmented, by the absence of any proper system of discipline and management; by the employment of Convict Overseers; and by the great remissness of the Officers to whom these Overseers are accountable.
  - (6.) That in the opinion of this Council, the Convicts now in Hyde Park Barracks ought to be immediately sent into the country, under proper guards, to be employed on the roads or other public works.
  - (7.) That no assigned servants should be allowed to remain in Sydney.
  - (8.) That no ticket of leave should be granted or exchanged for Sydney, or any other large town.
  - (9.) That any reduction of the Military Force now stationed in the Colony, will be dangerous to the lives and property of Her Majesty's subjects in New South Wales.
  - (10.) That a copy of these Resolutions be transmitted to the Right Honorable the Secretary of State for the Colonies.
  - (11.) That an Address be presented to the Governor, transmitting the foregoing Resolutions, and praying that His Excellency will be pleased to take the steps necessary for carrying them into effect.
2. DR. NICHOLSON to move, That the Report presented by him on the 18th instant, from the Committee on the Port of Geelong, be taken into consideration.
3. DR. NICHOLSON to move for the appointment of a Select Standing Committee, to conduct the necessary correspondence with the Honorable Francis Scott, M. P., appointed pursuant to the Resolutions of the Council, adopted on the 18th September instant, to represent the interests of New South Wales, in the Mother Country.
4. THE COLONIAL SECRETARY to move, That Roger Therry, Esq., be appointed a Member of the Court for the trial of any complaints that may be made against the return of Members to this Council, in the place of Hastings Elwin, Esq., who has resigned his seat in this House.
5. DR. NICHOLSON to move, That an humble Address be presented to His Excellency the Governor, praying that His Excellency will be pleased, in furtherance of the object of the Right Honorable the Earl Bathurst, then Secretary of State for the Colonies, as communicated in His Lordship's Despatch to the Governor of this Colony; dated the 30th March, 1827, to cause some suitable apartments to be forthwith provided for the Australian Museum; or, if this be not practicable, to direct the Colonial Architect to prepare a Plan, Elevation, and Estimate, of a suitable Building for the purpose, to be laid before the Legislative Council for approval.
6. MR. WALKER to move, That the Council resolve itself into a Committee of the whole House, for the consideration of the Colonial Spirits Exportation Bill;
7. MR. WENTWORTH to move for leave to bring in a Bill to explain and amend an Act 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.

## ORDERS OF THE DAY :—

1. Publicans' Licensing Act amendment Bill; to be considered in Committee.
2. Sydney Incorporation Act amendment Bill; to be further considered in Committee.
3. Fees, Fines, and Penalties Bill; second reading.
4. Melbourne Corporation Act amendment Bill; to be further considered in Committee.
5. Interest Bill; second reading.

TUESDAY, SEPTEMBER 24.

## NOTICE OF MOTION :—

1. MR. WINDEYER to move, That an Address be presented to His Excellency the Governor, praying him to place upon the Estimates, a sum of money for the employment of the Dredging Machine, in removing the obstructions existing to the navigation of the River Hunter.

ORDERS

**ORDERS OF THE DAY:—**

1. Law of Libel Bill; to be considered in Committee.
2. Pawnbrokers' regulation Bill; to be considered in Committee.
3. Turnpike Trusts Bill; second reading.

**WEDNESDAY, SEPTEMBER 25.**

**NOTICE OF MOTION:—**

1. **THE COLLECTOR OF CUSTOMS** to move the recommittal of the Customs' Bill, previous to the third reading.

**ORDERS OF THE DAY:—**

1. Estimates for the year 1845; to be further considered in Committee.
2. Customs' Bill; third reading.

**TUESDAY, OCTOBER 1.**

**NOTICE OF MOTION:—**

1. **MR. COWPER** to move for leave to bring in a Bill to amend the Act for regulating the licensing of Auctioners, and the collection of duties on property sold by auction.

**ORDER OF THE DAY:—**

1. Consideration of Report from Select Committee on distressed laborers.

**FRIDAY, OCTOBER 4.**

**NOTICE OF MOTION:—**

1. **MR. ROBINSON** to move the following Resolutions:—
  - (1.) That this Council, having taken into consideration the report of the select committee, appointed to enquire into and report upon the state of Education in this Colony, and to devise the means of placing the education of youth upon a basis, suited to the wants and wishes of the community, adopts, generally, the opinions contained therein.
  - (2.) That it is advisable to introduce Lord Stanley's system of National Education into this Colony.
  - (3.) That in order to introduce this system, His Excellency the Governor be requested to appoint a board of persons favorable to the introduction of Lord Stanley's National system of Education, and belonging to the different religious denominations; this board to be invested with a very wide discretion, as to the arrangements necessary for carrying the system into effect; and all funds to be henceforth applied for the purpose of Education, to be administered by them.
  - (4.) The leading principle by which the Board of Education shall be guided, is to afford the same facilities for Education, to all classes of professing Christians, without any attempt to interfere with the peculiar religious opinions of any, or to countenance proselytism.
  - (5.) That the board be incorporated.
  - (6.) That an Address be presented to His Excellency the Governor, transmitting the above Resolutions, and praying that he will be pleased to take them into his favorable consideration, and carry them into effect.

**ORDER OF THE DAY:—**

1. Consideration of Report from Select Committee on Education.

**ALEX. M<sup>o</sup> LEAY,**  
*Speaker.*





## VOTES AND PROCEEDINGS

OF

# THE LEGISLATIVE COUNCIL.

---

FRIDAY, 20 SEPTEMBER, 1844.

1. There being present only nine Members, namely, Mr. Robinson; Mr. Cowper; The Colonial Secretary; Major Wentworth; Mr. W. C. Wentworth; Mr. Bradley; The Auditor General; The Collector of Customs; and Dr. Lang; the Speaker took the Chair, and adjourned the Council at twenty minutes before Four o'Clock, until Tuesday next, at three o'Clock.
- 

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

---

TUESDAY, SEPTEMBER 24.

NOTICES OF MOTION:—

1. Mr. WINDEYER to move, That an Address be presented to His Excellency the Governor, praying him to place upon the Estimates, a sum of money for the employment of the Dredging Machine, in removing the obstructions existing to the navigation of the River Hunter.
2. Dr. NICHOLSON to move the following Resolutions:—
  - (1.) That this Council having taken into consideration the Report of the Select Committee on the Security of Life and Property, adopts, generally, the opinions expressed therein.
  - (2.) That the importation of Prisoners from Norfolk Island into Sydney, is an intolerable grievance, intailing upon the Colony, in an aggravated form, all the evils, without any of the benefits of the Convict system.
  - (3.) That no Prisoner who has been transported from this Colony to a penal settlement for life ought to be allowed to return.
  - (4.) That the assembling of nearly eight hundred Convicts in a single building, in the midst of this City, has tended to the insecurity of life and property; afforded temptations and facilities for the commission of crime; and exercised a demoralising influence on the habits and character of the community.
  - (5.) That these evils have been greatly augmented, by the absence of any proper system of discipline and management; by the employment of Convict Overseers; and by the great remissness of the Officers to whom these Overseers are accountable.
  - (6.) That in the opinion of this Council, the Convicts now in Hyde Park Barracks ought to be immediately sent into the country, under proper guards, to be employed on the roads or other public works.
  - (7.) That no assigned servants should be allowed to remain in Sydney.
  - (8.) That no ticket of leave should be granted or exchanged for Sydney, or any other large town.
  - (9.) That any reduction of the Military Force now stationed in the Colony, will be dangerous to the lives and property of Her Majesty's subjects in New South Wales.
  - (10.) That a copy of these Resolutions be transmitted to the Right Honorable the Secretary of State for the Colonies.
  - (11.) That an Address be presented to the Governor, transmitting the foregoing Resolutions, and praying that His Excellency will be pleased to take the steps necessary for carrying them into effect.

- 230.
3. DR. NICHOLSON to move, That the Report presented by him on the 18th instant, from the Committee on the Port of Geelong, be taken into consideration.
  4. DR. NICHOLSON to move for the appointment of a Select Standing Committee, to conduct the necessary correspondence with the Honorable Francis Scott, M. P., appointed pursuant to the Resolutions of the Council, adopted on the 18th September instant, to represent the interests of New South Wales, in the Mother Country.
  5. THE COLONIAL SECRETARY to move, That Roger Therry, Esq., be appointed a Member of the Court for the trial of any complaints that may be made against the return of Members to this Council, in the place of Hastings Elwin, Esq., who has resigned his seat in this House.
  6. DR. NICHOLSON to move, That an humble Address be presented to His Excellency the Governor, praying that His Excellency will be pleased, in furtherance of the object of the Right Honorable the Earl Bathurst, then Secretary of State for the Colonies, as communicated in His Lordship's Despatch to the Governor of this Colony, dated the 30th March, 1827, to cause some suitable apartments to be forthwith provided for the Australian Museum; or, if this be not practicable, to direct the Colonial Architect to prepare a Plan, Elevation, and Estimate, of a suitable Building for the purpose, to be laid before the Legislative Council for approval.
  7. MR. WALKER to move, That the Council resolve itself into a Committee of the whole House, for the consideration of the Colonial Spirits Exportation Bill.
  8. MR. WENTWORTH to move for leave to bring in a Bill to explain and amend an Act 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.

ORDERS OF THE DAY:—

1. Law of Libel Bill; to be considered in Committee.
2. Pawnbrokers' regulation Bill; to be considered in Committee.
3. Turupike Trusts Bill; second reading.
4. Publicans' Licensing Act amendment Bill; to be considered in Committee.
5. Sydney Incorporation Act amendment Bill; to be further considered in Committee.
6. Fees, Fines, and Penalties Bill; second reading.
7. Melbourne Corporation Act amendment Bill; to be further considered in Committee.
8. Interest Bill; second reading.

---

WEDNESDAY, SEPTEMBER 25.

NOTICE OF MOTION:—

1. THE COLLECTOR OF CUSTOMS to move the recommitment of the Customs' Bill, previous to the third reading.

ORDERS OF THE DAY:—

1. Estimates for the year 1845; to be further considered in Committee.
2. Customs' Bill; third reading.

---

TUESDAY, OCTOBER 1.

NOTICE OF MOTION:—

1. MR. COWPER to move for leave to bring in a Bill to amend the Act for regulating the licensing of Auctioneers, and the collection of duties on property sold by auction.

ORDER OF THE DAY:—

1. Consideration of Report from Select Committee on distressed laborers.

---

FRIDAY, OCTOBER 4.

NOTICE OF MOTION:—

1. MR. ROBINSON to move the following Resolutions:—
  - (1.) That this Council, having taken into consideration the report of the select committee, appointed to enquire into and report upon the state of Education in this Colony, and to devise the means of placing the education of youth upon a basis, suited to the wants and wishes of the community, adopts, generally, the opinions contained therein.
  - (2.) That it is advisable to introduce Lord Stanley's system of National Education into this Colony.
  - (3.) That in order to introduce this system, His Excellency the Governor be requested to appoint a board of persons favorable to the introduction of Lord Stanley's National system of Education, and belonging to the different religious denominations; this board to be invested with a very wide discretion, as to the arrangements necessary for carrying the system into effect; and all funds to be henceforth applied for the purpose of Education, to be administered by them.

(4.) The leading principle by which the Board of Education shall be guided, is to afford the same facilities for Education, to all classes of professing Christians, without any attempt to interfere with the peculiar religious opinions of any, or to countenance proselytism.

(5.) That the board be incorporated.

(6.) That an Address be presented to His Excellency the Governor, transmitting the above Resolutions, and praying that he will be pleased to take them into his favorable consideration, and carry them into effect.

ORDER OF THE DAY :—

1. Consideration of Report from Select Committee on Education.

---

ALEX. M<sup>o</sup> LEAY,  
*Speaker.*



## VOTES AND PROCEEDINGS

OF

## THE LEGISLATIVE COUNCIL.

TUESDAY, 24 SEPTEMBER, 1844.

1. There being present only eleven Members, namely, The Colonial Secretary; The Colonial Treasurer; Mr. Lamb; The Auditor General; Dr. Nicholson; The Collector of Customs; Dr. Lang; Mr. W. C. Wentworth; Mr. Lawson; Mr. Windeyer; and Captain Dumaresq; the Speaker took the Chair, and adjourned the Council at twenty minutes before Four o'Clock, until to-morrow at Three o'Clock.

## NOTICES OF MOTION AND ORDERS OF THE DAY.

WEDNESDAY, SEPTEMBER 25.

## NOTICES OF MOTION:—

1. THE COLLECTOR OF CUSTOMS to move the recommitment of the 'Customs' Bill, previous to the third reading:
2. MR. WINDEYER to move, That an Address be presented to His Excellency the Governor, praying him to place upon the Estimates, a sum of money for the employment of the Dredging Machine, in removing the obstructions existing to the navigation of the River Hunter.
3. DR. NICHOLSON to move the following Resolutions:—
  - (1.) That this Council having taken into consideration the Report of the Select Committee on the Security of Life and Property, adopts, generally, the opinions expressed therein.
  - (2.) That the importation of Prisoners from Norfolk Island into Sydney, is an intolerable grievance, intailing upon the Colony, in an aggravated form, all the evils, without any of the benefits of the Convict system.
  - (3.) That no Prisoner who has been transported from this Colony to a penal settlement for life ought to be allowed to return.
  - (4.) That the assembling of nearly eight hundred Convicts in a single building, in the midst of this City, has tended to the insecurity of life and property; afforded temptations and facilities for the commission of crime; and exercised a demoralising influence on the habits and character of the community.
  - (5.) That these evils have been greatly augmented, by the absence of any proper system of discipline and management; by the employment of Convict Overseers; and by the great remissness of the Officers to whom these Overseers are accountable.
  - (6.) That in the opinion of this Council, the Convicts now in Hyde Park Barracks ought to be immediately sent into the country, under proper guards, to be employed on the roads or other public works.
  - (7.) That no assigned servants should be allowed to remain in Sydney.
  - (8.) That no ticket of leave should be granted or exchanged for Sydney, or any other large town.
  - (9.) That any reduction of the Military Force now stationed in the Colony, will be dangerous to the lives and property of Her Majesty's subjects in New South Wales.
  - (10.) That a copy of these Resolutions be transmitted to the Right Honorable the Secretary of State for the Colonies.
  - (11.) That an Address be presented to the Governor, transmitting the foregoing Resolutions, and praying that His Excellency will be pleased to take the steps necessary for carrying them into effect.

4. DR. NICHOLSON to move, That the Report presented by him on the 18th instant, from the Committee on the Port of Geelong, be taken into consideration.
5. DR. NICHOLSON to move for the appointment of a Select Standing Committee, to conduct the necessary correspondence with the Honorable Francis Scott, M. P., appointed pursuant to the Resolutions of the Council, adopted on the 18th September instant, to represent the interests of New South Wales, in the Mother Country.
6. THE COLONIAL SECRETARY to move, That Roger Therry, Esq., be appointed a Member of the Court for the trial of any complaints that may be made against the return of Members to this Council, in the place of Hastings Elwin, Esq., who has resigned his seat in this House.
7. DR. NICHOLSON to move, That an humble Address be presented to His Excellency the Governor, praying that His Excellency will be pleased, in furtherance of the object of the Right Honorable the Earl Bathurst, then Secretary of State for the Colonies, as communicated in His Lordship's Despatch to the Governor of this Colony, dated the 30th March, 1827, to cause some suitable apartments to be forthwith provided for the Australian Museum; or, if this be not practicable, to direct the Colonial Architect to prepare a Plan, Elevation, and Estimate, of a suitable Building for the purpose, to be laid before the Legislative Council for approval.
8. MR. WALKER to move, That the Council resolve itself into a Committee of the whole House, for the consideration of the Colonial Spirits Exportation Bill.
9. MR. WENTWORTH to move for leave to bring in a Bill to explain and amend an Act 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.

ORDERS OF THE DAY:—

1. Estimates for the year 1845; to be further considered in Committee.
2. Customs' Bill; third reading.
3. Law of Libel Bill; to be considered in Committee.
4. Pawnbrokers' regulation Bill; to be considered in Committee.
5. Turnpike Trusts Bill; second reading.
6. Publicans' Licensing Act amendment Bill; to be considered in Committee.
7. Sydney Incorporation Act amendment Bill; to be further considered in Committee.
8. Fees, Fines, and Penalties Bill; second reading.
9. Melbourne Corporation Act amendment Bill; to be further considered in Committee.
10. Interest Bill; second reading.

TUESDAY, OCTOBER 1.

NOTICE OF MOTION:—

1. MR. COWPER to move for leave to bring in a Bill to amend the Act for regulating the licensing of Auctioners, and the collection of duties on property sold by auction.

ORDER OF THE DAY:—

1. Consideration of Report from Select Committee on distressed laborers.

FRIDAY, OCTOBER 4.

NOTICE OF MOTION:—

1. MR. ROBINSON to move the following Resolutions:—
  - (1.) That this Council, having taken into consideration the report of the select committee, appointed to enquire into and report upon the state of Education in this Colony, and to devise the means of placing the education of youth upon a basis, suited to the wants and wishes of the community, adopts, generally, the opinions contained therein.
  - (2.) That it is advisable to introduce Lord Stanley's system of National Education into this Colony.
  - (3.) That in order to introduce this system, His Excellency the Governor be requested to appoint a board of persons favorable to the introduction of Lord Stanley's National system of Education, and belonging to the different religious denominations; this board to be invested with a very wide discretion, as to the arrangements necessary for carrying the system into effect; and all funds to be henceforth applied for the purpose of Education, to be administered by them.
  - (4.) The leading principle by which the Board of Education shall be guided, is to afford the same facilities for Education, to all classes of professing Christians, without any attempt to interfere with the peculiar religious opinions of any, or to countenance proselytism.
  - (5.) That the board be incorporated.
  - (6.) That an Address be presented to His Excellency the Governor, transmitting the above Resolutions, and praying that he will be pleased to take them into his favorable consideration, and carry them into effect.

ORDER OF THE DAY:—

1. Consideration of Report from Select Committee on Education.

ALEX. M<sup>c</sup> LEAY,  
Speaker.

## VOTES AND PROCEEDINGS

OF

## THE LEGISLATIVE COUNCIL.

WEDNESDAY, 25 SEPTEMBER, 1844.

1. Council met pursuant to adjournment; the Speaker took the Chair.  
Education:—Major Wentworth presented a Petition from certain inhabitants of Maitland, in favor of the system of Education recommended by the Select Committee of the Legislative Council; Petition read and received.
2. Education:—The Colonial Secretary presented a Petition from certain citizens and other inhabitants of Macquario Ward, in the City of Sydney, in favor of the system of Education recommended by the Select Committee of the Legislative Council; Petition read and received.
3. Education:—Dr. Nicholson presented a Petition from the Rev. John Saunders, and certain attendants upon his ministry at the Congregational Baptist Church, in Bathurst-street, Sydney, in favor of the system of Education recommended by the Select Committee of the Legislative Council; Petition read and received.
4. Education:—Dr. Lang presented a Petition from certain inhabitants of Borrima, in favor of the system of Education recommended by the Select Committee of the Legislative Council; Petition read and received.
5. Education:—Dr. Lang presented a Petition from certain inhabitants of the District of Hartley, in favor of the system of Education recommended by the Select Committee of the Legislative Council; Petition read and received.
6. Education:—Captain Dumaresq presented a Petition from the Reverend John Morse, A.M., officiating Minister of Scone, and certain inhabitants of that District, against the system of Education recommended by the Select Committee of the Legislative Council; Petition read and received.
7. Education:—Mr. Cowper presented a Petition from the inhabitants of the District of Hunter's Hill, against the system of Education recommended by the Select Committee of the Legislative Council; Petition read and received.
8. Sydney Corporation Act amendment Bill:—Dr. Lang presented a Petition from certain Citizens of the City of Sydney, praying the Council to allow the Municipal qualification, with regard to the period of occupation by the tenant, to remain as at present provided for under the Corporation Act.  
Petition read and received.
9. City Police:—Mr. W. C. Wentworth presented a Petition from the Mayor, Aldermen, Councillors, and certain Citizens of the City of Sydney, praying the postponement of the consideration of the Estimate for the City Police, and permission to be heard by Counsel at the bar of the House.  
Petition read and received.
10. Estimates for 1845:—On the motion of the Colonial Secretary, the Council resolved itself into a Committee of the whole House, for consideration of the Estimates of Expenditure for the year 1845.  
The Chairman reported progress, and obtained leave to sit again on Wednesday next.
11. Customs' Bill:—On the motion of the Colonial Secretary, the third reading of this Bill postponed until to-morrow, together with the motion of which the Collector of Customs had given notice for to-day.
12. Dredging Machine:—Mr. Windoyer postponed bringing forward his motion on this subject, until Wednesday, October 9.
13. Insecurity of Life and Property:—Dr. Nicholson postponed bringing forward his series of resolutions on this subject, until to-morrow.
14. Geelong; Free Port:—On the motion of Dr. Nicholson, pursuant to notice, the report from the Select Committee, appointed on the 6th instant, to prepare an Address to Her Majesty the Queen, praying that Her Majesty may be graciously pleased to declare the Port of Geelong a "Free Warehousing Port," or, in the event of such a measure being deemed premature, to declare the same a "Port of Entry and Clearance"; taken into consideration and adopted.  
Address ordered to be printed, engrossed, and signed by the Speaker, on behalf of the Council, and by him forwarded to His Excellency the Governor, for transmission to the Right Honorable the Secretary of State for the Colonies, for presentation to Her Majesty the Queen.

15. Representation of Colonial Interests in England :—On the motion of Dr. Nicholson, pursuant to notice, the following Members appointed a Select Standing Committee, to conduct the necessary correspondence with the Honorable Francis Scott, M. P., appointed pursuant to the Resolution of the Council, adopted on the 18th September instant, to represent the interests of New South Wales, in the Mother Country, viz :—

THE HONORABLE THE SPEAKER,  
MR. BERRY,  
DR. BLAND,  
MR. COWPER,  
CAPTAIN DUMARESQ,  
DR. LANG,  
MR. MACARTHUR,

MR. PANTON,  
MR. ROBINSON,  
MR. WALKER,  
MR. W. C. WENTWORTH,  
MAJOR WENTWORTH,  
MR. WINDEYER,  
DR. NICHOLSON.

16. Court for Trial of Disputed Elections :—The Colonial Secretary, pursuant to notice, moved, That Roger Therry, Esq., be appointed a Member of the Court for the trial of any complaints that may be made against the return of Members to this Council, in the place of Hastings Elwin, Esq., who has resigned his seat in this House, and in the said Court.  
Question put and passed.
17. Australian Musoum :—Dr. Nicholson, pursuant to notice, moved, That a humble Address be presented to His Excellency the Governor, praying that His Excellency will be pleased, in furtherance of the object of the Right Honorable the Earl Bathurst, then Secretary of State for the Colonies, as communicated in His Lordship's Despatch to the Governor of this Colony, dated the 30th March, 1827, to cause some suitable apartments to be forthwith provided for the Australian Museum ; or, if this be not practicable, to direct the Colonial Architect to prepare a plan, elevation, and estimate of a suitable building for the purpose, to be laid before the Legislative Council for approval.  
Question put and passed, and Address to be presented by the Speaker and the Colonial Secretary.
18. Colonial Spirits Exportation Bill :—On the motion of Mr. Walker, pursuant to notice, the Council resolved itself into a committee of the whole House for consideration of this Bill.  
The Chairman having reported the Bill with amendments, Bill ordered to be engrossed and read a third time on Friday next.
19. Lion on Wool Act Amendment Bill :—Mr. W. C. Wentworth having, pursuant to notice, moved for, and obtained leave to bring in, "*A Bill to explain and amend 'An Act 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.'*"  
Bill read a first time; ordered to be printed, and read a second time on Friday, October 4.
20. Law of Libel Bill :—By leave, withdrawn.
21. Pawnbrokers' regulation Bill :—By leave, withdrawn.
22. Turnpike Trusts Bill :—Read a second time; to be considered in Committee on Tuesday next.
23. Publicans' Licensing Act amendment Bill :—Consideration in Committee postponed, on the motion of Mr. Wentworth, until Friday next.
24. Sydney Incorporation Act amendment Bill :—On the motion of Mr. Wentworth, the Council resolved itself into a Committee of the whole House, for the further consideration of this Bill.  
The Chairman reported progress, and obtained leave to sit again on Friday next.
25. Fees, Fines and Penalties' Bill :—Second reading postponed until Thursday, October 3. There not being twelve Members present, the Speaker adjourned the Council at Half-past nine o'Clock, until to-morrow at Three o'Clock.

## NOTICES OF MOTION AND ORDERS OF THE DAY.

THURSDAY, SEPTEMBER 26.

### NOTICES OF MOTION :—

1. THE COLLECTOR OF CUSTOMS to move the recommittal of the Customs' Bill, previous to the third reading.
2. DR. NICHOLSON to move the following Resolutions :—
  - (1.) That this Council having taken into consideration the Report of the Select Committee on the Security of Life and Property, adopts, generally, the opinions expressed therein.
  - (2.) That the importation of Prisoners from Norfolk Island into Sydney, is an intolerable grievance, intailing upon the Colony, in an aggravated form, all the evils, without any of the benefits of the Convict system.
  - (3.) That no Prisoner who has been transported from this Colony to a penal settlement for life ought to be allowed to return.

(4.)



(4.) That the assembling of nearly eight hundred Convicts in a single building, in the midst of this City, has tended to the insecurity of life and property; afforded temptations and facilities for the commission of crime; and exercised a demoralising influence on the habits and character of the community.

(5.) That these evils have been greatly augmented, by the absence of any proper system of discipline and management; by the employment of Convict Overseers; and by the great remissness of the Officers to whom these Overseers are accountable.

(6.) That in the opinion of this Council, the Convicts now in Hyde Park Barracks ought to be immediately sent into the country, under proper guards, to be employed on the roads or other public works.

(7.) That no assigned servants should be allowed to remain in Sydney.

(8.) That no ticket of leave should be granted or exchanged for Sydney, or any other large town.

(9.) That any reduction of the Military Force now stationed in the Colony, will be dangerous to the lives and property of Her Majesty's subjects in New South Wales.

(10.) That a copy of these Resolutions be transmitted to the Right Honorable the Secretary of State for the Colonies.

(11.) That an Address be presented to the Governor, transmitting the foregoing Resolutions, and praying that His Excellency will be pleased to take the steps necessary for carrying them into effect.

ORDERS OF THE DAY :—

1. Customs' Bill; third reading.
2. Melbourne Corporation Act amendment Bill; to be further considered in Committee.
3. Interest Bill; second reading.

---

FRIDAY, SEPTEMBER 27.

NOTICES OF MOTION :—

1. THE COLONIAL SECRETARY to move, That the Petition presented by him on the 25th instant, from certain citizens in Macquarie Ward, in the City of Sydney, in favor of the system of Education recommended by the Select Committee of the Legislative Council, be printed.
2. MR. W. C. WENTWORTH to move, That the Petition of the Mayor, Aldermen, Councilors, and Citizens of the City of Sydney, presented to the Council on the 25th inst., be taken into consideration; and in the event of its prayer being granted, that Wednesday, the 2nd day of October next, be fixed for hearing the arguments of Counsel, in support of the views therein set out; and that the Petition be ordered to be printed.

ORDERS OF THE DAY :—

1. Colonial Spirits Exportation Bill; third reading.
2. Publicans' Licensing Act amendment Bill; to be considered in Committee.
3. Sydney Incorporation Act amendment Bill; to be further considered in Committee.

---

TUESDAY, OCTOBER 1.

NOTICE OF MOTION :—

1. MR. COWPER to move for leave to bring in a Bill to amend the Act for regulating the licensing of Auctioners, and the collection of duties on property sold by auction.

ORDERS OF THE DAY :—

1. Consideration of Report from Select Committee on distressed laborers.
2. Turnpike Trusts Bill; to be considered in Committee.

---

WEDNESDAY, OCTOBER 2.

1. Estimates for the year 1845; to be further considered in Committee.

---

THURSDAY, OCTOBER 3.

1. Fees, Fines, and Penalties Bill; second reading.

---

FRIDAY,

FRIDAY, OCTOBER 4.

NOTICE OF MOTION :—

1. Mr. ROBINSON to move the following Resolutions :—
  - (1.) That this Council, having taken into consideration the report of the select committee, appointed to enquire into and report upon the state of Education in this Colony, and to devise the means of placing the education of youth upon a basis, suited to the wants and wishes of the community, adopts, generally, the opinions contained therein.
  - (2.) That it is advisable to introduce Lord Stanley's system of National Education into this Colony.
  - (3.) That in order to introduce this system, His Excellency the Governor be requested to appoint a board of persons favorable to the introduction of Lord Stanley's National system of Education, and belonging to the different religious denominations ; this board to be invested with a very wide discretion, as to the arrangements necessary for carrying the system into effect ; and all funds to be henceforth applied for the purpose of Education, to be administered by them.
  - (4.) The leading principle by which the Board of Education shall be guided, is to afford the same facilities for Education, to all classes of professing Christians, without any attempt to interfere with the peculiar religious opinions of any, or to countenance proselytism.
  - (5.) That the board be incorporated.
  - (6.) That an Address be presented to His Excellency the Governor, transmitting the above Resolutions, and praying that he will be pleased to take them into his favorable consideration, and carry them into effect.

ORDERS OF THE DAY :—

1. Consideration of Report from Select Committee on Education.
2. Lien on Wool Act amendment Bill ; second reading.

WEDNESDAY, OCTOBER 9.

NOTICE OF MOTION :—

1. Mr. WINDEYER to move, That an Address be presented to His Excellency the Governor, praying him to place upon the Estimates, a sum of money for the employment of the Dredging Machine, in removing the obstructions existing to the navigation of the River Hunter.

ALEX. M<sup>c</sup> LEAY,  
*Speaker*

## VOTES AND PROCEEDINGS

OF

# THE LEGISLATIVE COUNCIL.

THURSDAY, 26 SEPTEMBER, 1844.

1. Council met pursuant to adjournment; the Speaker took the Chair.  
Bedlam Ferry, Parramatta River:—Mr. Cowper presented a Petition from certain owners and occupiers of land, gardens and orchards, and other inhabitants of New South Wales, complaining of the heavy Toll to which they are subjected for crossing the Parramatta River, at Bedlam Ferry, by means of the Punt; and praying relief; Petition read and received.
2. Crown Land Grievances:—The Speaker reported that the Deputation appointed on the 17th instant, to present the Address on this subject, adopted by the Council on that day, had waited on His Excellency with it, and that His Excellency had been pleased to say, he would reply thereto, in writing.
3. Education:—Mr. Cowper presented a Petition from the Clergymen of the Church of England, and certain Protestant Inhabitants of Sutton Forest, and Berrima, against the system of Education recommended by the Select Committee of the Legislative Council; Petition read and received.
4. Customs' Bill:—The Collector of Customs, pursuant to notice, moved the re-committal of the Customs' Bill, previous to the third reading.  
Question put; Council divided:—

Ayes 12.

MR. COWPER,  
MR. MACARTHUR,  
THE AUDITOR GENERAL,  
MR. BRADLEY,  
MR. DARVALL,  
MAJOR WENTWORTH,  
MR. LANG,  
THE COLLECTOR OF CUSTOMS,  
THE COMMANDER OF THE FORCES,  
MR. BERRY,  
THE COLONIAL SECRETARY,  
THE COLONIAL TREASURER, (Teller.)

Noes 9.

DR. BLAND,  
DR. LANG,  
MR. ROBINSON,  
MR. COGHILL,  
CAPTAIN DUMARESQU,.  
MR. LAWSON,  
MR. WINDEYER,  
MR. W. C. WENTWORTH,  
DR. NICHOLSON, (Teller.)

- The Council resolved itself into Committee accordingly.  
The Chairman reported progress and obtained leave to sit again to-morrow.
5. Education:—Dr. Bland presented a Petition from the Rev. Robert Ross, M. D., and certain attendants upon his Ministry at the Congregational or Independent Church, in Pitt-street, Sydney, in favor of the system of Education recommended by the Select Committee of the Legislative Council; Petition read and received.
  6. Insecurity of Life and Property:—Dr. Nicholson postponed bringing forward his motion on this subject until to-morrow.
  7. Melbourne Corporation Act Amendment Bill:—Further consideration of this Bill in Committee postponed, on the motion of Mr. Robinson, until to-morrow.
  8. Interest Bill:—Second reading of this Bill postponed, on the motion of Mr. Foster, until to-morrow.  
Council adjourned at twenty-five minutes before Eight o'Clock, until to-morrow at Three o'Clock.

## NOTICES OF MOTION AND ORDERS OF THE DAY.

FRIDAY, SEPTEMBER 27.

## NOTICES OF MOTION :—

1. DR. NICHOLSON to move the following Resolutions :—
  - (1.) That this Council having taken into consideration the Report of the Select Committee on the Security of Life and Property, adopts, generally, the opinions expressed therein.
  - (2.) That the importation of Prisoners from Norfolk Island into Sydney, is an intolerable grievance, intailing upon the Colony, in an aggravated form, all the evils, without any of the benefits of the Convict system.
  - (3.) That no Prisoner who has been transported from this Colony to a penal settlement for life ought to be allowed to return.
  - (4.) That the assembling of nearly eight hundred Convicts in a single building, in the midst of this City, has tended to the insecurity of life and property; afforded temptations and facilities for the commission of crime; and exercised a demoralising influence on the habits and character of the community.
  - (5.) That these evils have been greatly augmented, by the absence of any proper system of discipline and management; by the employment of Convict Overseers; and by the great remissness of the Officers to whom these Overseers are accountable.
  - (6.) That in the opinion of this Council, the Convicts now in Hyde Park Barracks ought to be immediately sent into the country, under proper guards, to be employed on the roads or other public works.
  - (7.) That no assigned servants should be allowed to remain in Sydney.
  - (8.) That no ticket of leave should be granted or exchanged for Sydney, or any other large town.
  - (9.) That any reduction of the Military Force now stationed in the Colony, will be dangerous to the lives and property of Her Majesty's subjects in New South Wales.
  - (10.) That a copy of these Resolutions be transmitted to the Right Honorable the Secretary of State for the Colonies.
  - (11.) That an Address be presented to the Governor, transmitting the foregoing Resolutions, and praying that His Excellency will be pleased to take the steps necessary for carrying them into effect.
2. THE COLONIAL SECRETARY to move, That the Petition presented by him on the 25th instant, from certain citizens in Macquarie Ward, in the City of Sydney, in favor of the system of Education recommended by the Select Committee of the Legislative Council, be printed.
3. MR. W. C. WENTWORTH to move, That the Petition of the Mayor, Aldermen, Councillors, and Citizens of the City of Sydney, presented to the Council on the 25th inst., be taken into consideration; and in the event of its prayer being granted, that Wednesday, the 2nd day of October next, be fixed for hearing the arguments of Counsel, in support of the views therein set out; and that the Petition be ordered to be printed.
4. DR. BLAND to move, That the Petition presented by him yesterday, from the Reverend Robert Ross and certain attendants upon his Ministry, at the Congregational or Independent Chapel in Pitt-street, be printed.

## ORDERS OF THE DAY :—

1. Colonial Spirits Exportation Bill; third reading.
2. Publicans' Licensing Act amendment Bill; to be considered in Committee.
3. Sydney Incorporation Act amendment Bill; to be further considered in Committee.
4. Customs' Bill; to be further considered in Committee.
5. Melbourne Corporation Act amendment Bill; to be further considered in Committee.
6. Interest Bill; second reading.

TUESDAY, OCTOBER 1.

## NOTICE OF MOTION :—

1. MR. COWPER to move for leave to bring in a Bill to amend the Act for regulating the licensing of Auctioneers, and the collection of duties on property sold by auction.

## ORDERS OF THE DAY :—

1. Consideration of Report from Select Committee on distressed laborers.
2. Tarnipiko Trusts Bill; to be considered in Committee.

WEDNESDAY,

WEDNESDAY, OCTOBER 2.

ORDERS OF THE DAY:—

1. Estimates for the year 1845; to be further considered in Committee.

THURSDAY, OCTOBER 3.

1. Fees, Fines, and Penalties Bill; second reading.

FRIDAY, OCTOBER 4.

NOTICE OF MOTION:—

1. Mr. ROBINSON to move the following Resolutions:—
  - (1.) That this Council, having taken into consideration the report of the select committee, appointed to enquire into and report upon the state of Education in this Colony, and to devise the means of placing the education of youth upon a basis, suited to the wants and wishes of the community, adopts, generally, the opinions contained therein.
  - (2.) That it is advisable to introduce Lord Stanley's system of National Education into this Colony.
  - (3.) That in order to introduce this system, His Excellency the Governor, be requested to appoint a board of persons favorable to the introduction of Lord Stanley's National system of Education, and belonging to the different religious denominations; this board to be invested with a very wide discretion, as to the arrangements necessary for carrying the system into effect; and all funds to be henceforth applied for the purpose of Education, to be administered by them.
  - (4.) The leading principle by which the Board of Education shall be guided, is to afford the same facilities for Education, to all classes of professing Christians, without any attempt to interfere with the peculiar religious opinions of any, or to countenance proselytism.
  - (5.) That the board be incorporated.
  - (6.) That an Address be presented to His Excellency the Governor, transmitting the above Resolutions, and praying that he will be pleased to take them into his favorable consideration, and carry them into effect.

ORDERS OF THE DAY:—

1. Consideration of Report from Select Committee on Education.
2. Lien on Wool Act amendment Bill; second reading.

WEDNESDAY, OCTOBER 9.

NOTICE OF MOTION:—

1. Mr. WINDEYER to move, That an Address be presented to His Excellency the Governor, praying him to place upon the Estimates, a sum of money for the employment of the Dredging Machine, in removing the obstructions existing to the navigation of the River Hunter.

ALEX. M<sup>c</sup> LEAY,  
*Speaker.*

[The following text is extremely faint and illegible due to the quality of the scan. It appears to be a list or a series of entries, possibly containing names and dates, but the characters are too light to transcribe accurately.]

VOTES AND PROCEEDINGS

OF  
THE LEGISLATIVE COUNCIL.

FRIDAY, 27 SEPTEMBER, 1844.

1. Council met pursuant to adjournment; the Speaker took the Chair.  
Australian Museum:—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 25th September, 1844, wherein His Excellency was requested to cause some suitable accommodation to be provided for the Australian Museum.*

GENTLEMEN,

I shall have much pleasure in giving directions to the Colonial Architect, to prepare Plans and Estimates of a Building to be erected for the Australian Museum.

Government House,

Sydney, 27 September, 1844.

GEORGE GIPPS.

Message ordered to be printed.

2. Crown Land Grievances:—The following Message from His Excellency the Governor received and read:—

*Message from His Excellency the Governor, to the Legislative Council, in reply to an Address of the Council, dated the 17th September, 1844, communicating to His Excellency certain Resolutions adopted by the Council, respecting Grievances alleged to exist in the Administration of the Lands of the Crown in the Colony.*

GENTLEMEN,

With the greatest possible regret I feel myself compelled to say, that I cannot comply with the request contained in the last of these Resolutions; though it will be my duty to refer the whole of them for Her Majesty's commands.

I shall use no time in transmitting copies of the Resolutions to Her Majesty's Government.

Government House,

Sydney, 27 September, 1844.

GEORGE GIPPS.

Message ordered to be printed.

3. Wallis's Creek Bridge, Maitland:—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 6th September, 1844, wherein His Excellency was requested to provide for the present repair, and future rebuilding of the Bridge over Wallis's Creek at Maitland.*

GENTLEMEN,

The Colonial Architect having reported that the Bridge over Wallis's Creek, may be put into a state of repair, such as to remove any apprehension of accident, for the sum of about £70, I have directed these repairs to be immediately undertaken.

I shall make further enquiries as to the best means by which a permanent Bridge can be erected over Wallis's Creek; but I scarcely consider it will be necessary to place any sum for this purpose on the Estimates for 1845.

Government House,

Sydney, 27 September, 1844.

GEORGE GIPPS.

Message ordered to be printed.

4. Representation of Colonial Interests in England :—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 18th September, 1844, communicating to His Excellency certain Resolutions adopted by the Council, respecting the appointment of a gentleman to represent the interests of the Colony in the House of Commons, and elsewhere in the Mother Country.*

GENTLEMEN,

I will communicate to Her Majesty's Government the opinion of the Council, that it would be beneficial to the Colony to have its interests represented in the House of Commons, and elsewhere in the Mother Country, by a gentleman of ability, integrity, and influence; also the willingness of the Council, to appropriate annually, the sum of £500, as an acknowledgment of his services, and towards defraying the expenses to which he may be subjected.

Should Her Majesty's Government concur in the appointment, arrangements can easily be made, for the payment in England, of the sum proposed by the Council.

*Government House,  
Sydney, 27 September, 1844.*

GEORGE GIPPS.

Message ordered to be printed.

5. Rates of Postage :—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 18th September, 1844, wherein His Excellency was requested to take the requisite steps for giving early effect to certain Resolutions adopted by the Council, respecting the Postage of Letters in the Colony.*

GENTLEMEN,

I shall have great pleasure in bringing forward measures for the reduction of the rates of Postage in the Colony, as soon as the state of the public Finances may permit of my so doing.

*Government House,  
Sydney, 27 September, 1844.*

GEORGE GIPPS.

Message ordered to be printed.

6. Education :—Mr. Foster presented a Petition from the Clergyman and Inhabitants of the District of Brisbane Water, against the system of Education recommended by the Select Committee of the Legislative Council; Petition read and received.

7. Education :—Mr. Foster presented a Petition from the Rev. Francis Cameron, M. A., officiating Minister of the Church of England, Singleton, and certain residents in that District, against the system of Education recommended by the Select Committee of the Legislative Council; Petition read and received.

8. Education :—Mr. Lawson presented a Petition from the Clergyman and certain Inhabitants of Prospect, and Seven Hills, against the system of Education recommended by the Select Committee of the Legislative Council; Petition read and received.

9. Publicans' Licensing Act amendment Bill :—The Attorney General presented a Petition from certain Inhabitants of the Colony, against the Publicans' Licensing Act amendment Bill now before the Council; Petition read and received.

10. Education :—Mr. W. C. Wentworth presented a Petition from certain Citizens and other Inhabitants of Bourke Ward, in the City of Sydney, in favor of the system of Education recommended by the Select Committee of the Legislative Council; Petition read and received.

11. Education :—Mr. Cowper presented a Petition from certain Inhabitants of the Township and District of Liverpool, against the system of Education recommended by the Select Committee of the Legislative Council; Petition read and received.

12. Education :—Dr. Lang presented a Petition from certain Inhabitants of Balmain, in favor of the system of Education recommended by the Select Committee of the Legislative Council; Petition read and received.

13. Education :—Mr. Cowper presented a Petition from the Rev. Frederick Wilkinson, A. M., Minister, and certain inhabitants of Balmain, against the system of Education recommended by the Select Committee of the Legislative Council; Petition read and received.

14. Extension of the Elective Franchise :—Dr. Lang, as Chairman, brought up the Report, and laid upon the Table the Evidence taken before the Select Committee appointed on the 13th June last, 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 & 6 Victoria, chap. 76.

Report and Evidence ordered to be printed, and taken into consideration on Tuesday, October 8.

15. Insecurity of Life and Property :—Dr Nicholson, pursuant to notice, moved :—

(1.) That this Council, having taken into consideration the Report of the Select Committee on the Security of Life and Property, adopts generally the opinions expressed therein.

Debate adjourned until Tuesday next.

Council adjourned at Six o'Clock, until Tuesday next at Three o'Clock.



NOTICES OF MOTION AND ORDERS OF THE DAY.

TUESDAY, OCTOBER 1.

NOTICES OF MOTION :—

1. DR. NICHOLSON to move the following Resolutions :—
  - (1.) That this Council having taken into consideration the Report of the Select Committee on the Security of Life and Property, adopts, generally, the opinions expressed therein.
  - (2.) That the importation of Prisoners from Norfolk Island into Sydney, is an intolerable grievance, intailing upon the Colony, in an aggravated form, all the evils, without any of the benefits of the Convict system.
  - (3.) That no Prisoner who has been transported from this Colony to a penal settlement for life ought to be allowed to return.
  - (4.) That the assembling of nearly eight hundred Convicts in a single building, in the midst of this City, has tended to the insecurity of life and property; afforded temptations and facilities for the commission of crime; and exercised a demoralising influence on the habits and character of the community.
  - (5.) That these evils have been greatly augmented, by the absence of any proper system of discipline and management; by the employment of Convict Overseers; and by the great remissness of the Officers to whom these Overseers are accountable.
  - (6.) That in the opinion of this Council, the Convicts now in Hyde Park Barracks ought to be immediately sent into the country, under proper guards, to be employed on the roads or other public works.
  - (7.) That no assigned servants should be allowed to remain in Sydney.
  - (8.) That no ticket of leave should be granted or exchanged for Sydney, or any other large town.
  - (9.) That any reduction of the Military Force now stationed in the Colony, will be dangerous to the lives and property of Her Majesty's subjects in New South Wales.
  - (10.) That a copy of these Resolutions be transmitted to the Right Honorable the Secretary of State for the Colonies.
  - (11.) That an Address be presented to the Governor, transmitting the foregoing Resolutions, and praying that His Excellency will be pleased to take the steps necessary for carrying them into effect.
2. MR. COWPER to move for leave to bring in a Bill to amend the Act for regulating the licensing of Auctioneers, and the collection of duties on property sold by auction.
3. MR. BRADLEY to move, That an Address be presented to His Excellency the Governor, requesting that His Excellency will be pleased to place on the Supplementary Estimate for 1844, a sum of money not exceeding £100, for the repairs of the Bridge over the Cowpasture River.
4. MR. COWPER to move for leave to bring in a Bill, to repeal the Act 5 Victoria Regine, No. 1, and to make provision for the peace, welfare, and good government of the inhabitants beyond the boundaries.
5. THE COLONIAL SECRETARY to move, That the Petition presented by him on the 25th instant, from certain citizens in Macquarie Ward, in the City of Sydney, in favor of the system of Education recommended by the Select Committee of the Legislative Council, be printed.
6. MR. W. C. WENTWORTH to move, That the Petition of the Mayor, Aldermen, Councillors, and Citizens of the City of Sydney, presented to the Council on the 25th inst., be taken into consideration; and in the event of its prayer being granted, that Wednesday, the 2nd day of October next, be fixed for hearing the arguments of Counsel, in support of the views therein set out; and that the Petition be ordered to be printed.
7. DR. BLAND to move, That the Petition presented by him yesterday, from the Reverend Robert Ross and certain attendants upon his Ministry, at the Congregational or Independent Chapel in Pitt-street, be printed.

ORDERS OF THE DAY :—

1. Resumption of the debate on the Insecurity of Life and Property Resolutions.
2. Consideration of Report from Select Committee on distressed laborers.
3. Turnpike Trusts Bill; to be considered in Committee.
4. Colonial Spirits Exportation Bill; third reading.
5. Publicans' Licensing Act amendment Bill; to be considered in Committee.
6. Sydney Incorporation Act amendment Bill; to be further considered in Committee.
7. Customs' Bill; to be further considered in Committee.
8. Melbourne Corporation Act amendment Bill; to be further considered in Committee.
9. Interest Bill; second reading.

WEDNESDAY, OCTOBER 2.

1. Estimates for the year 1845; to be further considered in Committee.

THURSDAY, OCTOBER 3.

1. Fees, Fines, and Penalties Bill; second reading.

FRIDAY,

FRIDAY, OCTOBER 4.

NOTICE OF MOTION:—

1. Mr. ROBINSON to move the following Resolutions:—
  - (1.) That this Council, having taken into consideration the report of the select committee, appointed to enquire into and report upon the state of Education in this Colony, and to devise the means of placing the education of youth upon a basis, suited to the wants and wishes of the community, adopts, generally, the opinions contained therein.
  - (2.) That it is advisable to introduce Lord Stanley's system of National Education into this Colony.
  - (3.) That in order to introduce this system, His Excellency the Governor be requested to appoint a board of persons favorable to the introduction of Lord Stanley's National system of Education, and belonging to the different religious denominations; this board to be invested with a very wide discretion, as to the arrangements necessary for carrying the system into effect; and all funds to be henceforth applied for the purpose of Education, to be administered by them.
  - (4.) The leading principle by which the Board of Education shall be guided, is to afford the same facilities for Education, to all classes of professing Christians, without any attempt to interfere with the peculiar religious opinions of any, or to countenance proselytism.
  - (5.) That the board be incorporated.
  - (6.) That an Address be presented to His Excellency the Governor, transmitting the above Resolutions, and praying that he will be pleased to take them into his favorable consideration, and carry them into effect.

ORDERS OF THE DAY:—

1. Consideration of Report from Select Committee on Education.
2. Lien on Wool Act amendment Bill; second reading.

TUESDAY, OCTOBER 8.

NOTICE OF MOTION:—

1. Dr. LANG to move the following Resolutions:—
  - (1.) That it is the opinion of this Council, that the Elective Franchise ought to be extended to all Leaseholders of Land, paying not less than £20 of annual rent, and holding Leases of five years or upwards.
  - (2.) That it is the opinion of this Council, that the Elective Franchise ought to be extended to all persons depasturing Stock on the Crown Lands of the Colony, provided they are in actual possession respectively, of not fewer than two hundred head of Cattle, or one thousand sheep; such possession to be ascertained from the Assessment Lists of their respective Districts.
  - (3.) That an Address be presented to His Excellency the Governor, communicating the above Resolutions, and praying that His Excellency will be pleased to transmit the same to the Right Honorable Her Majesty's Principal Secretary of State for the Colonies, and to recommend that the principle they contain may be embodied in an Act, to be passed by the Imperial Parliament, to amend the Act 5 and 6 Victoria, chap. 76.
  - (4.) That it is the opinion of this Council, that the City of Sydney, taking into consideration the amount of its constituency, as well as of its property and population, is entitled to return four additional Members to this House, or one for each ward altogether.
  - (5.) That it is the opinion of this Council, that the Town of Melbourne is entitled to return one additional Member to this House.
  - (6.) That it is the opinion of this Council, that the County of Cumberland is entitled to return two additional Members to this House, or four altogether.
  - (7.) That it is the opinion of this Council, that the Counties of Camden, Northumberland, and Durham, are each entitled to return one additional Member, or two Members each, to this House.

ORDER OF THE DAY:—

1. Consideration of the Report from the Select Committee on the Elective Franchise.

WEDNESDAY, OCTOBER 9.

NOTICES OF MOTION:—

1. Mr. WINDEYER to move, That an Address be presented to His Excellency the Governor, praying him to place upon the Estimates, a sum of money for the employment of the Dredging Machine, in removing the obstructions existing to the navigation of the River Hunter.
2. Mr. ROBINSON to move, That it is the opinion of this Council, that the whole of the Revenue derived from the District of Port Phillip, should be specially appropriated for the service thereof.
3. Mr. WINDEYER, on Mr. Robinson's motion being made, to move as an amendment, That it would be just and expedient, that the balance of the Revenue of the Colony, after providing for all objects of general concernment, should be divided among the several Districts of the Colony, in proportion to their population, to be applied to such local objects as the said Districts may severally require.

ALEX. M<sup>o</sup> LEAY,  
Speaker,

VOTES AND PROCEEDINGS  
OF  
THE LEGISLATIVE COUNCIL.

TUESDAY, 1 OCTOBER, 1844.

1. Council met pursuant to adjournment ; the Speaker took the Chair.  
Education :—Mr. Windeyer presented a Petition from the Rev. William F. Gore, officiating Minister of Muswellbrook, and certain inhabitants of that Village and District, against the system of Education recommended by the Select Committee of the Legislative Council ; Petition read and received.
2. Education :—Mr. Windeyer presented a Petition from certain inhabitants of the District of Muswellbrook, and Merton, in favor of the system of Education recommended by the Select Committee of the Legislative Council ; Petition read and received.
3. Marriages, Births, and Deaths Registration Bill :—Mr. Cowper, as Chairman, brought up the Report, and laid upon the Table, the Evidence taken before the Select Committee to whom was referred, on the 7th August last, the consideration of the Bill for Registering Marriages, Births, and Deaths in the Colony of New South Wales and its Dependencies.  
Report and Evidence ordered to be printed.
4. Education :—Mr. Windeyer presented a Petition from certain inhabitants of the parishes of Butterwick, Soabam, and Middlehope, in the County of Durham, against the system of Education recommended by the Select Committee of the Legislative Council ; Petition read and received.
5. Education :—Mr. Windeyer presented a Petition from the District of Raymond Terrace, against the system of Education recommended by the Select Committee of the Legislative Council ; Petition read and received.
6. Education :—Mr. Windeyer presented a Petition from the Reverend Joseph Cooper, Officiating Minister of the Church of England, Falbrook, and certain residents of that District, against the system of Education, recommended by the Select Committee of the Legislative Council ; Petition read and received.
7. Education :—Mr. Windeyer presented a Petition from the Reverend J. Jennings Smith, M. A., Chaplain, of Paterson, in the County of Durham, and certain members of the Church of England, against the system of Education recommended by the Select Committee of the Legislative Council ; Petition read and received.
8. Fees for Swearing Affidavits :—The Colonial Secretary laid upon the Table, Returns Nos. 1 and 2 to the Address, adopted on the motion of Mr. Lowe on the 24th July last.
9. Aborigines :—The Colonial Secretary laid upon the Table the Return to the Address adopted on the motion of Mr. Windeyer, on the 26th July last.  
Return ordered to be printed.
10. Distressed Laborers :—On the motion of the Colonial Treasurer the consideration of the Report from the Select Committee on Distressed Laborers, postponed until to-morrow.
11. Insecurity of Life and Property :—Debate on the first of the series of Resolutions, founded on the Report from the Select Committee on the Insecurity of Life and Property, moved by Dr. Nicholson on Friday, the 27th ultimo, viz :—  
(1.) " That this Council, having taken into consideration the Report of the Select Committee on the Insecurity of Life and Property, adopts, generally, the opinions expressed therein ;" resumed.  
Question put and passed.  
Moved, That the following Resolution be adopted by this Council :—  
(2.) That the importation of Prisoners from Norfolk Island into Sydney, is an intolerable grievance, intailing upon the Colony, in an aggravated form, all the evils, without any of the benefits of the Convict system.  
Question put and passed.  
Moved, That the following Resolution be adopted by this Council :—  
(3.) That no Prisoner who has been transported from this Colony to a penal settlement for life, ought to be brought back to the Colony by the Government.  
Question put and passed.  
Moved, That the following Resolution be adopted by this Council :—

(4.) That the assembling of from six to eight hundred Convicts in a single building, in the midst of this City, has tended to the insecurity of life and property; afforded temptations and facilities for the commission of crime; and exercised a demoralising influence on the habits and character of the community.

Question put and passed.

Moved, That the following Resolution be adopted by this Council:—

(5.) That these evils have been greatly augmented, by the absence of any proper system of discipline and management; by the employment of Convict Overseers; and by the great remissness of the Officers to whom these Overseers are accountable.

Question put and passed.

Moved, That the following Resolution be adopted by this Council:—

(6.) That in the opinion of this Council, the Convicts now in Hyde Park Barracks ought to be immediately sent into the country, under proper guards; to be employed on the roads or other public works.

Question put and passed.

Moved that the following Resolution be adopted by this Council:—

(7.) That no assigned servants should be allowed to remain in Sydney.

Question put and negatived.

Moved that the following Resolution be adopted by this Council:—

(8.) That no ticket of leave should be granted or exchanged for Sydney, or any other large town.

Debate ensued.

Question put; Council divided.

Ayes 9.

MR. DARVALL,  
MR. ROBINSON,  
MR. BRADLEY,  
MR. WALKER,  
MR. LAMB,  
MR. COWPER,  
CAPTAIN DUMABESQ,  
DR. LANG,  
DR. NICHOLSON, (Teller.)

Noes 6.

THE COLONIAL SECRETARY,  
THE ATTORNEY GENERAL,  
MR. WINDEYER,  
DR. BLAND,  
MR. LAWSON,  
THE COLONIAL TREASURER, (Teller.)

Resolution carried.

Moved that this Council do agree to the following Resolution:—

(9.) That any reduction of the Military Force now stationed in the Colony, will be dangerous to the lives and property of Her Majesty's subjects in New South Wales.

Debate ensued.

Question put and passed.

Moved, That the Council do agree to the following Resolution:—

(10.) That a copy of these Resolutions be transmitted to the Right Honorable the Secretary of State for the Colonies.

Question put and passed.

Moved, That this Council do agree to the following Resolution:—

(11.) That an Address be presented to the Governor, transmitting the foregoing Resolutions, and praying that His Excellency will be pleased to take the steps necessary for carrying them into effect.

Question put and passed, and Address to be presented by the Speaker and the Colonial Secretary.

12. Auctioneers' Licensing Bill:—Mr. Cowper having, pursuant to notice, moved for, and obtained leave to bring in "A Bill, to regulate the licensing of Auctioneers; and the collection of duties on property sold by Auction;" Bill read a first time; ordered to be printed, and read a second time, on Tuesday, October 15.

13. Cowpasture River Bridge:—Mr. Bradley, pursuant to notice, moved, That an Address be presented to His Excellency the Governor, requesting that His Excellency will be pleased to place on the Supplementary Estimate for 1844, a sum of money not exceeding £160, for the repair of the Bridge over the Cowpasture River.

Question put and passed, and Address to be presented by the Colonial Secretary and the Colonial Treasurer.

14. Border Police Act:—Mr. Cowper, postponed bringing forward his motion on this subject, until to-morrow.

15. Education:—The Colonial Secretary, pursuant to notice, moved, that the Petition presented by him, on the 25th ultimo, from certain citizens, in Macquarie Ward, in the City of Sydney, in favor of the system of Education, recommended by the Select Committee of the Legislative Council, be printed.

Question put and passed, and Petition ordered to be printed accordingly.

16. City Police:—Mr. Windeyer, in absence of Mr. W. C. Wentworth, postponed until to-morrow, the motion on this subject, of which that gentleman had given notice for to-day.

There not being twelve Members present, the Speaker adjourned the Council, at nine o'clock, until to-morrow at three o'clock.

## NOTICES OF MOTION AND ORDERS OF THE DAY.

WEDNESDAY, OCTOBER 2.

## NOTICES OF MOTION:—

- I. THE COLONIAL TREASURER to move the following Resolutions, viz:—
  - (1.) That in the opinion of this Council, it is desirable that the laborers or artisans who cannot find employment in Sydney, should have inducements held out to them to work in the interior.
  - (2.) That the best inducement which can be offered, is the undertaking useful public works, on the great lines of road leading from Sydney throughout the Colony.
  - (3.) That the probable effect of such an arrangement would be, to eradicate the desire which at present exists of remaining in town; afford to such persons remunerative employment, of a more permanent character, amongst the settlers; and be the means of leading to the fixed location of families in the interior.
  - (4.) That it is the opinion of this Council, that any sum of money that may be voted, as the means of furnishing employment to laborers and mechanics, should be chiefly expended in the construction of public works, such as are above described; and of these, the most important appear to this Council to be, the bridge over George's River, on the new line of road to Illawarra, that over Wallis's Creek at Maitland, and that over the Macquarie at Bathurst.
2. MR. COWPER to move for leave to bring in a Bill, to repeal the Act 5 Victoria Regine, No. 1, and to make provision for the peace, welfare, and good government of the inhabitants beyond the boundaries.
3. MR. W. C. WENTWORTH to move, That the Petition of the Mayor, Aldermen, Councilors, and Citizens of the City of Sydney, presented to the Council on the 25th ultimo, be taken into consideration; and in the event of its prayer being granted, that Wednesday, the 2nd day of October next, be fixed for hearing the arguments of Counsel, in support of the views therein set out; and that the Petition be ordered to be printed.
4. DR. BLAND to move, That the Petition presented by him on the 26th ultimo, from the Reverend Robert Ross and certain attendants upon his Ministry, at the Congregational or Independent Chapel in Pitt-street, be printed.

## ORDERS OF THE DAY:—

1. Estimates for the year 1845; to be further considered in Committee.
2. Consideration of Report from Select Committee on distressed laborers.
3. Turnpike Trusts Bill; to be considered in Committee.
4. Colonial Spirits Exportation Bill; third reading.
5. Publicans' Licensing Act amendment Bill; to be considered in Committee.
6. Sydney Incorporation Act amendment Bill; to be further considered in Committee.
7. Customs' Bill; to be further considered in Committee.
8. Melbourne Corporation Act amendment Bill; to be further considered in Committee.
9. Interest Bill; second reading.

THURSDAY, OCTOBER 3.

1. Fees, Fines, and Penalties Bill; second reading.

FRIDAY, OCTOBER 4.

## NOTICE OF MOTION:—

- I. MR. ROBINSON to move the following Resolutions:—
  - (1.) That this Council, having taken into consideration the report of the select committee, appointed to enquire into and report upon the state of Education in this Colony, and to devise the means of placing the education of youth upon a basis, suited to the wants and wishes of the community, adopts, generally, the opinions contained therein.
  - (2.) That it is advisable to introduce Lord Stanley's system of National Education into this Colony.
  - (3.) That in order to introduce this system, His Excellency the Governor be requested to appoint a board of persons favorable to the introduction of Lord Stanley's National system of Education, and belonging to the different religious denominations; this board to be invested with a very wide discretion, as to the arrangements necessary for carrying the system into effect; and all funds to be henceforth applied for the purpose of Education, to be administered by them.
  - (4.) The leading principle by which the Board of Education shall be guided, is to afford the same facilities for Education, to all classes of professing Christians, without any attempt to interfere with the peculiar religious opinions of any, or to countenance proselytism.
  - (5.) That the board be incorporated.
  - (6.) That an Address be presented to His Excellency the Governor, transmitting the above Resolutions, and praying that he will be pleased to take them into his favorable consideration, and carry them into effect.

## ORDERS OF THE DAY:—

1. Consideration of Report from Select Committee on Education.
2. Lien on Wool Act amendment Bill; second reading.

TUESDAY;

TUESDAY, OCTOBER 8.

NOTICE OF MOTION :—

1. DR. LANG to move the following Resolutions :—
  - (1.) That it is the opinion of this Council, that the Elective Franchise ought to be extended to all Leaseholders of Land, paying not less than £20 of annual rent, and holding Leases of five years or upwards.
  - (2.) That it is the opinion of this Council, that the Elective Franchise ought to be extended to all persons depasturing Stock on the Crown Lands of the Colony, provided they are in actual possession respectively, of not fewer than two hundred head of Cattle, or one thousand sheep; such possession to be ascertained from the Assessment Lists of their respective Districts.
  - (3.) That an Address be presented to His Excellency the Governor, communicating the above Resolutions, and praying that His Excellency will be pleased to transmit the same to the Right Honorable Her Majesty's Principal Secretary of State for the Colonies, and to recommend that the principle they contain may be embodied in an Act, to be passed by the Imperial Parliament, to amend the Act 5 and 6 Victoria, chap. 76.
  - (4.) That it is the opinion of this Council, that the City of Sydney, taking into consideration the amount of its constituency, as well as of its property and population, is entitled to return four additional Members to this House, or one for each ward altogether.
  - (5.) That it is the opinion of this Council, that the Town of Melbourne is entitled to return one additional Member to this House.
  - (6.) That it is the opinion of this Council, that the County of Cumberland is entitled to return two additional Members to this House, or four altogether.
  - (7.) That it is the opinion of this Council, that the Counties of Camden, Northumberland, and Durham, are each entitled to return one additional Member, or two Members each, to this House.

ORDER OF THE DAY :—

1. Consideration of the Report from the Select Committee on the Elective Franchise.

WEDNESDAY, OCTOBER 9.

NOTICES OF MOTION :—

1. MR. WINDEYER to move, That an Address be presented to His Excellency the Governor, praying him to place upon the Estimates, a sum of money for the employment of the Dredging Machine, in removing the obstructions existing to the navigation of the River Hunter.
2. MR. ROBINSON to move, That it is the opinion of this Council, that the whole of the Revenue derived from the District of Port Phillip, should be specially appropriated for the service thereof.
3. MR. WINDEYER, on Mr. Robinson's motion being made, to move as an amendment, That it would be just and expedient, that the balance of the Revenue of the Colony, after providing for all objects of general concernment, should be divided among the several Districts of the Colony, in proportion to their population, to be applied to such local objects as the said Districts may severally require.

TUESDAY, OCTOBER 15.

ORDER OF THE DAY :—

1. Auctioneers Licensing Bill; second reading.

ALEX. M<sup>c</sup> LEAY,  
*Speaker.*

## VOTES AND PROCEEDINGS

OF

## THE LEGISLATIVE COUNCIL.

WEDNESDAY, 2 OCTOBER, 1844.

1. Council met pursuant to adjournment; the Speaker took the Chair.  
Education:—Mr. Cowper presented a Petition from the Rev. John Gregor, M. A., the Licensed Minister of the District of Moreton Bay, and certain inhabitants of the Town of Brisbane, against the system of Education recommended by the Select Committee of the Legislative Council; Petition read and received.
2. Education:—Mr. Cowper presented a Petition from the Clergyman, and certain inhabitants of the District of Cook's River, against the system of Education recommended by the Select Committee of the Legislative Council; Petition read and received.
3. Education:—Dr. Lang presented a Petition from certain inhabitants of Illawarra, in favor of the system of Education recommended by the Select Committee of the Legislative Council; Petition read and received.
4. Education:—Dr. Lang presented a Petition from certain inhabitants of the North Shore, in favor of the system of Education recommended by the Select Committee of the Legislative Council; Petition read and received.
5. Education:—Mr. Cowper presented a Petition from certain parishioners of Pitt Town, and Wilberforce, against the system of Education recommended by the Select Committee of the Legislative Council; Petition read and received.
6. Education:—Captain Dumaresq presented a Petition from certain Magistrates, the Clergyman, and certain other inhabitants of the District of Port Stephens, being members of the Church of England, and frequenters of her Ordinances, against the system of Education recommended by the Select Committee of the Legislative Council; Petition read and received.
7. Education:—Dr. Nicholson presented a Petition from the Rev. Charles F. Brigstocke, Licensed Minister of the Township and District of Yass, and certain inhabitants of the same, against the system of Education recommended by the Select Committee of the Legislative Council; Petition read and received.
8. Education:—Dr. Nicholson presented a Petition from the Minister and Members of the Church of England, in the Township and vicinity of Braidwood, against the system of Education recommended by the Select Committee of the Legislative Council; Petition read and received.
9. Education:—Mr. Macarthur presented a Petition from James Walker, M.A., Clerk, Minister of Marsfield, and other Householdors of the same District, against the system of Education recommended by the Select Committee of the Legislative Council; Petition read and received.
10. Education:—Mr. Macarthur presented a Petition from the Wesleyan Ministers, and the Members of their Societies and Congregations in the County of Cumberland, against the system of Education recommended by the Select Committee of the Legislative Council; Petition read and received.
11. Education:—Mr. W. C. Wentworth presented a Petition from certain Members of the Faith of Israel, in favor of the system of Education recommended by the Select Committee of the Legislative Council; Petition read and received.
12. Education:—Mr. Cowper presented a Petition from the Revd. Hart Davis Draper Sparling, Bachelor of Arts, Minister of the Church of Saint Mark the Evangelist, in Appin, and certain others, his Parishioners, against the system of Education recommended by the Select Committee of the Legislative Council; Petition read and received.
13. Dredging Machine:—The Colonial Secretary laid upon the Table the Return to the Address adopted on the motion of Mr. Windoyer, on the 10th ultimo.  
Return ordered to be printed.
14. Education:—Mr. Cowper presented a Petition from the Bishop of the Diocese of Australia, and the Clergy of the same, against the system of Education recommended by the Select Committee of the Legislative Council; Petition read and received.

15. Distressed Laborers:—The Report from the Select Committee on Distressed Laborers having been taken into consideration on the motion of the Colonial Treasurer;

Moved, That this Council do adopt the following Resolution:—

(1.) That in the opinion of this Council, it is desirable that the laborers or artisans who cannot find employment in Sydney, should have inducements held out to them to work in the interior.

Question put and passed.

Moved, That this Council do adopt the following Resolution:—

(2.) That the best inducement which can be offered, is the undertaking useful public works, on the great lines of road leading from Sydney throughout the Colony.

Question put and passed.

Moved, That this Council do adopt the following Resolution:—

(3.) That the probable effect of such an arrangement would be, to eradicate the desire which at present exists of remaining in town; afford to such persons remunerative employment, of a more permanent character, amongst the settlers; and be the means of leading to the fixed location of families in the interior.

Question put and passed.

Moved, That this Council do adopt the following Resolution:—

(4.) That it is the opinion of this Council, that any sum of money that may be voted, as the means of furnishing employment to laborers and mechanics, should be chiefly expended in the construction of public works, such as are above described; and of these, the most important appear to this Council to be, the bridge over George's River, on the new line of road to Illawarra; that over Wallis's Creek at Maitland; that over the Macquarie at Bathurst; and that over Paddy's River, on the Great South Road.

Question put and passed.

16. Border Police Act amendment Bill:—Mr. Cowper having, pursuant to notice, moved for and obtained leave to bring in "A Bill to repeal the Act 5 Victoria Regine, No. 1, and to make provision for the peace, welfare, and good government of the Inhabitants beyond the Boundaries"; Bill read a first time; ordered to be printed, and read a second time on Wednesday, October 2.

17. City Police:—Mr. W. C. Wentworth, pursuant to notice, moved, That the Petition of the Mayor, Aldermen, Councillors, and Citizens of the City of Sydney, presented by him on the 25th ultimo, be now taken into consideration; that to-morrow be fixed for hearing the arguments of Counsel, in support of the views therein set out; and that the Petition be printed.

Debate ensued.

Question put; Council divided.

Ayes 11.

Noes 8.

DR. NICHOLSON,  
MR. W. C. WENTWORTH,  
DR. BLAND,  
MR. WINDEYER,  
MR. COWPER,  
MR. LAWSON,  
MR. MACARTHUR,  
MR. COGHILL,  
CAPTAIN DUMARESQUE,  
DR. LANG,  
MR. ROBINSON, (Teller.)

THE COMMANDER OF THE FORCES,  
MR. LANG,  
THE COLONIAL SECRETARY,  
MR. BRADLEY,  
THE ATTORNEY GENERAL,  
THE AUDITOR GENERAL,  
MR. DARVALL,  
THE COLONIAL TREASURER, (Teller.)

Petitioners to be heard by Counsel to-morrow, and Petition ordered to be printed.

18. Education:—Dr. Bland, pursuant to notice, moved, That the Petition presented by him, on the 26th ultimo, from the Reverend Robert Ross, and certain attendants, upon his ministry, at the Congregational or Independant Chapel, in Pitt-street, be printed.

Question put and passed, and Petition ordered to be printed.

19. Estimates for 1845:—On the motion of the Colonial Treasurer, the Council resolved itself into a Committee of the whole House, to take into further consideration the Estimates of Expenditure for the year 1845.

The Chairman reported progress, and obtained leave to sit again to-morrow.

There not being twelve members present, the Speaker adjourned the Council at Ten minutes before nine o'clock, until to-morrow, at Three o'clock.

NOTICES OF MOTION AND ORDERS OF THE DAY.

THURSDAY, OCTOBER 3.

NOTICES OF MOTION:—

1. MR. WENTWORTH to move for leave to bring in a Bill to amend an Act, intituled, "An Act for giving relief to insolvent persons, and providing for the due collection, administration, and distribution of insolvent estates within the Colony of New South Wales, and for the prevention of frauds affecting the same."
2. MR. COWPER to move, That the Petition from the Bishop of the Diocese of Australia, and the Clergy of the same, against the system of Education recommended by the Select Committee of the Legislative Council, presented by him yesterday, be printed.
3. THE COLONIAL TREASURER to move, That an Address be presented to the Governor, transmitting the Resolutions which were adopted on the 2nd instant, and praying that His Excellency will be pleased to take the steps necessary for carrying them into effect.

ORDERS



ORDERS OF THE DAY :—

1. Counsel to be heard in support of the City Council's Petition on the City Police.
2. Estimates for the year 1845 ; to be further considered in Committee.
3. Fees, Fines, and Penalties Bill ; second reading.
4. Turnpike Trusts Bill ; to be considered in Committee.
5. Colonial Spirits Exportation Bill ; third reading.
6. Publicans' Licensing Act amendment Bill ; to be considered in Committee.
7. Sydney Incorporation Act amendment Bill ; to be further considered in Committee.
8. Customs Bill ; to be further considered in Committee.
9. Melbourne Corporation Act amendment Bill ; to be further considered in Committee.
10. Interest Bill ; second reading.

FRIDAY, OCTOBER 4.

NOTICES OF MOTION :—

1. MR. ROBINSON to move the following Resolutions :—
  - (1.) That this Council, having taken into consideration the report of the select committee, appointed to enquire into and report upon the state of Education in this Colony, and to devise the means of placing the education of youth upon a basis, suited to the wants and wishes of the community, adopts, generally, the opinions contained therein.
  - (2.) That it is advisable to introduce Lord Stanley's system of National Education into this Colony.
  - (3.) That in order to introduce this system, His Excellency the Governor be requested to appoint a board of persons favorable to the introduction of Lord Stanley's National system of Education, and belonging to the different religious denominations ; this board to be invested with a very wide discretion, as to the arrangements necessary for carrying the system into effect ; and all funds to be henceforth applied for the purpose of Education, to be administered by them.
  - (4.) The leading principle by which the Board of Education shall be guided, is to afford the same facilities for Education to all classes of professing Christians, without and attempt to interfere with the peculiar religious opinions of any, or to countenance proselytism.
  - (5.) That the board be incorporated.
  - (6.) That an Address, be presented to His Excellency the Governor, transmitting the above Resolutions, and praying that he will be pleased to take them into his favorable consideration, and carry them into effect.
2. MR. COWPAR to move, as an amendment upon Mr. Robinson's Resolutions :—
  - (1.) That it is advisable to increase the funds for the Education of the humbler classes of this Colony.
  - (2.) That from the 1st January, 1845, all funds to be appropriated for the purposes of Education, shall be administered by a Board consisting of laymen, who shall be appointed by His Excellency the Governor.
  - (3.) That the Board shall not interfere in the religious instruction given in the Schools ; but the applicant for aid shall be required to propose a system of secular instruction for the approval of the Board, whose duty it shall be to appropriate the funds economically and impartially, and to see that the proposed system is faithfully carried into operation.
  - (4.) That an Address be presented to His Excellency the Governor, transmitting these Resolutions, and praying that His Excellency will be pleased to take steps for carrying them into effect, and to place on the Estimates for the year 1845, a sum not exceeding £10,000 for Education.
3. DR. NICHOLSON to move that an Address be presented to His Excellency the Governor, requesting that he will be pleased to cause to be laid upon the Table of this House, the following Returns :—
  - (1.) A copy of the Report of a Commission, appointed to enquire into certain charges of bribery preferred against William Prendergast, a convict clerk in Hyde Park Barracks.
  - (2.) A copy of the order of His Excellency the Governor, respecting the removal of the aforesaid William Prendergast from the district of Sydney.
  - (3.) Copies of all correspondence between the Superintendent of Hyde Park Barracks and His Excellency the Governor, relative to the granting a ticket of leave to the aforesaid William Prendergast.
  - (4.) Date and copy of ticket of leave issued to the aforesaid William Prendergast.

ORDERS OF THE DAY :—

1. Consideration of Report from Select Committee on Education.
2. Lien on Wool Act amendment Bill ; second reading.

TUESDAY, OCTOBER 8.

NOTICE OF MOTION:—

1. DR. LANG to move the following Resolutions:—
  - (1.) That it is the opinion of this Council, that the Elective Franchise ought to be extended to all Leaseholders of Land, paying not less than £20 of annual rent, and holding Leases of five years or upwards.
  - (2.) That it is the opinion of this Council, that the Elective Franchise ought to be extended to all persons depasturing Stock on the Crown Lands of the Colony, provided they are in actual possession respectively, of not fewer than two hundred head of Cattle, or one thousand sheep; such possession to be ascertained from the Assessment Lists of their respective Districts.
  - (3.) That an Address be presented to His Excellency the Governor, communicating the above Resolutions, and praying that His Excellency will be pleased to transmit the same to the Right Honorable Her Majesty's Principal Secretary of State for the Colonies, and to recommend that the principle they contain may be embodied in an Act, to be passed by the Imperial Parliament, to amend the Act 5 and 6 Victoria, chap. 76.
  - (4.) That it is the opinion of this Council, that the City of Sydney, taking into consideration the amount of its constituency, as well as of its property and population, is entitled to return four additional Members to this House, or one for each ward altogether.
  - (5.) That it is the opinion of this Council, that the Town of Melbourne is entitled to return one additional Member to this House.
  - (6.) That it is the opinion of this Council, that the County of Cumberland is entitled to return two additional Members to this House, or four altogether.
  - (7.) That it is the opinion of this Council, that the Counties of Camden, Northumberland, and Durham, are each entitled to return one additional Member, or two Members each, to this House.

ORDER OF THE DAY:—

1. Consideration of the Report from the Select Committee on the Elective Franchise.

---

WEDNESDAY, OCTOBER 9.

NOTICES OF MOTION:—

1. MR. WINDEYER to move, That an Address be presented to His Excellency the Governor, praying him to place upon the Estimates, a sum of money for the employment of the Dredging Machine, in removing the obstructions existing to the navigation of the River Hunter.
2. MR. ROBINSON to move, That it is the opinion of this Council, that the whole of the Revenue derived from the District of Port Phillip, should be specially appropriated for the service thereof.
3. MR. WINDEYER, on Mr. Robinson's motion being made, to move as an amendment, That it would be just and expedient, that the balance of the Revenue of the Colony, after providing for all objects of general concernment, should be divided among the several Districts of the Colony, in proportion to their population, to be applied to such local objects as the said Districts may severally require.
4. MR. ROBINSON to move, That the Petitions from the Corporation of Melbourne, presented on the 17th September, respecting the financial separation of the Port Phillip District, and on the 10th September, respecting the Melbourne Town fund, be taken into consideration.

ORDERS OF THE DAY:—

1. Border Police Act amendment Bill; second reading.

---

TUESDAY, OCTOBER 15.

1. Auctioneers' Licensing Bill; second reading.

ALEX. M<sup>c</sup> LEAY,  
Speaker.

VOTES AND PROCEEDINGS  
OF  
THE LEGISLATIVE COUNCIL.

---

THURSDAY, 3 OCTOBER, 1844.

1. Council met pursuant to adjournment; the Speaker took the Chair.  
Education:—Mr. Robinson presented a Petition from certain citizens, and other inhabitants of Brisbane Ward, in the City of Sydney, in favor of the system of Education recommended by the Select Committee of the Legislative Council; Petition read and received.
2. Education:—Mr. Walker presented a Petition from certain citizens, and other inhabitants of Gipps Ward, in the City of Sydney, in favor of the system of Education recommended by the Select Committee of the Legislative Council; Petition read and received.
3. Education:—Major Wentworth presented a Petition from certain inhabitants of West Maitland, and its vicinity, against the system of Education recommended by the Select Committee of the Legislative Council; Petition read and received.
4. Education:—Major Wentworth presented a Petition from the Rev. G. K. Rusden, M. A., Chaplain, and Licensed Minister of the Parish or District of East Maitland, and certain parishioners and inhabitants of the same, against the system of Education recommended by the Select Committee of the Legislative Council; Petition read and received.
5. Education:—Major Wentworth presented a Petition from certain inhabitants of the Parish of Christ Church, Newcastle, and its neighbourhood, against the system of Education recommended by the Select Committee of the Legislative Council; Petition read and received.
6. Education:—Major Wentworth presented a Petition from the Wesleyan Minister, and the members of his societies and congregations, in the County of Northumberland, against the system of Education recommended by the Select Committee of the Legislative Council; Petition read and received.
7. Education:—Dr. Lang presented a Petition from the Australian Methodist Preachers, members of society, and congregation, in the City of Sydney, in favor of the system of Education recommended by the Select Committee of the Legislative Council; Petition read and received.
8. Education:—Dr. Lang presented a Petition from certain inhabitants of Penrith, in favor of the system of Education recommended by the Select Committee of the Legislative Council; Petition read and received.
9. Education:—Mr. Cowper presented a Petition from the Wesleyan Minister, and the members of societies and congregations in the County of Bathurst, against the system of Education recommended by the Select Committee of the Legislative Council; Petition read and received.
10. Education:—Mr. Cowper presented a Petition from the Rev. M. D. Meares, Licensed Minister, of Illawarra, and certain members of the Church of England; inhabitants of the same, against the system of Education recommended by the Select Committee of the Legislative Council; Petition read and received.
11. Education:—Mr. Lamb presented a Petition from certain Clergymen and inhabitants of the City of Sydney, against the system of Education recommended by the Select Committee of the Legislative Council; Petition read and received.
12. Education:—Mr. Bradley presented a Petition from the Rev. W. Sowerby, Minister of St. Saviour's Church, Goulburn, and others whose names are thereto subscribed, against the system of Education recommended by the Select Committee of the Legislative Council; Petition read and received.
13. Education:—Mr. Cowper presented a Petition from the Clergyman and certain inhabitants of the District of Queanbeyan, against the system of Education recommended by the Select Committee of the Legislative Council; Petition read and received.
14. Education:—Mr. Cowper presented a Petition from certain inhabitants of Concord and Burwood, against the system of Education recommended by the Select Committee of the Legislative Council; Petition read and received.
15. Education:—Mr. Cowper presented a Petition from certain members of the Church of England, resident in the neighbourhood of Berrima, against the system of Education recommended by the Select Committee of the Legislative Council; Petition read and received.

16. Education:—Mr. Cowper presented a Petition from certain inhabitants of Campbelltown, against the system of Education recommended by the Select Committee of the Legislative Council; Petition read and received.
17. Insolvent Act amendment Bill:—Mr. W. C. Wentworth, pursuant to notice, moved for leave to bring in "A Bill to amend an Act intituled 'An Act for giving relief to insolvent persons, and providing for the due collection, administration, and distribution of insolvent estates within the Colony of New South Wales, and for the prevention of frauds affecting the same.'" Debate ensued.  
Motion, by leave, withdrawn.
18. Education:—Mr. Cowper, pursuant to notice, moved, That the Petition from the Bishop of the Diocese of Australia, and the Clergy of the same, against the system of Education recommended by the Select Committee of the Legislative Council, presented by him yesterday, be printed.  
Question put and passed, and Petition ordered to be printed accordingly.
19. Distressed Laborers:—The Colonial Treasurer, pursuant to notice, moved, That an Address be presented to the Governor, transmitting the Resolutions which were adopted on the 2nd instant, and praying that His Excellency will be pleased to take the steps necessary for carrying them into effect.  
Question put and passed, and Address to be presented by the Speaker and the Colonial Secretary.
20. City Police:—On the motion of Mr. W. C. Wentworth, pursuant to the order of the day, Counsel heard at the Bar of the House, in support of the City Council's Petition on the management and control of the City Police, presented by him on the 25th ultimo.
21. Estimates for 1845:—On the motion of the Colonial Secretary, the further consideration of the Estimates of Expenditure for the year 1845; postponed until Wednesday next.
22. Fees, Fines, and Penalties Bill:—On the motion of Mr. W. C. Wentworth, the second reading of this Bill, postponed until Wednesday next.
23. Turnpike Trusts Bill:—On the motion of Mr. Robinson, the Council resolved itself into a Committee of the whole House, for the consideration of this Bill.  
The Chairman reported progress, and asked leave to sit again this day six months.  
Question put and passed; and Bill to be further considered in Committee this day six months.
24. Colonial Spirits Exportation Bill; read a third time and *passed*; to be presented to His Excellency the Governor for assent, by the Speaker and the Colonial Secretary.
25. Publicans' Licensing Act amendment Bill:—On the motion of Mr. W. C. Wentworth, the consideration of this Bill in Committee, postponed until Wednesday next.
26. Sydney Incorporation Act amendment Bill:—On the motion of Mr. W. C. Wentworth, the further consideration of this Bill in Committee, postponed until Wednesday next. There not being twelve members present, the Speaker adjourned the Council at a quarter before nine o'clock, until to-morrow at Three o'clock.

---

## NOTICES OF MOTION AND ORDERS OF THE DAY.

---

FRIDAY, OCTOBER 4.

### NOTICES OF MOTION:—

1. MR. ROBINSON to move the following Resolutions:—
- (1.) That this Council, having taken into consideration the report of the select committee, appointed to enquire into and report upon the state of Education in this Colony, and to devise the means of placing the education of youth upon a basis, suited to the wants and wishes of the community, adopts, generally, the opinions contained therein.
  - (2.) That it is advisable to introduce Lord Stanley's system of National Education into this Colony.
  - (3.) That in order to introduce this system, His Excellency the Governor be requested to appoint a board of persons favorable to the introduction of Lord Stanley's National system of Education, and belonging to the different religious denominations; this board to be invested with a very wide discretion, as to the arrangements necessary for carrying the system into effect; and all funds to be henceforth applied for the purpose of Education, to be administered by them.
  - (4.) The leading principle by which, the Board of Education shall be guided, is to afford the same facilities for Education to all classes of professing Christians, without and attempt to interfere with the peculiar religious opinions of any, or to countenance proselytism.
  - (5.) That the board be incorporated.
  - (6.) That an Address be presented to His Excellency the Governor, transmitting the above Resolutions, and praying that he will be pleased to take them into his favorable consideration, and carry them into effect.

2. MR. COWPER to move, as an amendment upon Mr. Robinson's Resolutions :—
  - (1.) That it is advisable to increase the funds for the Education of the humbler classes of this Colony.
  - (2.) That from the 1st January, 1845, all funds to be appropriated for the purposes of Education, shall be administered by a Board consisting of laymen, who shall be appointed by His Excellency the Governor.
  - (3.) That the Board shall not interfere in the religious instruction given in the Schools; but the applicant for aid shall be required to propose a system of secular instruction for the approval of the Board, whose duty it shall be to appropriate the funds economically and impartially, and to see that the proposed system is faithfully carried into operation.
  - (4.) That an Address be presented to His Excellency the Governor, transmitting these Resolutions, and praying that His Excellency will be pleased to take steps for carrying them into effect, and to place on the Estimates for the year 1845, a sum not exceeding £10,000 for Education.
3. DR. NICHOLSON to move that an Address be presented to His Excellency the Governor, requesting that he will be pleased to cause to be laid upon the Table of this House, the following Returns :—
  - (1.) A copy of the Report of a Commission, appointed to enquire into certain charges of bribery preferred against William Prendergast, a convict clerk in Hyde Park Barracks.
  - (2.) A copy of the order of His Excellency the Governor, respecting the removal of the aforesaid William Prendergast from the district of Sydney.
  - (3.) Copies of all correspondence between the Superintendent of Hyde Park Barracks and His Excellency the Governor, relative to the granting a ticket of leave to the aforesaid William Prendergast.
  - (4.) Date and copy of ticket of leave issued to the aforesaid William Prendergast.
4. MR. LAMB to move, That the Petition from certain Citizens of Sydney, against the system of Education recommended by the Select Committee of the Legislative Council, presented by him yesterday, be printed.
5. DR. NICHOLSON to move, That Mr. Darvall's name be added to the list of the Committee, to whom has been referred the consideration of the Insolvent Act amendment Bill.
6. MR. WENTWORTH to move for leave to bring in a Bill, to enable the Bank of Australia to dispose of certain real and personal property, in the Colony of New South Wales, in certain shares, by lot.

ORDERS OF THE DAY :—

1. Consideration of Report from Select Committee on Education.
2. Lien on Wool Act amendment Bill; second reading.
3. Customs' Bill; to be further considered in Committee.
4. Melbourne Corporation Act amendment Bill; to be further considered in Committee.
5. Interest Bill; second reading.

TUESDAY, OCTOBER 8.

NOTICE OF MOTION :—

1. DR. LANG to move the following Resolutions :—
  - (1.) That it is the opinion of this Council, that the Elective Franchise ought to be extended to all Leaseholders of Land, paying not less than £20 of annual rent, and holding Leases of five years or upwards.
  - (2.) That it is the opinion of this Council, that the Elective Franchise ought to be extended to all persons depasturing Stock on the Crown Lands of the Colony, provided they are in actual possession respectively, of not fewer than two hundred head of Cattle, or one thousand sheep; such possession to be ascertained from the Assessment Lists of their respective Districts.
  - (3.) That an Address be presented to His Excellency the Governor, communicating the above Resolutions, and praying that His Excellency will be pleased to transmit the same to the Right Honorable Her Majesty's Principal Secretary of State for the Colonies, and to recommend that the principle they contain may be embodied in an Act, to be passed by the Imperial Parliament, to amend the Act 5 and 6 Victoria, chap. 76.
  - (4.) That it is the opinion of this Council, that the City of Sydney, taking into consideration the amount of its constituency, as well as of its property and population, is entitled to return four additional Members to this House, or one for each ward altogether.
  - (5.) That it is the opinion of this Council, that the Town of Melbourne is entitled to return one additional Member to this House.
  - (6.) That it is the opinion of this Council, that the County of Cumberland is entitled to return two additional Members to this House, or four altogether.
  - (7.) That it is the opinion of this Council, that the Counties of Camden, Northumberland, and Durham, are each entitled to return one additional Member, or two Members each, to this House.

ORDER OF THE DAY :—

1. Consideration of the Report from the Select Committee on the Elective Franchise.

WEDNESDAY,

WEDNESDAY, OCTOBER 9.

## NOTICES OF MOTION:—

1. MR. WINDEYER to move That an Address be presented to His Excellency the Governor, praying him to place upon the Estimates, a sum of money for the employment of the Dredging Machine, in removing the obstructions existing to the navigation of the River Hunter.
2. MR. ROBINSON to move, That it is the opinion of this Council, that the whole of the Revenue derived from the District of Port Phillip, should be specially appropriated for the service thereof.
3. MR. WINDEYER, on Mr. Robinson's motion being made, to move as an amendment, That it would be just and expedient, that the balance of the Revenue of the Colony, after providing for all objects of general concernment, should be divided among the several Districts of the Colony, in proportion to their population, to be applied to such local objects as the said Districts may severally require.
4. MR. ROBINSON to move, That the Petitions from the Corporation of Melbourne, presented on the 17th September, respecting the financial separation of the Port Phillip District, and on the 10th September, respecting the Melbourne Town fund, be taken into consideration.

## ORDERS OF THE DAY:—

1. Estimates for the year 1845; to be further considered in Committee.
2. Fees, Fines, and Penalties Bill; second reading.
3. Border Police Act amendment Bill; second reading.
4. Publicans' Licensing Act amendment Bill; to be considered in Committee.
5. Sydney Incorporation Act amendment Bill; to be further considered in Committee.

TUESDAY, OCTOBER 15.

1. Auctioneers' Licensing Bill; second reading.

ALEX. M<sup>c</sup> LEAY,  
Speaker.

## VOTES AND PROCEEDINGS

or

## THE LEGISLATIVE COUNCIL.

FRIDAY, 4 OCTOBER, 1844.

1. Council met pursuant to adjournment; the Speaker took the Chair.  
Education:—Mr. Cowper presented a Petition from the Rev. John Vincent, Her Majesty's Chaplain, and Licensed Minister of Castlereagh and Emu Plains, and certain inhabitants, members of the Church of England, against the system of Education recommended by the Select Committee of the Legislative Council; Petition read and received.
2. Education:—Mr. Lawson presented a Petition from certain citizens, and other inhabitants of Phillip Ward, in the City of Sydney, in favor of the system of Education recommended by the Select Committee of the Legislative Council; Petition read and received.
3. Education:—Mr. Windeyer presented a Petition from the Synod of Australia, in favor of the establishment of General Schools, in which the Scriptures of the Old and New Testaments shall be openly read by all the Scholars who are sufficiently advanced to read them; Petition read and received.
4. Education:—Mr. Darvall presented a Petition from certain citizens, and other inhabitants of Cook Ward, in the City of Sydney, in favor of the system of Education recommended by the Select Committee of the Legislative Council; Petition read and received.
5. Education:—The Attorney General presented a Petition from the Roman Catholic Clergymen, and inhabitants of the District of Campbelltown, and Camden, against the system of Education recommended by the Select Committee of the Legislative Council; Petition read and received.
6. Education:—Dr. Lang presented a Petition from certain inhabitants of the Hawkesbury District, in favor of the system of Education recommended by the Select Committee of the Legislative Council; Petition read and received.
7. Judicial Expenditure for the year 1845:—Mr. W. C. Wentworth, as Chairman, brought up the Report from the Select Committee appointed on the 12th ultimo, to frame a humble Address to Her Majesty, transmitting the Resolutions on the Governor's Message of the 3rd ultimo, on this subject, adopted by the Council on the same day. Report ordered to be printed.
8. Circular Quay Wharfage Bill:—The Colonial Secretary, as Chairman, brought up the Report, and laid upon the Table the Evidence taken before the Select Committee, appointed on the 19th June last, to whom was referred the consideration of this Bill. Report and Evidence ordered to be printed.
9. Education:—Mr. Robinson, pursuant to notice, moved the following Resolutions:—
  - (1.) That this Council, having taken into consideration the report of the select committee, appointed to enquire into and report upon the state of Education in this Colony, and to devise the means of placing the education of youth upon a basis, suited to the wants and wishes of the community, adopts, generally, the opinions contained therein.
  - (2.) That it is advisable to introduce Lord Stanley's system of National Education into this Colony.
  - (3.) That in order to introduce this system, His Excellency the Governor be requested to appoint a board of persons favorable to the introduction of Lord Stanley's National system of Education, and belonging to the different religious denominations; this board to be invested with a very wide discretion, as to the arrangements necessary for carrying the system into effect; and all funds to be henceforth applied for the purpose of Education, to be administered by them.
  - (4.) The leading principle by which the Board of Education shall be guided, is to afford the same facilities for Education to all classes of professing Christians, without any attempt to interfere with the peculiar religious opinions of any, or to countenance proselytism.
  - (5.) That the board be incorporated.
  - (6.) That an Address be presented to His Excellency the Governor, transmitting the above Resolutions, and praying that he will be pleased to take them into his favorable consideration, and carry them into effect.
 Debate ensued.

Moved

Moved, as an amendment, by Mr. Windever, That this Council do adopt the following Resolutions instead of those proposed by Mr. Robinson:—

(1.) That in the opinion of this House, it is desirable to introduce a general system of Education into this Colony, by which the children of the poorer classes may be taught gratuitously, if necessary, reading, writing; and arithmetic, and such religious exercises and principles as the parents of the children may unanimously require; provided that no aid shall be given by the Government to any School which shall not be required by the parents or guardians of at least fifty children, between the ages of two and fourteen years, attending such school.

(2.) That to meet the wants of such parts of the country as may not be able to comply with the conditions of the preceding Resolution, Lord Stanley's system of National Education be adopted, with this modification, that instead of the Clergy and Pastors of the several denominations, being allowed to impart religious instruction in the Schools, the Children be allowed to be absent from School on every Saturday, for the purpose of receiving such instruction elsewhere.

(3.) That in order to introduce this system, so modified, His Excellency the Governor be requested to appoint a board of persons favorable to the introduction of Lord Stanley's National system of Education, and belonging to the different Religious Denominations; this board to be invested with a very wide discretion as to the arrangements necessary for carrying the system into effect; and all funds to be henceforth applied for the purpose of Education, to be administered by them.

(4.) That the board be incorporated.

(5.) That an Address be presented to His Excellency the Governor, transmitting the above Resolutions, and praying that he will be pleased to take them into his favorable consideration, and carry them into effect.

Moved, as an amendment, by Mr. Berry, that this question be now put.

Debate continued.

Moved by Mr. Cowper, that this debate be adjourned until Thursday next.

Debate on motion for adjournment.

Question put on the motion for adjournment; Council divided.

Ayes 15.

Noes 10.

THE ATTORNEY GENERAL,  
THE COLONIAL SECRETARY,  
THE COLLECTOR OF CUSTOMS,  
MR. COWPER,  
MR. BERRY,  
DR. NICHOLSON,  
MR. BOWMAN,  
THE AUDITOR GENERAL,  
MR. ROBINSON,  
MR. LAMB,  
MR. LAWSON,  
MR. COGHILL,  
MR. THERRY,  
MR. MACARTHUR,  
THE COLONIAL TREASURER, (Teller.)

DR. BLAND,  
MR. W. C. WENTWORTH,  
MR. PANTON,  
MAJOR WENTWORTH,  
CAPTAIN DUMARESQ,  
MR. BRADLEY,  
MR. WALKER,  
DR. LANG,  
MR. DARVALL,  
MR. YOUNG, (Teller.)

Debate adjourned until Thursday next.

10. William Prendergast:—Dr. Nicholson postponed bringing forward his motion, relative to this man, until Tuesday next.
11. Committee on Insolvent Act amendment Bill:—Dr. Nicholson, pursuant to notice, moved, That Mr. Darvall's name be added to the list of the Select Committee, to whom has been referred the consideration of the Insolvent Act amendment Bill.  
Question put and passed.
12. Bank of Australia Shares Bill:—Mr. W. C. Wentworth having, pursuant to notice, moved for and obtained leave to bring in "A Bill to enable the Bank of Australia to dispose of certain real and personal property, in the Colony of New South Wales, in certain shares by lot;" Bill read a first time; to be printed, and read a second time on Friday next.
13. Lion on Wool Act amendment Bill, read a second time; to be considered in Committee on Wednesday next.

There not being twelve Members present, the Speaker adjourned the Council at twenty minutes after nine o'clock, until Tuesday next at Three o'clock.

## NOTICES OF MOTION AND ORDERS OF THE DAY.

TUESDAY, OCTOBER 8.

### NOTICES OF MOTION:—

1. DR. LANG to move the following Resolutions:—

(1.) That it is the opinion of this Council, that the Elective Franchise ought to be extended to all Leaseholders of Land, paying not less than £20 of annual rent, and holding Leases of five years or upwards.

(2.) That it is the opinion of this Council, that the Elective Franchise ought to be extended to all persons depasturing Stock on the Crown Lands of the Colony, provided they are in actual possession respectively, of not fewer than two hundred head of Cattle,

or



or one thousand sheep; such possession to be ascertained from the Assessment Lists of their respective Districts.

- (3.) That an Address be presented to His Excellency the Governor, communicating the above Resolutions, and praying that His Excellency will be pleased to transmit the same to the Right Honorable Her Majesty's Principal Secretary of State for the Colonies, and to recommend that the principle they contain may be embodied in an Act, to be passed by the Imperial Parliament, to amend the Act 5 and 6 Victoria, chap. 76.
- (4.) That it is the opinion of this Council, that the City of Sydney, taking into consideration the amount of its constituency, as well as of its property and population, is entitled to return four additional Members to this House, or one for each ward altogether.
- (5.) That it is the opinion of this Council, that the Town of Melbourne is entitled to return one additional Member to this House.
- (6.) That it is the opinion of this Council, that the County of Cumberland is entitled to return two additional Members to this House, or four altogether.
- (7.) That it is the opinion of this Council, that the Counties of Camden, Northumberland, and Durham, are each entitled to return one additional Member, or two Members each, to this House.
2. **DR. NICHOLSON** to move that an Address be presented to His Excellency the Governor, requesting that he will be pleased to cause to be laid upon the Table of this House, the following Returns:—
- (1.) A copy of the Report of a Commission, appointed to enquire into certain charges of bribery preferred against William Prendergast, a convict clerk in Hyde Park Barracks.
  - (2.) A copy of the order of His Excellency the Governor, respecting the removal of the aforesaid William Prendergast from the district of Sydney.
  - (3.) Copies of all correspondence between the Superintendent of Hyde Park Barracks and His Excellency the Governor, relative to the granting a ticket of leave to the aforesaid William Prendergast.
  - (4.) Date and copy of ticket of leave issued to the aforesaid William Prendergast.
3. **MR. LAMB** to move, That the Petition from certain Citizens of Sydney, against the system of Education recommended by the Select Committee of the Legislative Council, presented by him on the 3rd instant, be printed.

**ORDERS OF THE DAY:—**

1. Consideration of the Report from the Select Committee on the Elective Franchise.
2. Customs' Bill; to be further considered in Committee.
3. Melbourne Corporation Act amendment Bill; to be further considered in Committee.
4. Interest Bill; second reading.

**WEDNESDAY, OCTOBER 9.**

**NOTICES OF MOTION:—**

1. **MR. WINDEYER** to move That an Address be presented to His Excellency the Governor, praying him to place upon the Estimates, a sum of money for the employment of the Dredging Machine, in removing the obstructions existing to the navigation of the River Hunter.
2. **MR. ROBINSON** to move, That it is the opinion of this Council, that the whole of the Revenue derived from the District of Port Phillip, should be specially appropriated for the service thereof.
3. **MR. WINDEYER**, on Mr. Robinson's motion being made, to move as an amendment, That it would be just and expedient, that the balance of the Revenue of the Colony, after providing for all objects of general concernment, should be divided among the several Districts of the Colony, in proportion to their population, to be applied to such local objects as the said Districts may severally require.
4. **MR. ROBINSON** to move, That the Petitions from the Corporation of Melbourne, presented on the 17th September, respecting the financial separation of the Port Phillip District, and on the 10th September, respecting the Melbourne Town fund, be taken into consideration.
5. **MR. WENTWORTH** to move, That, in the opinion of this Council, the Corporation of the City of Sydney ought to have the administrative and financial control of the Police of the City, and are entitled, as police revenue, to certain fees, fines, and penalties, and also to certain licenses imposed upon publicans and other trades carried on within the City, as prayed for in their Petition to this Council, of the 12th June last.
6. **THE COLONIAL SECRETARY** to move, that the Circular Quay Wharfage Bill be now read a second time.

**ORDERS OF THE DAY:—**

1. Estimates for the year 1845; to be further considered in Committee.
2. Fees, Fines, and Penalties Bill; second reading.
3. Border Police Act amendment Bill; second reading.
4. Publicans' Licensing Act amendment Bill; to be considered in Committee.
5. Sydney Incorporation Act amendment Bill; to be further considered in Committee.
6. Lien on Wool Act amendment Bill; to be considered in Committee.

**THURSDAY,**

THURSDAY, OCTOBER 10.

NOTICES OF MOTION:—

1. MR. COWPER to move, as an amendment upon Mr. Robinson's Resolutions:—
  - (1.) That it is advisable to increase the funds for the Education of the humbler classes of this Colony.
  - (2.) That from the 1st January, 1845, all funds to be appropriated for the purposes of Education, shall be administered by a Board consisting of laymen, who shall be appointed by His Excellency the Governor.
  - (3.) That the Board shall not interfere in the religious instruction given in the Schools; but the applicant for aid shall be required to propose a system of secular instruction for the approval of the Board, whose duty it shall be to appropriate the funds economically and impartially, and to see that the proposed system is faithfully carried into operation.
  - (4.) That an Address be presented to His Excellency the Governor, transmitting these Resolutions, and praying that His Excellency will be pleased to take steps for carrying them into effect, and to place on the Estimates for the year 1845, a sum not exceeding £10,000 for Education.
2. MR. W. C. WENTWORTH to move, that the Address to Her Majesty the Queen, on the Governor's Message of 3rd September last on the Judicial Expenditure for 1845, annexed to the Report from the Select Committee appointed on the 12th of that month to frame the same, be adopted by this Council.

ORDERS OF THE DAY:—

1. Resumption of the debate on Educational Resolutions.

---

FRIDAY, OCTOBER 11.

1. Bank of Australia Shares Bill; second reading.

---

TUESDAY, OCTOBER 15.

1. Auctioneers' Licensing Bill; second reading.

ALEX. M<sup>c</sup> LEAY,  
Speaker.

## VOTES AND PROCEEDINGS

OF

## THE LEGISLATIVE COUNCIL.

TUESDAY, 8 OCTOBER, 1844.

1. Council met pursuant to adjournment; the Speaker took the Chair.  
 Bridge over Cowpasture River:—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 1st October, 1844, wherein His Excellency was requested to place on the Supplementary Estimate for 1844, a sum of money not exceeding £160, for the repairs of the Bridge over the Cowpasture River.*

GENTLEMEN,

No application has been made to the Government for the repair of this Bridge, and it is under charge of the authorities of the District in which it is situated.

Being however on the chief line of communication with the southern parts of the Colony, I shall take measures for guarding against the public inconvenience which would be occasioned, were the Bridge over the Cowpasture River to become impassable.

*Government House,  
 Sydney, 8th October, 1844.*

GEORGE GIPPS.

Message ordered to be printed.

2. Commuted Pensioners:—Mr. Windeyer presented a Petition from the Commuted Pensioners of Sydney, praying that lodging may be afforded them, in a portion of the Immigrant Sheds, with rations and fuel, until an answer shall be received from England to their former Petition; Petition read and received.
3. Education:—The Attorney General presented a Petition from the Roman Catholic Archbishop, Clergy, and Inhabitants of Sydney, against the system of Education recommended by the Select Committee of the Legislative Council; Petition read and received.
4. Education:—The Attorney General presented a Petition from the Roman Catholic Clergyman and inhabitants of Appin, Picton, and Berrima, against the system of Education recommended by the Select Committee of the Legislative Council; Petition read and received.
5. Port Phillip Revenue:—Mr. Robinson postponed bringing forward his motions on this subject, from October 9 until October 16.
6. Elective Franchise Extension:—Dr. Lang, pursuant to notice, moved, That this Council do adopt the following Resolution:—  
 (1.) That it is the opinion of this Council, that the Elective Franchise ought to be extended to all Leaseholders of Land, paying not less than £20 of annual rent, and holding Leases of five years or upwards.  
 Moved, as an amendment, by the Colonial Secretary, That the following words be added to the proposed Resolution, immediately after the word "upwards," at the end thereof, viz.—"on condition of actual residence thereon, for a period of at least six months previously to the last registration of Electors in the District;" and further, that all the words following the word "Leaseholders," to and inclusive of the word "rent," be struck out, and the following words substituted, viz.—"occupying Land of not less than £20 of annual value."  
 Question on the Resolution, as so amended, put and passed.  
 Moved, by Dr. Lang, That this Council do adopt the following Resolution:—  
 (2.) That it is the opinion of this Council, that the Elective Franchise ought to be extended to all persons depasturing Stock on the Crown Lands of the Colony, provided they are in actual possession respectively, of not fewer than two hundred head of Cattle, or one thousand sheep; such possession to be ascertained from the Assessment Lists of their respective Districts.  
 Debate ensued.  
 Debate, by leave, postponed until Friday next, Dr. Lang withdrawing until next Session, the 4th, 5th, 6th, and 7th Resolutions, on the Notices for to-day.

- 7. William Prendergast :—Dr. Nicholson, pursuant to notice, moved, That an Address be presented to His Excellency the Governor, requesting that he will be pleased to cause to be laid upon the Table of this House, the following Returns :—
  - (1.) A copy of the Report of a Commission, appointed to enquire into certain charges of bribery preferred against William Prendergast, a convict messenger in Hyde Park Barracks.
  - (2.) A copy of the order of His Excellency the Governor, respecting the removal of the aforesaid William Prendergast from the district of Sydney.
  - (3.) Copies of all correspondence between the Principal Superintendent of Convicts and His Excellency the Governor, relative to the granting a ticket of leave to the aforesaid William Prendergast.
  - (4.) Date and copy of ticket of leave issued to the aforesaid William Prendergast.
 Question put and passed, and Address to be presented by the Speaker and the Colonial Secretary.
- 8. Education :—Mr. Lamb, pursuant to notice, moved, That the Petition from certain citizens of Sydney, against the system of Education recommended by the Select Committee of the Legislative Council, presented by him on the 3rd instant, be printed. Question put and passed, and Petition ordered to be printed accordingly. There not being twelve Members present the Speaker adjourned the Council at half past five o'clock, until to-morrow at Three o'clock.

NOTICES OF MOTION AND ORDERS OF THE DAY.

WEDNESDAY, OCTOBER 9:

NOTICES OF MOTION :—

- 1. MR. WINDEYER to move That an Address be presented to His Excellency the Governor, praying him to place upon the Estimates, a sum of money for the employment of the Dredging Machine, in removing the obstructions existing to the navigation of the River Hunter.
- 2. MR. WENTWORTH to move, That, in the opinion of this Council, the Corporation of the City of Sydney ought to have the administrative and financial control of the Police of the City, and are entitled, as police revenue, to certain fees, fines, and penalties, and also to certain licenses imposed upon publicans and other trades carried on within the City, as prayed for in their Petition to this Council, of the 12th June last.
- 3. THE COLONIAL SECRETARY to move, that the Circular Quay Wharfage Bill be read a second time.

ORDERS OF THE DAY :—

- 1. Estimates for the year 1845 ; to be further considered in Committee.
- 2. Fees, Fines, and Penalties Bill ; second reading.
- 3. Border Police Act amendment Bill ; second reading.
- 4. Publicans' Licensing Act amendment Bill ; to be considered in Committee.
- 5. Sydney Incorporation Act amendment Bill ; to be further considered in Committee.
- 6. Lion-on-Wool Act amendment Bill ; to be considered in Committee.
- 7. Customs' Bill ; to be further considered in Committee.
- 8. Melbourne Corporation Act amendment Bill ; to be further considered in Committee.
- 9. Interest Bill ; second reading.

THURSDAY, OCTOBER 10.

NOTICES OF MOTION :—

- 1. MR. COWPER to move, as an amendment upon Mr. Robinson's Resolutions on Education :—
  - (1.) That it is advisable to increase the funds for the Education of the humbler classes of this Colony.
  - (2.) That from the 1st January, 1845, all funds to be appropriated for the purposes of Education, shall be administered by a Board consisting of laymen, who shall be appointed by His Excellency the Governor.
  - (3.) That the Board shall not interfere in the religious instruction given in the Schools ; but the applicant for aid shall be required to propose a system of secular instruction for the approval of the Board, whose duty it shall be to appropriate the funds economically and impartially, and to see that the proposed system is faithfully carried into operation.
  - (4.) That an Address be presented to His Excellency the Governor, transmitting these Resolutions, and praying that His Excellency will be pleased to take steps for carrying them into effect, and to place on the Estimates for the year 1845, a sum not exceeding £10,000 for Education.
- 2. MR. W. C. WENTWORTH to move, that the Address to Her Majesty the Queen, on the Governor's Message of 3rd September last, on the Judicial Expenditure for 1845, annexed to the Report from the Select Committee appointed on the 12th of that month to frame the same, be adopted by this Council.

ORDERS OF THE DAY :—

- 1. Resumption of the debate on Educational Resolutions.

FRIDAY, OCTOBER 11.

## NOTICES OF MOTION:—

1. DR. LANG to move the resumption of the debate on No. 2 of the following Resolutions:
  - (2.) That it is the opinion of this Council, that the Elective Franchise ought to be extended to all persons depasturing Stock on the Crown Lands of the Colony, provided they are in actual possession respectively, of not fewer than two hundred head of Cattle, or one thousand sheep; such possession to be ascertained from the Assessment Lists of their respective Districts.
  - (3.) That an Address be presented to His Excellency the Governor, communicating the Resolutions, 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 Honorable Her Majesty's Principal Secretary of State for the Colonies, and to recommend that the principle they contain may be embodied in an Act, to be passed by the Imperial Parliament, to amend the Act 5 and 6 Victoria, chap. 76.
2. MR. ROBINSON to move the following Resolutions:—
  - (1.) That it is the opinion of this Council, that the recognised Ministers of any congregation of professing christians, Graduates of any British University, Fellows or Licentiates of any Royal College of Physicians or Surgeons, Members of the Apothecaries Hall, London, Barristers or Attornies, duly qualified as such, provided they shall have resided for the space of six months within any district, shall be qualified to be enrolled as Electors thereof.
  - (2.) That it is the opinion of this Council, that the qualification of Members elected to serve in the Legislative Council, should be extended to the possession of stock, as well as to freehold property, and that the possession of not less than two thousand head of cattle or ten thousand sheep, free of incumbrance, should be a sufficient qualification.

## ORDERS OF THE DAY:—

1. Bank of Australia Shares Bill; second reading.

TUESDAY, OCTOBER 15.

1. Auctioneers' Licensing Bill; second reading.

WEDNESDAY, OCTOBER 16.

## NOTICES OF MOTION:—

1. MR. ROBINSON to move, That it is the opinion of this Council, that the whole of the Revenue derived from the District of Port Phillip, should be specially appropriated for the service thereof.
2. MR. WINDEYER, on Mr. Robinson's motion being made, to move as an amendment, That it would be just and expedient, that the balance of the Revenue of the Colony, after providing for all objects of general concernment, should be divided among the several Districts of the Colony, in proportion to their population, to be applied to such local objects as the said Districts may severally require.
3. MR. ROBINSON to move, That the Petitions from the Corporation of Melbourne, presented on the 17th September, respecting the financial separation of the Port Phillip District, and on the 10th September, respecting the Melbourne Town fund, be taken into consideration.

ALEX. M<sup>c</sup> LEAY,  
*Speaker.*



## VOTES AND PROCEEDINGS

## THE LEGISLATIVE COUNCIL.

WEDNESDAY, 9 OCTOBER, 1844.

1. Council met pursuant to adjournment; the Speaker took the Chair. Windsor; District Council:—Mr. Bowman presented a Petition from the Warden, and Members of the District Council of Windsor, praying the Council to vote a sum not exceeding £345 6s. 6½d. to meet the Salaries of Officers, and other expenses unavoidably incurred by them, to the 4th day of July last, being of opinion, that they have not power to raise money by assessment for such purpose; Petition read at length and received.
  2. Melbourne Corporation Act amendment Bill:—On the motion of Mr. Robinson, the further consideration in Committee of this Bill, postponed until Friday next.
  3. Abolished Offices, and Police Expenditure:—Mr. Cowper, as Chairman, brought up the Report from the Select Committee appointed on the 6th ultimo, to prepare an Address to Her Majesty to remove any misapprehension which may have been created in the mind of Her Majesty, by the Despatches of His Excellency Sir George Gipps, to the Right Honorable Lord Stanley, numbered 175, and 176, and dated the 28th October, 1843, upon the subject of the Schedules 5 and 6 Victoria, chap. 76, and also in reference to Police and Gaols—Extracts from which were laid upon the Table of this House by the Colonial Secretary, and ordered by the Council to be printed, on the 16th August, 1844.  
Report ordered to be printed.
  4. City Police and Revenue:—Mr. Wentworth pursuant to notice, moved, the following Resolution:—  
That, in the opinion of this Council, the Corporation of the City of Sydney ought to have the administrative and financial control of the Police of the City, and are entitled, as police revenue, to certain fees, fines, and penalties, and also to certain licenses imposed upon publicans and other trades carried on within the City, as prayed for in their Petition to this Council, of the 12th June last.  
Debate ensued.  
Question put; Council divided.  
Ayes 4.  
Noes 14.
- |  |   |
|--|---|
| MR. W. C. WENTWORTH,<br>DR. BLAND,<br>DR. LANG,<br>MR. WINDEYER, (Teller.) | THE COLONIAL SECRETARY,<br>MR. YOUNG,<br>DR. NICHOLSON,<br>MR. LAWSON,<br>MR. COWPER,<br>MR. BOWMAN,<br>MR. ROBINSON,<br>MR. COGHILL,<br>THE AUDITOR GENERAL,<br>MR. WALKER,<br>MR. DARVALL,<br>THE COLLECTOR OF CUSTOMS,<br>MR. LAMB,<br>THE COLONIAL TREASURER, (Teller.) |
|--|---|
5. Dredging Machine:—Mr. Windeyer postponed bringing forward his motion on this subject, until Friday next.
  6. Circular Quay Wharfrage Bill:—The Colonial Secretary postponed bringing forward his motion on this subject, until to-morrow.
  7. Estimates for 1845:—On the motion of the Colonial Secretary, the Estimate for the Sydney Police, postponed until Wednesday next, and the general Estimates of Expenditure for the year 1845, until to-morrow.
  8. Fees, Fines, and Penalties Bill:—By leave, withdrawn by Mr. W. C. Wentworth.
  9. Border Police Act amendment Bill:—On the motion of Mr. Cowper, the second reading of this Bill postponed, until Wednesday, October 16.
  10. Publicans Licensing Act amendment Bill:—On the motion of Mr. W. C. Wentworth, the Council resolved itself into a Committee of the whole House, for consideration of this Bill.  
There not being twelve Members present the Speaker took the Chair, and adjourned the Council at a quarter before Eight o'clock, until to-morrow at Three o'clock.

208.

NOTICES OF MOTION AND ORDERS OF THE DAY.

THURSDAY, OCTOBER 10.

NOTICES OF MOTION :—

1. MR. COWPER to move, as an amendment upon Mr. Robinson's Resolutions on Education:—
  - (1.) That it is advisable to increase the funds for the Education of the humbler classes of this Colony.
  - (2.) That from the 1st January, 1845, all funds to be appropriated for the purposes of Education, shall be administered by a Board consisting of laymen, who shall be appointed by His Excellency the Governor.
  - (3.) That the Board shall not interfere in the religious instruction given in the Schools; but the applicant for aid shall be required to propose a system of secular instruction for the approval of the Board, whose duty it shall be to appropriate the funds economically and impartially, and to see that the proposed system is faithfully carried into operation.
  - (4.) That an Address be presented to His Excellency the Governor, transmitting these Resolutions, and praying that His Excellency will be pleased to take steps for carrying them into effect, and to place on the Estimates for the year 1845, a sum not exceeding £10,000, for Education.
2. MR. W. C. WENTWORTH to move, that the Address to Her Majesty the Queen, on the Governor's Message of 3rd September last on the Judicial Expenditure for 1845, annexed to the Report from the Select Committee appointed on the 12th of that month to frame the same, be adopted by this Council.
3. THE COLONIAL SECRETARY to move, that the Circular Quay Wharfage Bill be read a second time.

ORDERS OF THE DAY :—

1. Resumption of the debate on Educational Resolutions.
2. Estimates for the year 1845; to be further considered in Committee.
3. Publicans' Licensing Act amendment Bill; to be further considered in Committee.
4. Sydney Incorporation Act amendment Bill; to be further considered in Committee.
5. Lien on Wool Act amendment Bill; to be considered in Committee.
6. Customs Bill; to be further considered in Committee.
7. Interest Bill; second reading.

FRIDAY, OCTOBER 11.

NOTICES OF MOTION :—

1. DR. LANG to move the following Resolution:—  
That an Address be presented to His Excellency the Governor, communicating the Resolutions, 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 Honorable Her Majesty's Principal Secretary of State for the Colonies, and to recommend that the principle they contain may be embodied in an Act, to be passed by the Imperial Parliament, to amend the Act 5 and 6 Victoria, chap. 76.
2. MR. ROBINSON to move the following Resolutions:—
  - (1.) That it is the opinion of this Council; that the recognised Ministers of any congregation of professing christians, Graduates of any British University, Fellows or Licentiates of any Royal College of Physicians or Surgeons, Members of the Apothecaries Hall, London, Barristers or Attornies, duly qualified as such, provided they shall have resided for the space of six months within any district, shall be qualified to be enrolled as Electors thereof.
  - (2.) That it is the opinion of this Council, that the qualification of Members elected to serve in the Legislative Council, should be extended to the possession of stock, as well as to freehold property, and that the possession of not less than two thousand head of cattle or ten thousand sheep, free of incumbrance, should be a sufficient qualification.
3. MR. WINDEYER to move That an Address be presented to His Excellency the Governor, praying him to place upon the Estimates, a sum of money for the employment of the Dredging Machine, in removing the obstructions existing to the navigation of the River Hunter.

ORDERS OF THE DAY :—

1. Resumption of the debate on the 2nd of the Elective Franchise extension Resolutions.
2. Melbourne Corporation Act amendment Bill; to be further considered in Committee.
3. Bank of Australia Shares Bill; second reading.

TUESDAY, OCTOBER 15.

1. Auctioneers' Licensing Bill; second reading.

WEDNESDAY



WEDNESDAY, OCTOBER 16.

NOTICES OF MOTION:—

1. MR. ROBINSON to move, That it is the opinion of this Council, that the whole of the Revenue derived from the District of Port Phillip, should be specially appropriated for the service thereof.
2. MR. WINDEYER, on Mr. Robinson's motion being made, to move as an amendment, That it would be just and expedient, that the balance of the Revenue of the Colony, after providing for all objects of general concernment, should be divided among the several Districts of the Colony, in proportion to their population; to be applied to such local objects as the said Districts may severally require.
3. MR. ROBINSON to move, That the Petitions from the Corporation of Melbourne, presented on the 17th September, respecting the financial separation of the Port Phillip District, and on the 10th September, respecting the Melbourne Town fund, be taken into consideration.
4. MR. COWPER to move, That the Address to Her Majesty the Queen, on Sir George Gipps's Despatches, Nos. 175 and 176, relative to compensation for offices abolished or reduced, and to the Police and Gaol Expenditure, annexed to the Report from the Select Committee, appointed on the 6th September last, to prepare the same, be adopted by this Council.

ORDERS OF THE DAY:—

1. Estimate for Sydney Police for 1845; to be further considered in Committee.
2. Border Police Act amendment Bill; second reading.

ALEX. M<sup>c</sup> LEAY,  
*Speaker.*



## VOTES AND PROCEEDINGS

or

## THE LEGISLATIVE COUNCIL.

THURSDAY, 10 OCTOBER, 1844.

1. Council met pursuant to adjournment; the Speaker took the Chair.  
Education:—Major Wentworth presented a Petition from the Reverend John Thomas Lynch, and certain members of the Roman Catholic Church, at Maitland, against the system of Education recommended by the Select Committee of the Legislative Council; Petition read and received.
2. Distressed Mechanics:—Mr. W. C. Wentworth presented a Petition from certain mechanics who have lately been employed on the repairs carrying on in the Supreme Court House, praying further employment under Government; Petition read and received.
3. Education:—Debate on the Educational Resolutions, and the amendments thereon, postponed on Friday, October 4, resumed.
4. Vacant Seat:—The following Message from His Excellency the Governor received and read:—

*Message from His Excellency the Governor, to the Legislative Council, referring a case to the decision of the Council, under the eighteenth clause of the Constitutional Act of the Colony, 5th and 6th Victoria, c. 76.*

GENTLEMEN,

Under the eighteenth clause of the 5th and 6th Victoria, c. 76, I have to refer to the decision of the Council, the following question, namely:—whether the Seat in the Council lately vacated by Sir Thomas Mitchell, be still vacant, or whether it has been filled up by the election of Mr. Benjamin Boyd.

I shall cause all Papers connected with the question to be laid before the Council.

*Government House,  
Sydney, 10th October, 1844.*

GEORGE GIPPS.

Message, together with the Papers therein referred to, ordered to be printed, and taken into consideration to-morrow.

5. Section 70 of Sydney Corporation Act suspension Bill:—The following Message from His Excellency the Governor, received and read:—

*Message from His Excellency the Governor, to the Legislative Council, transmitting to the Council the Draft of a Law to suspend for one year, the seventieth clause of the Act of the Governor and Council, for Incorporating the City of Sydney.*

GENTLEMEN,

Herewith I submit to the consideration of the Council, a Draft of a Law intituled, "A Bill to suspend for a limited period so much of an Act of the Governor and Council of New South Wales, to declare the Town of Sydney to be a City, and to Incorporate the Inhabitants thereof, as relates to the estimating and levying a rate for the Police of the said City."

*Government House,  
Sydney, 10th October, 1844.*

GEORGE GIPPS.

Message, together with the Bill therein referred to, ordered to be printed, and taken into consideration to-morrow.

6. Assent withheld from Bill:—The Speaker reported, that His Excellency the Governor had been pleased to withhold Her Majesty's assent to the Colonial Spirits exportation Bill.
7. Education:—Debate on the Educational Resolutions, and the amendments thereon, interrupted by the abovementioned Messages from His Excellency the Governor, resumed.  
The motion, That "this question be now put," withdrawn by leave, by Mr. Berry, Debate on the original motion, and the amendment thereon continued.  
Moved, as an amendment, by Mr. W. C. Wentworth, that this Council do adopt the following

following Resolutions, instead of those proposed by Mr. Robinson, on the 4th instant, viz. :-

- (1.) That this Council, having taken into consideration the Report of the Select Committee, appointed to enquire into and report upon the state of Education in this Colony, and to devise the means of placing the Education of youth upon a basis, suited to the wants and wishes of the community, Resolved :- That it is advisable to introduce Lord Stanley's system of national education into this Colony, with this modification, that instead of the Clergy and Pastors, of the several denominations being allowed to impart religious instruction in the Schools, the children be allowed to be absent from School one day in every week, exclusive of Sunday, for the purpose of receiving such instruction elsewhere; but that all denominational Schools now in existence, having School Houses already built, which have been, or shall be within the next twelve months, conveyed in trust for the purpose of the School, and having now, or which shall have, within the next twelve months, an average attendance of fifty scholars, shall be entitled to aid from the Board.
- (2.) That in order to introduce this system, His Excellency the Governor be requested to appoint a board of persons favorable to the introduction of Lord Stanley's National system of Education, and belonging to the different religious denominations; this board to be invested with a very wide discretion, as to the arrangements necessary for carrying the system into effect; and all funds to be henceforth applied for the purpose of Education, to be administered by them.
- (3.) The leading principle by which the Board of Education shall be guided, is to afford the same facilities for Education to all classes of professing Christians, without any attempt to interfere with the peculiar religious opinions of any, or to countenance proselytism.
- (4.) That the board be incorporated.
- (5.) That an Address be presented to His Excellency the Governor, transmitting the above Resolutions, and praying that he will be pleased to take them into his favorable consideration, and carry them into effect.

Debate continued.  
Question put on Mr. W. C. Wentworth's amendment; Council divided :-

Ayes 13.

- MR. LORD.
- DR. LANG,
- MR. BRADLEY,
- MR. COCHILL,
- MR. WALKER,
- MR. W. C. WENTWORTH,
- MAJOR WENTWORTH,
- MR. THERRY,
- DR. BLAND,
- MR. YOUNG,
- THE ATTORNEY GENERAL,
- THE COLONIAL SECRETARY,
- MR. ROBINSON, (Teller.)

Noes 12.

- MR. LAMB,
- MR. DARVALL,
- MR. WINDEYER,
- MR. BOWMAN,
- MR. LAWSON,
- MR. COWPER,
- MR. PANTON,
- DR. NICHOLSON,
- THE COLLECTOR OF CUSTOMS,
- MR. MACARTHUR,
- MR. BERRY,
- THE COLONIAL TREASURER, (Teller.)

Mr. W. C. Wentworth's amendment carried. *A Bill for applying certain sums arising from the Revenue receivable in New South Wales to the service thereof, for the year 1845;* giving notice that he will move, to-morrow, that it be then read a first time.  
Council adjourned at Half-past Ten o'Clock, until to-morrow at Three o'Clock.

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

FRIDAY, OCTOBER 11.

#### NOTICES OF MOTION :-

- 1. DR. LANG to move the following Resolution: That an Address be presented to His Excellency the Governor, communicating the Resolutions, 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 Honorable Her Majesty's Principal Secretary of State for the Colonies, and to recommend that the principle they contain may be embodied in an Act, to be passed by the Imperial Parliament, to amend the Act, 5 and 6 Victoria, chap. 76.
- 2. MR. ROBINSON to move the following Resolutions: (1.) That it is the opinion of this Council, that the recognised Ministers of any congregation of professing christians, Graduates of any British University, Fellows or Licentiates of any Royal College of Physicians or Surgeons, Members of the Apothecaries Hall, London, Barristers or Attornies, duly qualified as such, provided they shall have resided for the space of six months within any district, shall be qualified to be enrolled as Electors thereof.

- (2.) That it is the opinion of this Council, that the qualification of Members elected to serve in the Legislative Council, should be extended to the possession of stock, as well as to freehold property, and that the possession of not less than two thousand head of cattle or ten thousand sheep, free of incumbrance, should be a sufficient qualification.
3. MR. WINDEYER to move That an Address be presented to His Excellency the Governor, praying him to place upon the Estimates, a sum of money for the employment of the Dredging Machine, in removing the obstructions existing to the navigation of the River Hunter.
  4. MAJOR WENTWORTH to move, That the Petition from the Roman Catholics of Maitland, against the system of Education recommended by the Select Committee of the Legislative Council, presented by him yesterday, be printed.
  5. THE COLONIAL SECRETARY to move, That the Appropriation Bill be read a first time.
  6. MR. W. C. WENTWORTH to move, that the Address to Her Majesty the Queen, on the Governor's Message of 3rd September last on the Judicial Expenditure for 1845, annexed to the Report from the Select Committee appointed on the 12th of that month to frame the same, be adopted by this Council.
  7. THE COLONIAL SECRETARY to move, that the Circular Quay Wharfage Bill be read a second time.
  8. MR. WINDEYER, at the rising of the House, to move the following Resolution :—  
That a large proportion of the Members of this House having urgent occasion to leave Sydney, for the purpose of attending Sheep shearing, this House, at its rising, do adjourn to Wednesday, the 27th day of November next.

## ORDERS OF THE DAY :—

1. Resumption of the debate on the 2nd of the Elective Franchise extension Resolutions.
2. Melbourne Corporation Act amendment Bill ; to be further considered in Committee.
3. Bank of Australia Shares Bill ; second reading.
4. Consideration of Governor's Message on Vacant Seat.
5. Consideration of Governor's Message on section 70 of Sydney Corporation Act suspension Bill.
6. Estimates for the year 1845 ; to be further considered in Committee.
7. Publicans' Licensing Act amendment Bill ; to be further considered in Committee.
8. Sydney Incorporation Act amendment Bill ; to be further considered in Committee.
9. Lien on Wool Act amendment Bill ; to be considered in Committee.
10. Customs' Bill ; to be further considered in Committee.
11. Interest Bill ; second reading.

## TUESDAY, OCTOBER 15.

1. Auctioneers' Licensing Bill ; second reading.

## WEDNESDAY, OCTOBER 16.

## NOTICES OF MOTION :—

1. MR. ROBINSON to move, That it is the opinion of this Council, that the whole of the Revenue derived from the District of Port Phillip, should be specially appropriated for the service thereof.
2. MR. WINDEYER, on Mr. Robinson's motion being made, to move as an amendment, That it would be just and expedient, that the balance of the Revenue of the Colony, after providing for all objects of general concernment, should be divided among the several Districts of the Colony, in proportion to their population, to be applied to such local objects as the said Districts may severally require.
3. MR. ROBINSON to move, That the Petitions from the Corporation of Melbourne, presented on the 17th September, respecting the financial separation of the Port Phillip District, and on the 10th September, respecting the Melbourne Town fund, be taken into consideration.
4. MR. COWPER to move, That the Address to Her Majesty the Queen, on Sir George Gipps's Despatches, Nos. 175 and 176, relative to compensation for offices abolished or reduced, and to the Police and Gaol Expenditure, annexed to the Report from the Select Committee, appointed on the 6th September last, to prepare the same, be adopted by this Council.

## ORDERS OF THE DAY :—

1. Estimate for Sydney Police for 1845 ; to be further considered in Committee.
2. Border Police Act amendment Bill ; second reading.

## WEDNESDAY, NOVEMBER 27.

## NOTICE OF MOTION :—

1. MR. WINDEYER to move, that there be a call of the House, on Monday, the 2nd of December.

ALEX. M<sup>c</sup> LEAY,  
Speaker



## VOTES AND PROCEEDINGS

# THE LEGISLATIVE COUNCIL.

FRIDAY, 11 OCTOBER, 1844.

1. Council met pursuant to adjournment; the Speaker took the Chair.  
Bank of Australia Shares Bill:—Mr. W. C. Wentworth presented the following Petitions, praying that this Bill may be passed into law, viz:—  
 (1.) From certain citizens of Sydney.  
 (2.) From certain other citizens of Sydney.  
 (3.) From certain inhabitants of Parramatta.  
 (4.) From certain inhabitants of Windsor.  
 (5.) From certain inhabitants of Richmond.  
 Petitions severally read and received.
2. Education:—Mr. W. C. Wentworth, brought up an Address embodying the Educational Resolutions, adopted by the Council yesterday, and moved, That it be presented to His Excellency the Governor;  
 Debate ensued.  
 Motion, by leave, withdrawn.  
 Moved, by Mr. W. C. Wentworth, That the Address to His Excellency the Governor agreed to by the Council yesterday, be presented by the Speaker, the Colonial Secretary, and the Attorney General;  
 Question put and passed.
3. Commuted Pensioners:—Dr. Lang presented a Petition from certain Chelsea Pensioners, praying that the same relief may be extended to them as has been granted to the commuted Pensioners in Canada; Petition read and received.
4. Dredging Machine:—Mr. Windeyer presented a Petition from certain inhabitants of the Hunter River District, praying that a sum may be placed upon the Estimates for 1845, for the employment of the Dredging Machine, in removing the obstructions to the Navigation of the River Hunter; Petition read and received.
5. Elective Franchise extension:—Debate on the second Resolution, moved by Dr. Lang on Tuesday, the 8th instant, viz:—  
 “(2.) That it is the opinion of this Council, that the Elective Franchise ought to be extended to all persons depasturing Stock on the Crown Lands of the Colony, provided they are in actual possession respectively, of not fewer than two hundred head of Cattle, or one thousand sheep; such possession to be ascertained from the Assessment Lists of their respective Districts,” resumed.  
 Moved as an amendment, by Mr. Cowper, That the words “in the event of a fixed period of tenure being granted to the Squatters,” be introduced immediately after the word “that” occurring after the word “Council,” on the first line; that the words “bona fide proprietors and” be introduced immediately after the word “are” on the third line; and that the words “free of incumbrance” be introduced immediately after the word “sheep,” on the fourth line.  
 Debate continued.  
 Moved as an amendment, by Dr. Bland, that this question be now put.  
 Debate continued.  
 Question put on the motion—“That this question be now put.”  
 Council divided.

Ayes, 11.

MR. LORD,  
 DR. LANG,  
 MAJOR WENTWORTH,  
 DR. NICHOLSON,  
 MR. YOUNG,  
 MR. W. C. WENTWORTH,  
 MR. PANTON,  
 MR. BOWMAN,  
 MR. LAWSON,  
 MR. WINDEYER,  
 MR. ROBINSON, (Teller.)

Noes, 12.

MR. BRADLEY,  
 MR. COGHILL,  
 THE ATTORNEY-GENERAL,  
 THE COMMANDER OF THE FORCES,  
 THE COLONIAL SECRETARY,  
 MR. COWPER,  
 DR. BLAND,  
 THE AUDITOR-GENERAL,  
 THE COLLECTOR OF CUSTOMS,  
 MR. LAMB,  
 MR. MACARTHUR,  
 THE COLONIAL TREASURER, (Teller.)

Moved by Dr. Lang, That this Council do adopt the following Resolution:—  
 (3.) That an Address be presented to His Excellency the Governor, communicating the Resolution on the extension of the Elective Franchise, adopted by this Council, on the 8th instant, and praying that His Excellency will be pleased to transmit the same

same to the Right Honorable 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 Victoria, chap. 76.

Question put and passed, and Address to be presented by the Speaker and Colonial Secretary.

Mr. Robinson withdrew from the paper the motion on this subject, of which he had given notice for to-day.

6. Dredging Machine:—Mr. Windeyer, pursuant to notice, moved; That an Address be presented to His Excellency the Governor, praying him to place upon the Estimates, a sum of money for the employment of the Dredging Machine, in removing the obstructions existing to the navigation of the River Hunter.

Debate ensued.

Question put and passed, and Address to be presented by the Speaker and Colonial Secretary, with the plans.

7. Education:—Major Wentworth, pursuant to notice, moved, That the Petition from the Roman Catholics of Maitland, against the system of Education recommended by the Select Committee of the Legislative Council, presented by him yesterday, be printed.

Question put and passed, and Petition ordered to be printed accordingly.

8. Estimates for the year 1845:—On the motion of the Colonial Secretary, The Council resolved itself into a committee of the whole House, for consideration of the Estimates of Expenditure, for the year 1845.

The Chairman reported the following Resolutions:—

(1.) Resolved, That a sum not exceeding £620 18s. 9d., be appropriated to defray the salaries and allowances of the Establishment of His Excellency the Governor, for the year 1845.

(2.) Resolved, That a sum not exceeding £3,591 18s., be appropriated to defray the expense of the Legislative Council Establishment, for the year 1845.

(3.) Resolved, That a sum not exceeding £7,579 19s. 7d., be appropriated to defray the expense of the Department of Customs, in the Sydney District, for the year 1845.

(4.) Resolved, That a sum not exceeding £4,633, be appropriated to defray the expense of the Customs Establishment, in the Port Phillip District, for the year 1845.

(5.) Resolved, That a sum not exceeding £15,628 1s. 3d., be appropriated to defray the expense of the Post Office Establishment, Sydney, for the year 1845.

(6.) Resolved, That a sum not exceeding £4,186, be appropriated to defray the expense of the Post Office Establishment, Port Phillip, for the year 1845.

(7.) Resolved, That a sum not exceeding £1,719 4s. 6d., be appropriated to defray the salaries and allowances to the Inspectors of Colonial Distilleries, for the year 1845.

(8.) Resolved, That a sum not exceeding £663 7s. 11d., be appropriated to defray the expense of the Colonial Storekeeper's Department, for the year 1845.

(9.) Resolved, that a sum not exceeding £1,526 19s. 10d., be appropriated to defray the expense of the Establishment of the Port Master, Sydney, for the year 1845.

(10.) Resolved, that a sum not exceeding £239 15s., be appropriated to defray the expense of the Telegraph Stations, Sydney, for the year 1845.

(11.) Resolved, that a sum not exceeding £490 16s. 3d., be appropriated to defray the expense of the Light House at the South Head of Port Jackson, for the year 1845.

(12.) Resolved, that a sum not exceeding £552 17s. 6d., be appropriated to defray the expense of the Floating Light, near the entrance to Port Jackson, for the year 1845.

(13.) Resolved, that a sum not exceeding £290, be appropriated to defray the expense of the Establishment of the Harbour Master, Newcastle, for the year 1845.

(14.) Resolved, that a sum not exceeding £196 9s. 7d., be appropriated to defray the expense of the Establishment of the Harbour Master, Port Macquarie, for the year 1845.

(15.) Resolved, that a sum not exceeding £263 17s. 6d., be appropriated to defray the expense of the Establishment of the Harbour Master, Moreton Bay, for the year 1845.

(16.) Resolved, that a sum not exceeding £1,200 be appropriated to defray the expense of the Establishment of the Harbour Master, Port Phillip, for the year 1845.

(17.) Resolved, that a sum not exceeding £500 1s. 3d., be appropriated to defray the expense of the Light House Establishments, at Port Phillip, for the year 1845.

(18.) Resolved, that a sum not exceeding £199 3s. 4d., be appropriated to defray the expense of the Telegraph Stations at Port Phillip, for the year 1845.

(19.) Resolved, that a sum not exceeding £150, be appropriated to defray the salary of the Colonial Agent General, for the year 1845.

(20.) Resolved, that a sum not exceeding £1,583 17s. 6d., be appropriated to defray the salaries of Coroners, and the expense of Inquests in the Sydney District, for the year 1845.

(21.) Resolved, that a sum not exceeding £230, be appropriated to defray the salary of the Coroner, and the expense of Inquests in the Port Phillip District, for the year 1845.

(22.) Resolved, that a sum not exceeding £1,042 16s., be appropriated to defray the expense of the Melbourne Police, for the year 1845.

(23.) Resolved, that a sum not exceeding £750, be appropriated to defray the expense of the Water Police, Sydney, for the year 1845.

(24.) Resolved, that a sum not exceeding £280 5s., be appropriated to defray the expense of the Water Police, Port Phillip, for the year 1845.

(25.)



- (25.) Resolved, that a sum not exceeding £26,272 7s. 6d., be appropriated to defray the expense of Police in the Rural Districts of the Colony, for the year 1845.
- (26.) Resolved, that a sum not exceeding £12,443 1s. 4d., be appropriated to defray the expense of the Mounted Police, Sydney, for the year 1845.
- (27.) Resolved, that a sum not exceeding £2,106 18s. 8d., be appropriated to defray the expense of the Mounted Police, Port Phillip, for the year 1845.
- (28.) Resolved, that a sum not exceeding £9,696, be appropriated to defray the expense of the Border Police, in the Sydney District, for the year 1845, with the understanding that the present force be disbanded, and a force composed wholly of free men, be substituted in its stead.
- (29.) Resolved, that a sum not exceeding £4,252 16s. 3d., be appropriated to defray the expense of the Border Police, in the District of Port Phillip, for the year 1845, with the understanding that the present force be disbanded, and a force composed wholly of free men, be substituted in its stead.
- (30.) Resolved, that a sum not exceeding £1,784 2s. 6d., be appropriated to defray the expense of the Native Police, in the District of Port Phillip, for the year 1845.
- (31.) Resolved, that a sum not exceeding £164 5s., be appropriated to defray the salary of the Superintendent of Ironed Gangs, Sydney, for the year 1845.
- (32.) Resolved, that a sum not exceeding £4,577 11s. 8d., be appropriated to defray the expense of the Sydney Gaol, for the year 1845.
- (33.) Resolved, that a sum not exceeding £1,158 2s. 6d., be appropriated to defray the expense of the Parramatta Gaol, for the year 1845.
- (34.) Resolved, that a sum not exceeding £562 18s. 4d., be appropriated to defray the expense of the Bathurst Gaol, for the year 1845.
- (35.) Resolved, that a sum not exceeding £1,284 7s. 5d., be appropriated to defray the expense of the Newcastle Gaol, for the year 1845.
- (36.) Resolved, that a sum not exceeding £1,251 10s. 10d., be appropriated to defray the expense of the Berrima Gaol, for the year 1845.
- (37.) Resolved, that a sum not exceeding £1,454 5s., be appropriated to defray the expense of the Port Phillip Gaol, for the year 1845.
- (38.) Resolved, that a sum not exceeding £325, be appropriated to defray the salaries of the Health Officer, Port Jackson, and Clerk to the Medical Board, Sydney, for the year 1845.
- (39.) Resolved, that a sum not exceeding £1,749 10s., be appropriated to defray the expense of the Lunatic Asylum, Tarban Creek, for the year 1845.
- (40.) Resolved, that a sum not exceeding £2,500, be appropriated for the support of Free Paupers, in the Colonial Hospitals, for the year 1845.
- (41.) Resolved, that a sum not exceeding £365, be appropriated to defray the expense of the Medical Establishment, at Port Phillip, for the year 1845.
- (42.) Resolved, that a sum not exceeding £2,392, be appropriated to defray the expense of the Male Orphan School, near Liverpool, for the year 1845.
- (43.) Resolved, that a sum not exceeding £1,970, be appropriated to defray the expense of the Female Orphan School, Parramatta, for the year 1845.
- (44.) Resolved, that a sum not exceeding £1,500, be appropriated to defray the expense of the Roman Catholic Orphan School, Parramatta, for the year 1845.
- (45.) Resolved, that a sum not exceeding £1,404 17s. 9d., be appropriated to defray the expense of the Colonial Architects's Department, for the year 1845.
- (46.) Resolved, that a further sum not exceeding £2000, be appropriated towards defraying the expense of forming a Circular Quay, in Sydney Cove, for the year 1845.
- (47.) Resolved, that a further sum not exceeding £1,000, be appropriated towards completing the Breakwater, Newcastle, for the year 1845.
- (48.) Resolved, that a further sum not exceeding £1,000, be appropriated towards completing the Road over the Blue Mountains, for the year 1845.
- (49.) Resolved, that a further sum not exceeding £500, be appropriated towards completing the new Government House, Sydney, for the year 1845.
- (50.) Resolved, that a sum not exceeding £42, be appropriated to defray the expense of removing and repairing the Clock at Carter's Barracks, and refixing the same at the Sydney Gaol.
- (51.) Resolved, that a further sum not exceeding £2,000, be appropriated towards completing the new Gaol, Maitland, for the year 1845.
- (52.) Resolved, that a sum not exceeding £200, be appropriated to defray the expense of providing iron gates to the Lodge entrance, and bars to the lodge windows of the new Gaol, Berrima, for the year 1845.
- (53.) Resolved, that a sum not exceeding £3,000, be appropriated to defray the expense of casual repairs to Courts of Justice, Government Offices, and other Colonial Public Buildings, Sydney, for the year 1845.
- (54.) Resolved, that a sum not exceeding £411 2s. 6d., be appropriated to defray the expense of the Department of Public Works and Buildings at Port Phillip, for the year 1845.
- (55.) Resolved, that a sum not exceeding £1,000, be appropriated towards constructing a Wharf at Portland, for the year 1845.
- (56.) Resolved, that a sum not exceeding £250, be appropriated towards constructing a Jetty at Corio, and a Breakwater on the Barwon, for the year 1845.
- (57.) Resolved, that a sum not exceeding £500, be appropriated towards erecting a General Hospital at Melbourne, for the year 1845.
- (58.) Resolved, that a sum not exceeding £1,000, be appropriated towards erecting a Wall of enclosure to the Gaol at Melbourne, for the year 1845.

- (59.) Resolved, that a further sum not exceeding £200, be appropriated towards the erection of the Custom House, Geelong, for the year 1845.
- (60.) Resolved, that a sum not exceeding £1,000, be appropriated towards erecting Offices for His Honor the Superintendent, and the Sub-Treasurer, Port Phillip, for the year 1845.
- (61.) Resolved, that a sum not exceeding £600, be appropriated towards the erection of Police Buildings, at Port Fairy, Port Albert, the Grampians, and the Goulburn River, at £150 each, for the year 1845.
- (62.) Resolved, that a sum not exceeding £200, be appropriated towards erecting Quarters at different Stations for the Border Police, for the year 1845.
- (63.) Resolved, that a sum not exceeding £700, be appropriated towards the erection of a Police office at Melbourne, for the year 1845.
- (64.) Resolved, that a sum not exceeding £500, be appropriated to defray the expense of casual repairs to Courts of Justice, Public Offices, and other Colonial Public Buildings at Port Phillip, for the year 1845.
- (65.) Resolved, that a sum not exceeding £502, be appropriated to defray the expense of the Botanic Gardens, Sydney, for the year 1845.
- (66.) Resolved, that a sum not exceeding £1,796 Os. 7d., be appropriated to defray the expense of the Government Printing Office, for the year 1845.
- (67.) Resolved, that a sum not exceeding £600, be appropriated to defray the expense of Paper for Printing for the Public service generally, for the year 1845.
- (68.) Resolved, that a sum not exceeding £100, be appropriated to defray the expense of Newspapers for Record, and for the Secretary of State, for the year 1845.
- (69.) Resolved, that a sum not exceeding £1,400, be appropriated to defray the expense of Furniture for the Public Offices in Sydney, and at Port Phillip, for the year 1845.
- (70.) Resolved, that a sum not exceeding £140, be appropriated to defray the expense of Lighting the Public Lamps, Sydney, for the year 1845.
- (71.) Resolved, that a sum not exceeding £150, be appropriated to defray the expense of Fuel and Light for the several Public Offices, Port Phillip, for the year 1845.
- (72.) Resolved, that a sum not exceeding £270, be appropriated to defray the expense of the passages of Convicts transported to Van Diemen's Land, from Sydney and Port Phillip, for the year 1845.
- (73.) Resolved, that a sum not exceeding £200, be appropriated towards the support of the Australian Museum, for the year 1845.
- (74.) Resolved, that a sum not exceeding £200, be appropriated towards the support of the Sydney School of Arts, for the year 1845.
- (75.) Resolved, that a sum not exceeding £600, be appropriated in aid of the Private Hospitals at Windsor, Bathurst, and Goulburn, for the year 1845, on condition that an equal amount be raised by private contribution.
- (76.) Resolved, that a further sum not exceeding £12,000, be appropriated towards erecting the new Military Barracks, Sydney, for the year 1845.
- (77.) Resolved, that a sum not exceeding £1,000, be appropriated to defray the half salary of His Honor Chief Justice Sir James Dowling, for the year 1845, whilst absent on leave.
- Moved, That this Council do agree to these Resolutions, and that the Committee have leave to sit again on Wednesday next.
- Question put and passed.
9. Appropriation Bill:—On the motion of the Colonial Secretary, pursuant to notice, the Bill laid upon the Table by him yesterday, intitled "*A Bill for applying certain sums arising from the Revenue receivable in New South Wales, to the services thereof for the year one thousand eight hundred and forty-five*," read a first time; ordered to be printed, and read a second time on Wednesday next.
10. Governor's Message on Judicial Expenditure, for 1845:—Mr. W. C. Wentworth postponed bringing forward his motion on this subject until Wednesday next.
11. Circular Quay Wharfage Bill:—The Colonial Secretary postponed his motion for the second reading of this Bill, until Thursday next.
12. Adjournment of the House:—Mr. Windayer, pursuant to notice, moved, That this House, at its rising, do adjourn until Wednesday, the 27th November next.
- Debate ensued.
- Question put; Council divided:—

Ayes 11.

DR. BLAND,  
MAJOR WENTWORTH,  
DR. NICHOLSON,  
MR. W. C. WENTWORTH,  
MR. BOWMAN,  
MR. LORD,  
MR. LAWSON,  
MR. ROBINSON,  
DR. LANG,  
MR. WALKER,  
MR. WINDEYER, (Teller.)

Noes 7.

MR. COGHILL,  
MR. BRADLEY,  
THE ATTORNEY GENERAL,  
MR. DARVALL,  
MR. MACARTHUR,  
THE COLONIAL SECRETARY,  
THE COLONIAL TREASURER, (Teller.)

13. Bank of Australia Shares Bill :—Moved, by Mr. W. C. Wentworth, That this Bill be now read a second time.

Debate ensued.

Question put and passed, and Bill read a second time accordingly.

Moved, by Mr. W. C. Wentworth, that the Council do resolve itself into a Committee of the whole House for consideration of this Bill.

Question put and passed, and Council resolved itself into Committee accordingly.

The Chairman reported progress and obtained leave to sit again.

Moved by Mr. W. C. Wentworth, that this Bill be referred to a Select Committee, with instructions to examine into the allegations contained in its preamble, and otherwise to report upon it to the House.

Question put and passed, and the following Committee appointed accordingly :—

MR. W. C. WENTWORTH,  
MR. COGHILL,  
MR. DARVALL,  
MR. FOSTER,

DR. NICHOLSON,  
THE ATTORNEY GENERAL,  
MR. ROBINSON,  
MR. WINDEYER.

14. Vacant Seat :—The Governor's Message of the 10th October, read :—

Moved by the Colonial Secretary, That the Message just read be referred to a Select Committee, with instructions to take evidence, and report to the House.

Moved as an amendment by Dr. Lang; That this House having taken into consideration the question referred to it in His Excellency's Message of the 10th October, 1844, it is the opinion of this House, that the seat in the Council, lately vacated by Sir Thomas Mitchell, has been filled up by the election of Mr. Benjamin Boyd.

Debate continued.

Amendment, by leave, withdrawn.

Question on the original Motion put and passed, and the following Committee appointed accordingly, viz :—

THE COLONIAL SECRETARY,  
THE ATTORNEY GENERAL,  
MR. DARVALL,  
MR. FOSTER,

MR. W. C. WENTWORTH,  
DR. LANG,  
DR. NICHOLSON,  
MR. WINDEYER.

16. Section 70, of Sydney Incorporation Act, Suspension Bill; the Governor's Message of 10th October, 1844, read.

There not being twelve Members present, the Speaker adjourned the Council at twenty minutes before ten o'clock, until Wednesday, 27th November, at three o'clock.

NOTICES OF MOTION AND ORDERS OF THE DAY.

WEDNESDAY, NOVEMBER 27.

NOTICES OF MOTION :—

1. MR. WINDEYER to move, that there be a call of the House, on Monday, the 2nd of December.
2. THE COLONIAL SECRETARY to move, that the Circular Quay Wharfage Bill be read a second time.
3. MR. ROBINSON to move, That it is the opinion of this Council, that the whole of the Revenue derived from the District of Port Phillip, should be specially appropriated for the service thereof.
4. MR. WINDEYER, on Mr. Robinson's motion being made, to move as an amendment, That it would be just and expedient, that the balance of the Revenue of the Colony, after providing for all objects of general concernment, should be divided among the several Districts of the Colony, in proportion to their population, to be applied to such local objects as the said Districts may severally require.
5. MR. ROBINSON to move, That the Petitions from the Corporation of Melbourne, presented on the 17th September, respecting the financial separation of the Port Phillip District, and on the 10th September, respecting the Melbourne Town fund, be taken into consideration.
6. MR. COWPER to move, That the Address to Her Majesty the Queen, on Sir George Gipps's Despatches, Nos. 175 and 176, relative to compensation for offices abolished or reduced, and to the Police and Gaol Expenditure, annexed to the Report from the Select Committee, appointed on the 6th September last, to prepare the same, be adopted by this Council.
7. MR. W. C. WENTWORTH to move, that the Address to Her Majesty the Queen, on the Governor's Message of 3rd September last on the Judicial Expenditure for 1845, annexed to the Report from the Select Committee appointed on the 12th of that month to frame the same, be adopted by this Council.

ORDERS

ORDERS OF THE DAY:—

1. Consideration of Governor's Message on section 70 of Sydney Incorporation Act suspension Bill.
2. Estimates for the year 1845; to be further considered in Committee.
3. Appropriation Bill; second reading.
4. Border Police Act amendment Bill; second reading.
5. Auctioneers' Licensing Bill; second reading.
6. Melbourne Incorporation Act amendment Bill; to be further considered in Committee.
7. Publicans' Licensing Act amendment Bill; to be further considered in Committee.
8. Sydney Incorporation Act amendment Bill; to be further considered in Committee.
9. Lien on Wool Act amendment Bill; to be considered in Committee.
10. Customs' Bill; to be further considered in Committee.
11. Interest Bill; second reading.

ALEX. M<sup>c</sup> LEAY,  
Speaker.

## VOTES AND PROCEEDINGS

OF

## THE LEGISLATIVE COUNCIL.

WEDNESDAY, 27 NOVEMBER, 1844.

1. Council met pursuant to adjournment; the Speaker took the Chair.  
Resignation:—The Speaker reported that he had received a letter from the Colonial Secretary, of date the 12th instant, transmitting a letter from John Blaxland, Esquire, addressed to His Excellency the Governor, of date the 13th September last, resigning his Seat in the Legislative Council.
2. Leave of Absence granted to Edward Hamilton, Esquire, on the motion of the Colonial Secretary, for three weeks from this date.
3. Extension of the Elective Franchise:—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 11th October, 1844, wherein His Excellency was requested to transmit to Her Majesty's Principal Secretary of State for the Colonies, a Resolution passed by the Council on the 8th October, respecting the extension of the Elective Franchise to Leaseholders.*

GENTLEMEN,

I will transmit to Her Majesty's Principal Secretary of State for the Colonies, a Copy of the Resolution adopted 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 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."

GEORGE GIPPS.

Government House,

Sydney, 27th November, 1844.

Message ordered to be printed.

4. Administration of Justice:—The following Message from His Excellency the Governor received and read:—

*Message from His Excellency the Governor, to the Legislative Council, transmitting to them two projects of Laws connected with the Administration of Justice in the Colony.*

GENTLEMEN,

Agreeably to the 30th clause of the Act for the Government of New South Wales, 5th and 6th Victoria, c. 76, I herewith submit to your consideration, the two following projects of laws:

1.—"A Bill, intituled, *An Act to authorise the payment of certain allowances to Witnesses attending Courts of Justice in the Colony of New South Wales.*"

2.—"A Bill to remove doubts in respect of the application of Fees taken in the several Courts of Requests in the Colony of New South Wales, towards the support of the Courts wherein they are respectively taken."

In connexion with these two projects of laws, I have directed copies to be laid before you, of a correspondence which has recently taken place, between the Executive Government and their Honors the Judges of the Supreme Court.

In submitting to you these proposals, I also think it right distinctly to assure the Council, that I have no funds at my disposal, which can be made applicable wholly, or in part, to the Administration of Justice in the Colony, save those which now are, or may hereafter be, specifically appropriated to that service by law.

GEORGE GIPPS.

Government House,

Sydney, 27th November, 1844.

Message ordered to be printed, and taken into consideration on Wednesday, December 4.

The Colonial Secretary having laid upon the Table, the Correspondence referred to in the above Message, the same was ordered to be printed.

5. Commuted Pensioners:—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 18th September, 1844, wherein His Excellency was requested to take the case of the Commuted Pensioners in this Colony into consideration, and take such steps as may be most expedient, to procure them the same indulgences as have been extended by Her Majesty's Government to Commuted Pensioners in Canada.*

GENTLEMEN,

I regret that I have no authority to afford indulgences, or assistance, to the Commuted Pensioners in this Colony; but I will transmit to Her Majesty's Principal Secretary of State for the Colonies, a Copy of the Address which you have presented to me respecting them.

GEORGE GIPPS.

*Government House,*

*Sydney, 27th November, 1844.*

Message ordered to be printed.

6. Additional Appropriations for the year 1845:—The following Message from His Excellency the Governor received and read:—

*Message from His Excellency the Governor, to the Legislative Council, proposing additional appropriations of the public money, for the service of the year 1845.*

GENTLEMEN,

As it appears to me desirable to make the following appropriations of public money, for the service of the year 1845, I have to submit the same to your consideration:—

1.—For the employment of the Dredging Machine on the river Hunter . . . . .	£1000	0	0
Purchase of additional punts for the same, not exceeding four in number . . . . .	600	0	0
2.—Aid to the Mechanics' Institution at Melbourne . . . . .	150	0	0
3.—Aid to the Benevolent Asylum at Maitland, to meet an equal amount of private subscriptions, which are to be in addition to those which may be met by sums derived from fines on drunkards, or any other sources of public income. . . . .	200	0	0
4.—For the repair of the Cook's River Dam, damaged by the late Floods . . . . .	300	0	0
	<u>£2250</u>	<u>0</u>	<u>0</u>

GEORGE GIPPS.

*Government House,*

*Sydney, 27th November, 1844.*

Message ordered to be printed, and taken into consideration on Wednesday next.

7. Insecurity of Life and Property:—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 1st October, 1844, wherein certain Resolutions were communicated to His Excellency, which had been adopted by the Council, in reference to the Insecurity of Life and Property in the City and neighbourhood of Sydney.*

GENTLEMEN,

Agreeably to your desire, I will transmit to Her Majesty's Principal Secretary of State for the Colonies, a Copy of an Address which you have presented to me, on the subject of the Insecurity of Life and Property in the City and neighbourhood of Sydney: also a Copy of the Report made to the Council, by a Select Committee appointed by the Council, to enquire into the causes of this insecurity.

I regret it is not in my power to remove from Hyde Park Barracks the Convicts now in that Establishment, for the purpose of employing them on the Roads, or other Public Works in the Colony. Whilst in Hyde Park Barracks, these men are fed; clothed, and entirely maintained, out of funds voted by Parliament for the support and control of Convicts; but if removed from that Establishment, and employed in the Rural Districts, they must be lodged, fed, clothed, and maintained, at the expense of the Colony—an expense which I regret to say, the funds of the Colony are not at the present moment in a condition to bear. Independently moreover of any consideration of expense, I cannot but greatly apprehend that in the Rural Districts of the Colony, they would have far greater facilities for committing aggressions on Life and Property, than they now possess in Hyde Park Barracks.

Tickets of Leave for the City, or neighbourhood of Sydney, have for several years past been issued very sparingly; and I have recently still further restricted the conditions on which they are granted.

GEORGE GIPPS.

*Government House,*

*Sydney, 27th November, 1844.*

Message ordered to be printed.

8. Education:—The following Message from His Excellency the Governor received and read:—

*Message from His Excellency the Governor, to the Legislative Council, in reply to an Address of the Council, dated 10th October, 1844, wherein His Excellency has been requested to carry into effect certain measures recommended by the Council, in respect to the Education of youth in the Colony.*

GENTLEMEN,

The subject of Education is one, which, since the day of my arrival in the Colony, has never ceased to engage my anxious solicitude; it is well known that I have long been desirous to see established a system of Education for the poorer classes of our community, which should comprehend persons of all religious denominations, without interfering with the tenets or doctrines of any; and I have on various occasions pointed out to the public what I consider to be the disadvantages of the system, on which schools receiving aid from the General Revenue are now conducted in the Colony. But whilst I declare my entire adherence to the opinions which I have thus repeatedly expressed, I feel bound also to acknowledge that I cannot but continue to entertain doubts, whether the time be yet arrived, at which an attempt to introduce a better system is likely to be successful.

The apprehension of increasing religious differences has twice within the few last years induced the Government to abandon proposals in respect to Education, brought forward by itself; and the opposition which the Government, or I may say, which I myself, declined to encounter on these occasions, is, I greatly regret to say, in no way diminished.

Without the co-operation of the Ministers of Religion, it seems to me scarcely possible to establish any system of Education, with a prospect of its being extensively useful, and I need scarcely remark, that the Clergy throughout the Colony, are at present even less disposed to co-operate in the establishment of a general system, than they were on the occasions which I have referred to.

I feel it right also to observe, that a difficulty in the way of the establishment of a general system of Education, seems at the present moment to present itself, which did not until lately exist. Under the 42nd clause of the Constitutional Act of the Colony, any alterations in the system of our Public Schools, must, I apprehend, be carried into effect through the instrumentality of the District Councils; and these bodies are not, I fear, as yet, in a condition, advantageously to exercise the functions, with which, (in order to establish a new system of Education,) it would be necessary to charge them by an Act of the Governor and Council.

GEORGE GIPPS.

*Government House,*

*Sydney, 27th November, 1844.*

Message ordered to be printed.

9. Private Sufferance Wharfs:—Mr. Lamb presented a Petition from certain Merchants and others interested in the Private Sufferance Wharfs, situated in the City of Sydney and its vicinity, praying that in framing Regulations for the use of the Circular Quay or other Public Wharfs, the Council will have due regard to the vested interests of Petitioners; and that if it should appear expedient to the Council to continue the present imposts, or to impose fresh burthens upon the property of Petitioners, for the purpose of fostering the Government Wharfs now to be brought into such prominent opposition, the Council will allow Petitioners such compensation as the justice of the case imperiously demands; and that in future no portion of the Wharfage-Rates may be exacted by Government from the Private Wharfs; and that Petitioners may be heard by Counsel at the Bar of the House in support of their claims; Petition read and received.
10. Extension of the Elective Franchise:—Mr. Robinson presented a Petition from the Mayor, Aldermen, and Councillors of the Town of Melbourne, praying that in the Bill now before the Council for the amendment of the Melbourne Corporation Act, provision may be made to confer the Burgess Franchise on parties (if otherwise qualified) who are in the occupation of Premises within the Town, rated upon the annual value of Ten pounds and upwards; Petition read and received.
11. Journeyman Bakers:—Dr. Lang presented a Petition from the operative Journeyman Bakers of Sydney, praying that a Law may be passed to do away with the custom of Dinner Baking on the Lord's Day; Petition read and received.
12. Bank Liabilities and Assets:—The Colonial Secretary laid upon the Table, a General Abstract of the sworn Returns of the average Assets and Liabilities, and of the Capital and Profits of the Banks of the Colony of New South Wales, for the quarter ended 30th September, 1844, pursuant to the requirement of the Act of Council, 4 Victoria, No. 13.  
Return ordered to be printed.
13. Auctioneers Licensing Bill:—Mr. Therry presented a Petition from certain Auctioneers, carrying on business in the Town of Wollongong, in the District of Illawarra, and other inhabitants of the said Town and District, against the passing of this Bill; Petition read and received.
14. Night Auctions:—Mr. W. C. Wentworth presented a Petition from certain Merchants, Dealers, Shopkeepers, and Tradesmen of the City of Sydney, praying the total suppression of all Night Auctions; Petition read and received.

15. **Mechanics in Government Employment** :—Mr. W. C. Wentworth presented a Petition from certain Mechanics of the City of Sydney, now in the employment of Government, praying the discontinuance of Government work by contract; and that Petitioners may be employed upon the Public Works in the same manner as at present, but at a higher rate of daily wages; Petition read and received.
16. **Interest Bill** :—On the motion of Mr. Foster, the second reading of this Bill postponed, until Friday, December 6.
17. **Trustees and Creditors of Insolvent Estates** :—Mr. W. C. Wentworth presented a Petition from certain Merchants and others of the City of Sydney, praying such further provision may be made as may be required for facilitating the completion of sales of Real Property, sequestrated for behoof of Creditors, by removing doubts as to the rights and powers of Trustees, and the security of purchasers; Petition read and received.
18. **Scab in Sheep** :—Dr. Nicholson presented a Petition from the licensed occupiers of Crown Lands, in the County of Grant and District of Portland Bay, praying the passing of some more stringent regulations than at present exist, with the view to prevent effectually the spread of this disease; Petition read and received.
19. **Colonial Storekeeper** :—The Colonial Secretary laid upon the Table, a correspondence with the Colonial Storekeeper, respecting the performance of the duties of his department, with the diminished establishment for which the Council has made provision for the year 1845.  
Correspondence ordered to be printed.
20. **Intestate Estates** :—The Colonial Secretary laid upon the Table, the Return to the Address adopted on the motion of Mr. Therry on the 18th September last.  
Return ordered to be printed.
21. **William Prændergrast** :—The Colonial Secretary laid upon the Table, the Return to the Address adopted on the motion of Dr. Nicholson on the 8th October last.
22. **Vacant Seat** :—The Colonial Secretary, as Chairman, brought up the Report of the Select Committee appointed on the 11th ultimo, to whom was referred the Governor's Message of 10th ultimo, transmitting for the decision of the Council, under the 18th section of the Act of Parliament 5th and 6th Victoria, chap. 76, the question whether the seat in Council, lately vacated by Sir Thomas Mitchell, be still vacant, or whether it has been filled up by the election of Mr. Benjamin Boyd.  
Report read.  
Moved by the Colonial Secretary, That this Council having taken into consideration the question referred to it by His Excellency the Governor's Message of the 10th October, 1844, it is the opinion of the Council, that the seat in the same, lately vacated by Sir Thomas Mitchell, has been filled up by the election of Mr Benjamin Boyd as a Member to serve in the Legislative Council for the District of Port Phillip.  
Question put and passed.
23. **Call of the House** :—Mr. Windeyer's motion postponed, on motion of Mr. W. C. Wentworth, in absence of Mr. Windoyer, until a later hour this day.
24. **Circular Quay Wharfage Bill** :—The Colonial Secretary postponed his motion for the second reading of this Bill, until Tuesday, December 3.
25. **Port Phillip Revenue** :—Mr. Robinson postponed his two motions on this subject, until Thursday, December 5.
26. **Port Phillip Revenue** :—Mr. Windeyer's motion, as an amendment upon Mr. Robinson's motion on this subject, postponed until Thursday, December 5.
27. **Extracts from Despatches Nos. 175 and 176, of 28th October, 1843** :—Mr. Cowper's motion on this subject, postponed until the day on which there shall be a Call of the House.
28. **Judicial Expenditure for the year 1843** :—Mr. W. C. Wentworth's motion on this subject postponed until the day on which there shall be a Call of the House.
29. **Section 70 of Sydney Incorporation Act suspension Bill** :—The Governor's Message of the 10th ultimo, having been read, Bill, intituled, "*A Bill to suspend for a limited period, so much of an Act of the Governor and Council of New South Wales, to declare the Town of Sydney to be a City, and to incorporate the inhabitants thereof, as relates to the estimating and levying a rate for the Police of the said City;*" read a first time; ordered to be printed, and read a second time on Wednesday, December 4.
30. **Estimates for the year 1845** :—The further consideration in Committee, of the Estimates of Expenditure for the year 1845, postponed on the motion of the Colonial Treasurer, until Wednesday, December 4.
31. **Appropriation Bill** :—Moved by the Colonial Secretary, that this Bill be now read a second time.  
Debate ensued.  
Motion by leave withdrawn.  
Moved, That this Bill be read a second time, on Wednesday, December 4.  
Question put and passed.
32. **Border Police Act amendment Bill** : Second reading postponed, on the motion of Mr. Cowper, until the day on which there shall be a call of the House.
33. **Auctioneers Licensing Bill** :—Withdrawn by leave, on the motion of Mr. Cowper.
34. **Melbourne Incorporation Act amendment Bill** :—On the motion of Mr. Robinson, the Council resolved itself into a Committee of the whole House, for the further consideration of this Bill.  
The Chairman reported progress, and obtained leave to sit again, on Wednesday, December 11.
35. **Publicans Licensing Act amendment Bill** :—Further consideration in Committee, postponed on the motion of Mr. W. C. Wentworth, until to-morrow.



- 36. Sydney Incorporation Act amendment Bill :—On the motion of Mr. W. C. Wentworth, the Council resolved itself into a Committee of the whole House, for the further consideration of this Bill.  
The Chairman reported progress, and obtained leave to sit again on Thursday, December 5.
- 37. Lien on Wool Act amendment Bill :—On the motion of Mr. W. C. Wentworth, the Council resolved itself into a Committee of the whole House, for consideration of this Bill.  
The Chairman reported progress, and obtained leave to sit again on Thursday, December 5.
- 38. Customs Bill :—The further consideration of this Bill in Committee, postponed on the motion of Mr. Windeyer, until Wednesday, December 11.
- 39. Call of the House :—Moved by Mr. Windeyer, pursuant to notice, that there be a call of the House, on Friday, December 6.  
Question put and passed.  
Council adjourned at a quarter before Nine o'clock, until to-morrow at Three o'clock.

NOTICES OF MOTION AND ORDERS OF THE DAY.

THURSDAY, NOVEMBER 28.

NOTICES OF MOTION :—

- 1. MR. LAMB to move :—  
(1.) That the Petition presented by him yesterday, from the proprietors of Private Sufferance Wharfs, be printed.  
(2.) That it be taken into consideration on Tuesday next.  
(3.) That the Petitioners be heard by Counsel, at the Bar of the House, on Tuesday next.
- 2. DR. LANG to move, That the Petition presented by him yesterday, from certain Journey-men Bakers of Sydney, praying the enactment of a Law to prevent the obnoxious practice of baking dinners on Sunday, be taken into consideration on Friday next.
- 3. DR. NICHOLSON to move, That the Petition presented by him yesterday, from the Licensed Occupiers of Crown Lands in the County of Grant, in the District of Port Phillip, praying the establishment of more stringent regulations to prevent the extension of the disease, commonly called scab in sheep, be printed.

ORDER OF THE DAY ;—

- 1. Publicans' Licensing Act amendment Bill ; to be further considered in Committee.

TUESDAY DECEMBER 3.

NOTICE OF MOTION :—

- 1. THE COLONIAL SECRETARY to move, That the Circular Quay Wharfage Bill be read a second time.

WEDNESDAY, DECEMBER 4

ORDERS OF THE DAY :—

- 1. Consideration of the Governor's Message on the expense of the Administration of Justice.
- 2. Consideration of the Governor's Message on additional appropriations for the year 1845.
- 3. Estimates for the year 1845 ; to be further considered in Committee.
- 4. Appropriation Bill ; second reading.
- 5. Section 70 of Sydney Incorporation Act suspension Bill : second reading.

THURSDAY DECEMBER 5.

NOTICES OF MOTION :—

- 1. MR. ROBINSON to move, That it is the opinion of this Council, that the whole of the Revenue derived from the District of Port Phillip, should be specially appropriated for the service thereof.
- 2. MR. WINDEYER, on Mr. Robinson's motion being made, to move as an amendment, That it would be just and expedient, that the balance of the Revenue of the Colony, after providing for all objects of general concernment, should be divided among the several Districts of the Colony, in proportion to their population, to be applied to such local objects as the said Districts may severally require.
- 3. MR. ROBINSON to move, That the Petitions from the Corporation of Melbourne, presented on the 17th September, respecting the financial separation of the Port Phillip District, and on the 10th September, respecting the Melbourne Town Fund, be taken into consideration.

ORDERS OF THE DAY :—

- 1. Sydney Incorporation Act amendment Bill ; to be further considered in Committee.
- 2. Lien on Wool Act amendment Bill ; to be further considered in Committee.

FRIDAY,

FRIDAY, DECEMBER 6.

## NOTICES OF MOTION:—

1. MR. COWPER to move, That the Address to Her Majesty the Queen, on Sir George Gipps's Despatches, Nos. 175 and 176, relative to compensation for offices abolished or reduced, and to the Police and Gaol Expenditure, annexed to the Report from the Select Committee, appointed on the 6th September last, to prepare the same, be adopted by this Council.
2. MR. W. C. WENTWORTH to move, That the Address to Her Majesty the Queen, on the Governor's Message of 3rd September last on the Judicial Expenditure for 1845, annexed to the Report from the Select Committee appointed on the 12th of that month to frame the same, be adopted by this Council.

## ORDERS OF THE DAY:

1. Call of the House.
2. Border Police Act amendment Bill; second reading.
3. Interest Bill; second reading.

WEDNESDAY, DECEMBER 11.

1. Melbourne Incorporation Act amendment Bill; to be further considered in Committee.
2. Customs' Bill; to be further considered in Committee.

ALEX. Mc LEAY,  
Speaker.

VOTES AND PROCEEDINGS

OF

THE LEGISLATIVE COUNCIL.

THURSDAY, 28 NOVEMBER, 1844.

1. Council met pursuant to adjournment; the Speaker took the Chair.  
New Member:—Benjamin Boyd, Esquire, having taken the Oath required by the Act of Parliament, 5 and 6 Victoria, chap. 76, took his Seat in the Council as an Elective Member for the Electoral District of Port Phillip.
2. Overland Route to Port Essington:—In reply to a question put to him by Mr. Robinson, the Colonial Secretary laid upon the Table, copies of the undermentioned Despatches on the proposed Overland Route to Port Essington:—  
(1.) Despatch from His Excellency Sir George Gipps, to the Right Honorable Lord Stanley, dated 7th December, 1843, No. 203.  
(2.) Despatch from the Right Honorable Lord Stanley, to His Excellency Sir George Gipps in reply, dated 12th May, 1844, No. 75.  
Despatches ordered to be printed.
3. Camden Police Bench:—Dr. Nicholson presented a Petition from certain Proprietors, Householders, and Inhabitants of the Police District of Camden and Narrellan, and others interested therein, praying the Council to re-consider their vote abolishing the Police Bench of Camden and Narrellan; Petition read and received.
4. Private Sufferance Wharfs:—Mr. Lamb, pursuant to notice, moved,  
(1.) That the Petition presented by him yesterday from the proprietors of Private Sufferance Wharfs, be printed.  
Question put and passed, and Petition ordered to be printed accordingly.  
(2.) That the Petitioners be heard by Counsel at the Bar of the House, on Tuesday next, against carrying into effect the Report from the Select Committee on the Circular Quay Wharfage Bill.  
Debate ensued.  
Motion by leave withdrawn.
5. Scab in Sheep:—Dr. Nicholson moved, pursuant to notice, That the Petition presented by him yesterday from the Licensed Occupiers of Crown Lands, in the County of Grant, in the District of Port Phillip, praying the establishment of more stringent regulations to prevent the extension of the disease commonly called Scab in Sheep, be printed.  
Question put and passed, and Petition ordered to be printed accordingly.
6. Publicans' Licensing Act amendment Bill; by leave withdrawn.  
Council adjourned at five o'clock, until Tuesday next at Three o'clock.

NOTICES OF MOTION AND ORDERS OF THE DAY.

TUESDAY DECEMBER 3.

NOTICES OF MOTION:—

1. THE COLONIAL SECRETARY to move; That the Circular Quay Wharfage Bill be read a second time.
2. DR. NICHOLSON to move, That the Petition from the Police District of Camden and Narrollan, presented by him on the 28th November, be printed.
3. DR. NICHOLSON to move, That an Address be presented to His Excellency the Governor, requesting that His Excellency may be pleased to cause to be laid upon the Table of this House, a Return shewing the amount of Fines and of Fees paid into the Colonial Treasury, from the Benches of Campbelltown, Camden and Narollan, and Picton, severally, during the year 1843, and to the 30th September, 1844.
4. THE ATTORNEY GENERAL to move for leave to bring in a Bill to amend the Act, 2 Victoria, No. 9, intituled "An Act to consolidate and amend the Laws for the Distillation of Spirits in the Colony of New South Wales, and for the issue of Licenses for Distilling, Rectifying, and Compounding Spirits therein, and for repealing certain Laws relating thereto."
5. MR. ROBINSON to move, That an Address be presented to His Excellency the Governor, requesting that he will be pleased to cause to be laid upon the Table of this House, a Return of the number of convictions for capital offences in the Colony of New South Wales—specifying their nature; together with the number of capital punishments that have occurred since the passing of the Act of Council 2 Victoria, No. 10—distinguishing the classes convicted, and capitally punished;—as to whether of persons free—those free by servitude or pardon—and those prisoners of the Crown, at the periods of their conviction.

WEDNESDAY,

WEDNESDAY, DECEMBER 4

ORDERS OF THE DAY:—

1. Consideration of the Governor's Message on the expense of the Administration of Justice.
2. Consideration of the Governor's Message on additional appropriations for the year 1845.
3. Estimates for the year 1845; to be further considered in Committee.
4. Appropriation Bill; second reading.
5. Section 70 of Sydney Incorporation Act suspension Bill: second reading.

THURSDAY DECEMBER 5.

NOTICES OF MOTION:—

1. MR. ROBINSON to move, That it is the opinion of this Council, that the whole of the Revenue derived from the District of Port Phillip, should be specially appropriated for the service thereof.
2. MR. WINDEYER, on Mr. Robinson's motion being made, to move as an amendment, That it would be just and expedient, that the balance of the Revenue of the Colony, after providing for all objects of general concernment, should be divided among the several Districts of the Colony, in proportion to their population, to be applied to such local objects as the said Districts may severally require.
3. MR. ROBINSON to move, That the Petitions from the Corporation of Melbourne, presented on the 17th September, respecting the financial separation of the Port Phillip District, and on the 10th September, respecting the Melbourne Town-Fund, be taken into consideration.
4. DR. NICHOLSON to move, That an Address be presented to His Excellency the Governor, praying that a sum not exceeding £443 ls. be applied to defray the Police Expenditure of Camden, for the year 1844.

ORDERS OF THE DAY:—

1. Sydney Incorporation Act amendment Bill; to be further considered in Committee.
2. Lien on Wool Act amendment Bill; to be further considered in Committee.

FRIDAY, DECEMBER 6.

NOTICES OF MOTION:—

1. MR. COWPER to move, That the Address to Her Majesty the Queen, on Sir George Gipps's Despatches, Nos. 175 and 176; relative to compensation for offices abolished or reduced, and to the Police and Gaol Expenditure, annexed to the Report from the Select Committee, appointed on the 6th September last, to prepare the same, be adopted by this Council.
2. MR. W. C. WENTWORTH to move, That the Address to Her Majesty the Queen, on the Governor's Message of 3rd September last on the Judicial Expenditure for 1845, annexed to the Report from the Select Committee appointed on the 12th of that month to frame the same, be adopted by this Council.

ORDERS OF THE DAY:

1. Call of the House.
2. Border Police Act amendment Bill; second reading.
3. Interest Bill; second reading.

TUESDAY, DECEMBER 10.

NOTICE OF MOTION:—

2. DR. LANG to move, That the Petition presented by him on the 27th November, from certain Journeymen Bakers of Sydney, praying the enactment of a Law to prevent the obnoxious practice of baking dinners on Sunday, be now taken into consideration.

WEDNESDAY, DECEMBER 11.

ORDERS OF THE DAY:—

1. Melbourne Incorporation Act amendment Bill; to be further considered in Committee.
2. Customs' Bill; to be further considered in Committee.

ALEX. M<sup>c</sup> LEAY,  
Speaker.

## VOTES AND PROCEEDINGS

or

## THE LEGISLATIVE COUNCIL.

TUESDAY, 3 DECEMBER, 1844.

1. Council met pursuant to adjournment; the Speaker took the Chair.  
Township of Gunning:—Dr. Nicholson presented a Petition from the Landholders, Graziers, Householders, and other free Inhabitants of the District of Yass, and its vicinity, praying the Council to request that His Excellency the Governor will be pleased to place upon the Estimates for the year 1845, a sum of money to be appropriated to the erection of a Lock-up House at Gunning, in the District of Yass; Petition read and received.
2. Bank of Australia Shares Bill:—Mr. Young presented a Petition from William Hamilton Hart, of Sydney, in the Colony of New South Wales, Esquire, Superintendent of the Branch Banks of the Corporation of the Bank of Australasia, established in Sydney aforesaid, and in other parts of the said Colony, and certain Colonies thereto adjacent, praying the insertion in the Bank of Australia Shares Bill now before the Council, of a provision to secure the application of the monies raised under such Bill to the payment of the debts which may be found justly due by the Bank of Australia, and to no other purpose; Petition read and received.
3. Licensed Squatters:—Mr. Murray presented a Petition from certain Stockholders and other inhabitants of Queanbeyan and the adjacent District, in the Colony of New South Wales, praying the Council to take such steps, as to them may seem meet, to guard against Licensed Occupiers of Land beyond the boundaries, being placed in such a position as may render them liable to interruption in the quiet possession of their stations, until the same shall be included within the boundaries of location; Petition read and received.
4. Circular Quay, Wharfrage Bill:—On the motion of the Colonial Secretary, pursuant to notice, Bill read a second time; to be considered in Committee, on Tuesday, December 10th.
5. Camden Police Bench:—Dr. Nicholson, pursuant to notice, moved, That the Petition from the Police District of Camden and Narrellan, presented by him, on the 28th November last, be printed.  
Debate ensued.  
Question put; Council divided.

Ayes 10.

THE COLONIAL SECRETARY,  
DR. NICHOLSON,  
THE COMMANDER OF THE FORCES,  
THE AUDITOR GENERAL,  
MR. YOUNG,  
MR. BRADLEY,  
MR. MACARTHUR,  
THE COLLECTOR OF CUSTOMS,  
MR. MURRAY,  
THE COLONIAL TREASURER, (Teller.)

Noes 11.

MR. LORD,  
MR. BOWMAN,  
MR. BERRY,  
MAJOR WENTWORTH,  
MR. COWPER,  
MR. PANTON,  
MR. LAWSON,  
CAPTAIN DUMARESQ,  
MR. BOYD,  
DR. BLAND,  
MR. ROBINSON, (Teller.)

Dr. Nicholson withdrew from the paper the other motion on this subject, of which he had given notice for to-day.

6. Distillation Laws:—On the motion of the Colonial Secretary, in absence of the Attorney General, the motion of the Attorney General on this subject postponed until to-morrow.
7. Capital Convictions:—Mr. Robinson, pursuant to notice, moved, That an Address be presented to His Excellency the Governor, requesting that he will be pleased to cause to be laid upon the Table of this House, a Return of the number of convictions for capital offences in the Colony of New South Wales, specifying their nature; together with the number of capital punishments that have occurred since the passing of the Act of Council 2 Victoria, No. 10—distinguishing the classes convicted, and capitally punished;—as to whether of persons free—those free by servitude or pardon—and those prisoners of the Crown, at the periods of their conviction.  
Question put and passed, and Address to be presented by the Colonial Secretary and the Colonial Treasurer.  
Council adjourned at a quarter after Four o'clock, until to-morrow at Three o'clock.

NOTICES OF MOTION AND ORDERS OF THE DAY.

WEDNESDAY, DECEMBER 4.

NOTICES OF MOTION :—

1. MR. YOUNG to move, That the Potition presented by him yesterday, from William Hamilton Hart, Esq., on the Bank of Australia Shares' Bill, be referred to the Select Committee on that Bill.
2. THE ATTORNEY GENERAL to move for leave to bring in a Bill to amend the Act, 2 Victoria, No. 9, intituled "*An Act to consolidate and amend the Laws for the Distillation of Spirits in the Colony of New South Wales, and for the issue of Licenses for Distilling, Rectifying, and Compounding Spirits therein, and for repealing certain Laws relating thereto.*"

ORDERS OF THE DAY :—

1. Consideration of the Governor's Message on the expense of the Administration of Justice.
2. Consideration of the Governor's Message on additional appropriations for the year 1845.
3. Estimates for the year 1845 ; to be further considered in Committee.
4. Appropriation Bill ; second reading.
5. Section 70 of Sydney Incorporation Act suspension Bill : second reading.

THURSDAY, DECEMBER 5.

NOTICES OF MOTION :—

1. MR. ROBINSON to move, That it is the opinion of this Council, that the whole of the Revenue derived from the District of Port Phillip, should be specially appropriated for the service thereof.
2. MR. WINDEYER, on Mr. Robinson's motion being made, to move as an amendment, That it would be just and expedient, that the balance of the Revenue of the Colony, after providing for all objects of general concernment, should be divided among the several Districts of the Colony, in proportion to their population, to be applied to such local objects as the said Districts may severally require.
3. MR. ROBINSON to move, That the Petitions from the Corporation of Melbourne, presented on the 17th September, respecting the financial separation of the Port Phillip District, and on the 10th September, respecting the Melbourne Town Fund, be taken into consideration.
4. DR. NICHOLSON to move, That an Address be presented to His Excellency the Governor, praying that a sum not exceeding £443 ls. be applied to defray the Police Expenditure of Camden, for the year 1844.

ORDERS OF THE DAY :—

1. Sydney Incorporation Act amendment Bill ; to be further considered in Committee.
2. Lien on Wool Act amendment Bill ; to be further considered in Committee.

FRIDAY, DECEMBER 6.

NOTICES OF MOTION :—

1. MR. COWPER to move, That the Address to Her Majesty the Queen, on Sir George Gipps's Despatches, Nos. 175 and 176, relative to compensation for offices abolished or reduced, and to the Police and Gaol Expenditure, annexed to the Report from the Select Committee, appointed on the 6th September last, to prepare the same, be adopted by this Council.
2. MR. W. C. WENTWORTH to move, That the Address to Her Majesty the Queen, on the Governor's Message of 3rd September last on the Judicial Expenditure for 1845, annexed to the Report from the Select Committee appointed on the 12th of that month to frame the same, be adopted by this Council.

ORDERS OF THE DAY :

1. Call of the House.
2. Border Police Act amendment Bill ; second reading.
3. Interest Bill ; second reading.

TUESDAY

TUESDAY, DECEMBER 10.

NOTICES OF MOTION :—

1. DR. LANG to move, That the Petition presented by him on the 27th November, from certain Journeymen Bakers of Sydney, praying the enactment of a Law to prevent the obnoxious practice of baking dinners on Sunday, be now taken into consideration.
2. DR. NICHOLSON to move, That an humble Address be presented to His Excellency the Governor, praying that he will be pleased to place on the Estimates of Expenditure for the year 1845, a sum not exceeding £100 for the erection of a Lock-up House at Gunning.

ORDERS OF THE DAY;—

1. Circular Quay Wharfage Bill; to be considered in Committee.

---

WEDNESDAY, DECEMBER 11.

1. Melbourne Incorporation Act amendment Bill; to be further considered in Committee.
2. Customs' Bill; to be further considered in Committee.

ALEX. M<sup>c</sup> LEAY,  
*Speaker.*

292.



## VOTES AND PROCEEDINGS

OF

## THE LEGISLATIVE COUNCIL.

WEDNESDAY, 4 DECEMBER, 1844.

1. Council met pursuant to adjournment; the Speaker took the Chair.  
Maitland and Melbourne Hospitals:—The following Message from His Excellency the Governor received and read:—

*Message from His Excellency the Governor, to the Legislative Council, proposing the appropriation of public money, in aid of the erection of an Hospital at Maitland; and suggesting the principle on which aid may be given in the erection of Hospitals throughout the Colony.*

GENTLEMEN,

I am induced, by considerations of public policy, to propose to you the appropriation of a sum, not to exceed £1,000, in aid of the erection of a public Hospital at Maitland, on condition that an equal sum at least, be raised by private subscription.

I have given directions that copies shall be laid before you, of a correspondence which has taken place on the subject of the erection of Hospitals at Maitland and at Melbourne.

Should the Council be disposed to adopt the suggestion of the Government made in this correspondence, and to afford aid in the building of Hospitals on the same principle that is afforded in the building of Churches, I would further propose that the sum of £500, already voted towards the building of an Hospital at Melbourne, should, on this principle, be increased to £1,000.

Government House,  
Sydney, 27th November, 1844.

GEORGE GIPPS.

The Colonial Secretary having laid upon the Table the correspondence referred to in the above Message; Message and correspondence ordered to be printed, and taken into consideration to-morrow.

2. Sydney and Melbourne Police:—the following Message from His Excellency the Governor received and read:—

*Message from His Excellency the Governor, to the Legislative Council, proposing to appropriate out of the public funds of the Colony, sums sufficient to defray the expense of the Police of the City of Sydney, and Town of Melbourne, from 2nd August to the 31st December in the current year:—*

GENTLEMEN,

Under the provisions of Acts of Council, passed in the year 1842, (6th Victoria, Nos. 5 and 3,) the expenses of the Police for the City of Sydney, and Town of Melbourne, were, during the whole of the year 1843, and a portion of 1844, defrayed partly by rates raised on the inhabitants, and partly out of the public funds; but those Acts having expired on the 2nd August last, I have to submit to the Council the propriety of making the following appropriations, namely:—

For the support of the Police of the City of Sydney, from the 2nd £ s. d.  
August to the 31st December, 1844, any sum not exceeding . . . . . 3,000 0 0

For the support of the Police of the Town of Melbourne, during  
the same period, any sum not exceeding . . . . . 500 0 0

Government House,  
Sydney, 4th December, 1844.

GEORGE GIPPS.

Message ordered to be printed, and taken into consideration to-morrow.

3. Education:—Mr. Windeyer presented a Petition from the Householders resident within the District of Murrurundi, in favor of the general system of Education recommended by the Select Committee of the Legislative Council; Petition read and received.
4. Auctioneers' Licensing Bill:—Mr. Windeyer presented a Petition from certain Inhabitants of the City of Sydney, against the Auctioneers' Licensing Bill (withdrawn on the 27th November); Petition read and received.
5. Auctioneers' Licensing Bill:—Mr. Windeyer presented a Petition from certain Auctioneers carrying on business in the City of Sydney, against the Auctioneers' Licensing Bill (withdrawn on the 27th November); Petition read and received.
6. Port Phillip Revenue:—Mr. Robinson postponed his two motions on this subject from Thursday, December 5, to Thursday, December 12.
7. Port Phillip Revenue:—Mr. Windeyer's motion, as an amendment upon Mr. Robinson's motion on this subject, postponed by Mr. Windeyer, from Thursday, December 5, until Thursday, December 12.

8. Camden Police Bench :—Dr. Nicholson withdraw from the Paper the motion on this subject of which he had given notice for Thursday next.
9. Bank of Australia Shares Bill :—Mr. Young, pursuant to notice, moved, that the Petition presented by him yesterday, from William Hamilton Hart, Esquire, on the Bank of Australia Shares Bill, be referred to the Select Committee on that Bill.  
Question put and passed, and Petition ordered to be so referred accordingly.
10. Distillation Laws Act amendment Bill :—The Attorney General having, pursuant to notice, moved for and obtained leave to bring in "A Bill to amend an Act, intituled, 'An Act to consolidate and amend the Laws for the Distillation of Spirits in the Colony of New South Wales, and for the issue of Licenses for distilling, rectifying, and compounding Spirits therein, and for repealing certain laws relating thereto,'" Bill read a first time; ordered to be printed, and read a second time on Tuesday, December 10.
11. Administration of Justice :—The Governor's Message of the 27th November having been read :—  
Moved by the Colonial Secretary, That the first Bill referred to in the Governor's Message just read, intituled "A Bill to authorise the payment of certain allowances to witnesses attending Courts of Justice in the Colony of New South Wales" be now read a first time.  
Debate ensued.  
Moved as an amendment by Mr. W. C. Wentworth, That all the words after the word "That" in the Colonial Secretary's motion, be expunged; and the following words substituted in their stead :—  
"this Council in reply to His Excellency's Message of the 27th ultimo, begs to refer His Excellency to the second of the Resolutions passed by the Council on the 12th September last, viz :—  
"That the Casual Revenue which has been improperly withheld from the control of this Council for the first time, this year, and which in the Estimates for the year 1844 amounted to £6,698 12s. 6d., arising, as it does, chiefly from fines and penalties levied in Courts of Justice within the Colony, affords an ample and suitable fund out of which any supposed inadequacy of the provision made by Parliament in schedule A for the due Administration of Justice, may be supplied."  
Debate continued.  
Question put on the amendment; Council divided.

Ayes 15.

Noes nil.

MR. WALKER,  
MAJOR WENTWORTH,  
DR. NICHOLSON,  
MR. W. C. WENTWORTH,  
MR. COWPER,  
CAPTAIN DUMARESQUÉ,  
MR. LAWSON,  
MR. BOWMAN,  
DR. BLAND,  
MR. LORD,  
DR. LANG,  
MR. BOYD,  
MR. ROBINSON,  
MR. MACARTHUR,  
MR. WINDEYER, (Teller.)

THE COLONIAL SECRETARY,  
MR. TERRY,  
MR. YOUNG,  
MR. PANTON,  
MR. DARVALL,  
MR. MURRAY,  
THE ATTORNEY GENERAL,  
THE AUDITOR GENERAL,  
MR. ICELY,  
THE COLLECTOR OF CUSTOMS,  
THE COLONIAL TREASURER, (Teller.)

Moved by the Colonial Secretary, That the second Bill referred to in the Governor's Message, intituled, "A Bill to remove doubts in respect of the application of fees taken in the several Courts of Requests, in the Colony of New South Wales, towards the support of the Courts wherein they are respectively taken," be now read a first time.

Debate ensued.

Moved as an amendment, by Mr. Windeyer, That all the words following the word "That" in the Colonial Secretary's motion, be expunged; and the following words substituted in their stead :—

"this question be now put."

Debate continued.

Question put on the amendment; Council divided.

Ayes 10.

Noes 15.

MR. DARVALL,  
MR. TERRY,  
THE COLLECTOR OF CUSTOMS,  
MR. ICELY,  
MR. YOUNG,  
MR. PANTON,  
THE AUDITOR GENERAL,  
THE ATTORNEY GENERAL,  
THE COLONIAL SECRETARY,  
THE COLONIAL TREASURER, (Teller.)

MR. WINDEYER,  
MR. BOYD,  
MR. WALKER,  
DR. LANG,  
MR. COWPER,  
MR. FOSTER,  
MR. MACARTHUR,  
MR. ROBINSON,  
CAPTAIN DUMARESQUÉ,  
MR. BOWMAN,  
MR. LAWSON,  
MR. W. C. WENTWORTH,  
MAJOR WENTWORTH,  
DR. BLAND,  
DR. NICHOLSON, (Teller.)

- 12. Additional Appropriations for the year 1845:—The Governor's Message of the 27th November last, having been read on the motion of the Colonial Secretary; the additional appropriations referred to therein ordered to be considered when the Council resolves itself into Committee on the Estimates of Expenditure for 1845 to-morrow.
- 13. Estimates for 1845:—On the motion of the Colonial Secretary, the Council resolved itself into a Committee of the whole House to take into consideration the Estimates of Expenditure for the years 1845.  
The Chairman reported progress, and obtained leave to sit again to-morrow.
- 14. Appropriation Bill:—Second reading of this Bill postponed on the motion of the Colonial Secretary, until Wednesday, December 11.
- 15. Section 70 of Sydney Incorporation Act Suspension Bill:—Second reading of this Bill postponed on the motion of the Colonial Secretary until to-morrow.  
Council adjourned at twenty minutes after Nine o'clock, until to-morrow at Three o'clock.

NOTICES OF MOTION AND ORDERS OF THE DAY.

THURSDAY, DECEMBER 5.

NOTICE OF MOTION:—

- 1. MR. W. C. WENTWORTH to move for leave to bring in a Bill to amend an Act intituled, "An Act for giving relief to insolvent persons, and providing for the due collection, administration, and distribution of Insolvent Estates within the Colony of New South Wales, and for the prevention of frauds affecting the same."

ORDERS OF THE DAY:—

- 1. Sydney Incorporation Act amendment Bill; to be further considered in Committee.
- 2. Lien on Wool Act amendment Bill; to be further considered in Committee.
- 3. Consideration of the Governor's Message on the Maitland and Melbourne Hospitals.
- 4. Consideration of the Governor's Message on the Sydney and Melbourne Police.
- 5. Additional appropriations for 1845; to be considered in Committee.
- 6. Estimates for the year 1845; to be further considered in Committee.
- 7. Section 70 of Sydney Incorporation Act suspension Bill: second reading.

FRIDAY, DECEMBER 6.

NOTICES OF MOTION:—

- 1. MR. COWPER to move, That the Address to Her Majesty the Queen, on Sir George Gipps's Despatches, Nos. 175 and 176, relative to compensation for offices abolished or reduced, and to the Police and Gaol Expenditure, annexed to the Report from the Select Committee, appointed on the 6th September last, to prepare the same, be adopted by this Council.
- 2. MR. W. C. WENTWORTH to move, That the Address to Her Majesty the Queen, on the Governor's Message of 3rd September last on the Judicial Expenditure for 1845, annexed to the Report from the Select Committee appointed on the 12th of that month to frame the same, be adopted by this Council.

ORDERS OF THE DAY:

- 1. Call of the House.
- 2. Border Police Act amendment Bill; second reading.
- 3. Interest Bill; second reading.

TUESDAY, DECEMBER 10.

NOTICES OF MOTION:—

- 1. DR. LANG to move, That the Petition presented by him on the 27th November, from certain Journeymen Bakers of Sydney, praying the enactment of a Law to prevent the obnoxious practice of baking dinners on Sunday, be now taken into consideration.
- 2. DR. NICHOLSON to move, That an humble Address be presented to His Excellency the Governor, praying that he will be pleased to place on the Estimates of Expenditure for the year 1845, a sum not exceeding £100 for the erection of a Lock-up House at Gunning.

ORDERS OF THE DAY:—

- 1. Circular Quay Wharfago Bill; to be considered in Committee.
- 2. Distillation Laws' Act amendment Bill; second reading.

WEDNESDAY,

296

4  
WEDNESDAY, DECEMBER 11.

1. Melbourne Incorporation Act amendment Bill; to be further considered in Committee.
2. Customs' Bill; to be further considered in Committee.
3. Appropriation Bill; second reading.

---

THURSDAY, DECEMBER 12.

NOTICES OF MOTION:—

1. Mr. ROBINSON to move, That it is the opinion of this Council, that the whole of the Revenue derived from the District of Port Phillip, should be specially appropriated for the service thereof.
2. Mr. WINDEYER, on Mr. Robinson's motion being made, to move as an amendment, That it would be just and expedient, that the balance of the Revenue of the Colony, after providing for all objects of general concernment, should be divided among the several Districts of the Colony, in proportion to their population, to be applied to such local objects as the said Districts may severally require.
3. Mr. ROBINSON to move, That the Petitions from the Corporation of Melbourne, presented on the 17th September, respecting the financial separation of the Port Phillip District, and on the 10th September, respecting the Melbourne Town Fund, be taken into consideration.

ALEX. M<sup>c</sup> LEAY,  
*Speaker.*

## VOTES AND PROCEEDINGS

OF

## THE LEGISLATIVE COUNCIL.

THURSDAY, 5 DECEMBER, 1844.

1. Council met pursuant to adjournment; the Speaker took the Chair. . . .  
Bank of Australia Shares Bill:—Captain Dumaresq presented a Petition from the Inhabitants of Port Macquarie, in favor of passing the Bank of Australia Shares Bill now before the Council; Petition read and received.
2. Bank of Australia Shares Bill:—Mr. Therry presented a Petition from the Inhabitants of Berrima and District, in favor of passing the Bank of Australia Shares Bill; Petition read and received.
3. Leave of absence granted to Mr. Sattor, on motion of Mr. Robinson, until Wednesday next.
4. Bank of Australia Shares Bill:—Mr. Cowper presented a Petition from the Inhabitants of Penrith, in favor of passing the Bank of Australia Shares Bill now before the Council; Petition read and received.
5. Insolvent Act amendment Bill:—Mr. W. C. Wentworth having, pursuant to notice, moved for and obtained leave to bring in "A Bill to amend an Act, intituled, 'An Act for giving relief to Insolvent persons, and providing for the due collection, administration, and distribution of Insolvent Estates within the Colony of New South Wales, and for the prevention of Frauds affecting the same,'" Bill read a first time, ordered to be printed, and read a second time on Wednesday next.
6. Sydney Incorporation Act amendment Bill:—The further consideration of this Bill in Committee postponed, on the motion of Mr. W. C. Wentworth, until Wednesday next.
7. Lien on Wool Act amendment Bill:—On the motion of Mr. W. C. Wentworth, the Council resolved itself into a Committee of the whole House, for the further consideration of this Bill.  
The Chairman reported progress, and obtained leave to sit again on Wednesday next.
8. Maitland and Melbourne Hospitals:—The Governor's Message of the 4th instant having been read, the further consideration of the subject postponed; on the motion of the Colonial Secretary, until the Council resolve itself into Committee on the Estimates of Expenditure for the year 1845.
9. Sydney and Melbourne Police:—The Governor's Message of the 4th instant having been read, the further consideration of this subject postponed; on the motion of the Colonial Secretary, until the Council resolve itself into Committee on the Estimates of Expenditure for the year 1845.
10. Additional Appropriations and Estimates for the year 1845:—On the motion of the Colonial Secretary the Council resolved itself into a Committee of the whole House to take into consideration the Additional Appropriations for the year 1845, proposed by the Governor's Message of the 27th November last, and the Estimates of Expenditure for the year 1845.  
The Chairman reported progress, and obtained leave to sit again on Wednesday next.
11. Section 70 of Sydney Incorporation Act Suspension Bill, having been read a second time, on the motion of the Colonial Secretary, the Council resolved itself into Committee to take the same into consideration.  
The Chairman having reported the Bill with an amendment; Bill ordered to be engrossed and read a third time to-morrow.  
Council adjourned at a quarter before Five o'clock, until to-morrow at Three o'clock.

NOTICES OF MOTION AND ORDERS OF THE DAY.

FRIDAY, DECEMBER 6.

NOTICES OF MOTION :—

1. MR. COWPER to move, That the Address to Her Majesty the Queen, on Sir George Gipps's Despatches, Nos. 175 and 176, relative to compensation for offices abolished or reduced, and to the Police and Gaol Expenditure, annexed to the Report from the Select Committee, appointed on the 6th September last, to prepare the same, be adopted by this Council.
2. MR. W. C. WENTWORTH to move, That the Address to Her Majesty the Queen, on the Governor's Message of 3rd September last on the Judicial Expenditure for 1845, annexed to the Report from the Select Committee appointed on the 12th of that month to frame the same, be adopted by this Council.

ORDERS OF THE DAY :

1. Call of the House.
2. Border Police Act amendment Bill ; second reading.
3. Interest Bill ; second reading.
4. Section 70 of Sydney Incorporation Act suspension Bill : third reading.

TUESDAY, DECEMBER 10.

NOTICES OF MOTION :—

1. DR. LANG to move, That the Petition presented by him on the 27th November, from certain Journeymen Bakers of Sydney, praying the enactment of a Law to prevent the obnoxious practice of baking dinners on Sunday, be now taken into consideration.
2. DR. NICHOLSON to move, That an humble Address be presented to His Excellency the Governor, praying that he will be pleased to place on the Estimates of Expenditure for the year 1845, a sum not exceeding £100 for the erection of a Lock-up House at Gunning.

ORDERS OF THE DAY ;—

1. Circular Quay Wharfage Bill ; to be considered in Committee.
2. Distillation Laws' Act amendment Bill ; second reading.

WEDNESDAY, DECEMBER 11.

1. Melbourne Incorporation Act amendment Bill ; to be further considered in Committee.
2. Customs' Bill ; to be further considered in Committee.
3. Insolvent Act amendment Bill ; second reading.
4. Sydney Incorporation Act amendment Bill ; to be further considered in Committee.
5. Lien on Wool Act amendment Bill ; to be further considered in Committee.
6. Estimates for the year 1845 ; to be further considered in Committee.
7. Appropriation Bill ; second reading.

THURSDAY, DECEMBER 12.

NOTICES OF MOTION :—

1. MR. ROBINSON to move, That it is the opinion of this Council, that the whole of the Revenue derived from the District of Port Phillip, should be specially appropriated for the service thereof.
2. MR. WINDYER, on Mr. Robinson's motion being made, to move as an amendment, That it would be just and expedient, that the balance of the Revenue of the Colony, after providing for all objects of general concernment, should be divided among the several Districts of the Colony, in proportion to their population, to be applied to such local objects as the said Districts may severally require.
3. MR. ROBINSON to move, That the Petitions from the Corporation of Melbourne, presented on the 17th September, respecting the financial separation of the Port Phillip District, and on the 10th September, respecting the Melbourne Town Fund, be taken into consideration.

ALEX. M<sup>o</sup> LEAY,  
*Speaker.*

## VOTES AND PROCEEDINGS

OF

## THE LEGISLATIVE COUNCIL.

FRIDAY, 6 DECEMBER, 1844.

1. Council met pursuant to adjournment; the Speaker took the Chair.  
Call of the House:—Mr. Windeyer moved the order of the day for a Call of the House; the names of the Members called over by the Clerk:—Absent—Dr. Bland, Mr. Darvall, and Mr. Icely.  
Mr. Darvall and Mr. Icely having entered the House before the Council proceeded to any other business, and apologised for their absence, the Fine imposed by the 62nd Standing Order of the House remitted in their case.
2. Bank of Australia Shares Bill:—Major Wentworth presented a Petition from the Inhabitants of Maitland and Suburbs, in favor of passing the Bank of Australia Shares Bill now before the Council; Petition read and received.
3. Bank of Australia Shares Bill:—Major Wentworth presented a Petition from the Inhabitants of Newcastle, in favor of passing the Bank of Australia Shares Bill now before the Council; Petition read and received.
4. Bank of Australia Shares Bill:—Mr. Lord presented a Petition from the Inhabitants of the Town of Bathurst, in favor of passing the Bank of Australia Shares Bill now before the Council; Petition read and received.
5. Bank of Australia Shares Bill:—Mr. Bradley presented a Petition from the Inhabitants of Goulburn and neighbourhood, in favor of passing the Bank of Australia Shares Bill now before the Council; Petition read and received.
6. Bank of Australia Shares Bill:—Mr. Windeyer presented a Petition from the Inhabitants of the Paterson and District, in favor of passing the Bank of Australia Shares Bill now before the Council; Petition read and received.
7. Bank of Australia Shares Bill:—Mr. Windeyer presented a Petition from the inhabitants of Raymond Terrace, in favor of passing the Bank of Australia Shares Bill now before the Council; Petition read and received.
8. General Grievances:—Mr. W. C. Wentworth, as Chairman, brought up the Report, and laid upon the Table the evidence taken before the Select Committee appointed on the 21st June last, to enquire into and report upon all grievances not connected with the lands of the Territory, with an instruction to distinguish between those grievances which can be redressed in the Colony, and those which cannot; Report and Evidence ordered to be printed.
9. Police and Gaol Expenditure:—Mr. W. C. Wentworth, as Chairman of the General Grievances Committee, brought up the Report of the Committee on the Resolutions on Police and Gaol Expenditure, proposed by Mr. Robinson, and referred to them, on the 30th August last; Report ordered to be printed.
10. Despatches Nos. 175 and 176 of 28th October, 1843:—On the motion of Mr. Cowper, the Clerk read the Report from the Select Committee appointed on the 6th September, to prepare an Address to Her Majesty the Queen on the subject of these Despatches. Moved, by Mr. Cowper, pursuant to notice, That this Council do adopt the following Address to Her Majesty the Queen annexed to the Report just read by the Clerk, viz.:—

TO THE QUEEN'S MOST EXCELLENT MAJESTY:—  
MOST GRACIOUS SOVEREIGN,

We, your Majesty's most dutiful and loyal subjects, the Members of the Legislative Council of New South Wales, in Council assembled, beg most respectfully to acquaint your Majesty, that His Excellency Sir George Gipps having laid upon the Table of this House, on the 16th August, 1844, an Extract from a Despatch, addressed by the Governor, on the 28th of October, 1843, to the Right Honorable Lord Stanley, in reference to the proceedings of the Legislative Council of New South Wales, during the Session of last year, it is with much regret we perceive, that the Council is therein accused of "seeking to make Her Majesty's Government "break faith with the servants of the public;" and further, it is stated, that "the Council having arrived at that division of the Estimates which relates to the Judicial Establishment, asserted its right to abolish offices, or reduce salaries at its pleasure, "without entering in any way on the question of compensation to the holders of office, "and without reference to any promises given, or expectation held out to them, either "by the Imperial or the Local Government."

We humbly beg to assure your Majesty, that in the discussions to which reference is made in the Despatch above quoted, the Members of the Legislative Council of this

this Colony did not contemplate the abolition of any office, without making compensation to the holder of such appointment; but the question of compensation not having been submitted to the Council, it could not regularly be taken into consideration, as it is not the province of the Council to originate a money vote. It was however stated in Council at the time, that if the Executive Government, whose duty it was to make such proposition, did bring forward a motion to this effect, it would be acceded to; but no such measure having been brought before the Council, a Representative Member did, on the 8th December, 1843, move 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, respectfully request that your Excellency will be pleased to place on the Auxiliary Estimate for the year 1844, a sum not exceeding £4,000, or such other sum as your Excellency may deem advisable, for the purpose of affording compensation to those Police Magistrates whose offices have been abolished by the votes of a Committee of the whole Council, on the Estimates of Expenditure for the year 1844.”

Upon this the following amendment was moved by another Representative Member:—

“ We, Her Majesty’s most dutiful and loyal subjects, the Members of the Legislative Council of New South Wales, in Council assembled, request that your Excellency will be pleased to place on the Auxiliary Estimate for the year 1844, such sum, not exceeding one year’s salary in each case, as your Excellency may deem advisable, for the purpose of affording compensation to the public officers, holding office under the Colonial Government only, whose offices have been abolished during the last two years.”

This amended motion was adopted by the Council, and duly transmitted to His Excellency the Governor, who returned the following reply:—

“ GENTLEMEN,

“ I feel very sensibly the liberal intentions of the Council in recommending that a year’s salary should be granted to the public officers of this government, whose offices have been abolished during the last two years; and I shall have much pleasure in availing myself of your liberality in favor of any officer who may have been removed from an office of a permanent nature, or such as, according to the custom of the public service, entitles the holder to compensation on the abolition of it.”

“ The officers, however, who have been during the last two years, or are now about to be reduced, are, for the most part, Police Magistrates, and I regret to say that the office of a Police Magistrate has not hitherto been considered of a permanent nature, or as one entitling the holder of it to compensation on its abolition.”

“ GEORGE GIPPS.”

We further beg most respectfully to acquaint your Majesty, that early in the present Session, another Representative Member proposed the following Address to your Majesty upon this subject, which Address, on the 21st June, 1844, was carried upon a division, the officers of government and government nominees voting against its adoption:—

“ MAY IT PLEASE YOUR MAJESTY,

“ We, your Majesty’s dutiful and loyal subjects, the Members of the Legislative Council of New South Wales, in Council assembled, beg to submit to your Majesty, that having felt ourselves bound, in the course of the Session of Council summoned to meet on the 1st day of August, 1843, to abstain from voting the salaries of various officers placed upon the Estimates by His Excellency the Governor Sir George Gipps, Knight, for the year 1844, whereby some deserving public servants were suddenly deprived of incomes on which they had depended, and other officers having been previously dismissed by His Excellency, thought it just, humane, and sound policy, to afford compensation to all who had been so deprived of their former means of living, without fault of their own, and did therefore, on the 8th day of December, 1843, agree to the following Address to His Excellency the Governor, that is to say:—

“ We, Her Majesty’s most dutiful and loyal subjects, the Members of the Legislative Council of New South Wales, in Council assembled, request that your Excellency will be pleased to place on the Auxiliary Estimate for the year 1844, such sum not exceeding one year’s salary in each case, as your Excellency may deem advisable, for the purpose of affording compensation to the public officers, holding office under the Colonial Government only, whose offices have been abolished during the last two years; to which, on the 19th of the same month, His Excellency was pleased to return the following answer:—

“ GENTLEMEN,

“ I feel, very sensibly, the liberal intentions of the Council, in recommending that a year’s salary should be granted to the public officers of this government, whose offices have been abolished during the last two years; and I shall have much pleasure in availing myself of your liberality, in favor of any officer who may have been removed from any office of a permanent nature, or such as, according to the custom of the public service, entitles the holder to compensation on the abolition of it.”

“ The officers, however, who have been during the last two years, or are now about to be reduced, are, for the most part, Police Magistrates, and I regret to say that the office of a Police Magistrate has not hitherto been considered of a permanent nature, or as one entitling the holder of it to compensation on its abolition.”

“ GEORGE GIPPS.”



"We humbly beg to state to your Majesty that we continue in our first opinion, and therefore pray that your Majesty will be graciously pleased to instruct His Excellency Sir George Gipps, Knight, the Governor of this Colony, to place on the Estimates to be laid before the Legislative Council of New South Wales, next after the arrival of your Majesty's most gracious instructions, such sum as may be sufficient to afford compensation, not exceeding one year's salary in each case, to the public officers holding office under the Colonial Government only, whose offices have been abolished without their receiving any other during the last thirty months."

This Address was immediately transmitted to your Majesty, through His Excellency the Governor, and on the 28th of June the Speaker announced that His Excellency the Governor had been pleased to say he would transmit the Address to your Majesty.

We have, in addition, most respectfully to state to your Majesty, that these endeavours of the Council to obtain compensation to persons whose situations had been abolished, were previous to the Council being made acquainted with the Despatch now under consideration, and in perfect ignorance that any such Despatch had been written.

With respect to that part of the Despatch which relates to the reduction made in the salaries proposed to be appropriated to the Master in Chancery and the Prothonotary, we humbly beg to assure your Majesty that the Council did not act without reference to the promises and expectations held out to those officers, both by the Imperial and Local Government; neither did the Council assert a right so to do. The Council certainly did not regard any salary as unalterably fixed by the recommendation of the Executive; but in applying themselves to the consideration of the amounts proposed to them to be appropriated to these offices, they especially considered the expectations held out both by the Imperial and Local Government.

It will be perceived by reference to the Despatch of Sir George Gipps to Lord John Russell, dated the 16th January, 1842, with its enclosures, that after long and anxious consideration on the part of the Judges, and of His Excellency the Governor, it was arranged by the local government that a Master in Equity should be appointed, with a salary of £800 per annum, and a Prothonotary at a salary of £650 per annum. Lord Stanley having been appointed your Majesty's Principal Secretary of State for the Colonies, in his Despatch of the 26th August, 1842, announced to His Excellency the Governor, the appointment of Mr. S. F. Milford, as Master in Equity, with the salary of £1000 a year; and in his Lordship's Despatch of 15th December, 1842, the following passage occurs:—"To the Master in Equity I propose to assign a salary of £1000 per annum—this exceeds by £200 per annum your own proposal; the additional charge will, however, be justified by the consideration that all the duties connected with the administration of the estates of deceased persons, having no representatives in the Colony, which have hitherto been entrusted to the Registrar, will, henceforward, devolve on the Master, so far, at least, as it may be necessary that any public officer should continue in the discharge of those duties. This is a question on which I cannot venture to express a confident opinion; it will be best understood by the Judges of the Supreme Court; but I am not aware of any reason which would require any essential distinction in this respect, between the office of a Master in Chancery in England, and the corresponding office in New South Wales. If it shall be found possible to assimilate the two, the duties of the Court, and the responsibility of its officer, will be considerably diminished. But if the same degree of protection as hitherto, must still be extended to the estates of all deceased persons, and all unrepresented persons, the duties of the Master in Chancery will be such as to be barely remunerated by the salary I propose."

"After what has occurred on this subject, it is scarcely necessary for me to express the hope and conviction I entertain, that in concert with yourself, the Judges of the Supreme Court will take the most effectual measures for the security of the estates of all deceased persons which may be placed under the protection and management of the Master."

The Council felt that under this Despatch the question was open for their consideration, whether they should take any cognizance of the office of Curator of Intestate Estates; and it appearing, upon full consideration, very desirable that the Council should not be mixed up in any degree with the question of security to be given by that officer, decided that the safer course would be to vote such salary only as had been fixed by the Colonial Government for the legitimate duties of the Master in Equity. In arriving at this conclusion, the Council was guided by a desire to abstain from incurring any responsibility by interfering with the care of the Intestate Estates. They had, however, particular reference also to the Despatch of His Excellency Sir George Gipps, dated 16th January, 1842, already referred to, which states that "the administration of Intestate Estates is a very increasing administration, and the labor of it is remunerated by a per-centage (5 per cent.) on all monies passing through his hands, I am doubtful," (His Excellency states,) "whether it should be held by an officer receiving a high salary from government; the per-centage is supposed to amount, at present, to about £300 a year." Mr. Milford having been appointed by their Honors the Judges as Curator of Estates, was in possession of this office when his stipend was under consideration of the Council, and consequently entitled to the per-centage fixed for the administration of Intestate Estates.

In reference to the Prothonotary, the Council begs to state, that the Right Honorable Lord Stanley adopted the recommendation of the local government, and agreed with His Excellency the Governor, that "the office of Prothonotary and Registrar

gistrar of the Supreme Court would be sufficiently remunerated with a salary of £650 a year." This sum was, accordingly, placed on the Estimates of Expenditure laid before the Legislative Council, on the 23rd August, 1843, by His Excellency the Governor. Subsequently to this Mr. Gregory arrived in the Colony, with an appointment to the office, and a stipend of £800 per annum. The Council did not, however, feel called upon to provide for this officer a larger sum than that recommended by His Excellency the Governor, and assented to by the Right Honorable the Secretary of State. From various causes, the duties of the Prothonotary's office had much fallen off since the appointment was resolved upon; and circumstances had in other respects so changed, as to make £650 a very large salary; and it was from respect alone to the considerations which have been stated, that they did not reduce it below that amount.

We beg still further most respectfully to state to your Majesty, our regret that His Excellency the Governor should, in his Despatch of 28th October, 1843, No. 175, to the Right Honorable Lord Stanley, have used any expression respecting the claim so repeatedly urged by this Colony upon the British Government, in reference to the Police and Gaol Expenditure, calculated to produce an impression, that this claim had been abandoned, or that the Colonists considered the question as decided.

We humbly beg to inform your Majesty, that, so far from this being the case, a strong remonstrance is being now drawn up by a Select Committee of the Legislative Council, to be transmitted to your Majesty, humbly praying, that your Majesty will be graciously pleased to grant compensation to the Colony of New South Wales, for the sums expended in coercing and maintaining British criminals, under a compact entered into by His Excellency Sir Richard Bourke. And this Council humbly expresses its anxious hope, that no decision will be finally arrived at, until this appeal shall have been considered. We also desire most humbly to express our regret at the whole tenor of this Despatch, and the mode adopted therein of representing the state of the question at issue between your Majesty's government and this Colony. The effect to the Colony has clearly been most prejudicial, by inducing your Majesty's Secretary of State for the Colonies, to direct the expediting the period of the pardon, either absolute or conditional, of criminals under sentence, with a view to avoid a small expenditure from the British government for their restraint. This proceeding, which the Council most humbly conceives is not a legitimate exercise of the Royal prerogative of mercy, is not only prejudicial to the best interests of the Colony, but is calculated to wound deeply the feelings of your Majesty's dutiful and loyal subjects residing therein; and indeed has had that effect, by impressing them with a conviction that the claims of justice may be compromised from pecuniary motives.

It was under a sense of this grievance, that the Council in their first Session as the elected representatives of the Colonists, adopted the resolutions respecting the sums voted for the gaol expenditure, which are adverted to in the Despatch of His Excellency Sir George Gipps: these resolutions being only in accordance with the protests formerly transmitted to your Majesty's Principal Secretary of State for the Colonies, from the Legislative Council of this Colony, when the members were altogether appointed by the Crown.

We humbly trust, that if there be any appearance of a tone and temper to be deprecated in any portion of the acts of state herein submitted to your Majesty's most gracious consideration, they will not be found in any proceedings of this Council; for we beg with all earnestness, but with the most profound respect, to assure your Majesty, that the course we have taken, has been, in our opinion, that best calculated to ensure a continuance of those feelings of devoted and affectionate loyalty to your Majesty's person and government, which at present distinguish the intelligence and wealth of the constituencies we have the honor to represent.

Debate ensued.

Moved, as an amendment, by Mr. W. C. Wentworth, that the words "Officers of Government and" in the line last but one of the fifth paragraph of the Address, commencing "We further beg most respectfully to acquaint Your Majesty," be expunged, and the words "then present" inserted after the word "Nominees" in the same line of the same paragraph.

Debate continued.

Question on the amendment put and passed.

Question put on the Address as so amended; Council divided.

Ayes 18.

DR. BLAND,  
MR. WINDEYER,  
MAJOR WENTWORTH,  
MR. W. C. WENTWORTH,  
MR. ROBINSON,  
MR. COWPER,  
MR. BOWMAN,  
MR. WALKER,  
MR. PANTON,  
MR. MACARTHUR,  
CAPTAIN DUMARESQ,  
MR. BOYD,  
MR. LORD,  
MR. BRADLEY,  
DR. LANG,  
MR. COGHILL,  
MR. LAWSON,  
DR. NICHOLSON, (Teller.)

Noes 11.

THE COLONIAL SECRETARY,  
MR. THERBY,  
MR. YOUNG,  
THE ATTORNEY GENERAL,  
THE COLLECTOR OF CUSTOMS,  
MR. MURRAY,  
MR. LAMB,  
MR. ICELY,  
THE AUDITOR GENERAL,  
MR. DARVALL,  
THE COLONIAL TREASURER, (Teller.)

11. Dr. Bland having apologised to the House for his absence when the names of the Members were called over to day, pursuant to order, moved, That the fine imposed on him by the 62nd Standing Order of the House, for such absence, be remitted.  
Question put and passed.
12. Despatches Nos. 175 and 176, of 28th October, 1843:—The Address to Her Majesty the Queen on the subject of these Despatches, adopted by the Council to-day, ordered, on the motion of Mr. Cowper, to be presented to His Excellency the Governor for transmission to Her Majesty, by the Speaker, Mr. Cowper, Mr. Robinson, and Mr. Lawson.
13. Judicial Expenditure for the year 1845:—The Report from the Select Committee appointed on the 12th September last to prepare an Humble Address to Her Majesty the Queen, communicating certain resolutions of the Council in reference to the Governor's Message on this subject dated the 3rd September last, read by the Clerk on the motion of Mr. W. C. Wentworth.  
Moved by Mr. W. C. Wentworth, That this Council do adopt the following Address to Her Majesty the Queen, annexed to the Report just read by the Clerk, viz:—

TO THE QUEEN'S MOST EXCELLENT MAJESTY.

MOST GRACIOUS SOVEREIGN,

We, your Majesty's loyal and dutiful subjects, the Members of the Legislative Council of New South Wales, in Council assembled, beg leave to approach your Majesty, with the renewed assurance of our attachment to your Majesty's Royal person and Government.

In order to make the cause of this second intrusion, in so short a period, on your Majesty's attention, properly understood, we crave your Majesty's indulgence, whilst we state that His Excellency the Governor, in his Financial Minute of last Session, (being the first Session of our existence as a Legislative Council,) after drawing our attention to the circumstance, that the money appropriated by Schedules A and C, annexed to the Imperial Act 5 and 6 Vict., cap. 76, was insufficient for the purposes intended, went on to observe, that "consequently, in each of these cases, the Council, having to make good an indispensable Supplement, has, for all practical purposes, as much control over the expenditure, on account of the whole of the services enumerated in those Schedules, as it would have had though these Schedules had formed no part of the Act. I say for all *practical* purposes, because the local government could only withdraw these items from the control of the Legislative Council, by reducing the expenditure on account of them, below the sums stated in the respective Schedules; and this may, under existing circumstances, be considered impracticable; it could not, at any rate, be done without manifest inconvenience, both to the government and the public."

In pursuance of the unreserved submission of the various items of expenditure, enumerated in these Schedules, to our control, we at once entered upon the consideration of this branch of the Estimates, and proceeded, without interruption, for some considerable time, determining which of the specified charges were necessary for the public service; curtailing the salaries of some officers, and abolishing, as altogether useless, one of the offices enumerated in Schedule A, until this course of proceeding, authorised by His Excellency's first Message, was interrupted by a second Message to us on this subject from His Excellency, dated 19th October, 1843, of which the following extract only, is material to the right understanding of this matter.

"Circumstances have arisen, which seem to render it desirable, that I should offer to the Council some further observations, on that division of the Estimates for 1844, which relates to the administration of justice; and in so doing, it will be indispensable for me to develop the views which I entertain respecting the Schedules A and B, appended to the Act for the government of New South Wales, 5 and 6 Vict., cap. 76."

"The instructions which I have on this subject from Her Majesty's Government, are contained in the following extract from a Despatch, from the Secretary of State, dated the 9th March, 1843:—"

"I have to point out, that in the event of the contingent and miscellaneous expenses connected with the administration of justice, at any time exceeding the amount apportioned to that purpose, in Schedule A, in the abovementioned Act, it will be necessary for you to make application to the Local Legislature for any requisite provision to defray the excess." "According to this instruction, the application which I made to the Council was not for the whole sum required for the contingent and miscellaneous expenses attendant on the Administration of Justice, (£30,517 14s. 6d.,) but only for the excess of that sum over the provision of £20,000, made by Schedule A."

"Considering, however, that it undoubtedly rested with the Council, to give or withhold the whole or any portion of such excess, I deemed it proper to lay the entire Estimates for the Administration of Justice before you; for it seemed to me impossible for the Council to exercise a right discretion in giving or withholding the excess, without knowing how it was proposed to expend the sum granted to the government by Schedule A; and it was in this view of the subject that I stated in my Message to the Council, of the 23rd of August last that 'the Council having to make good an indispensable supplement, has, for all practical purposes, as much control over the expenditure, on account of the whole of the services enumerated in those Schedules, as it would have had though these Schedules had not formed part of the Act. I say for all *practical purposes*, because the local government could only withdraw these items from the control of the Legislative Council, by reducing the expenditure on account of them below the sums stated in the respective Schedules; and this

"this may, under existing circumstances, be considered impracticable; it could not at any rate, be done without manifest inconvenience both to the government and the public."

"When I wrote the foregoing remarks, it certainly was not within my contemplation that any desire would exist on the part of the Council, to reduce the salaries of officers, who, holding their appointments from Her Majesty, naturally consider their salaries to be guaranteed to them by Her Majesty's government, and of whom many were induced to come to the Colony by promises held out to them in England."

"Had I not considered that these salaries were sufficiently guaranteed by the public faith which was pledged to them, I should not have omitted to declare, that I considered them to be secured by the Schedules on which they are chargeable; I now feel that I made an omission, and I hasten to repair it."

"The Council, I learn, has affirmed, 'that it is the opinion of this committee,' (being a committee of the whole Council,) 'that if it be called upon to vote more for any particular service than is appropriated thereto in the Schedules to the Act 5 and 6 Vic., cap. 7b, it has, and ought to have power to fix the amount to be appropriated to every detail of such service, except such as may be specifically provided for in such Schedules.'"

"I unfeignedly regret that I cannot go with the Council to the full extent of their resolution; because, were I to do so, I should acknowledge a right to exist on the part of the Council, to reduce the salaries of the law officers of the Crown, even to the extent which has been proposed, of one-half their present amount; a right which I cannot acknowledge so long as I consider the faith of Her Majesty's Government to be pledged to those salaries, and the means of maintaining that faith to have been placed within Her Majesty's power by the Parliament of Great Britain."

The above extract from His Excellency's second Message, will, we respectfully trust, satisfy your Majesty, that at the time of His Excellency's first Message, he had not, in reality, any intention, although he so expressed himself, to give the Legislative Council "for all practical purposes, as much control over the expenditure, on account of the whole of the services enumerated in schedules A and C, as it would have had though these schedules had not formed part of the Act," but only a control for all practical purposes over the salaries of such officers enumerated in the schedules, as did not hold their appointments from your Majesty; His Excellency considering that the salaries of this latter class of officers "were guaranteed to them by your Majesty's Government, and by the public faith which was pledged to them."

It will be seen from the above explanation that, if on this occasion we exceeded, in the course of retrenchment which we pursued, the strict bounds of our constitutional rights and duties, we were led into this error by His Excellency's express invitation, and inaccurate interpretation of the Imperial Act.

Conceiving, however, that the view which His Excellency took of our powers and duties in his first Message was correct, we affirmed that view by the resolution of the Committee of the whole Council, which is quoted in His Excellency's second Message, and continuing to act upon our opinion of the law therein recorded during the remainder of our first Session, we proceeded accordingly to dispose of the salaries and other items of expenditure enumerated in the schedules A and C, and the required supplements thereto, without any further expression of dissent on the part of His Excellency.

It would seem, however, that His Excellency having referred the above matters to your Majesty's Principal Secretary of State for the Colonies, it was deemed expedient this Session to submit Schedule A, and the required Supplement thereto, in a different form to the Legislative Council, and instead of being invited, as we were last year, to exercise a complete right of appropriation and control over the services enumerated in this Schedule, and the required Supplement thereto, our right of appropriation and control, even in regard to the Supplement, was denied, and a sum in gross, amounting to £28,635 5s. 10d. was fixed for these services; and the balance of £8,635 5s. 10d. over and above the sum of £20,000 appropriated by the Schedule, was asked from us in gross.

Conceiving still that the view of our rights and duties, upon which we acted during the last Session, is in strict consonance with the proper construction of the Imperial Act above referred to, and that we could not depart from it without a violation, both of the letter and spirit of the 34th section of that Act, we felt ourselves constrained to decline entering, this Session, upon the consideration of Schedule A, and the required Supplement thereto, in the form thus submitted to us; and accordingly, when this division of the Estimates of Expenditure was brought forward by the Colonial Treasurer, we propounded our opinion in the following resolution:—

"This Council being empowered under the 34th section of the Imperial Act, to fix the amount to be appropriated to every detail of the public service, and being now called upon, by His Excellency the Governor, to vote the sum of £28,635 5s. 10d., as a Supplement to schedule A, in the Estimates for 1845, is therefore bound, in the exercise of its duty, to fix every detail of such amount previously to its appropriation by the Local Legislature."

"But His Excellency the Governor having rendered the due performance of this duty impossible, by submitting such Supplement in connexion with the said schedule, the right to fix the details whereof (an indispensable preliminary to any enquiry into the details of the Supplement itself) is denied by the Right Honorable the Secretary of State for the Colonies, in accordance with His Excellency's Message to this Council, of the 19th October, 1843;—this Council, therefore, in assertion of this, its undoubted

"undoubted right and duty, declines to enter into any consideration of the required Supplement."

We have felt it incumbent upon us humbly to submit to your Majesty the above resolution verbatim, and to enter thus fully into the previous history of events connected with it; inasmuch as His Excellency the Governor, in answer thereto, sent a Message to the Council on the 4th of September last, which of itself is calculated to convey a very erroneous impression to your Majesty as to the tenor thereof—a copy of which Message is as follows:—

*"Message from His Excellency the Governor, to the Legislative Council, replying to an Address of the Council, dated the 29th ultimo, wherein His Excellency was informed that the Council had declined to grant any sums of money for the Administration of Justice for the year 1845, in addition to those which have been provided by Parliament."*—

"GENTLEMEN,

"The Council having declined to grant any sums of money for the Administration of Justice, in addition to those which have been provided for by Parliament, I shall take measures for limiting the expenditure on account of the Administration of Justice during the year 1845, to the sums mentioned in the Schedule marked A, annexed to the 5 and 6 Vic., c. 76; and I shall advise with the Judges upon the manner in which this may be done with the least possible amount of inconvenience to the public."

"GEORGE GIPPS."

*"Government House, Sydney, 3rd September, 1844."*

This Message having been taken into consideration, pursuant to notice, on the 12th of September last, the following resolutions in reference thereto, after full consideration and debate, were agreed to by the Council.—

"That His Excellency's message to this Council, of which the following is the tenor,—

*"Message from His Excellency the Governor, to the Legislative Council, replying to an Address of the Council, dated the 29th ultimo, wherein His Excellency was informed that the Council had declined to grant any sums of money for the Administration of Justice for the year 1845, in addition to those which have been provided by Parliament."*—

"GENTLEMEN,

"The Council having declined to grant any sums of money for the Administration of Justice, in addition to those which have been provided for by Parliament, I shall take measures for limiting the expenditure on account of the Administration of Justice during the year 1845, to the sums mentioned in the Schedule marked A, annexed to the 5th and 6th Vic., c. 76; and I shall advise with the Judges upon the manner in which this may be done with the least possible amount of inconvenience to the public."

*"Government House, Sydney, 3 September, 1844."*

"GEORGE GIPPS."

"being calculated to convey an erroneous impression to Her Majesty, as to the substance of the resolution adopted by this Council on the 29th ultimo."

"Resolved, first.—That the aforesaid resolution does not involve, as the said Message implies, an absolute and unqualified refusal to grant any sums of money for the administration of justice, in addition to those which have been provided for by Parliament, but only a qualified refusal to grant such monies, so long as the appropriation thereof be withheld, and a sum asked for from this Council: (as it was in that instance) in gross, instead of detail, for the services enumerated in Schedule A, and the required Supplement thereto."

"Second.—That the Casual Revenue, which has been improperly withheld from the control of this Council, for the first time this year, and which, in the Abstract of the Expenditure for the year 1843, amounted to £6698 12s. 6d., arising, as it does, chiefly from fines and penalties levied in Courts of Justice within the Colony, affords an ample and suitable fund, out of which any supposed inadequacy of the provision made by Parliament in Schedule A, for the due Administration of Justice, may be supplied."

"Third.—That to prevent any misapprehension which may arise in the mind of Her Majesty, as to the substance of the said resolution, of the 29th ultimo, an humble Address be presented to Her Majesty, communicating to Her Majesty these resolutions, and also the tenor of the aforesaid resolution of this Council, referred to in His Excellency's said Message."

The above resolutions, we humbly trust, will make it manifest to your Majesty, that all we affirmed, or intended to affirm, by them, was, that in the form in which schedule A and the required supplement thereto, was then submitted to us, it was impossible, consistently with a due regard to our constitutional rights and duties, that we could enter upon any consideration of either of these Estimates.

The object of this our humble and dutiful address to your Majesty, as the third of the above resolutions declares, being to prevent those misapprehensions which might otherwise arise in your Majesty's mind, from the wording of the said Message,

as to our supposed unwillingness to make adequate provision for the Administration of Justice:—We cannot take our respectful leave of your Majesty, without the expression of our deep regret, that this should be the second occasion, during this session of our Council, in which we have felt it an imperative duty to your Majesty and ourselves, to vindicate our public character and proceedings from the erroneous statements and implications of your Majesty's representative, in reference thereto.

Debate ensued.

Moved as an amendment by Mr. W. C. Wentworth, That the words "upon a different principle" be substituted for the words "in a different form" in the seventh paragraph of the Address, commencing "It would seem, however," and that the words "on the principle on" be substituted for the words "in the form in" in the paragraph last but one of the Address.

Moved by Mr. Murray, as a further amendment, That the last sentence of the last paragraph of the Address, commencing with the words "we cannot take our respectful leave of your Majesty" be expunged.

Question on the last amendment put and negatived.

Question on the first amendment put and passed.

Question put on the Address, as so amended; Council divided.

Ayes 19.

MR. WINDEYER,  
MR. WALKER,  
DR. BLAND,  
MAJOR WENTWORTH,  
MR. FOSTER,  
MR. W. C. WENTWORTH,  
MR. COWPER,  
DR. NICHOLSON,  
MR. BOWMAN,  
MR. LAWSON,  
MR. BRADLEY,  
MR. BOYD,  
MR. LORD,  
DR. LANG,  
MR. COGHILL,  
CAPTAIN DUMARESQ,  
MR. MACARTHUR,  
MR. MURRAY,  
MR. ROBINSON, (Teller.)

Noes 9.

THE COLONIAL SECRETARY,  
MR. DARVALL,  
THE ATTORNEY GENERAL,  
THE COLLECTOR OF CUSTOMS,  
THE AUDITOR GENERAL,  
MR. ICELY,  
MR. LAMB,  
MR. THERRY,  
THE COLONIAL TREASURER, (Teller.)

Address to be presented to His Excellency the Governor for transmission to Her Majesty the Queen, by the Speaker, Mr. W. C. Wentworth, and Dr. Bland.

14. Border Police Act amendment Bill:—The second reading of this Bill postponed, on the motion of Mr. Cowper, until Tuesday next.

15. Interest Bill:—The order of the day for the second reading of this Bill read.

Moved by Mr. Windeyer, That this Council do now adjourn.

Question put and negatived.

Moved by Mr. Foster, That the Interest Bill be now read a second time.

Debate ensued.

Moved by Mr. Walker, That this Council do now adjourn.

Question put on the motion for adjournment; Council divided.

Ayes 5.

MR. WINDEYER,  
THE ATTORNEY GENERAL,  
MR. WALKER,  
MR. THERRY,  
MR. ROBINSON, (Teller.)

Noes 12.

MR. COGHILL,  
CAPTAIN DUMARESQ,  
MR. DARVALL,  
DR. LANG,  
MR. FOSTER,  
DR. BLAND,  
MR. W. C. WENTWORTH,  
MAJOR WENTWORTH,  
MR. LAWSON,  
MR. BOWMAN,  
MR. LAMB,  
DR. NICHOLSON, (Teller.)

Debate continued.

Moved by Mr. Windeyer, That this House do now adjourn.

Question put on the motion for adjournment; Council divided.

Ayes 4.

DR. LANG,  
MR. LAMB,  
MR. WINDEYER,  
MR. ROBINSON, (Teller.)

Noes 9.

DR. BLAND,  
MAJOR WENTWORTH,  
MR. W. C. WENTWORTH,  
MR. LAWSON,  
MR. BOWMAN,  
MR. FOSTER,  
CAPTAIN DUMARESQ,  
MR. COGHILL,  
DR. NICHOLSON, (Teller.)

Debate continued.

There not being twelve Members present, the Speaker adjourned the Council at a quarter before Ten o'Clock, until Tuesday next at Three o'Clock.

NOTICES OF MOTION AND ORDERS OF THE DAY.

TUESDAY, DECEMBER 10.

NOTICES OF MOTION:—

1. DR. LANG to move, That the Petition presented by him on the 27th November, from certain Journeymen Bakers of Sydney, praying the enactment of a Law to prevent the obnoxious practice of baking dinners on Sunday, be now taken into consideration.
2. DR. NICHOLSON to move, That an humble Address be presented to His Excellency the Governor, praying that he will be pleased to place on the Estimates of Expenditure for the year 1845, a sum not exceeding £100 for the erection of a Lock-up House at Gunning.
3. MR. FOSTER to move, That an humble Address be presented to His Excellency the Governor, praying that he will be pleased to place on the Estimates of Expenditure for the year 1845, a sum not exceeding £100, for the purpose of repairing the Bridges between Newcastle and Maitland.
4. THE COLONIAL SECRETARY to move for leave to bring in "A Bill to suspend for a limited time so much of an Act of the Governor and Council of New South Wales as to incorporate the inhabitants of the Town of Melbourne, as relates to the estimating and levying a rate for the Police of the said Town."

ORDERS OF THE DAY;—

1. Resumption of Debate on motion for second reading of Interest Bill.
2. Circular Quay Wharfage Bill; to be considered in Committee.
3. Distillation Laws' Act amendment Bill; second reading.
4. Border Police Act amendment Bill; second reading.
5. Section 70 of Sydney Incorporation Act suspension Bill: third reading.

WEDNESDAY, DECEMBER 11.

1. Estimates for the year 1845; to be further considered in Committee.
2. Melbourne Incorporation Act amendment Bill; to be further considered in Committee.
3. Customs' Bill; to be further considered in Committee.
4. Insolvent Act amendment Bill; second reading.
5. Sydney Incorporation Act amendment Bill; to be further considered in Committee.
6. Lien on Wool Act amendment Bill; to be further considered in Committee.
7. Appropriation Bill; second reading.

THURSDAY, DECEMBER 12.

NOTICES OF MOTION:—

1. MR. ROBINSON to move, That it is the opinion of this Council, that the whole of the Revenue derived from the District of Port Phillip, should be specially appropriated for the service thereof.
2. MR. WINDEYER, on Mr. Robinson's motion being made, to move as an amendment, That it would be just and expedient, that the balance of the Revenue of the Colony, after providing for all objects of general concernment, should be divided among the several Districts of the Colony, in proportion to their population, to be applied to such local objects as the said Districts may severally require.
3. MR. ROBINSON to move, That the Petitions from the Corporation of Melbourne, presented on the 17th September, respecting the financial separation of the Port Phillip District, and on the 10th September, respecting the Melbourne Town Fund, be taken into consideration.
4. DR. LANG to move, That in the opinion of this House, it is an unwarrantable and demoralizing practice, utterly unworthy of any government professing to be guided by the principles of christian morals, to authorise any of the officers or employes of such government, to pretend to receive bribes from persons supposed to be engaged in fraudulent or nefarious practices, with a view to criminate such persons, to substantiate charges against them, or to involve them in deeper criminality.  
That an Address be presented to His Excellency the Governor, transmitting this Resolution to His Excellency.
5. MR. W. C. WENTWORTH to move the following Resolutions:—  
(1.) That this Council having taken into consideration the Report of the Select Committee, appointed to enquire into and report upon all grievances not connected with the lands of the Territory, and to distinguish between those grievances which can be redressed in the Colony, and those which cannot, adopts, generally, the opinions contained therein.  
(2.) That, in the opinion of this Council, the Schedules annexed to 5 and 6 Vict., c. 76, should be repealed, and the whole of the General Revenue placed at the appropriation of the Governor and Legislative Council, in conformity with the provisions of the Declaratory Act, 18 George III, c. 12, s. 1; or that the whole of the Hereditary Revenues

Revenues of the Crown be surrendered to the appropriation of the Governor and Legislative Council, as an equivalent for the Civil List secured by those Schedules.

(3.) That, in the opinion of this Council, so much of the same Act, 5 and 6 Vict., c. 76, as relates to the establishment of District Councils, should be repealed.

(4.) That, in the opinion of this Council, the Police, Gaol, and Judicial Expenditure of the Colony, should be adjusted on the terms prayed for in the Address to Her Majesty and the Petitions to both Houses of Parliament, prepared by the Select Committee appointed by this Council to enquire into and report upon all grievances not connected with the lands of the Territory.

(5.) That it is the opinion of this Council, an humble Address be presented to Her Majesty, beseeching Her Majesty to direct that the Government of this Colony be henceforth conducted on the same principle of responsibility, as to Legislative control, which has been conceded in the United Canadas; and to sanction the establishment by law, within this Colony, of a tribunal for impeachments.

(6.) That, in the opinion of this Council, an Act should be introduced, to enable persons having claims of any description against the Crown or local Government, to sue the Colonial Treasurer, or some other public Officer, to be appointed for that purpose by the Governor, as a nominal defendant; with suitable provisions to enable claimants to enforce any judgment or decree in their behalf, but nevertheless under such limitations as may be necessary to prevent frivolous and vexatious suits.

(7.) That it is the opinion of this Council, that an humble Address be presented to Her Majesty, praying that Her Majesty will be graciously pleased to place the Judges of the Supreme Court in the same tenure of office, and security of salary, as have been granted to the judges in England.

ALEX. M<sup>c</sup> LEAY,

Speaker.



## VOTES AND PROCEEDINGS

## THE LEGISLATIVE COUNCIL.

TUESDAY, 10 DECEMBER, 1844.

1. Council met, pursuant to adjournment; the Speaker took the Chair. Interest Bill; Debate on the motion for the second reading of this Bill, postponed, on the motion of Mr. Foster, until Thursday next.
2. Licensed Pilots:—Mr. Macarthur presented a Petition from the Licensed Pilots of Port Jackson, praying the Council will not sanction any further reduction in the fees of Pilotage established for Port Jackson; Petition read and received.
3. Bank of Australia Shares Bill:—Dr. Nicholson presented a Petition from certain inhabitants of Bathurst and its vicinity, in favor of passing the Bank of Australia Shares Bill now before the Council; Petition read and received.
4. Bank of Australia Shares Bill:—Dr. Nicholson presented a Petition from certain inhabitants of Wollongong and neighbourhood, in favor of passing the Bank of Australia Shares Bill now before the Council; Petition read and received.
5. Bank of Australia Shares Bill:—Dr. Nicholson presented a Petition from certain inhabitants of Berrima and the surrounding District, in favor of passing the Bank of Australia Shares Bill now before the Council; Petition read and received.
6. Bank of Australia Shares Bill:—Dr. Nicholson presented a Petition from certain inhabitants of Dungog and William's River, in favor of passing the Bank of Australia Shares Bill now before the Council; Petition read and received.
7. Bank of Australia Shares Bill:—Mr. Windeyer presented a Petition from certain inhabitants, residents of Carcoar, in favor of passing the Bank of Australia Shares Bill, now before the Council; Petition read and received.
8. School House; Parish of St. Philip, Sydney:—Mr. Lamb presented a Petition from the Minister and acting Churchwardens of the Church of the Holy Trinity, in the Parish of St. Philip, Sydney, praying assistance from the public funds, equivalent in amount to that which may be raised by private subscriptions, towards the erection of a suitable School within the Parish of St. Philip, in connexion with the said Church and its congregation; Petition read and received.
9. Appeals from the Supreme Court:—The Attorney General presented a Petition from certain Members of the Law Society of New South Wales, praying the enactment of a Law rendering the right of appeal from the decision of the Supreme Court to Her Majesty in Council, effectual, by such regulations as to the Council shall seem just and reasonable; Petition read and received.
10. Journeymen and Master Bakers:—The Petition from certain Journeymen and Master Bakers of Sydney, praying the enactment of a Law to prevent the obnoxious practice of baking dinners on Sunday, presented by Dr. Lang on the 27th November last, having, on the motion of Dr. Lang, pursuant to notice, been taken into consideration:—Moved, by Dr. Lang, That he do now have leave to bring in "A Bill to relieve *journeymen Bakers from common labor on the Lord's day, or Christian Sabbath.*" Debate ensued. Question put and negatived.
11. Lock-up House, Gunning:—Dr. Nicholson, pursuant to notice, moved, That an humble Address be presented to His Excellency the Governor, praying that he will be pleased to place on the Estimates of Expenditure for the year 1845, a sum not exceeding £100 for the erection of a Lock-up House at Gunning. Question put; Council divided.

Ayes 17.

MR. DARVALL,  
THE COLONIAL TREASURER,  
MR. ICELY,  
THE AUDITOR GENERAL,  
MR. BRADLEY,  
DR. LANG,  
MR. BOYD,  
CAPTAIN DUMARESQU,  
MR. WALKER,  
THE COLLECTOR OF CUSTOMS,  
MR. WINDEYER,  
MR. LAMB,  
MR. THERRY,  
MR. FOSTER,  
MR. BOWMAN,  
DR. BLAND,  
DR. NICHOLSON, (Teller.)

Noes 6.

THE COLONIAL SECRETARY,  
THE ATTORNEY GENERAL,  
MR. COWPER,  
MR. BERRY,  
MASON WESTWORTH,  
MR. YOUNG, (Teller.)

Address to be presented by the Speaker and the Colonial Secretary.

12. Newcastle and Maitland Bridges:—Mr. Foster, pursuant to notice, moved, That an humble Address be presented to His Excellency the Governor, praying that he will be pleased to place on the Estimates of Expenditure for the year 1845, a sum not exceeding £100, for the purpose of repairing the Bridges between Newcastle and Maitland.  
 Debate ensued.  
 Moved as an amendment by Mr. Windeyer, that an humble Address be presented to His Excellency the Governor, praying that he will be pleased to place on the Estimates of Expenditure for the year 1845, a sum not exceeding £50, for the purpose of repairing the Bridges between Newcastle and Maitland.  
 Question on the amendment put and passed, and Address to be presented by the Speaker, the Colonial Secretary, and the Colonial Treasurer.
13. Section 70 of Melbourne Corporation Act suspension Bill:—The Colonial Secretary having, pursuant to notice, moved for and obtained leave to bring in "A Bill to suspend for a limited period so much of an Act of the Governor and Council of New South Wales to incorporate the inhabitants of the Town of Melbourne, as relates to the estimating and levying a rate for the Police of the said Town."; Bill read a first time; ordered to be printed, and read a second time to-morrow.
14. Circular Quay Wharfage Bill:—The consideration of this Bill in Committee postponed, on the motion of the Colonial Secretary, until Friday next.
15. Distillation Laws Act amendment Bill having, on the motion of the Attorney General, been read a second time, the Council resolved itself into Committee thereupon.  
 The Chairman having reported the Bill with amendments, Bill ordered to be engrossed, and read a third time on Friday next.
16. Border Police Act amendment Bill:—Second reading of this Bill postponed, on the motion of Mr. Cowper, until Thursday next.
17. Section 70 of Sydney Incorporation Act suspension Bill read a third time, and passed.  
 To be presented to His Excellency the Governor for assent, by the Speaker and Colonial Treasurer.  
 Council adjourned at ten minutes after Six o'Clock, until to-morrow at Three o'Clock.

NOTICES OF MOTION AND ORDERS OF THE DAY.

WEDNESDAY, DECEMBER 11.

ORDERS OF THE DAY;—

1. Estimates for the year 1845; to be further considered in Committee.
2. Melbourne Incorporation Act amendment Bill; to be further considered in Committee.
3. Customs Bill; to be further considered in Committee.
4. Insolvent Act amendment Bill; second reading.
5. Sydney Incorporation Act amendment Bill; to be further considered in Committee.
6. Lien on Wool Act amendment Bill; to be further considered in Committee.
7. Appropriation Bill; second reading.
8. Section 70 of Melbourne Corporation Act suspension Bill: second reading.

THURSDAY, DECEMBER 12.

NOTICES OF MOTION:—

1. MR. ROBINSON to move, That it is the opinion of this Council, that the whole of the Revenue derived from the District of Port Phillip, should be specially appropriated for the service thereof.
2. MR. WINDEYER, on Mr. Robinson's motion being made, to move as an amendment, That it would be just and expedient, that the balance of the Revenue of the Colony, after providing for all objects of general concernment, should be divided among the several Districts of the Colony, in proportion to their population, to be applied to such local objects as the said Districts may severally require.
3. MR. ROBINSON to move, That the Petitions from the Corporation of Melbourne, presented on the 17th September, respecting the financial separation of the Port Phillip District, and on the 10th September, respecting the Melbourne Town Fund, be taken into consideration.
4. DR. LANG to move, That in the opinion of this House, it is an unwarrantable and demoralizing practice, utterly unworthy of any government professing to be guided by the principles of christian morals, to authorise any of the officers or employes of such government, to pretend to receive bribes from persons supposed to be engaged in fraudulent or nefarious practices, with a view to criminate such persons, to substantiate charges against them, or to involve them in deeper criminality.  
 That an Address be presented to His Excellency the Governor, transmitting this Resolution to His Excellency.
5. MR. W. C. WENTWORTH to move the following Resolutions:—  
 (1.) That this Council having taken into consideration the Report of the Select Committee, appointed to enquire into and report upon all grievances not connected with the lands of the Territory, and to distinguish between those grievances which can be redressed in the Colony, and those which cannot, adopts, generally, the opinions contained therein.  
 (2.)

- (2.) That, in the opinion of this Council, the Schedules annexed to 5 and 6 Vict., c. 76, should be repealed, and the whole of the General Revenue placed at the appropriation of the Governor and Legislative Council, in conformity with the provisions of the Declaratory Act, 18 George III., c. 12, s. 1; or that the whole of the Hereditary Revenues of the Crown be surrendered to the appropriation of the Governor and Legislative Council, as an equivalent for the Civil List secured by those Schedules.
- (3.) That, in the opinion of this Council, so much of the same Act, 5 and 6 Vict., c. 76, as relates to the establishment of District Councils, should be repealed.
- (4.) That, in the opinion of this Council, the Police, Gaol, and Judicial Expenditure of the Colony, should be adjusted on the terms prayed for in the Address to Her Majesty and the Petitions to both Houses of Parliament, prepared by the Select Committee appointed by this Council to enquire into and report upon all grievances not connected with the lands of the Territory.
- (5.) That it is the opinion of this Council, an humble Address be presented to Her Majesty, beseeching Her Majesty to direct that the Government of this Colony be henceforth conducted on the same principle of responsibility, as to Legislative control, which has been conceded in the United Canadas; and to sanction the establishment by law, within this Colony, of a tribunal for impeachments.
- (6.) That, in the opinion of this Council, an Act should be introduced, to enable persons having claims of any description against the Crown or local Government, to sue the Colonial Treasurer, or some other public Officer, to be appointed for that purpose by the Governor, as a nominal defendant; with suitable provisions to enable claimants to enforce any judgment or decree in their behalf, but nevertheless under such limitations as may be necessary to prevent frivolous and vexatious suits.
- (7.) That it is the opinion of this Council, that an humble Address be presented to Her Majesty, praying that Her Majesty will be graciously pleased to place the Judges of the Supreme Court in the same tenure of office, and security of salary, as have been granted to the judges in England.

ORDERS OF THE DAY :—

- 1. Resumption of Debate on motion for second reading of Interest Bill.
- 2. Border Police Act amendment Bill; second reading.

FRIDAY, DECEMBER 13.

- 1. Circular Quay Wharfage Bill; to be considered in Committee.
- 2. Distillation Laws' Act amendment Bill; third reading.

ALEX. M<sup>c</sup> LEAY,  
*Speaker.*

The first part of the document discusses the importance of maintaining accurate records of all transactions. It emphasizes that every entry should be clearly documented and verified. The second section details the various methods used to collect and analyze data, highlighting the need for consistency and precision. The third part describes the results of the experiments, showing a clear trend in the data. The final section concludes with a summary of the findings and suggests further research in this area.

The data collected over a period of six months shows a steady increase in the number of transactions. This is particularly evident in the latter half of the study. The analysis indicates that the current methods are effective, but there is still room for improvement in certain areas. The overall findings support the hypothesis that the proposed system will lead to more efficient operations.

In conclusion, the study has provided valuable insights into the complexities of the system. The results demonstrate that the proposed changes are feasible and beneficial. It is recommended that the findings be implemented as soon as possible to maximize the benefits. Further research should focus on optimizing the existing methods and exploring new technologies that could enhance the system's performance.

## VOTES AND PROCEEDINGS

## THE LEGISLATIVE COUNCIL

WEDNESDAY, 11 DECEMBER, 1844.

1. Council met pursuant to adjournment; the Speaker took the Chair.  
Expense of Public Buildings:—Mr. Windeyer, as Chairman, brought up the Report, and laid upon the Table the Evidence taken before the Select Committee, appointed on the 23rd August last to enquire into the expense of Public Buildings, giving notice that he would, to-morrow, move that the Report be then taken into consideration.
2. Bank of Australia Shares Bill:—Mr. W. C. Wentworth, as Chairman, brought up the Report, and laid upon the Table the Evidence taken before the Select Committee appointed on the 11th October last, to whom was referred the Bank of Australia Shares Bill, with instructions to examine into the allegations contained in its Preamble, and otherwise to report upon the Bill to the House.  
Report and Evidence ordered to be printed.
3. Estimates for the year 1845:—On the motion of the Colonial Treasurer, the Council resolved itself into Committee, for the further consideration of the Estimates of Expenditure for the year 1845.  
The Chairman reported progress, and obtained leave to sit again to-morrow.
4. Melbourne Incorporation Act amendment Bill:—Further consideration in Committee postponed, on the motion of Mr. Robinson, until Friday next.
5. Customs Bill:—Further consideration in Committee postponed, on the motion of Mr. Robinson, until Friday next.
6. Insolvent Act amendment Bill:—Second reading postponed, on the motion of Mr. W. C. Wentworth, until Friday next.
7. Sydney Incorporation Act amendment Bill:—Further consideration in Committee postponed, on the motion of Mr. W. C. Wentworth, until Tuesday next.
8. Lien on Wool Act amendment Bill:—Further consideration in Committee postponed, on the motion of Mr. W. C. Wentworth, until to-morrow.
9. Appropriation Bill:—Second reading postponed, on the motion of the Colonial Secretary, until to-morrow.
10. Section 70 of Melbourne Corporation Act suspension Bill:—Second reading postponed, on the motion of the Colonial Secretary, until to-morrow.  
There not being twelve Members present, the Speaker adjourned the Council at half-past Nine o'Clock, until to-morrow at Three o'Clock.

## NOTICES OF MOTION AND ORDERS OF THE DAY.

THURSDAY, DECEMBER 12.

## NOTICES OF MOTION:—

1. MR. ROBINSON to move, That it is the opinion of this Council, that the whole of the Revenue derived from the District of Port Phillip, should be specially appropriated for the service thereof.
2. MR. WINDEYER, on Mr. Robinson's motion being made, to move as an amendment, That it would be just and expedient, that the balance of the Revenue of the Colony, after providing for all objects of general concernment, should be divided among the several Districts of the Colony, in proportion to their population, to be applied to such local objects as the said Districts may severally require.
3. MR. ROBINSON to move, That the Petitions from the Corporation of Melbourne, presented on the 17th September, respecting the financial separation of the Port Phillip District, and on the 10th September, respecting the Melbourne Town Fund, be taken into consideration.

4. **DR. LANG** to move, That in the opinion of this House, it is an unwarrantable and demoralizing practice, utterly unworthy of any government professing to be guided by the principles of christian morals, to authorise any of the officers or employés of such government, to pretend to receive bribes from persons supposed to be engaged in fraudulent or nefarious practices, with a view to criminate such persons, to substantiate charges against them, or to involve them in deeper criminality.  
That an Address be presented to His Excellency the Governor, transmitting this Resolution to His Excellency.
5. **MR. W. C. WENTWORTH** to move the following Resolutions :—
- (1.) That this Council having taken into consideration the Report of the Select Committee, appointed to enquire into and report upon all grievances not connected with the lands of the Territory, and to distinguish between those grievances which can be redressed in the Colony, and those which cannot, adopts, generally, the opinions contained therein.
  - (2.) That, in the opinion of this Council, the Schedules annexed to 5 and 6 Vict., c. 76, should be repealed, and the whole of the General Revenue placed at the appropriation of the Governor and Legislative Council, in conformity with the provisions of the Declaratory Act, 18 George III, c. 12, s. 1; or that the whole of the Hereditary Revenues of the Crown be surrendered to the appropriation of the Governor and Legislative Council, as an equivalent for the Civil List secured by those Schedules.
  - (3.) That, in the opinion of this Council, so much of the same Act, 5 and 6 Vict., c. 76, as relates to the establishment of District Councils, should be repealed.
  - (4.) That, in the opinion of this Council, the Police, Gaol, and Judicial Expenditure of the Colony, should be adjusted on the terms prayed for in the Address to Her Majesty and the Petitions to both Houses of Parliament, prepared by the Select Committee appointed by this Council to enquire into and report upon all grievances not connected with the lands of the Territory.
  - (5.) That it is the opinion of this Council, an humble Address be presented to Her Majesty, beseeching Her Majesty to direct that the Government of this Colony be henceforth conducted on the same principle of responsibility, as to Legislative control, which has been conceded in the United Canadas; and to sanction the establishment by law, within this Colony, of a tribunal for impeachments.
  - (6.) That, in the opinion of this Council, an Act should be introduced, to enable persons having claims of any description against the Crown or local Government, to sue the Colonial Treasurer, or some other public Officer, to be appointed for that purpose by the Governor, as a nominal defendant; with suitable provisions to enable claimants to enforce any judgment or decree in their behalf, but nevertheless under such limitations as may be necessary to prevent frivolous and vexatious suits.
  - (7.) That it is the opinion of this Council, that an humble Address be presented to Her Majesty, praying that Her Majesty will be graciously pleased to place the Judges of the Supreme Court in the same tenure of office, and security of salary, as have been granted to the judges in England.
6. **MR. WINDEYER** to move, That the Report from the Select Committee, appointed on the 23rd August last, to enquire into the expense of Public Buildings, brought up by him yesterday, be now taken into consideration.

ORDERS OF THE DAY :—

1. Resumption of Debate on motion for second reading of Interest Bill.
2. Border Police Act amendment Bill; second reading.
3. Estimates for the year 1845; to be further considered in Committee.
4. Lion on Wool Act amendment Bill; to be further considered in Committee.
5. Appropriation Bill; second reading.
6. Section 70 of Melbourne Corporation Act suspension Bill: second reading.

FRIDAY, DECEMBER 13.

1. Circular Quay Wharfage Bill; to be considered in Committee.
2. Distillation Laws' Act amendment Bill; third reading.
3. Melbourne Incorporation Act amendment Bill; to be further considered in Committee.
4. Customs' Bill; to be further considered in Committee.
5. Insolvent Act amendment Bill; second reading.

TUESDAY, DECEMBER 17.

1. Sydney Incorporation Act amendment Bill; to be further considered in Committee.

ALEX. Mc LEAY,  
*Speaker.*

## VOTES AND PROCEEDINGS

OF

## THE LEGISLATIVE COUNCIL.

THURSDAY, 12 DECEMBER, 1844.

1. There being present only ten Members, namely, The Colonial Secretary; Major Wentworth; Mr. W. C. Wentworth; Mr. Young; Mr. Berry; Mr. Robinson; Mr. Therry; Dr. Nicholson; Dr. Lang; and Mr. Lamb; the Speaker took the Chair, and adjourned the Council at a quarter before Four o'Clock, until to-morrow at Three o'Clock.

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

FRIDAY, DECEMBER 13.

#### NOTICES OF MOTION:—

1. MR. ROBINSON to move, That it is the opinion of this Council, that the whole of the Revenue derived from the District of Port Phillip, should be specially appropriated for the service thereof.
2. MR. WINDEYER, on Mr. Robinson's motion being made, to move as an amendment, That it would be just and expedient, that the balance of the Revenue of the Colony, after providing for all objects of general concernment, should be divided among the several Districts of the Colony, in proportion to their population, to be applied to such local objects as the said Districts may severally require.
3. MR. ROBINSON to move, That the Petitions from the Corporation of Melbourne, presented on the 17th September, respecting the financial separation of the Port Phillip District, and on the 10th September, respecting the Melbourne Town Fund, be taken into consideration.
4. DR. LANG to move, That in the opinion of this House, it is an unwarrantable and demoralizing practice, utterly unworthy of any government professing to be guided by the principles of christian morals, to authorise any of the officers or employes of such government, to pretend to receive bribes from persons supposed to be engaged in fraudulent or nefarious practices, with a view to criminate such persons, to substantiate charges against them, or to involve them in deeper criminality.  
That an Address be presented to His Excellency the Governor, transmitting this Resolution to His Excellency.
5. MR. W. C. WENTWORTH to move the following Resolutions:—
  - (1.) That this Council having taken into consideration the Report of the Select Committee, appointed to enquire into and report upon all grievances not connected with the lands of the Territory, and to distinguish between those grievances which can be redressed in the Colony, and those which cannot, adopts, generally, the opinions contained therein.
  - (2.) That, in the opinion of this Council, the Schedules annexed to 5 and 6 Vict., c. 76, should be repealed, and the whole of the General Revenue placed at the appropriation of the Governor and Legislative Council, in conformity with the provisions of the Declaratory Act, 18 George III., c. 12, s. 1; or that the whole of the Hereditary Revenues of the Crown be surrendered to the appropriation of the Governor and Legislative Council, as an equivalent for the Civil List secured by those Schedules.
  - (3.) That, in the opinion of this Council, so much of the same Act, 5 and 6 Vict., c. 76, as relates to the establishment of District Councils, should be repealed.
  - (4.) That, in the opinion of this Council, the Police, Gaol, and Judicial Expenditure of the Colony, should be adjusted on the terms prayed for in the Address to Her Majesty and the Petitions to both Houses of Parliament, prepared by the Select Committee appointed by this Council to enquire into and report upon all grievances not connected with the lands of the Territory.

(5.) That it is the opinion of this Council, an humble Address be presented to Her Majesty, beseeching Her Majesty to direct that the Government of this Colony be henceforth conducted on the same principle of responsibility, as to Legislative control, which has been conceded in the United Canadas; and to sanction the establishment by law, within this Colony, of a tribunal for impeachments.

(6.) That, in the opinion of this Council, an Act should be introduced, to enable persons having claims of any description against the Crown or local Government, to sue the Colonial Treasurer, or some other public Officer, to be appointed for that purpose by the Governor, as a nominal defendant; with suitable provisions to enable claimants to enforce any judgment or decree in their behalf, but nevertheless under such limitations as may be necessary to prevent frivolous and vexatious suits.

(7.) That it is the opinion of this Council, that an humble Address be presented to Her Majesty, praying that Her Majesty will be graciously pleased to place the Judges of the Supreme Court in the same tenure of office, and security of salary, as have been granted to the judges in England.

6. Mr. WINDEYER to move, That the Report from the Select Committee, appointed on the 23rd August last, to enquire into the expense of Public Buildings, brought up by him on the 11th instant, be now taken into consideration.

ORDERS OF THE DAY:—

1. Circular Quay Wharfage Bill; to be considered in Committee. ✓
2. Distillation Laws' Act amendment Bill; third reading.
3. Melbourne Incorporation Act amendment Bill; to be further considered in Committee.
4. Customs' Bill; to be further considered in Committee.
5. Insolvent Act amendment Bill; second reading.
6. Resumption of Debate on motion for second reading of Interest Bill.
7. Border Police Act amendment Bill; second reading.
8. Estimates for the year 1845; to be further considered in Committee.
9. Lien on Wool Act amendment Bill; to be further considered in Committee.
10. Appropriation Bill; second reading.
11. Section 70 of Melbourne Corporation Act suspension Bill: second reading.

TUESDAY, DECEMBER 17.

1. Sydney Incorporation Act amendment Bill; to be further considered in Committee.

ALEX. M<sup>c</sup> LEAY,  
*Speaker.*



## VOTES AND PROCEEDINGS

# THE LEGISLATIVE COUNCIL

FRIDAY, 13 DECEMBER, 1844.

1. Council met pursuant to adjournment; the Speaker took the Chair.  
 Dispatch of Business:—The Speaker read the Minute of yesterday, and expressed a hope, that Members would in future be more punctual in their attendance, in order to the dispatch of the business of the Colony.
2. Crown Land Grievances:—Mr. Cowper, as Chairman, brought up the Report from the Select Committee, appointed on the 18th September last, to prepare Petitions to Her Majesty and both Houses of Parliament, humbly praying that they will be graciously pleased to pass an Act, repealing the Act of the Imperial Parliament, 5 and 6 Victoria, chap. 36, so far as regards New South Wales; and also so much of the 5 and 6 Victoria, chap 76, as provides that no law made by the Council shall interfere in any manner with the Sale or other appropriation of the Lands belonging to the Crown within this Colony, or with the Revenue thence arising; and enacting, that the management of the waste lands of the Crown, and the Appropriation of the Revenue arising therefrom, shall be vested in the Governor and Legislative Council of the Colony; and also an Address to be presented to His Excellency the Governor, praying that he will be pleased to recommend the passing of such an Act to Her Majesty's Government.  
 Report ordered to be printed.
3. Port Phillip Revenue:—Mr. Robinson, pursuant to notice, moved, That it is the opinion of this Council, that the whole of the Revenue derived from the District of Port Phillip; should be specially appropriated for the service thereof.  
 Debate ensued.  
 Moved, as an amendment, by Mr. Windeyer, pursuant to notice, That it would be just and expedient that the balance of the Revenue of the Colony, after providing for all objects of general concernment, should be divided among the several Districts of the Colony in proportion to their population, to be applied to such local objects as the said Districts may severally require.  
 Debate continued.  
 Moved, as an amendment, by the Colonial Secretary, That this question be now put.  
 Debate continued.  
 Question put on the last amendment.  
 Council divided.

Ayes 5.

MR. BOYD,  
 MR. ROBINSON,  
 MR. YOUNG,  
 MR. WALKER,  
 DR. NICHOLSON, (Teller.)

Noes 17.

MR. COWPER,  
 THE COLLECTOR OF CUSTOMS,  
 MR. BERRY,  
 DR. BLAND,  
 MR. WINDEYER,  
 MAJOR WENTWORTH,  
 MR. W. C. WENTWORTH,  
 MR. LAWSON,  
 MR. MAGARETHUR,  
 THE COLONIAL SECRETARY,  
 CAPTAIN DUMARSSQ,  
 MR. LAMB,  
 THE AUDITOR GENERAL,  
 MR. ICELY,  
 THE ATTORNEY GENERAL,  
 MR. LORD,  
 THE COLONIAL TREASURER, (Teller.)

Mr. Robinson withdrew from the Paper his other motion for the financial separation of Port Phillip from Sydney, of which he had given notice for to-day.

4. Bribery :—Dr. Lang's motion on this subject, postponed by Mr. Robinson, in absence of Dr. Lang, until Tuesday next.
5. General Grievances :—Mr. W. C. Wentworth postponed his motion on this subject until Thursday next.
6. Expense of Public Buildings :—The Report from the Select Committee to whom this subject was referred on the 23rd August last brought up by Mr. Windeyer on the 11th instant, read by the Clerk on the motion of Mr. Windeyer.  
Moved, by Mr. Windeyer, that the Report, together with the Estimates and Valuations contained in the Appendix thereto, be printed.  
Question put and passed, and Report, and such portions of the Appendix ordered to be printed accordingly.  
Moved, by Mr. Windeyer, that the Report, together with the Evidence taken before the Committee, be presented to His Excellency the Governor, for consideration of the Executive, by the Speaker and the Colonial Secretary.
7. Circular Quay Wharfrage Bill :—On the motion of the Colonial Secretary, the Council resolved itself into Committee for consideration of this Bill.  
The Chairman brought up the following Resolution :—  
That the Chairman do leave the Chair and report progress, with the recommendation that Counsel be heard at the Bar of the House on the amendments proposed on the Circular Quay Wharfrage Bill in Committee, and ask leave to sit again.  
Moved, by Mr. Cowper, that Counsel be heard at the Bar of the House, in accordance with the recommendation of the Committee, on Monday next.  
Question put and passed.
8. Distillation Laws Act amendment Bill ; read a third time and *passed*.  
To be presented to His Excellency the Governor for assent, by the Speaker and Colonial Treasurer.
9. Melbourne Incorporation Act amendment Bill :—On the motion of Mr. Robinson, the Council resolved itself into Committee, for the further consideration of this Bill.  
The Chairman reported the Bill with sundry amendments ; Bill ordered to be engrossed, and read a third time on Wednesday next.
10. Customs Bill :—On the motion of Mr. Windeyer, the further consideration of this Bill in Committee, postponed until Thursday next.
11. Insolvent Act amendment Bill, having, on the motion of Mr. W. C. Wentworth, been read a second time, the Council resolved itself into Committee thereupon.  
The Chairman reported progress, and obtained leave to sit again on Tuesday next.
12. Interest Bill :—On the motion of Mr. Walker, at the request of Mr. Foster, the resumption of the debate on Mr. Foster's motion for the second reading of this Bill, postponed until Monday next.
13. Border Police Act amendment Bill :—On the motion of Mr. Cowper, the second reading of this Bill postponed until Monday next.
14. Estimates for the year 1845 :—On the motion of the Colonial Treasurer, the further consideration in Committee of the Estimates of Expenditure for the year 1845, postponed until Wednesday next.
15. Lien on Wool Act amendment Bill :—On the motion of Mr. W. C. Wentworth, the further consideration of this Bill in Committee, postponed until Tuesday next.
16. Appropriation Bill :—On the motion of the Colonial Secretary, the second reading of this Bill postponed until Thursday next.
17. Section 70 of Melbourne Corporation Act suspension Bill having, on the motion of the Colonial Secretary, been read a second time, the Council resolved itself into Committee thereupon.  
The Chairman reported the Bill with an amendment ; Bill ordered to be engrossed, and read a third time on Tuesday next.  
Council adjourned at a quarter after Nine o'Clock, until Monday next at Three o'Clock.

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

MONDAY, DECEMBER 16.

ORDERS OF THE DAY :—

1. Counsel to be heard on amendments on Circular Quay Wharfrage Bill proposed in Committee.
2. Resumption of Debate on motion for second reading of Interest Bill.
3. Border Police Act amendment Bill ; second reading.

TUESDAY, DECEMBER 17:

NOTICES OF MOTION :—

1. MR. ROBINSON to move, That an Address be presented to His Excellency the Governor, requesting that he will be pleased to place on the Estimates of Expenditure for the year 1845, a sum of £2,000 sterling, towards the establishment and support of Schools, on the principle of the General System of Education, recommended by this House on the 10th October last.
2. MR. COWPER to move, That the Report from the Select Committee, appointed on the 16th September last, "to prepare Petitions to Her Majesty and both Houses of Parliament, humbly praying that they will be graciously pleased to pass an Act, repealing the Act of the Imperial Parliament, 5 and 6 Victoria, cap. 36, so far as regards New South Wales ; and also so much of the 5 and 6 Victoria, cap. 76, as provides that no law made

"made by the Council, shall interfere in any manner with the sale or other appropriation of the lands belonging to the Crown within this Colony, or with the Revenue thence arising; and enacting that the management of the waste lands of the Crown, and the appropriation of the Revenue arising therefrom, shall be vested in the Governor and Legislative Council of the Colony; and also an Address to be presented to His Excellency the Governor, praying that he will be pleased to recommend the passing of such an Act to Her Majesty's Government;" be now taken into consideration, with the view to the adoption, by this Council, of the Petitions and Address appended thereto.

3. MR. W. C. WENTWORTH to move, That the Bank of Australia Shares Bill be now re-committed.
4. DR. LANG to move, That in the opinion of this House, it is an unwarrantable and demoralizing practice, utterly unworthy of any government professing to be guided by the principles of christian morals, to authorise any of the officers or employes of such government, to pretend to receive bribes from persons supposed to be engaged in fraudulent or nefarious practices, with a view to criminate such persons, to substantiate charges against them, or to involve them in deeper criminality.  
That an Address be presented to His Excellency the Governor, transmitting this Resolution to His Excellency.

ORDERS OF THE DAY:—

1. Sydney Incorporation Act amendment Bill; to be further considered in Committee.
2. Insolvent Act amendment Bill; to be further considered in Committee.
3. Lien on Wool Act amendment Bill; to be further considered in Committee.
4. Section 70 of Melbourne Corporation Act suspension Bill: third reading.

WEDNESDAY, DECEMBER 18.

1. Melbourne Incorporation Act amendment Bill; third reading.
2. Estimates for the year 1845; to be further considered in Committee.

THURSDAY DECEMBER 19.

NOTICE OF MOTION:—

1. MR. W. C. WENTWORTH to move the following Resolutions:—
  - (1.) That this Council having taken into consideration the Report of the Select Committee, appointed to enquire into and report upon all grievances not connected with the lands of the Territory, and to distinguish between those grievances which can be redressed in the Colony, and those which cannot, adopts, generally, the opinions contained therein.
  - (2.) That, in the opinion of this Council, the Schedules annexed to 5 and 6 Vict., c. 76, should be repealed, and the whole of the General Revenue placed at the appropriation of the Governor and Legislative Council, in conformity with the provisions of the Declaratory Act, 18 George III., c. 12, s. 1; or that the whole of the Hereditary Revenues of the Crown be surrendered to the appropriation of the Governor and Legislative Council, as an equivalent for the Civil List secured by those Schedules.
  - (3.) That, in the opinion of this Council, "so much of the same Act, 5 and 6 Vict., c. 76, as relates to the establishment of District Councils, should be repealed.
  - (4.) That, in the opinion of this Council, the Police, Gaol, and Judicial Expenditure of the Colony, should be adjusted on the terms prayed for in the Address to Her Majesty and the Petitions to both Houses of Parliament, prepared by the Select Committee appointed by this Council to enquire into and report upon all grievances not connected with the lands of the Territory.
  - (5.) That it is the opinion of this Council, an humble Address be presented to Her Majesty, beseeching Her Majesty to direct that the Government of this Colony be henceforth conducted on the same principle of responsibility, as to Legislative control, which has been conceded in the United Canadas; and to sanction the establishment by law, within this Colony, of a tribunal for impeachments.
  - (6.) That, in the opinion of this Council, an Act should be introduced, to enable persons having claims of any description against the Crown or local Government, to sue the Colonial Treasurer, or some other public Officer, to be appointed for that purpose by the Governor, as a nominal defendant; with suitable provisions to enable claimants to enforce any judgment or decree in their behalf, but nevertheless under such limitations as may be necessary to prevent frivolous and vexatious suits.
  - (7.) That it is the opinion of this Council, that an humble Address be presented to Her Majesty, praying that Her Majesty will be graciously pleased to place the Judges of the Supreme Court in the same tenure of office, and security of salary, as have been granted to the judges in England.

ORDERS OF THE DAY:—

1. Customs' Bill; to be further considered in Committee.
2. Appropriation Bill; second reading.

ALEX. M<sup>o</sup> LEAY,  
*Speaker.*



## VOTES AND PROCEEDINGS

OF

## THE LEGISLATIVE COUNCIL.

MONDAY, 16 DECEMBER, 1844.

1. Council met pursuant to adjournment; the Speaker took the Chair. Additional appropriations for 1844 and 1845:—The following Message from His Excellency the Governor received and read:—

*Message from His Excellency the Governor, to the Legislative Council, proposing additional appropriations of public money for the service of the years 1844, and 1845.*

GENTLEMEN,

I have to submit to your consideration, the following appropriations of the public money for the service of the years 1844, and 1845:—

Towards the support of Schools in the District of Port Phillip	£	s.	d.
during the present year, in addition to the sum already appropriated	300	0	0
For the repair of the Bridges between Newcastle and Maitland	50	0	0
For the erection of a Lock-up at Gunning	100	0	0
Towards the support of Schools in the Port Phillip District			
during the year 1845, a further sum of	400	0	0

GEORGE GIPPS.

*Government House,  
Sydney, 16th December, 1844.*

Message ordered to be printed, and taken into consideration on Wednesday next.

2. Education:—Mr. Cowper presented a Petition from certain Inhabitants of Sydney, Members of the United Church of England and Ireland, and of a Voluntary Association, denominated the "Parochial Associations" of St. Lawrence, and St. Andrew, praying that in any grant which may be made for the promotion of General Education, provision may be made, in aid of private contributions, for the erection of three school rooms in each of those Parishes, with suitable accommodation for the teachers of the children to be instructed therein; Petition read and received.
3. Circular Quay Wharfage Bill:—Mr. Lamb moved That, pursuant to the order of the day, Counsel be heard at the Bar of the House, on the amendments on the Circular Quay Wharfage Bill proposed in Committee.  
Question put and passed, and Counsel introduced and heard accordingly.  
Moved by the Colonial Secretary, That the Speaker do now leave the Chair, and that the Council do resolve itself into Committee for the further consideration of the Circular Quay Wharfage Bill.  
Question put and passed, and the Council resolved itself into Committee accordingly.  
The Chairman reported progress, and obtained leave to sit again on Wednesday next.
4. Interest Bill:—The debate on the motion of Mr. Foster, "That the Interest Bill be now read a second time" resumed.  
There not being twelve Members present, the Speaker adjourned the Council at half-past Six o'Clock, until to-morrow at Three o'Clock.

## NOTICES OF MOTION AND ORDERS OF THE DAY.

TUESDAY, DECEMBER 17.

NOTICES OF MOTION:—

1. MR. ROBINSON to move, That an Address be presented to His Excellency the Governor, requesting that he will be pleased to place on the Estimates of Expenditure for the year 1845, a sum of £2,000 sterling, towards the establishment and support of Schools, on the principle of the General System of Education, recommended by this House on the 10th October last.

- 2. MR. COWPER to move, That the Report from the Select Committee, appointed on the 18th September last, "to prepare Petitions to Her Majesty and both Houses of Parliament, humbly praying that they will be graciously pleased to pass an Act, repealing the Act of the Imperial Parliament, 5 and 6 Victoria, cap. 36, so far as regards New South Wales; and also so much of the 5 and 6 Victoria, cap. 76, as provides that no law made by the Council, shall interfere in any manner with the sale or other appropriation of the lands belonging to the Crown within this Colony, or with the Revenue thence arising; and enacting that the management of the waste lands of the Crown, and the appropriation of the Revenue arising therefrom, shall be vested in the Governor and Legislative Council of the Colony; and also an Address to be presented to His Excellency the Governor, praying that he will be pleased to recommend the passing of such an Act to Her Majesty's Government;" be now taken into consideration, with the view to the adoption, by this Council, of the Petitions and Address appended thereto.
- 3. MR. W. C. WENTWORTH to move, That the Bank of Australia Shares Bill be now re-committed.
- 4. DR. LANG to move, That in the opinion of this House, it is an unwarrantable and demoralising practice, utterly unworthy of any government professing to be guided by the principles of christian morals, to authorise any of the officers or employes of such government, to pretend to receive bribes from persons supposed to be engaged in fraudulent or nefarious practices, with a view to criminate such persons, to substantiate charges against them, or to involve them in deeper criminality.  
That an Address be presented to His Excellency the Governor, transmitting this Resolution to His Excellency.

ORDERS OF THE DAY:—

- 1. Resumption of Debate on motion for second reading of Interest Bill.
- 2. Sydney Incorporation Act amendment Bill; to be further considered in Committee.
- 3. Insolvent Act amendment Bill; to be further considered in Committee.
- 4. Lien on Wool Act amendment Bill; to be further considered in Committee.
- 5. Section 70 of Melbourne Corporation Act suspension Bill: third reading.
- 6. Border Police Act amendment Bill; second reading.

WEDNESDAY, DECEMBER 18.

- 1. Melbourne Incorporation Act amendment Bill; third reading.
- 2. Estimates for the year 1845; to be further considered in Committee.
- 3. Consideration of the Governor's Message on additional appropriations for 1844 and 1845.
- 4. Circular Quay Wharfage Bill; to be further considered in Committee.

THURSDAY DECEMBER 19.

NOTICE OF MOTION:—

- 1. MR. W. C. WENTWORTH to move the following Resolutions:—
  - (1.) That this Council having taken into consideration the Report of the Select Committee, appointed to enquire into and report upon all grievances not connected with the lands of the Territory, and to distinguish between those grievances which can be redressed in the Colony, and those which cannot, adopts, generally, the opinions contained therein.
  - (2.) That, in the opinion of this Council, the Schedules annexed to 5 and 6 Vict., c. 76, should be repealed, and the whole of the General Revenue placed at the appropriation of the Governor and Legislative Council, in conformity with the provisions of the Declaratory Act, 18 George III., c. 12, s. 1; or that the whole of the Hereditary Revenues of the Crown be surrendered to the appropriation of the Governor and Legislative Council, as an equivalent for the Civil List secured by those Schedules.
  - (3.) That, in the opinion of this Council, so much of the same Act, 5 and 6 Vict., c. 76, as relates to the establishment of District Councils, should be repealed.
  - (4.) That, in the opinion of this Council, the Police, Gaol, and Judicial Expenditure of the Colony, should be adjusted on the terms prayed for in the Address to Her Majesty and the Petitions to both Houses of Parliament, prepared by the Select Committee appointed by this Council to enquire into and report upon all grievances not connected with the lands of the Territory.
  - (5.) That it is the opinion of this Council, an humble Address be presented to Her Majesty, beseeching Her Majesty to direct that the Government of this Colony be henceforth conducted on the same principle of responsibility, as to Legislative control, which has been conceded in the United Canadas; and to sanction the establishment by law, within this Colony, of a tribunal for impeachments.
  - (6.) That, in the opinion of this Council, an Act should be introduced, to enable persons having claims of any description against the Crown or local Government, to sue the Colonial Treasurer, or some other public Officer, to be appointed for that purpose by the Governor, as a nominal defendant; with suitable provisions to enable claimants to enforce any judgment or decree in their behalf, but nevertheless under such limitations as may be necessary to prevent frivolous and vexatious suits.
  - (7.) That it is the opinion of this Council, that an humble Address be presented to Her Majesty, praying that Her Majesty will be graciously pleased to place the Judges of the Supreme Court in the same tenure of office, and security of salary, as have been granted to the judges in England.

ORDERS OF THE DAY:—

- 1. Customs' Bill; to be further considered in Committee.
- 2. Appropriation Bill; second reading.

ALEX. Mc LEAY,  
Speaker.

**VOTES AND PROCEEDINGS**  
 OF  
**THE LEGISLATIVE COUNCIL**

TUESDAY, 17 DECEMBER, 1844.

1. Council met pursuant to adjournment; the Speaker took the Chair.  
 Rates of Pilotage:—Mr. Robinson presented a Petition from certain owners of Coasting Vessels trading between Port Jackson, in the Colony of New South Wales, and the Port of Adelaide, South Australia, praying that the charge of Pilotage on such Vessels be discontinued, and the Port charges left as they were prior to the month of April last; Petition read and received.
2. City Police Rate:—Mr. W. C. Wentworth presented a Petition from the Mayor, Aldermen, and Councillors of the City of Sydney, praying the Council to adopt such measures as may be necessary for ensuring the re-payment, from the General Revenue of the Colony, for the improvement of the City, all the money which Petitioners raised by direct taxation on the Citizens, and appropriated to the payment of the City Police; Petition read and received.
3. Education:—Mr. Robinson, pursuant to notice, moved, That an Address be presented to His Excellency the Governor, requesting that he will be pleased to place on the Estimates of Expenditure for the year 1845, a sum of £2,000 sterling, towards the establishment and support of Schools, on the principle of the General System of Education, recommended by this House on the 10th October last.

Debate ensued.

Moved, as an amendment, by Mr. W. C. Wentworth, That an Address be presented to His Excellency the Governor, requesting that he will be pleased to place upon the Estimates of Expenditure for the year 1845, a sum of £2,000 sterling, towards the establishment and support of Schools, on the principle of the General System of Education recommended by this House in the first of the series of Resolutions adopted by this House on the 10th of October last, in the following words:—"That it is advisable to introduce Lord Stanley's system of National Education into this Colony, with this modification, that instead of the Clergy and Pastors of the several denominations being allowed to impart religious instruction in the Schools, the children be allowed to be absent from School one day in every week, exclusive of Sunday, for the purpose of receiving such instruction elsewhere;" and under the superintendence and direction of a Board to be appointed by His Excellency the Governor, favorable to that system.

Debate continued.

Question put on the amendment:—Council divided.

Ayes 22.

MR. WINDEYER,  
 THE ATTORNEY GENERAL,  
 MR. BERRY,  
 DR. NICHOLSON,  
 MAJOR WENTWORTH,  
 DR. BLAND,  
 MR. LAMB,  
 THE COMMANDER OF THE FORCES,  
 MR. FOSTER,  
 MR. DARVALL,  
 MR. W. C. WENTWORTH,  
 DR. LANG,  
 MR. BOYD,  
 MR. COGHILL,  
 MR. LORD,  
 MR. YOUNG,  
 THE AUDITOR GENERAL,  
 MR. MACARTHUR,  
 MR. ICELY,  
 MR. THERRY,  
 MR. WALKER,  
 MR. ROBINSON, (Teller.)

Noes 5.

MR. LAWSON,  
 MR. PANTON,  
 CAPTAIN DUMARESQ,  
 THE COLONIAL TREASURER,  
 MR. COWPER, (Teller.)

Amended Address carried; to be presented by the Colonial Secretary and the Attorney General.

4. **Crown Land Grievances**:—Mr. Cowper, pursuant to notice, moved, That the Report from the Select Committee, appointed on the 18th September last, “to prepare Petitions to Her Majesty and both Houses of Parliament, humbly praying that they will be graciously pleased to pass an Act, repealing the Act of the Imperial Parliament, 5 and 6 Victoria, cap. 36, so far as regards New South Wales; and also so much of the 5 and 6 Victoria, cap. 76, as provides that no law made by the Council, shall interfere in any manner with the sale or other appropriation of the lands belonging to the Crown within this Colony, or with the Revenue thence arising; and enacting that the management of the waste lands of the Crown, and the appropriation of the Revenue arising therefrom, shall be vested in the Governor and Legislative Council of the Colony; and also an Address to be presented to His Excellency the Governor, praying that he will be pleased to recommend the passing of such an Act to Her Majesty’s Government;” be now read.
- Question put and passed, and Report read accordingly by the Clerk.
- Moved by Mr. Cowper, That the following Petitions to Her Majesty the Queen, an both Houses of Parliament, and Address to His Excellency the Governor, appended to the Report just read, be adopted by this Council, viz:—

**TO THE QUEEN’S MOST EXCELLENT MAJESTY.**

**MOST GRACIOUS SOVEREIGN,**

We, your Majesty’s loyal and dutiful subjects, the Members of the Legislative Council of New South Wales, in Council assembled, beg leave to approach your Majesty, with the renewed assurance of our attachment to your Majesty’s Royal Person and Government.

We humbly beg to acquaint your Majesty that on the 30th day of May, 1844, a Select Committee of this Council was appointed to enquire into and report upon all Grievances connected with the lands of the Territory.

In pursuance of a Report from this Committee, which was made after a long and laborious investigation, it was resolved by the Legislative Council, amongst other things, that Petitions should be presented to your Majesty and both Houses of Parliament, humbly praying that they will be graciously pleased to pass an Act, repealing the Act of the Imperial Parliament, 5 and 6 Victoria, cap. 36, so far as regards New South Wales; and also so much of the Act 5 and 6 Victoria, cap. 76, as provides that no law made by the Council shall interfere in any manner with the sale or other appropriation of the lands belonging to the Crown within this Colony, or with the Revenue thence arising; and enacting that the management of the waste lands of the Crown, and the appropriation of the Revenue arising therefrom, shall be vested in the Governor and Legislative Council of the Colony.

We, therefore, humbly pray, that if the Imperial Parliament shall in their wisdom see fit to comply with our Petition, your Majesty will be graciously pleased to give your Royal Assent to the passing of an Act by which the wishes of your Petitioners may be carried into effect.

*To the Right Honorable THE LORDS SPIRITUAL AND TEMPORAL of the United Kingdom of Great Britain and Ireland, in Parliament assembled.*

The Petition of the Legislative Council of the Colony of New South Wales, in Council assembled.

**HUMBLY SHEWETH,**

That on the 30th day of May, 1844, a Select Committee of this Council was appointed to enquire into and report upon all Grievances connected with the lands of the Territory.

In pursuance of a report from this Committee, which was made after a long and laborious investigation, a copy of which, with the Evidence, is appended hereto, it was resolved by the Legislative Council, amongst other things, that Petitions should be presented to Her Majesty and both Houses of Parliament, humbly praying that they will be graciously pleased to pass an Act, repealing the Act of the Imperial Parliament, 5 and 6 Victoria, cap. 36, so far as regards New South Wales; and also so much of the Act 5 and 6 Victoria, cap. 76, as provides that no law made by the Council shall interfere in any manner with the sale or other appropriation of the lands belonging to the Crown within this Colony, or with the Revenue thence arising; and enacting that the management of the waste lands of the Crown, and the appropriation of the Revenue arising therefrom, shall be vested in the Governor and Legislative Council of the Colony.

We therefore humbly pray, that your Lordships will be pleased to pass an Act by which the wishes of your Petitioners may be carried into effect.

*To the Honorable THE COMMONS of the UNITED KINGDOM of Great Britain and Ireland, in Parliament assembled.*

The Petition of the Legislative Council of the Colony of New South Wales, in Council assembled.

**HUMBLY SHEWETH,**

That on the 30th day of May, 1844, a Select Committee of this Council was appointed to enquire into and report upon all Grievances connected with the lands of the Territory.

In pursuance of a Report from this Committee, which was made after a long and laborious investigation, a copy of which, with the Evidence, is appended hereto, it



it was resolved by the Legislative Council, amongst other things, that Petitions should be presented to Her Majesty and both Houses of Parliament, humbly praying that they will be graciously pleased to pass an Act, repealing the Act of the Imperial Parliament, 5 and 6 Victoria, cap. 36, so far as regards New South Wales; and also so much of the Act 5 and 6 Victoria, cap. 76, as provides that no law made by the Council shall interfere in any manner with the sale or other appropriation of the lands belonging to the Crown within this Colony, or with the Revenue thence arising; and enacting that the management of the waste lands of the Crown, and the appropriation of the Revenue arising therefrom, shall be vested in the Governor and Legislative Council of the Colony.

We, therefore, humbly pray that your Honorable House will be pleased to pass an Act by which the wishes of your Petitioners may be carried into effect.

*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 respectfully to request that your Excellency will be pleased to transmit to the Right Honorable the Secretary of State for the Colonies, for presentation to the Queen, the enclosed Petition to Her Majesty, adopted by the Legislative Council this day.

We beg further respectfully to request, that your Excellency will be pleased to recommend to Her Majesty's Government, the passing of an Act "repealing the Act of the Imperial Parliament, 5 and 6 Victoria, cap. 35, so far as regards New South Wales; and also so much of the Act 5 and 6 Victoria, cap. 76, as provides that no law made by the Council shall interfere in any manner with the sale or other appropriation of the lands belonging to the Crown within this Colony, or with the Revenue thence arising; and enacting that the management of the waste lands of the Crown, and the appropriation of the Revenue arising therefrom, shall be vested in the Governor and Legislative Council of the Colony," in conformity with the prayer of our said Petition.

Question put and passed.

The Petition to the Queen ordered to be presented, with the Address, to His Excellency the Governor, for transmission to Her Majesty, by the Speaker, Mr. Cowper, Mr. W. C. Wentworth, and Dr. Nicholson.

The Petition to the House of Lords, to be transmitted by the Speaker to the Marquis of Normanby, for presentation to their Lordships.

The Petition to the House of Commons, to be transmitted by the Speaker to the Honorable Francis Scott, M. P., for presentation to that Honorable House.

5. Bank of Australia Shares Bill:—On the motion of Mr. W. C. Wentworth, pursuant to notice, the Council resolved itself into Committee for the further consideration of this Bill.

The Chairman reported progress, and obtained leave to sit again to-morrow.

6. Bribery:—Dr. Lang, pursuant to notice, moved, That in the opinion of this House, it is an unwarrantable and demoralizing practice, utterly unworthy of any government professing to be guided by the principles of christian morals, to authorise any of the officers or employes of such government, to pretend to receive bribes from persons supposed to be engaged in fraudulent or nefarious practices, with a view to criminate such persons—to substantiate charges against them—or to involve them in deeper criminality.

Moved by the Colonial Secretary, That this question be now put.

Question on the previous question put and negatived.

7. Border Police Act amendment Bill; withdrawn by leave on motion of Mr. Cowper.  
8. Interest Bill:—The debate on the motion of Mr. Foster, "That the Interest Bill be now read a second time" resumed.

Question put; Council divided:

Ayes 11.

MR. MACARTHUR,  
MR. COGHILL,  
MR. LAWSON,  
MR. BERRY,  
MR. W. C. WESTWORTH,  
DR. BLAND,  
CAPTAIN DUMARESQ,  
THE COMMANDER OF THE FORCES,  
MR. FOSTER,  
THE AUDITOR GENERAL,  
DR. NICHOLSON, (Teller.)

Noes 10.

THE ATTORNEY GENERAL,  
MR. PANTON,  
MR. LAMB,  
MR. THERRY,  
MR. ROBINSON,  
MR. LORD,  
MR. WALKER,  
DR. LANG,  
THE COLONIAL SECRETARY,  
MR. YOUNG, (Teller.)

Bill read a second time; to be considered in Committee to-morrow.

9. Sydney Incorporation Act amendment Bill:—On the motion of Mr. W. C. Wentworth, the Council resolved itself into Committee for the further consideration of this Bill. The Chairman reported progress and obtained leave to sit again to-morrow. There not being twelve Members present, the Speaker adjourned the Council at Ten o'Clock, until to-morrow at Three o'Clock.

NOTICES OF MOTION AND ORDERS OF THE DAY.

WEDNESDAY, DECEMBER 18.

NOTICES OF MOTION :—

1. MR. COWPER to move, That an Address be presented to His Excellency the Governor, requesting that he will be pleased to place on the Estimates of Expenditure for the year 1845, a further sum of money not exceeding £2,000, towards the education of the humbler classes of society, according to the existing regulations, and to be applied towards the erection of School Houses where the inhabitants subscribe an equal amount to the sum granted from the Public Revenue.
2. THE ATTORNEY GENERAL to move for leave to bring in a Bill to regulate and render effectual, appeals from the Supreme Court of New South Wales.

ORDERS OF THE DAY;—

1. Melbourne Incorporation Act amendment Bill; third reading.
2. Estimates for the year 1845; to be further considered in Committee.
3. Consideration of the Governor's Message on additional appropriations for 1844 and 1845.
4. Circular Quay Wharfage Bill; to be further considered in Committee.
5. Bank of Australia Shares Bill; to be further considered in Committee.
6. Interest Bill; to be considered in Committee.
7. Sydney Incorporation Act amendment Bill; to be further considered in Committee.
8. Insolvent Act amendment Bill; to be further considered in Committee.
9. Lien on Wool Act amendment Bill; to be further considered in Committee.
10. Section 70 of Melbourne Corporation Act suspension Bill: third reading.

THURSDAY DECEMBER 19.

NOTICES OF MOTION :—

1. MR. W. C. WENTWORTH to move the following Resolutions:—
  - (1.) That this Council having taken into consideration the Report of the Select Committee, appointed to enquire into and report upon all grievances not connected with the lands of the Territory, and to distinguish between those grievances which can be redressed in the Colony, and those which cannot, adopts, generally, the opinions contained therein.
  - (2.) That, in the opinion of this Council, the Schedules annexed to 5 and 6 Vict., c. 76, should be repealed, and the whole of the General Revenue placed at the appropriation of the Governor and Legislative Council, in conformity with the provisions of the Declaratory Act, 18 George III., c. 12, s. 1; or that the whole of the Hereditary Revenues of the Crown be surrendered to the appropriation of the Governor and Legislative Council, as an equivalent for the Civil List secured by those Schedules.
  - (3.) That, in the opinion of this Council, so much of the same Act, 5 and 6 Vict., c. 76, as relates to the establishment of District Councils, should be repealed.
  - (4.) That, in the opinion of this Council, the Police, Gaol, and Judicial Expenditure of the Colony, should be adjusted on the terms prayed for in the Address to Her Majesty and the Petitions to both Houses of Parliament, prepared by the Select Committee appointed by this Council to enquire into and report upon all grievances not connected with the lands of the Territory.
  - (5.) That it is the opinion of this Council, an humble Address be presented to Her Majesty, beseeching Her Majesty to direct that the Government of this Colony be henceforth conducted on the same principle of responsibility, as to Legislative control, which has been conceded in the United Canadas; and to sanction the establishment by law, within this Colony, of a tribunal for impeachments.
  - (6.) That, in the opinion of this Council, an Act should be introduced, to enable persons having claims of any description against the Crown or local Government, to sue the Colonial Treasurer, or some other public Officer, to be appointed for that purpose by the Governor, as a nominal defendant; with suitable provisions to enable claimants to enforce any judgment or decree in their behalf, but nevertheless under such limitations as may be necessary to prevent frivolous and vexatious suits.
  - (7.) That it is the opinion of this Council, that an humble Address be presented to Her Majesty, praying that Her Majesty will be graciously pleased to place the Judges of the Supreme Court in the same tenure of office, and security of salary, as have been granted to the judges in England.
2. MR. WENTWORTH to move, That the Address to Her Majesty, and the Petitions to both Houses of Parliament, as recommended by the Select Committee appointed to enquire into all grievances not connected with the lands of the Colony, be adopted by this Council.

ORDERS OF THE DAY :—

1. Customs Bill; to be further considered in Committee.
2. Appropriation Bill; second reading.

ALEX. M. LEAY,  
Speaker.

## VOTES AND PROCEEDINGS

OF

## THE LEGISLATIVE COUNCIL

WEDNESDAY, 18 DECEMBER, 1844.

1. Council met pursuant to adjournment; the Speaker took the Chair.  
 William Le Souef:—Mr. Robinson presented a Petition from William Le Souef, of Melbourne, in the District of Port Phillip, praying the Council to decide whether the Superintendent did not greatly exceed his power in removing Petitioner from the Office of Assistant Protector of Aborigines, without the previous sanction of His Excellency the Governor; Petition read and received.
2. Education:—Mr. Cowper moved, pursuant to notice, That an Address be presented to His Excellency the Governor, requesting that he will be pleased to place on the Estimates of Expenditure for the year 1845, a further sum of money not exceeding £2,000, towards the education of the humbler classes of society, according to the existing regulations, and to be applied towards the erection of School Houses where the inhabitants subscribe an equal amount to the sum granted from the Public Revenue.  
 Debate ensued.  
 Moved by Mr. Robinson, That this question be now put.  
 Debate continued.  
 Question on the previous question put and negatived.
3. Appeals from the Supreme Court:—The Attorney General postponed his motion on this subject, until to-morrow.
4. Melbourne Incorporation Act amendment Bill; third reading postponed, on the motion of Mr. Robinson, until to-morrow.
5. Country Courts of Requests amendment Bill:—Mr. Windoyer, as Chairman, brought up the Report, and laid upon the Table the Evidence taken before the Select Committee, to whom this Bill was referred on the 30th August last.  
 Report and Evidence ordered to be printed.
6. Section 70 of Melbourne Corporation Act suspension Bill; read a third time, and passed; to be presented to His Excellency the Governor for assent, by the Speaker, and the Colonial Treasurer.
7. Governor's Message of 16th instant, proposing additional appropriations for 1844 and 1845, read.  
 Moved, by the Colonial Secretary, That the consideration of the Message of His Excellency the Governor, just read, be deferred until the Council shall have resolved itself into Committee for the further consideration of the Estimates of Expenditure for the year 1845.  
 Question put and passed.
8. Estimates for 1845:—On the motion of the Colonial Secretary, the Council resolved itself into Committee for the further consideration of the Estimates of Expenditure for the year 1845.  
 The Chairman reported progress and obtained leave to sit again at a later hour to-day.
9. Circular Quay Wharfage Bill:—On the motion of the Colonial Secretary, the Council resolved itself into Committee for the further consideration of this Bill.  
 The Chairman reported the Bill with sundry amendments; Bill ordered to be engrossed, and read a third time on Friday next.
10. Estimates for 1845:—On the motion of the Colonial Secretary, the Council resolved itself into Committee for the further consideration of the Estimates of Expenditure for the year 1845.  
 The Chairman reported the following Resolutions:—  
 (1.) Resolved, that a sum not exceeding £1,000, be appropriated to defray the expense of the employment of the Dredging Machine, on the River Hunter, for the year 1845.

- (2.) Resolved, that a sum not exceeding £600, be appropriated to defray the expense of the purchase of additional Punks for the said Dredging Machine, not exceeding four in number.
- (3.) Resolved, that a sum not exceeding £150, be appropriated in aid of the Mechanics' Institution, at Melbourne, for the year 1845.
- (4.) Resolved, that a sum not exceeding £200, be appropriated in aid of the Benevolent Asylum at Maitland, to meet private subscriptions to an equal amount, not being derived from fines on drunkards, or any other sources of public income, for the year 1845.
- (5.) Resolved, that a sum not exceeding £1,000, be appropriated in aid of private subscriptions to an equal amount, for the erection of a Public Hospital, at Maitland.
- (6.) Resolved, that a sum not exceeding £500, in addition to the sum of £500, voted on the 5th September last, be appropriated towards the erection of a Public Hospital at Melbourne, on condition that sums to an amount equal to both these sums be raised by private subscriptions.
- (7.) Resolved, that a sum not exceeding £3,450, be appropriated towards the support of Schools in connexion with the Church of England, for the year 1845.
- (8.) Resolved, that a sum not exceeding £1,200, be appropriated towards the support of Presbyterian Schools, for the year 1845.
- (9.) Resolved, that a sum not exceeding £350, be appropriated towards the support of Wesleyan Methodist Schools, for the year 1845.
- (10.) Resolved, that a sum not exceeding £1,450, be appropriated towards the support of Roman Catholic Schools, for the year 1845.
- (11.) Resolved, that a sum not exceeding £950, be appropriated towards the support of Schools of all denominations in the District of Port Phillip, for the year 1845.
- (12.) Resolved, that a sum not exceeding £7,227 17s. 1d., be appropriated to defray the expense of the Police of the City of Sydney, for the year 1845.
- (13.) Resolved, that a sum not exceeding £3,000, be appropriated to defray the expense of the Police of the City of Sydney, during the period from 2nd August to 31st December, 1844.
- (14.) Resolved, that a sum not exceeding £500, be appropriated to defray the expense of the Melbourne Police, for the like period.
- (15.) Resolved, that a sum not exceeding £300, be appropriated towards the support of Schools of all denominations, in the district of Port Phillip, during the year 1844, in addition to the sum already appropriated.
- (16.) Resolved, that a sum not exceeding £50, be appropriated to defray the expense of the repair of Bridges between Newcastle and Maitland.
- (17.) Resolved, that a sum not exceeding £100, be appropriated to defray the expense of the erection of a Lock-up at Gunning.
- (18.) Resolved, that a sum not exceeding £300, be appropriated to defray the expense of the repair of the Cook's River Dam, damaged by the late floods.
- Moved by the Colonial Secretary, That the Council do agree to these several Resolutions.
- Question put and passed.
11. Bank of Australia Shares Bill:—On the motion of Mr. W. C. Wentworth, the Council resolved itself into Committee for the further consideration of this Bill.
- The Chairman reported the Bill with sundry amendments; Bill ordered to be engrossed, and read a third time on Friday next.
- Council adjourned at Eleven o'Clock until to-morrow at Three o'Clock.

## NOTICES OF MOTION AND ORDERS OF THE DAY.

THURSDAY DECEMBER 19.

### NOTICES OF MOTION:—

1. Mr. W. C. WENTWORTH to move the following Resolutions:—
- (1.) That this Council having taken into consideration the Report of the Select Committee, appointed to enquire into and report upon all grievances not connected with the lands of the Territory, and to distinguish between those grievances which can be redressed in the Colony, and those which cannot, adopts, generally, the opinions contained therein.
- (2.) That, in the opinion of this Council, the Schedules annexed to 5 and 6 Vict., c. 76, should be repealed, and the whole of the General Revenue placed at the appropriation of the Governor and Legislative Council, in conformity with the provisions of the Declaratory Act, 18 George III., c. 12, s. 1; or that the whole of the Hereditary Revenues of the Crown be surrendered to the appropriation of the Governor and Legislative Council, as an equivalent for the Civil List secured by those Schedules.
- (3.) That, in the opinion of this Council, so much of the same Act, 5 and 6 Vict., c. 76, as relates to the establishment of District Councils, should be repealed.
- (4.) That, in the opinion of this Council, the Police, Gaol, and Judicial Expenditure of the Colony, should be adjusted on the terms prayed for in the Address to Her Majesty and the Petitions to both Houses of Parliament, prepared by the Select Committee appointed by this Council to enquire into and report upon all grievances not connected with the lands of the Territory.

(5.)

(5.) That it is the opinion of this Council, an humble Address be presented to Her Majesty, beseeching Her Majesty to direct that the Government of this Colony be henceforth conducted on the same principle of responsibility, as to Legislative control, which has been conceded in the United Canadas; and to sanction the establishment by law, within this Colony, of a tribunal for impeachments.

(6.) That, in the opinion of this Council, an Act should be introduced, to enable persons having claims of any description against the Crown or local Government, to sue the Colonial Treasurer, or some other public Officer, to be appointed for that purpose by the Governor, as a nominal defendant; with suitable provisions to enable claimants to enforce any judgment or decree in their behalf, but nevertheless under such limitations as may be necessary to prevent frivolous and vexatious suits.

(7.) That it is the opinion of this Council, that an humble Address be presented to Her Majesty, praying that Her Majesty will be graciously pleased to place the Judges of the Supreme Court in the same tenure of office, and security of salary, as have been granted to the judges in England.

2. MR. WENTWORTH to move, That the Address to Her Majesty, and the Petitions to both Houses of Parliament, as recommended by the Select Committee appointed to enquire into all grievances not connected with the lands of the Colony, be adopted by this Council.
3. THE ATTORNEY GENERAL to move for leave to bring in a Bill to regulate and render effectual, appeals from the Supreme Court of New South Wales.

ORDERS OF THE DAY;—

1. Estimates for the year 1845; to be further considered in Committee.
2. Appropriation Bill; second reading.
3. Customs' Bill; to be further considered in Committee.
4. Melbourne Incorporation Act amendment Bill; third reading.
5. Interest Bill; to be considered in Committee.
6. Sydney Incorporation Act amendment Bill; to be further considered in Committee.
7. Insolvent Act amendment Bill; to be further considered in Committee.
8. Lien on Wool Act amendment Bill; to be further considered in Committee.

FRIDAY, DECEMBER 20.

1. Circular Quay Wharfage Bill; third reading
2. Bank of Australia Shares Bill; third reading.

ALEX. M<sup>c</sup> LEAY,  
*Speaker*

...to the ...  
...to the ...  
...to the ...

...to the ...  
...to the ...  
...to the ...

...to the ...  
...to the ...  
...to the ...

...to the ...  
...to the ...  
...to the ...

...to the ...  
...to the ...  
...to the ...

...to the ...  
...to the ...  
...to the ...

...to the ...  
...to the ...  
...to the ...

## VOTES AND PROCEEDINGS

or

## THE LEGISLATIVE COUNCIL

THURSDAY, 19 DECEMBER, 1844.

1. Council met pursuant to adjournment; the Speaker took the Chair.  
Education:—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 17th December, 1844. wherein His Excellency was requested to place upon the Estimates of Expenditure for 1845, a sum of £2,000, towards the establishment and support of Schools, on the principle of the General System of Education, recommended in the first of the series of Resolutions adopted by the Council on the 10th October last.*

GENTLEMEN,

In the Estimates which I laid before the Council on the 18th July last, no sum was included for the support of Public Schools, (except the Orphan Schools,) as by the 42nd clause of the Constitutional Act of the Colony, it had been previously provided, that the expense of establishing and maintaining Schools, as well as some other expenses theretofore defrayed out of the Public Revenue of the Colony, should be transferred to the District Councils, and defrayed out of local funds.

When these Estimates were laid before the Council, the Expenditure for the year 1845, was estimated at £286,875 2s., and the Ways and Means to meet the Expenditure, at £290,280; the estimated excess therefore of Income over Expenditure, was only £3,404 18s.

Within a month after the Estimates were laid before the Council, the Council presented to me an Address, wherein I was requested to place on the Estimates for 1845, such sums as might, in my opinion, be sufficient to make provision from the General Revenue, for such objects as it had been intended that the District Councils should provide for; and in deference to the wishes of the Council, I acceded to this request, though in so doing, I, for the second time, exposed myself to the imputation of disregarding an Act of Parliament.

New items were consequently introduced into the Estimates, to the amount of nearly £17,000; and though some few of the previously existing items were struck out, or reduced, the anticipated surplus was converted into a deficiency.

When I, however, in August last, acceded to the wishes of the Council, I guarded myself by limiting to £7,000, the sum which I proposed should be expended upon Schools; and I have subsequently explained to the Council the reasons why I cannot but doubt, whether any alterations in respect to our Schools can at present be advantageously introduced.

I feel it necessary also to remind the Council, that a measure was adopted in the year 1836, very similar to that which is now proposed; but that it failed to be productive of any good.

GEORGE GIPPS.

*Government House,  
Sydney, 19th December, 1844.*

Message ordered to be printed.

2. General Grievances:—Mr. W. C. Wentworth, pursuant to notice, moved the following Resolutions, which were put seriatim after a long Debate:—  
(1.) That this Council having taken into consideration the Report of the Select Committee, appointed to enquire into and report upon all grievances not connected with the lands of the Territory, and to distinguish between those grievances which can be redressed in the Colony, and those which cannot, adopts, generally, the opinions contained therein.

Question

Question put; Council divided:—

Ayes 16.

MR. WINDEYER,  
 MR. BERRY,  
 MAJOR WENTWORTH,  
 MR. W. C. WENTWORTH,  
 DR. BLAND,  
 MR. FOSTER,  
 MR. COWPER,  
 MR. WALKER,  
 MR. ROBINSON,  
 MR. LORD,  
 MR. COGHILL,  
 MR. LAWSON,  
 MR. BOYD,  
 DR. LANG,  
 CAPTAIN DUMARESQ,  
 DR. NICHOLSON, (Teller.)

Noes 11.

THE COLONIAL SECRETARY,  
 THE COMMANDER OF THE FORCES,  
 THE ATTORNEY GENERAL,  
 MR. YOUNG,  
 THE COLLECTOR OF CUSTOMS,  
 MR. LAMB,  
 MR. DARVALL,  
 MR. TERRY,  
 MR. ICELY,  
 THE AUDITOR GENERAL,  
 THE COLONIAL TREASURER, (Teller.)

(2.) That, in the opinion of this Council, the Schedules annexed to 5 and 6 Vict., c. 76, should be repealed, and the whole of the General Revenue placed at the appropriation of the Governor and Legislative Council, in conformity with the provisions of the Declaratory Act, 18 George III., c. 12, s. 1.

Question put; Council divided:—

Ayes 16.

MR. WINDEYER,  
 MR. BERRY,  
 MAJOR WENTWORTH,  
 MR. W. C. WENTWORTH,  
 DR. BLAND,  
 MR. FOSTER,  
 MR. COWPER,  
 MR. WALKER,  
 MR. ROBINSON,  
 MR. LORD,  
 MR. COGHILL,  
 MR. LAWSON,  
 MR. BOYD,  
 DR. LANG,  
 CAPTAIN DUMARESQ,  
 DR. NICHOLSON, (Teller.)

Noes 11.

THE COLONIAL SECRETARY,  
 THE COMMANDER OF THE FORCES,  
 THE ATTORNEY GENERAL,  
 MR. YOUNG,  
 THE COLLECTOR OF CUSTOMS,  
 MR. LAMB,  
 MR. DARVALL,  
 MR. TERRY,  
 MR. ICELY,  
 THE AUDITOR GENERAL,  
 THE COLONIAL TREASURER, (Teller.)

(3.) That, in the opinion of this Council, so much of the same Act, 5 and 6 Vict., c. 76, as relates to the establishment of District Councils, should be repealed.

Question put; Council divided:—

Ayes 18.

MR. WINDEYER,  
 MR. BERRY,  
 MAJOR WENTWORTH,  
 MR. W. C. WENTWORTH,  
 DR. BLAND,  
 MR. FOSTER,  
 MR. COWPER,  
 MR. WALKER,  
 MR. ROBINSON,  
 MR. LAMB,  
 MR. YOUNG,  
 MR. LORD,  
 MR. COGHILL,  
 MR. LAWSON,  
 MR. BOYD,  
 DR. LANG,  
 CAPTAIN DUMARESQ,  
 DR. NICHOLSON, (Teller.)

Noes 9.

THE COLLECTOR OF CUSTOMS,  
 THE ATTORNEY GENERAL,  
 THE COMMANDER OF THE FORCES,  
 THE COLONIAL SECRETARY,  
 MR. DARVALL,  
 MR. TERRY,  
 MR. ICELY,  
 THE AUDITOR GENERAL,  
 THE COLONIAL TREASURER, (Teller.)

(4.) That, in the opinion of this Council, the Police, Gaol, and Judicial Expenditure of the Colony, should be adjusted on the terms prayed for in the Address to Her Majesty and the Petitions to both Houses of Parliament, prepared by the Select Committee appointed by this Council to enquire into and report upon all grievances not connected with the lands of the Territory.

Question



Question put; Council divided:—

Ayes 18

MR. WINDEYER,  
MR. BERRY,  
MAJOR WENTWORTH,  
MR. W. C. WENTWORTH,  
DR. BLAND,  
MR. FOSTER,  
MR. COWPER,  
MR. WALKER,  
MR. ROBINSON,  
MR. LAMB,  
MR. YOUNG,  
MR. LORD,  
MR. COGHILL,  
MR. LAWSON,  
MR. BOYD,  
DR. LANG,  
CAPTAIN DUMARESQ,  
DR. NICHOLSON, (Teller.)

Noes 9.

THE COLLECTOR OF CUSTOMS,  
THE ATTORNEY GENERAL,  
THE COMMANDER OF THE FORCES,  
THE COLONIAL SECRETARY,  
MR. DARVALL,  
MR. THERRY,  
MR. ICELY,  
THE AUDITOR GENERAL,  
THE COLONIAL TREASURER, (Teller.)

(5.) That it is the opinion of this Council, an humble Address be presented to Her Majesty, beseeching Her Majesty to direct that the Government of this Colony be henceforth conducted on the same principle of responsibility, as to Legislative control, which has been conceded in the United Canadas; and to sanction the establishment by law, within this Colony, of a tribunal for impeachments.

Question put; Council divided:—

Ayes 14.

MR. WINDEYER,  
MAJOR WENTWORTH,  
MR. W. C. WENTWORTH,  
DR. BLAND,  
MR. COWPER,  
MR. WALKER,  
MR. ROBINSON,  
CAPTAIN DUMARESQ,  
DR. LANG,  
MR. BOYD,  
MR. LAWSON,  
MR. COGHILL,  
MR. LORD,  
DR. NICHOLSON, (Teller.)

Noes 12.

MR. BERRY,  
MR. LAMB,  
THE COLLECTOR OF CUSTOMS,  
MR. YOUNG,  
THE ATTORNEY GENERAL,  
THE COMMANDER OF THE FORCES,  
THE COLONIAL SECRETARY,  
MR. DARVALL,  
MR. THERRY,  
MR. ICELY,  
THE AUDITOR GENERAL,  
THE COLONIAL TREASURER, (Teller.)

(6.) That, in the opinion of this Council, an Act should be introduced, to enable persons having claims of any description against the Crown or local Government, to sue the Colonial Treasurer, or some other public Officer, to be appointed for that purpose by the Governor, as a nominal defendant; with suitable provisions to enable claimants to enforce any judgment or decree in their behalf, but nevertheless under such limitations as may be necessary to prevent frivolous and vexatious suits.

Question put and passed without division.

(7.) That it is the opinion of this Council, that an humble Address be presented to Her Majesty, praying that Her Majesty will be graciously pleased to place the Judges of the Supreme Court in the same tenure of office, and security of salary, as have been granted to the Judges in England.

Question put and passed without division.

3. Police, Gaol, and Judicial Expenditure:—Moved by Mr. W. C. Wentworth, pursuant to notice, That this Council do adopt the following Address to Her Majesty the Queen, viz:—

*To the Queen's Most Excellent Majesty.*

MOST GRACIOUS SOVEREIGN:—

We, your Majesty's loyal and dutiful subjects, the Members of the Legislative Council of New South Wales, in Council assembled, beg leave to approach your Majesty with the renewed assurance of our attachment to your Majesty's Royal Person and Government.

We crave leave humbly to represent to your Majesty, that according to the Estimates for the year 1845, submitted for our adoption, by His Excellency the Governor, it will be necessary to raise, by general or local taxation, the sum of £85,250 16s. 8d. for Police, Gaols, and the building of Gaols, being after the rate of about 10s. 4d. per head, on the entire population of the Colony; whereas the whole expense of the Government of the Canadas does not exceed seven shillings a head; and were a similar rate of Expenditure necessary in the United Kingdom, a sum of not less than £14,000,000 would be required for those purposes alone.

That the Police and Gaol Expenditure of the Colony for the nine years and a half, ending the 31st December, 1844, since this charge was first imposed, amounts to the enormous sum of £957,510 5s. 2d.

That

That although, when this charge was first transferred from the Military Chest to the Colonial Treasury, in 1835, by direction of the Lords of the Treasury, it was assumed, that it would not exceed £25,000 per annum, in the very first year afterwards it amounted to £44,693 9s. 1d.; in the third year afterwards it attained its maximum of £135,132 8s. 4d.; at very nearly which amount it continued stationary for the next two years; and it is still, notwithstanding the considerable reductions of last Session, estimated at the large sum of £85,250 16s. 8d. above mentioned.

That the number of convictions of persons arrived free or born in the Colony, is, in proportion to the number of convictions of persons arrived as convicts, as 1800 to 3900; that the former number contains a large proportion of expirees, and other freed persons, who have come from the sister Colony of Van Diemen's Land, and cannot be distinguished from the rest of the free population; but that without taking into consideration this circumstance, which must cause a great addition to the annual amount of crime committed here, as a matter of mere dry arithmetical calculation, and without making any allowance whatever for the contagious example and influence of the convict and the freed on the free, instead of the Colony being subject to the payment of the above mentioned sum of £85,250 16s. 8d., it should not be rated at more than its fair proportion, viz., £26,921 7s. 2d., whilst the Imperial Government is justly chargeable with the balance, viz., £58,329 9s. 6d., which arises exclusively from convicts, or freed persons who have been convicts, transported to these shores from the mother country, and for the benefit of the mother country alone.

That of the entire amount of £957,510 5s. 2d. thus paid by the Colony for the above purposes; it will be observed, that only £302,371 13s. 2d. is its fair proportion, and that the balance of £655,138 12s. ought to have been paid out of the Military Chest.

That the judicial expenditure for the same period amounted to £302,310 6s. 3d., and that after deducting one third of the above amount for the civil administration of justice, and apportioning the balance of £201,540 4s. 2d., according to the foregoing scale of our criminal statistics, it results that £63,644 5s. 6d., of the last mentioned sum is properly chargeable to the Colony, and the residue of £137,895 18s. 8d., to the mother country; and the sum of £34,782 16s. 9d., required for the judicial expenditure of 1845; being distributed in the same proportions, will leave £7,322 14s. 4d., chargeable to the former, for its share of the criminal administration of justice, and £15,865 17s. 2d., as the share of the latter.

That the necessity of providing out of Colonial funds, so large an amount for the coercion and punishment of British criminals, is justly deemed by the Colony, whose representatives we are, as one of its chief grievances; and the grievance is deemed the greater, inasmuch as the equivalent, which by solemn compact entered into in the year 1835, between the late Legislative Council and your Majesty's then Governor Sir Richard Bourke, K. C. B., under the authority of the Lords of the Treasury, viz., the surplus of the casual and territorial revenues, after defraying the cost of immigration from the United Kingdom, has been withheld from the appropriation of the Legislative Council, at whose disposal it was then placed in conformity with this compact, during the whole government of Sir George Gipps, Knight; not only, as far as we have been able to ascertain, without any authority, but as far as the official correspondence laid by His Excellency before us shows, in defiance of the positive directions of the Lords of the Treasury, and successive Secretaries of State.

We crave leave humbly to represent to your Majesty, that the enormous burden thus cast upon the Colony, and continued without the promised equivalent, and the impossibility of adding to its weight, without utter ruin to all the productive classes, altogether precludes us from attempting those moral, social, and physical ameliorations, which, were they possible, the public exigencies and welfare imperatively demand at our hands.

We beg leave humbly to represent to your Majesty,—

First—That we are thereby precluded from taking any effectual steps towards arresting the perpetuity of crime, by making adequate provision for the diffusion of education, the expense of which, in consequence of the scattered state of the population, would be far greater than in England.

Second—From establishing a cheap and uniform rate of postage, and the facilities for correspondence, and the diffusion of information, which have been attended with such beneficial results in the mother country.

Third—From appropriating any sufficient sum for the making or repairing of roads, or bridges, and for other works of indispensable necessity in a new country like this, progressing rapidly in population, and possessing but few facilities for inland navigation.

Fourth—That the imposition of the large amount in question is now felt to be the more burdensome and unjust, in consequence of the cessation of transportation, and the abolition of assignment, which was the only redeeming principle of the Convict System, and indeed the main reason assigned by the Lords of the Treasury in 1834, for transferring this charge to the Colonial Treasury;—and in consequence also of the rapidly decreasing expenditure of the Military Chest for Military and Convict purposes, an expenditure which in 1839 was £309,058 2s. 3d., and in 1843, had fallen to £170,072 17s. 5d., including about £7,000 for the Military expenditure in New Zealand.

Fifth—That not only has the system of transportation and assignment, the supposed advantages of which led to the transfer of this charge from the Imperial to the Local Treasury, entirely ceased amongst us, but the Colony has, in fact, since become the grand emporium, as it were, of the expirees and other freed prisoners from Van

Diemen's

Diemen's Land, to say nothing of the runaway convicts who pass off under the guise of free persons; and it appears that orders have been issued by your Majesty's Principal Secretary of State for the Colonies, that this vast influx of extraneous crime amongst us, is to be further increased by making this Colony the receptacle also of the probation convicts transported from that Colony to Norfolk Island.

Sixth—That it will, we humbly trust, be obvious to your Majesty, that a large and rapid increase in our Police, Gaol, and Judicial Expenditure must inevitably result to the Colony from these causes, without any countervailing advantage whatever.

Seventh—That the impolicy and injustice of imposing so heavy a burden on this Colony, will be the more apparent now that the inability of the sister Colony, Van Diemen's Land, to sustain a similar charge, has been admitted by the Governor of that Colony, although in the full enjoyment of whatever benefits of cheap labor, or otherwise, are derivable from transportation. A large portion of the local expenditure connected with the convict system and transferred to the local treasury of that Colony at the same time the like charge was imposed upon us, is now of necessity defrayed from the Military Chest, and must, without doubt, as it ought, be finally retransferred in that Colony, as being a just and proper charge on your Majesty's Imperial Treasury.

Under the circumstances above stated, we humbly beseech your Majesty to be graciously pleased to recommend to Parliament, that the sum of £793,034 10s. 8d., so due to the Colony for arrears of police, gaol, and judicial expenditure, justly chargeable on Imperial funds, and the further sum of £74,195 6s. 8d., being the annual amount still required for the due coercion and punishment of the convict and freed population originally transported from Britain, be defrayed from the Military Chest;—or, if your Majesty should deem it more advisable, upon taking into your Majesty's most gracious consideration that an adult population of 59,788 convicts of both sexes, have been transported to this Colony from the United Kingdom since the period of its first establishment, the contaminating influence of which mass of crime is perpetually working on the rest of our population amounting only at present to about 123,000 souls; and upon taking further into your Majesty's most gracious consideration the joint exigencies at the present time of the United Kingdom and of this Colony—in the former of which several millions of its people are subsisting on public and private charity, and in the latter of which there is such a deficiency of population and excess of food that thousands of sheep and cattle are destroyed weekly for their tallow and hides—it would, in our humble opinion, be of equivalent advantage to the payment of the said sum of £793,034 10s. 8d., that the like number, namely, 59,788 free immigrants of moral and industrious habits, and consisting of single persons of both sexes, or of young couples recently married, or of families with sons and daughters grown or nearly grown up, should be sent out to the Colony in the next five years with Parliamentary funds; provided that the said annual sum of £74,195 6s. 8d., be henceforth contributed by the Military Chest towards the support of Police, Gaols, and Judicial Expenditure, as being the fair proportion of that expenditure chargeable of right on the Imperial Treasury.

That in the event however of the alternative of sending out the above number of immigrants being preferred to a money reimbursement, it will, in our humble opinion, be an indispensable adjunct to so large and sudden an accession to our population, that a loan be raised in England on the security of the public lands of the Colony, and under the guarantee of Parliament, of not less than £500,000, payable by five annual instalments of £100,000 each, to be spent in public roads, bridges, and other necessary internal improvements, under the appropriation of the Governor and Legislative Council, during the progress of such immigration, in order that if the various avenues of domestic industry should not suffice at once to absorb so large an addition to our numbers, adequate employment may be afforded by means of those public works which, in a rapidly progressing state of society, are constantly required to keep pace with the increase of population.

Question put; Council divided:—

Ayes, 14.

CAPTAIN DUMARESQU,  
DR. LANG,  
MR. BOYD,  
MR. LAWSON,  
MR. COGHILL,  
MR. ROBINSON,  
MR. BERRY,  
MR. LORD,  
MR. W. C. WENTWORTH,  
MR. WALKER,  
DR. BLAND,  
MAJOR WENTWORTH,  
MR. WINDEYER,  
DR. NICHOLSON, (Teller.)

Noes, 11.

MR. LAMB,  
THE AUDITOR GENERAL,  
THE COLLECTOR OF CUSTOMS,  
THE COMMANDER OF THE FORCES,  
THE ATTORNEY GENERAL,  
THE COLONIAL SECRETARY,  
MR. THERRY,  
MR. ICELY,  
MR. YOUNG,  
MR. DARVALL,  
THE COLONIAL TREASURER, (Teller.)

Address ordered to be presented to His Excellency the Governor, for transmission to Her Majesty the Queen, by the Speaker, Mr. W. C. Wentworth, and Mr. Windeyer.

Moved

Moved by Mr. W. C. Wentworth, pursuant to notice, That this Council do adopt the following Petition to the Right Honorable the House of Lords, viz:—

*To the Right Honorable the Lords Spiritual and Temporal; of the United Kingdom of Great Britain and Ireland; in Parliament assembled.*

The Petition of the Legislative Council of New South Wales; in Council assembled.

HUMBLY SHEWETH:—

That according to the Estimates for the year 1845, submitted for our adoption, by His Excellency the Governor, it will be necessary to raise, by general or local taxation, the sum of £85,250 16s. 8d. for Police, Gaols, and the building of Gaols, being after the rate of about 10s. 4d. per head; on the entire population of the Colony; whereas the whole expense of the Government of the Canadas does not exceed seven shillings a head; and were a similar rate of Expenditure necessary in the United Kingdom, a sum of not less than £14,000,000 would be required for those purposes alone.

That the Police and Gaol Expenditure of the Colony for the nine years and a half ending the 31st December, 1844, since this charge was first imposed, amounts to the enormous sum of £957,510 5s. 2d.

That although, when this charge was first transferred from the Military Chest to the Colonial Treasury, in 1835, by direction of the Lords of the Treasury, it was assumed that it would not exceed £25,000 per annum, in the very first year afterwards it amounted to £44,693 9s. 1d.; in the third year afterwards it attained its maximum of £135,192 8s. 4d.; at very nearly which amount it continued stationary for the next two years, and it is still, notwithstanding the considerable reductions of last Session, estimated at the large sum of £85,250 16s. 8d. above mentioned.

That the number of convictions of persons arrived free or born in the Colony, is, in proportion to the number of convictions of persons arrived as convicts, as 1800 to 3900; that the former number contains a large proportion of ex-convicts and other freed persons who have come from the sister Colony of Van Diemen's Land, and cannot be distinguished from the rest of the free population; but that without taking into consideration this circumstance, which must cause a great addition to the annual amount of crime committed here, as a matter of mere dry arithmetical calculation, and without making any allowance whatever for the contagious example and influence of the convict and the freed on the free, instead of the Colony being subject to the payment of the above-mentioned sum of £85,250 16s. 8d., it should not be rated at more than its fair proportion, viz., £26,921 7s. 2d., whilst the Imperial Government is justly chargeable with the balance, viz., £58,329 9s. 6d., which arises exclusively from convicts, or freed persons who have been convicts, transported to these shores from the mother country, and for the benefit of the mother country alone.

That of the entire amount of £957,510 5s. 2d. thus paid by the Colony for the above purposes, it will be observed, that only £302,371 13s. 2d. is its fair proportion, and that the balance of £655,138 12s. ought to have been paid out of the Military Chest.

That the judicial expenditure for the same period amounted to £302,310 6s. 3d., and that after deducting one third of the above amount for the civil administration of justice; and apportioning the balance of £201,540 4s. 2d., according to the foregoing scale of our criminal statistics, it results that £63,644 5s. 6d. of the last mentioned sum is properly chargeable to the Colony, and the residue of £137,895 18s. 8d. to the mother Country; and the sum of £34,782 16s. 9d., required for the judicial expenditure of 1845, being distributed in the same proportions, will leave £7,322 14s. 4d. chargeable to the former, for its share of the criminal administration of justice; and £15,865 17s. 2d. as the share of the latter.

That the necessity of providing out of Colonial funds, so large an amount for the coercion and punishment of British criminals; is justly deemed by the Colony, whose representatives we are, as one of its chief grievances; and the grievance is deemed the greater, inasmuch as the equivalent, which by solemn compact entered into in the year 1835, between the late Legislative Council and Her Majesty's then Governor, Sir Richard Bourke, K. C. B., under the authority of the Lords of the Treasury, viz., the surplus of the casual and territorial revenues, after defraying the cost of immigration from the United Kingdom, has been withheld from the appropriation of the Legislative Council, at whose disposal it was then placed in conformity with this compact, during the whole government of Sir George Gipps, Knight;—not only, as far as we have been able to ascertain, without any authority, but as far as the official correspondence laid by His Excellency before us shows, in defiance of the positive directions of the Lords of the Treasury, and successive Secretaries of State.

That the enormous burden thus cast upon the Colony, and continued without the promised equivalent, and the impossibility of adding to its weight without utter ruin to all the productive classes, altogether precludes us from attempting those moral, social, and physical ameliorations, which, were they possible, the public exigencies and welfare imperatively demand at our hands.

We beg leave humbly to represent to your Lordships,—

First—That we are thereby precluded from taking any effectual steps towards arresting the perpetuity of crime, by making adequate provision for the diffusion of education, the expense of which, in consequence of the scattered state of the population, would be far greater than in England.

Second—From establishing a cheap and uniform rate of postage, and the facilities for correspondence, and the diffusion of information, which have been attended with such beneficial results in the mother country.

Third—From appropriating any sufficient sum for the making or repairing of roads or bridges, and for other works of indispensable necessity in a new country like this, progressing rapidly in population, and possessing but few facilities for inland navigation.

That

357

Fourth—That the imposition of the large amount in question is now felt to be the more burdensome and unjust in consequence of the cessation of transportation and the abolition of assignment, which was the only redeeming principle of the Convict System, and indeed the main reason assigned by the Lords of the Treasury in 1834, for transferring this charge to the Colonial Treasury;—and in consequence also of the rapidly decreasing expenditure of the Military Chest for Military and Convict purposes, an expenditure which in 1839 was £309,058 2s. 3d., and in 1843, had fallen to £170,072 17s. 5d., including about £7,000 for the Military expenditure in New Zealand.

Fifth—That not only has the system of transportation and assignment, the supposed advantages of which led to the transfer of this charge from the Imperial to the Local Treasury, entirely ceased amongst us, but the Colony has, in fact, since become the grand emporium, as it were, of the ex-convicts and other freed prisoners from Van Diemen's Land, to say nothing of the runaway convicts who pass off under the guise of free persons; and it appears that orders have been issued by Her Majesty's Principal Secretary of State for the Colonies, that this vast influx of extraneous crime amongst us, is to be further increased by making this Colony the receptacle also of the probation convicts transported from that Colony to Norfolk Island.

Sixth—That it will, we humbly trust, be obvious to your Lordships, that a large and rapid increase in our Police, Gaol, and Judicial Expenditure must inevitably result to the Colony from these causes, without any countervailing advantage whatever.

Seventh—That the impolicy and injustice of imposing so heavy a burden on this Colony, will be the more apparent now that the inability of the sister Colony, Van Diemen's Land, to sustain a similar charge has been admitted by the Governor of that Colony, although in the full enjoyment of whatever benefits of cheap labour, or otherwise, are derivable from transportation. A large portion of the local expenditure connected with the convict system and transferred to the local treasury of that Colony at the same time the like charge was imposed upon us, is now of necessity defrayed from the Military Chest, and must without doubt, as it ought, be finally retransferred in that Colony as being a just and proper charge on the Imperial Treasury.

Under the circumstances above stated, we entreat your Lordships to be graciously pleased to recommend to Parliament, that the sum of £793,034 10s. 8d., so due to the Colony for arrears of police, gaol, and judicial expenditure, justly chargeable on Imperial funds, and the further sum of £74,195 6s. 8d., being the annual amount still required for the due coercion and punishment of the convict and freed population originally transported from Britain, be defrayed from the Military Chest;—or, if it be thought more advisable, upon taking into consideration that an adult population of 59,788 convicts of both sexes, have been transported to this Colony from the United Kingdom since the period of its first establishment, the contaminating influence of which mass of crime is perpetually working on the rest of our population, amounting only at present to about 123,000 souls; and upon taking further into consideration the joint exigencies at the present time of the United Kingdom and of this Colony—in the former of which several millions of its people are subsisting on public and private charity, and in the latter of which there is such a deficiency of population, and excess of food, that thousands of sheep and cattle are destroyed weekly for their tallow and hides—it would, in our humble opinion, be of equivalent advantage to the payment of the said sum of £793,034 10s. 8d., that the like number, namely, 59,788 free immigrants of moral and industrious habits, and consisting of single persons of both sexes, or of young couples recently married, or of families with sons and daughters grown or nearly grown up, should be sent out to the Colony in the next five years with Parliamentary funds; provided that the said annual sum of £74,195 6s. 8d., be henceforth contributed by the Military Chest towards the support of Police, Gaols, and Judicial Expenditure, as being the fair proportion of that expenditure chargeable of right on the Imperial Treasury.

That in the event, however of the alternative of sending out the above number of immigrants being preferred to a money reimbursement, it will, in our humble opinion, be an indispensable adjunct to so large and sudden an accession to our population, that a loan be raised in England on the security of the public lands of the Colony, and under the guarantee of Parliament, of not less than £500,000, payable by five annual instalments of £100,000 each, to be spent in public roads, bridges, and other necessary internal improvements, under the appropriation of the Governor and Legislative Council, during the progress of such immigration, in order that if the various avenues of domestic industry should not suffice at once to absorb so large an addition to our numbers, adequate employment may be afforded by means of those public works which, in a rapidly progressing state of society, are constantly required to keep pace with the increase of population.

Question put and passed without division.

Petition ordered to be transmitted by the Speaker to the Right Honorable Lord Polwart, for presentation to their Lordships.

Moved by Mr. W. C. Wentworth, pursuant to notice, That this Council do adopt the following Petition to the Honorable the House of Commons, viz:—

*To the Honorable the Commons of the United Kingdom of Great Britain and Ireland, in Parliament assembled.*

The Petition, of the Legislative Council, of New South Wales, in Council assembled.

HUMBLY SHEWETH:—

That according to the Estimates for the year 1845, submitted for our adoption by His Excellency the Governor, it will be necessary to raise, by general or local taxation,

ation, the sum of £85,250 16s. 8d. for Police, Gaols, and the building of Gaols, being after the rate of about 10s. 4d. per head, on the entire population of the Colony; whereas the whole expense of the Government of the Canadas does not exceed 7s. a head; and were a similar rate of Expenditure necessary in the United Kingdom, a sum of not less than £14,000,000 would be required for those purposes alone.

That the Police and Gaol Expenditure of the Colony for the nine years and a half, ending the 31st December, 1844, since this charge was first imposed, amounts to the enormous sum of £957,510 5s. 2d.

That although, when this charge was first transferred from the Military Chest to the Colonial Treasury, in 1835, by direction of the Lords of the Treasury, it was assumed that it would not exceed £25,000 per annum, in the very first year afterwards it amounted to £44,693 9s. 1d.; in the third year afterwards it attained its maximum of £135,132 8s. 4d.; at very nearly which amount it continued stationary for the next two years, and it is still, notwithstanding the considerable reductions of last Session, estimated at the large sum of £85,250 16s. 8d. above mentioned.

That the number of convictions of persons arrived free or born in the Colony, is, in proportion to the number of convictions of persons arrived as convicts, as 1800 to 3900; that the former number contains a large proportion of expirees and other freed persons who have come from the sister Colony of Van Diemen's Land, and cannot be distinguished from the rest of the free population; but that without taking into consideration this circumstance, which must cause a great addition to the annual amount of crime committed here, as a matter of mere dry arithmetical calculation, and without making any allowance whatever for the contagious example and influence of the convict and the freed on the free, instead of the Colony being subject to the payment of the above mentioned sum of £85,250 16s. 8d., it should not be rated at more than its fair proportion, viz., £26,921 7s. 2d., whilst the Imperial Government is justly chargeable with the balance, viz., £58,329 9s. 6d. which arises exclusively from convicts, or freed persons who have been convicts, transported to these shores from the mother country, and for the benefit of the mother country alone.

That of the entire amount of £957,510 5s. 2d. thus paid by the Colony for the above purposes, it will be observed, that only £302,371 13s. 2d. is its fair proportion, and that the balance of £655,138 12s. ought to have been paid out of the Military Chest.

That the judicial expenditure for the same period amounted to £302,310 6s. 3d., and that after deducting one third of the above amount for the civil administration of justice, and apportioning the balance of £201,540 4s. 2d., according to the foregoing scale of our criminal statistics, it results that £63,644 5s. 6d. of the last mentioned sum is properly chargeable to the Colony, and the residue of £137,895 18s. 8d. to the mother Country; and the sum of £84,782 16s. 9d., required for the judicial expenditure of 1845, being distributed in the same proportions, will leave £7322 14s. 4d. chargeable to the former, for its share of the criminal administration of Justice, and £15,865 17s. 2d. as the share of the latter.

That the necessity of providing out of Colonial funds, so large an amount for the coercion and punishment of British Criminals, is justly deemed by the Colony, whose representatives we are, as one of its chief grievances; and the grievance is deemed the greater, inasmuch as the equivalent, which by solemn compact entered into in the year 1835, between the late Legislative Council and Her Majesty's then Governor, Sir Richard Bourke, K. C. B., under the authority of the Lords of the Treasury, viz., the surplus of the casual and territorial revenues, after defraying the cost of immigration from the United Kingdom, has been withheld from the appropriation of the Legislative Council, at whose disposal it was then placed in conformity with this compact, during the whole government of Sir George Gipps, Knight;—not only as far as we have been able to ascertain, without any authority, but as far as the official correspondence laid by His Excellency before us shows, in defiance of the positive directions of the Lords of the Treasury, and successive Secretaries of State.

That the enormous burden thus cast upon the Colony, and continued without the promised equivalent, and the impossibility of adding to its weight without utter ruin to all the productive classes, altogether precludes us from attempting those moral, social, and physical ameliorations, which, were they possible, the public exigencies and welfare imperatively demand at our hands.

We beg leave humbly to represent to your Honorable House,—

First—That we are thereby precluded from taking any effectual steps towards arresting the perpetuity of crime, by making adequate provision for the diffusion of education, the expense of which, in consequence of the scattered state of the population, would be far greater than in England.

Second—From establishing a cheap and uniform rate of postage, and the facilities for correspondence, and the diffusion of information, which have been attended, with such beneficial results in the mother country.

Third—From appropriating any sufficient sum for the making or repairing of roads or bridges, and for other works of indispensable necessity in a new country like this, progressing rapidly in population, and possessing but few facilities for inland navigation.

Fourth—That the imposition of the large amount in question is now felt to be the more burdensome and unjust in consequence of the cessation of transportation, and the abolition of assignment, which was the only redeeming principle of the Convict System, and indeed the main reason assigned by the Lords of the Treasury in 1834, for transferring this charge to the Colonial Treasury;—and in consequence also of the rapidly decreasing

decreasing expenditure of the Military Chest for Military and Convict purposes, an expenditure which in 1839, was £309,058 2s. 3d., and in 1843, had fallen to £170,072 17s. 5d., including about £7,000 for the Military expenditure in New Zealand.

Fifth—That not only has the system of transportation and assignment, the supposed advantages of which led to the transfer of this charge from the Imperial to the Local Treasury, entirely ceased amongst us, but the Colony has, in fact, since become the grand emporium, as it were, of the ex-pires and other freed prisoners from Van Diemen's Land, to say nothing of the runaway convicts who pass off under the guise of free persons; and it appears that orders have been issued by Her Majesty's Principal Secretary of State for the Colonies, that this vast influx of extraneous crime amongst us, is to be further increased by making this Colony the receptacle also of the probation convicts transported from that Colony to Norfolk Island.

Sixth—That it will, we humbly trust, be obvious to your Honorable House, that a large and rapid increase in our Police, Gaol, and Judicial Expenditure must inevitably result to the Colony from these causes, without any countervailing advantage whatever.

Seventh—That the impolicy and injustice of imposing so heavy a burden on this Colony, will be the more apparent now that the inability of the sister Colony, Van Diemen's Land, to sustain a similar charge has been admitted by the Governor of that Colony, although in the full enjoyment of whatever benefits of cheap labour, or otherwise, are derivable from transportation. A large portion of the local expenditure connected with the convict system, and transferred to the local treasury of that Colony. At the same time the like charge was imposed upon us, is now of necessity defrayed from the Military Chest, and must without doubt, as it ought, be finally retransferred in that Colony as being a just and proper charge on the Imperial Treasury.

Under the circumstances above stated, we entreat your Honorable House to be graciously pleased to recommend to Parliament, that the sum of £793,034 10s. 8d., so due to the Colony for arrears of police, gaol, and judicial expenditure, justly chargeable on Imperial funds, and the further sum of £74,195 6s. 8d., being the annual amount still required for the due coercion and punishment of the convict and freed population originally transported from Britain, be defrayed from the Military Chest;—or, if it be thought more advisable, upon taking into consideration that an adult population of 59,788 convicts of both sexes, have been transported to this Colony from the United Kingdom since the period of its first establishment, the contaminating influence of which mass of crime is perpetually working on the rest of our population, amounting only at present to about 123,000 souls; and upon taking further into consideration the joint exigencies at the present time of the United Kingdom and of this Colony—in the former of which several millions of its people are subsisting on public and private charity, and in the latter of which there is such a deficiency of population, and excess of food, that thousands of sheep and cattle are destroyed weekly for their tallow and hides—it would, in our humble opinion, be of equivalent advantage to the payment of the said sum of £793,034 10s. 8d., that the like number, namely, 59,788 free immigrants of moral and industrious habits, and consisting of single persons of both sexes, or of young couples recently married, or of families with sons and daughters grown or nearly grown up, should be sent out to the Colony in the next five years with Parliamentary funds; provided that the said annual sum of £74,195 6s. 8d., be henceforth contributed by the Military Chest towards the support of Police, Gaols, and Judicial Expenditure, as being the fair proportion of that expenditure chargeable of right on the Imperial Treasury.

That in the event however of the alternative of sending out the above number of immigrants being preferred to a money reimbursement, it will, in our humble opinion, be an indispensable adjunct to so large and sudden an accession to our population, that a loan be raised in England on the security of the public lands of the Colony, and under the guarantee of Parliament, of not less than £500,000, payable by five annual instalments of £100,000 each, to be spent in public roads, bridges, and other necessary internal improvements, under the appropriation of the Governor and Legislative Council, during the progress of such immigration, in order that if the various avenues of domestic industry should not suffice at once to absorb so large an addition to our numbers, adequate employment may be afforded by means of those public works which, in a rapidly progressing state of society, are constantly required to keep pace with the increase of population.

Question put and passed without division.

Petition ordered to be transmitted by the Speaker to the Honorable Francis Scott, M.P., for presentation to that Honorable House.

4. Appeals from the Supreme Court:—The Attorney General withdrew his motion on this subject from the Paper.
5. Estimates for 1845:—On the motion of the Colonial Treasurer, the Order of the Day for the further consideration in Committee of the Estimates of Expenditure for the year 1845, expunged from the Paper, there being no other Items of Expenditure for consideration.
6. Appropriation Bill, having been read a second time, on the motion of the Colonial Treasurer, the Council resolved itself into Committee for consideration thereof. The Chairman having reported the Bill; Bill ordered to be engrossed, and read a third time to-morrow.
7. Customs Bill:—Moved by the Collector of Customs, That the Council do now resolve itself into Committee for the further consideration of this Bill. Debate ensued.

- Bill withdrawn by leave, on the motion of the Collector of Customs.
- 8. Melbourne Incorporation Act amendment Bill, read a third time and *passed*.
- Bill ordered to be presented to His Excellency the Governor for assent, by the Speaker and the Colonial Treasurer.
- 9. Interest Bill:—Moved by Mr. Foster, That the Speaker do now leave the Chair, and that the Council do resolve itself into Committee for consideration of this Bill.

Debate ensued.  
 Moved, as an amendment, by Mr. Robinson, That the Council do go into Committee for consideration of this Bill this day three months.  
 Debate continued.  
 Question put on the amendment; Council divided.

<p>Ayes 8.</p> <p>MR. THERRY,        MR. YOUNG,        MR. BOYD,        DR. LANG,        MR. WINDEYER,        THE ATTORNEY GENERAL,        MR. LAMB,        MR. ROBINSON, (Teller.)</p>	<p>Noes 11.</p> <p>THE COLLECTOR OF CUSTOMS,        MR. BERRY,        MR. W. C. WESTWORTH,        MR. FOSTER,        MR. LAWSON,        MR. COGHILL,        CAPTAIN DUMARESQ,        THE AUDITOR GENERAL,        MR. DARVALL,        DR. BLAND,        DR. NICHOLSON, (Teller.)</p>
---	---

Question put on the original motion; Council divided:—

<p>Ayes 11.</p> <p>THE COLLECTOR OF CUSTOMS,        MR. DARVALL,        THE AUDITOR GENERAL,        MR. BERRY,        MR. W. C. WESTWORTH,        DR. BLAND,        CAPTAIN DUMARESQ,        MR. COGHILL,        MR. LAWSON,        MR. FOSTER,        DR. NICHOLSON, (Teller.)</p>	<p>Noes 8.</p> <p>MR. LAMB,        THE ATTORNEY GENERAL,        MR. THERRY,        MR. WINDEYER,        MR. BOYD,        DR. LANG,        MR. YOUNG,        MR. ROBINSON, (Teller.)</p>
---	---

Council Resolved itself into Committee accordingly.  
 There not being twelve Members present, the Speaker adjourned the Council at Ten o'Clock, until to-morrow, at Three o'Clock.

NOTICES OF MOTION AND ORDERS OF THE DAY.

FRIDAY, DECEMBER 20.

NOTICES OF MOTION:—

1. THE ATTORNEY GENERAL to move, That copies of the letters addressed by the Committee of Correspondence to the Honorable Francis Scott, be laid on the Table.
2. DR. NICHOLSON to move, That Mr. Boyd be added to the Committee appointed to Correspond with the Home Agent of the Colony, the Honorable Francis Scott, M. P.

ORDERS OF THE DAY:—

1. Circular Quay Wharfage Bill; third reading
2. Bank of Australia Shares Bill; third reading.
3. Appropriation Bill; third reading.
4. Interest Bill; to be further considered in Committee.
5. Sydney Incorporation Act amendment Bill; to be further considered in Committee.
6. Insolvent Act amendment Bill; to be further considered in Committee.
7. Lien on Wool Act amendment Bill; to be further considered in Committee.

ALEX. M. LEAY,  
 Speaker.



## VOTES AND PROCEEDINGS

## THE LEGISLATIVE COUNCIL.

FRIDAY, 20 DECEMBER, 1844.

1. Council met pursuant to adjournment; the Speaker took the Chair.  
Addresses to the Queen:—The Speaker announced that the Addresses to Her Majesty the Queen, on the Despatches Nos. 175 and 176, of 28th October, 1843, on Judicial Expenditure, and on Crown Land Grievances, had been taken to His Excellency the Governor, who had been pleased to say he would transmit them to the Principal Secretary of State for the Colonies, for presentation to Her Majesty, and that he would reply in the usual manner to the Address to himself which accompanied the latter.
2. Correspondence with the Colonial Parliamentary Agent:—The Attorney General moved, pursuant to notice, That the correspondence with the Honorable Francis Scott, M. P., be laid upon the Table.  
Question put and passed, and correspondence laid upon the Table accordingly.  
Moved by the Colonial Secretary, That the correspondence with the Honorable Francis Scott, M. P., be printed.  
Question put and passed, and correspondence ordered to be printed accordingly.
3. Committee of Correspondence with the Honorable Francis Scott, M. P.:—Moved by Dr. Nicholson, pursuant to notice, That Mr. Boyd be added to the Committee of Correspondence with the Honorable Francis Scott, M. P.  
Question put and passed, and Mr. Boyd added to the Committee accordingly.
4. Circular Quay Wharfage Bill, read a third time and *passed*.  
Bill ordered to be presented to His Excellency the Governor for assent, by the Speaker, and the Colonial Treasurer.
5. Bank of Australia Shares Bill:—Moved by Mr. Therry, that this Bill be now read a third time.  
Moved as an amendment by Mr. Lamb, That the Bill be now recommitted.  
Debate ensued on the point of order, whether it was competent to the House to go into Committee on this Bill in its present stage.  
Moved as an amendment by the Colonial Treasurer, That the order for the third reading of this Bill be discharged from the paper.  
Question on the last amendment put and passed; Mr Lamb giving notice, That he would, to-morrow, move the recommitment of the Bill.
6. Appropriation Bill read a third time and *passed*.  
Bill ordered to be presented to His Excellency the Governor for assent, by the Speaker, the Colonial Secretary, and the Attorney General.
7. Interest Bill:—Moved by Mr. Foster, That the Council do now resolve itself into Committee, for the further consideration of this Bill.  
Debate ensued on a point of order.  
Moved, as an amendment, by the Colonial Secretary, that in pursuance of the 139th section of the Standing Rules and Orders, this Bill having been superseded by the proceedings on the 6th December instant, it is not now competent for the House to proceed further with the measure.  
Debate continued.

Question

Question put on the amendment; Council divided.

Ayes, 11.

Noes, 12.

THE COLONIAL SECRETARY,  
MR. WINDEYER,  
THE ATTORNEY GENERAL,  
THE AUDITOR GENERAL,  
MR. LAMB,  
MR. ROBINSON,  
DR. LANG,  
MR. BOYD,  
MR. PANTON,  
MR. THIERRY,  
MR. YOUNG, (Teller.)

CAPTAIN DUMARESQ,  
MR. DARVALL,  
MR. COGHILL,  
MR. MACARTHUR,  
MR. BERRY,  
MR. FOSTER,  
MR. LAWSON,  
MAJOR WENTWORTH,  
MR. W. C. WENTWORTH,  
THE COMMANDER OF THE FORCES,  
DR. BLAND,  
DR. NICHOLSON, (Teller.)

Question on the original motion put and passed; the House resolved itself into Committee accordingly.

The Chairman reported the Bill with amendments.

Moved by Mr. Foster, That the Bill be engrossed, and read a third time to-morrow.

Debate ensued.

Question put; Council divided:—

Ayes, 11.

Noes, 11.

THE COMMANDER OF THE FORCES,  
DR. BLAND,  
DR. NICHOLSON,  
MR. BERRY,  
MR. DARVALL,  
MR. MACARTHUR,  
MR. COGHILL,  
CAPTAIN DUMARESQ,  
MR. LAWSON,  
MR. FOSTER,  
MR. W. C. WENTWORTH, (Teller.)

THE COLONIAL SECRETARY,  
MR. THIERRY,  
MR. WINDEYER,  
MR. BOYD,  
MR. WALKER,  
MR. LAMB,  
DR. LANG,  
MR. YOUNG,  
MR. PANTON,  
THE ATTORNEY GENERAL,  
MR. ROBINSON, (Teller.)

The Speaker having given his casting vote in favor of the Ayes, Bill ordered to be engrossed, and read a third time to-morrow.

Council adjourned at Eleven o'Clock, until to-morrow at Twelve o'Clock.

## NOTICES OF MOTION AND ORDERS OF THE DAY.

SATURDAY, DECEMBER 21.

### NOTICES OF MOTION:—

1. Mr. LAMB to move the recommitment of the Bank of Australia Shares Bill.
2. Mr. W. C. WENTWORTH to move the suspension of the 139th Standing Order, previously to the third reading of the Interest Bill.

### ORDERS OF THE DAY:—

1. Interest Bill; third reading.
2. Sydney Incorporation Act amendment Bill; to be further considered in Committee.
3. Insolvent Act amendment Bill; to be further considered in Committee.
4. Lien on Wool Act amendment Bill; to be further considered in Committee.

ALEX. M<sup>c</sup> LEAY,

Speaker.

VOTES AND PROCEEDINGS

OF

THE LEGISLATIVE COUNCIL.

SATURDAY, 21 DECEMBER, 1844.

1. Council met pursuant to adjournment; the Speaker took the Chair.  
Melbourne Corporation Act amendment Bill:—Mr. Robinson presented a Petition from the Mayor, Aldermen, and Councillors of the Town of Melbourne, praying that the clause in the Melbourne Corporation Act amendment Bill, recently passed the Council, which empowers His Excellency the Governor to assign the Commission of the Peace for the Town of Melbourne, to persons who are not Burgesses, nor even Inhabitants, of the Town, be expunged:  
Moved, by Mr. Robinson, that this Petition be now read.  
Question put and passed; and Petition read accordingly.  
Moved, by Mr. Robinson, that this Petition be now received.  
Debate ensued.  
Question put, and passed; and Petition accordingly received.
2. Bank of Australia Shares Bill:—Moved, by Mr. Lamb, pursuant to notice, That the Bank of Australia Shares Bill be now recommitted.  
Question put and passed; the Council resolved itself into Committee accordingly.  
The Chairman reported the Bill with amendments; Bill ordered to be re-engrossed, and read a third time on Monday next.
3. Interest Bill:—Mr. W. C. Wentworth moved, pursuant to notice, That the 139th standing Order of the House be suspended previously to the third reading of the "*Bill to regulate the rate of Interest on money.*"  
Moved as an amendment by Mr. Windeyer, That with a view to cure any irregularity there may have occurred in the previous stages of the "*Bill to regulate the rate of Interest on money,*" all Standing Orders that may apply to the same be hereby suspended till the passing of the said Bill.  
Question on the amendment put and passed.
4. George Mulhall:—Mr. Foster presented a Petition from George Mulhall, late Pilot at Brisbane Water, praying compensation for the loss of a Boat whilst in that situation.  
Moved by Mr. Foster, That this Petition be now read.  
Question put and passed; and Petition accordingly read.
5. Interest Bill:—Moved by Mr. Foster, That the Interest Bill be now read a third time.  
Debate ensued.  
Question put, Council divided.

Ayes 13.

MR. COGHILL,  
THE AUDITOR GENERAL,  
CAPTAIN DUMARESQUÉ,  
MR. FOSTER,  
MR. MACARTHUR,  
THE COMMANDER OF THE FORCES,  
MR. BERRY,  
MAJOR WESTWORTH,  
DR. BLAND,  
MR. W. C. WENTWORTH,  
MR. DARVALL,  
MR. LAWSON,  
DR. NICHOLSON, (Teller.)

Bill read a third time accordingly.

Noes 11.

MR. WINDEYER,  
THE COLONIAL SECRETARY,  
THE COLONIAL TREASURER,  
MR. TERRY,  
MR. ROBINSON,  
MR. PANTON,  
THE ATTORNEY GENERAL,  
MR. WALKER,  
DR. LANG,  
MR. BOYD,  
MR. YOUNG, (Teller.)

Moved by Mr. Robinson, That the following clause be added to the Bill by way of Rider, viz. :—

“ Provided always, and be it enacted, That nothing herein contained shall apply, or be construed to apply, to any contract now or hereafter to be entered into in the District of Port Phillip, or relating to any property within the said District.”

Debate ensued.

Question put ; Council divided :—

Ayes 11.

- THE COLONIAL SECRETARY,
- THE COLONIAL TREASURER,
- THE ATTORNEY GENERAL,
- MR. PANTON,
- MR. WINDEYER,
- MR. ROBINSON,
- DR. LANG,
- MR. BOYD,
- MR. WALKER,
- MR. THERRY,
- MR. YOUNG, (Teller.)

Noes 13.

- CAPTAIN DUMARESQ,
- MR. FOSTER,
- THE AUDITOR GENERAL,
- MR. DARVALL,
- MR. MACARTHUR,
- MR. COGHILL,
- MR. LAWSON,
- MR. BERRY,
- MAJOR WENTWORTH,
- MR. W. C. WENTWORTH,
- DR. BLAND,
- THE COMMANDER OF THE FORCES,
- DR. NICHOLSON, (Teller.)

Moved by Mr. Foster, That the Interest Bill do now pass.

Question put ; Council divided :—

Ayes 13.-

- MR. FOSTER,
- MR. COGHILL,
- MR. MACARTHUR,
- THE AUDITOR GENERAL,
- MR. LAWSON,
- CAPTAIN DUMARESQ,
- THE COMMANDER OF THE FORCES,
- MR. BERRY,
- DR. BLAND,
- MAJOR WENTWORTH,
- MR. W. C. WENTWORTH,
- MR. DARVALL,
- DR. NICHOLSON, (Teller.)

Noes 11.

- THE COLONIAL SECRETARY,
- MR. THERRY,
- THE ATTORNEY GENERAL,
- MR. YOUNG,
- MR. WINDEYER,
- THE COLONIAL TREASURER,
- MR. WALKER,
- DR. LANG,
- MR. BOYD,
- MR. PANTON,
- MR. ROBINSON, (Teller.)

Bill passed and ordered to be presented to His Excellency the Governor for assent, by the Speaker, the Commander of the Forces, and Dr. Nicholson.

6. Sydney Incorporation Act Amendment Bill :—On the motion of Mr. W. C. Wentworth the Council resolved itself into Committee, for the further consideration of this Bill. The Chairman reported the Bill with sundry amendments; Bill ordered to be engrossed, and read a third time on Monday next.
7. Insolvent Act Amendment Bill :—On the motion of Mr. W. C. Wentworth the Council resolved itself into Committee, for the further consideration of this Bill. The Chairman reported the Bill with sundry amendments; Bill ordered to be engrossed, and read a third time on Monday next.
8. Lien on Wool Act, Amendment Bill; on the motion of Mr. W. C. Wentworth, the Council resolved itself into Committee for the further consideration of this Bill. The Chairman reported the Bill with amendments; Bill ordered to be engrossed, and read a third time on Monday next. Council adjourned at a quarter after four o'clock, until Monday next, at three o'clock.

NOTICES OF MOTION AND ORDERS OF THE DAY.

MONDAY, DECEMBER. 23.

NOTICE OF MOTION :—

1. MR. W. C. WENTWORTH to move :—
  - (1.) An Address to Her Majesty, in accordance with the Resolutions of this House, on the Report of the Committee on grievances not connected with the lands of the Colony.
  - (2.) Also, that His Excellency be requested to transmit a copy of that Report to the Right Honorable the Secretary of State for the Colonies.

ORDERS OF THE DAY ;—

1. Bank of Australia Shares Bill ; third reading.
2. Sydney Incorporation Act amendment Bill ; third reading.
3. Insolvent Act amendment Bill ; third reading.
4. Lien on Wool Act amendment Bill ; third reading.

ALEX. McLEAY,  
Speaker.

## VOTES AND PROCEEDINGS

OF

## THE LEGISLATIVE COUNCIL.

MONDAY, 23 DECEMBER, 1844.

1. Council met pursuant to adjournment; the Speaker took the Chair.  
Expenses of Prosecution for Breach of Privilege:—The Speaker reported that he had received from Mr. Unwin, the Solicitor who conducted the late prosecution for a Breach of the Privileges of the House, the taxed Bill of Expenses which had been incurred in carrying out the instructions of the House, and requested that the consideration thereof might be referred to a Select Committee of which he should be one, in consequence of an intimation from His Excellency the Governor, that he would at once direct the payment of any account of expenses incurred by the Council which should bear the Speaker's Certificate;—whereupon the Colonial Secretary gave notice, that he would at the next sitting day of the Council, move the addition of the names of the Speaker, the Attorney General, and Mr. Young, to the Standing Orders Committee, to whom such matters have been heretofore referred.
2. Rules of the Supreme Court:—The Colonial Secretary laid upon the Table, by command of His Excellency the Governor, certain Papers relating to Rules of the Supreme Court, together with a copy of such Rules made under the authority of the Act of Council, 4 Victoria, No. 22.  
Papers and Rules ordered to be printed.
3. Mission to the Aborigines at Port Phillip:—The Colonial Secretary laid upon the Table, by command of His Excellency the Governor, certain correspondence with the Society for the propagation of the Gospel, respecting the Mission to the Aborigines at Port Phillip.  
Correspondence ordered to be printed.
4. General Grievances:—Moved by Mr. W. C. Wentworth, pursuant to notice, that this Council do adopt the following address to Her Majesty the Queen, in accordance with the Resolutions of this House, on the report of the Committee on Grievances not connected with the lands of the Colony, viz:—

TO THE QUEEN'S MOST EXCELLENT MAJESTY.

MOST GRACIOUS SOVEREIGN,

We, your Majesty's loyal and dutiful subjects, the Members of the Legislative Council of New South Wales, in Council assembled, beg leave to approach your Majesty, with the renewed assurance of our attachment to your Majesty's Royal Person and Government.

We humbly beg to acquaint your Majesty, that on the 21st day of June, 1844, a Select Committee of this Council was appointed, to enquire into and report upon all grievances not connected with the lands of the Colony, and that in pursuance of a report from this Committee, made after due investigation, a copy of which report, with the evidence, is herewith humbly submitted to your Majesty, it was resolved by the Legislative Council, among other things, "That an humble Address should be presented to your Majesty, beseeching your Majesty to direct that the Government of this Colony be henceforth conducted on the same principle of responsibility, as to Legislative control, which has been conceded in the United Canadas, and to sanction the establishment by law, within this Colony, of a tribunal for impeachments."

And it was further resolved, "That an humble Address should be presented to your Majesty, praying that your Majesty will be graciously pleased to place the Judges of the Supreme Court in the same tenure of office, and security of salary, as have been granted to the Judges in England":—Both which Resolutions we humbly submit to your Majesty's gracious consideration, in the hope that your Majesty will, in conformity with the wishes of your humble petitioners, issue your royal command that they may be carried into effect.

Debate ensued.

Question put and passed.

5. General Cemetery :—The following Message from His Excellency the Governor received and read :—

*Message from His Excellency the Governor, to the Legislative Council, on presenting to the Council a Bill for the establishment of a General Cemetery in the neighbourhood of Sydney.*

GENTLEMEN,

My attention having been seriously drawn to the crowded state of the Burial Places in the City of Sydney, I submit to you a Bill for the establishment of a General Cemetery.

The selection of a proper site for a Cemetery, is a matter of such high importance, that it seems to me to be not unworthy the attention of the Legislature.

GEORGE GIPPS.

Government House,

Sydney, 23rd November, 1844.

Message, and Bill therein referred to, ordered to be printed.

6. General Grievances :—Mr. W. C. Wentworth moved, pursuant to notice, That His Excellency the Governor be requested to transmit a copy of the Report from the Select Committee on General Grievances, to the Right Honorable the Secretary of State for the Colonies.

Question put and passed.

Moved, by Mr. W. C. Wentworth, That the Resolution just adopted by the Council, be embodied in the usual manner in an Address to His Excellency the Governor, to be presented to His Excellency; together with the Address to Her Majesty the Queen, adopted by the Council this day, by the Speaker, Mr. W. C. Wentworth, and Mr. Cowper, with a request that His Excellency will be pleased to transmit the latter to Her Majesty the Queen.

Question put and passed.

7. Bank of Australia Shares Bill :—Moved by Mr. W. C. Wentworth, That this Bill be now read a third time.

Debate ensued.

Moved as an amendment by the Attorney General, That the Bank of Australia Shares Bill be read a third time this day six months.

Debate continued.

Question put on the amendment; Council divided.

Ayes 3.

Noes 18.

DR. LANG,  
MR. ROBINSON,  
THE ATTORNEY GENERAL, (Teller.)

MR. YOUNG,  
MR. MACARTHUR,  
MR. FOSTER,  
MR. PANTON,  
MR. COGHILL,  
MR. ICHLY,  
MR. TERRY,  
THE ADDITOR GENERAL,  
MR. W. C. WENTWORTH,  
DR. BLAND,  
MR. LAMB,  
MR. LAWSON,  
CAPTAIN DUMARESQU.  
MR. BERRY,  
MR. COWPER,  
DR. NICHOLSON,  
THE COLLECTOR OF CUSTOMS,  
THE COLONIAL TREASURER, (Teller.)

Question on the original motion put and passed; Bill read a third time, and passed.

8. Appropriation Bill :—The following Message from His Excellency the Governor received and read :—

*Message from His Excellency the Governor, to the Legislative Council, proposing amendments in an Act which has been transmitted to him for the Royal Assent, intitled, "An Act for applying certain sums arising from the Revenue receivable in New South Wales, to the service thereof, for the year one thousand eight hundred and forty-five, and for further appropriating the said Revenue."*

GENTLEMEN,

Agreeably to the provisions of the 30th clause of the Act for the Government of New South Wales and Van Diemen's Land, (5th and 6th Vic. c. 76,) I have to propose to the Council the following amendments in an Act which has been passed by the Council, and transmitted to me for the Royal Assent, intitled, "An Act for applying certain sums arising from the Revenue receivable in New South Wales, to the service thereof, for the year one thousand eight hundred and forty-five, and for further appropriating the said Revenue."

That in the first clause of the Act, the words, "forty-four thousand two hundred and thirty-two pounds, ten shillings, and three-pence," be struck out, and instead thereof, the words, "forty-five thousand two hundred and sixteen pounds, nineteen shillings, and ten-pence," be inserted; and at the end of the same clause, that there be added the following words: "And any sum or sums of money not exceeding nine hundred and eighty-four pounds, nine shillings, and seven-pence, to defray the expence of the Registrar-General's Establishment."

GEORGE GIPPS.

Government House,

Sydney, 23rd November, 1844.

Message ordered to be printed, and taken into consideration to-morrow.

9. Bank of Australia Shares Bill :—Ordered to be presented to His Excellency the Governor for assent, by the Speaker and the Colonial Treasurer.
10. Sydney Incorporation Act amendment Bill; read a third time and *passed*; to be presented to His Excellency the Governor for assent, by the Speaker and the Colonial Treasurer.
11. Insolvent Act amendment Bill; read a third time and *passed*; to be presented to His Excellency the Governor for assent, by the Speaker and the Colonial Treasurer.
12. Lion on Wool Act amendment Bill; read a third time and *passed*; to be presented to His Excellency the Governor for assent, by the Speaker and the Colonial Treasurer. Council adjourned at six o'clock, until to-morrow, at three o'clock.

---

NOTICES OF MOTION AND ORDERS OF THE DAY.

---

TUESDAY, DECEMBER 24.

NOTICE OF MOTION:—

1. THE COLONIAL SECRETARY to move, That the names of the Speaker, the Attorney General, and Mr. Young, be added to the Standing Orders Committee.

ORDER OF THE DAY:—

1. Consideration of Governor's Message on Appropriation Bill.

1871  
1872  
1873  
1874  
1875  
1876  
1877  
1878  
1879  
1880  
1881  
1882  
1883  
1884  
1885  
1886  
1887  
1888  
1889  
1890  
1891  
1892  
1893  
1894  
1895  
1896  
1897  
1898  
1899  
1900

1901  
1902  
1903  
1904  
1905  
1906  
1907  
1908  
1909  
1910  
1911  
1912  
1913  
1914  
1915  
1916  
1917  
1918  
1919  
1920  
1921  
1922  
1923  
1924  
1925  
1926  
1927  
1928  
1929  
1930



## VOTES AND PROCEEDINGS

OF

# THE LEGISLATIVE COUNCIL.

TUESDAY, 24 DECEMBER, 1844.

1. Council met pursuant to adjournment; the Speaker took the Chair.  
Lien on Wool Act amendment Bill:—The following Message from His Excellency the Governor received and read:—

*Message from His Excellency the Governor, to the Legislative Council, proposing an amendment in an Act which has been passed by the Council, and presented to him for the Royal assent, intituled, "An Act to explain and amend 'An Act 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.'"*

GENTLEMEN,

Agreeably to the provisions of the 30th clause of the Act for the government of New South Wales and Van Diemen's Land; I have to propose the following amendment in an Act which has been passed by the Council, and presented to me for the Royal Assent, intituled, "An Act to explain and amend an Act 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."

The amendment I propose is, that the sixth clause be omitted.

GEORGE GIPPS.

*Government House,  
Sydney, 24th December, 1844.*

- Message ordered to be printed, and taken into consideration on Thursday next.
2. Standing Orders Committee:—Moved by the Colonial Secretary, pursuant to notice, That the names of the Speaker, the Attorney General, and Mr. Young, be added to the Standing Orders Committee.  
Question put and passed.
  3. Appropriation Bill:—The Governor's Message of the 23rd instant, proposing an amendment in this Bill, having been read:—  
Moved by the Colonial Secretary, That the Council do now resolve itself into committee, for consideration of the Message of His Excellency the Governor, which has just been read.  
Debate ensued.  
There not being twelve Members present, the Speaker adjourned the Council at a quarter after Four o'clock, until Thursday next at Three o'clock.

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

THURSDAY, DECEMBER 26.

ORDERS OF THE DAY:—

1. Consideration of Governor's Message on Appropriation Bill.
2. Consideration of Governor's Message on Lien on Wool Act amendment Bill.

ALEX. M<sup>o</sup> LEAY,  
*Speaker.*



---

VOTES AND PROCEEDINGS

OF

THE LEGISLATIVE COUNCIL.

---

THURSDAY, 26 DECEMBER, 1844.

1. Council met pursuant to adjournment; the Speaker took the Chair.  
Appropriation Bill :—Moved by the Colonial Secretary, that the consideration of the Message of His Excellency the Governor, dated the 23rd instant, in which His Excellency proposes an amendment in the Appropriation Bill, be discharged from the Paper, in consequence of the matter having lapsed, (according to the rules and practice of the House of Commons, which govern the proceedings of this House in unprovided cases, under the 139th section of the Standing Rules and Orders of the Council,) by the adjournment of the House for want of a sufficient number of Members to form a quorum, on the 24th instant, when His Excellency's Message was under consideration. Question put and passed.
2. Lien on Wool Act amendment Bill :—The Governor's Message of the 24th instant, proposing an amendment in this Bill, having been read,—  
Moved, by the Colonial Secretary, That the Council do now resolve itself into Committee for consideration of the Message of His Excellency the Governor, which has been just read.  
Debate ensued.  
Question put and passed; the Council resolved itself into Committee accordingly.  
There not being twelve Members present, the Speaker adjourned the Council at a quarter after Four o'Clock, until to-morrow at Three o'Clock.

---

NOTICES OF MOTION AND ORDERS OF THE DAY.

---

FRIDAY, DECEMBER 27.

NOTICE OF MOTION :—

1. THE COLONIAL SECRETARY to move, That the Governor's Message on the Appropriation Bill having, in conformity with the 139th section of the Standing Orders, lapsed, in consequence of the House being counted out on the 24th instant, the said Bill be again presented to His Excellency the Governor for the Royal assent, by the Speaker and the Colonial Treasurer.

ALEX. M<sup>o</sup> LEAY,  
*Speaker.*



*J. J.*

No. 93.

---

VOTES AND PROCEEDINGS

OF

THE LEGISLATIVE COUNCIL.

---

FRIDAY, 27 DECEMBER, 1844.

1. Council met pursuant to adjournment; the Speaker took the Chair.  
Melbourne Markets:—Mr. Robinson presented a Petition from the Mayor, Aldermen, and Councillors of the Town of Melbourne, praying assistance in the erection of substantial and commodious Market Buildings in Melbourne; Petition read and received.
2. Appropriation Bill:—The Colonial Secretary moved, pursuant to notice, That the Governor's Message on the Appropriation Bill having, in conformity with the 139th section of the Standing Orders, lapsed, in consequence of the House being counted out on the 24th instant, the said Bill be again presented to His Excellency the Governor for the Royal assent, by the Speaker and the Colonial Treasurer.  
Debate ensued.  
Question put and passed.  
Council adjourned at twenty minutes past Four until to-morrow at Twelve o'Clock.

---

NOTICES OF MOTION AND ORDERS OF THE DAY.

---

SATURDAY, DECEMBER 28.

NOTICE OF MOTION:—

1. MR. W. C. WENTWORTH to move, That the Governor's Message on the Lien on Wool Act amendment Bill, having, in conformity with the 139th section of the Standing Orders, lapsed, in consequence of the House being counted out on the 26th instant, the said Bill be again presented to His Excellency the Governor for the Royal assent, by the Speaker and the Colonial Treasurer,

ALEX. McLEAY,  
*Speaker.*

357.

VOTES AND PROCEEDINGS  
OF  
THE LEGISLATIVE COUNCIL.

---

SATURDAY, 28 DECEMBER, 1844.

1. Council met pursuant to adjournment; the Speaker took the Chair.  
Assent to Bills; The speaker reported that His Excellency the Governor had assented to the following Bills, viz:—
  - (1.) Melbourne Corporation Act amendment Bill.
  - (2.) Section 70 of Sydney Corporation Act suspension Bill.
  - (3.) Sydney Incorporation Act amendment Bill.
  - (4.) Section 70 of Melbourne Corporation Act suspension Bill.
  - (5.) Insolvent Act amendment Bill.
  - (6.) Distillation Laws Act amendment Bill.
  - (7.) Appropriation Bill.
2. Exiles; Port Phillip:—Mr. Robinson presented a Petition from the Mayor, Aldermen, and Councillors of the Town of Melbourne, praying the Council to protect Australia Felix from being converted into a receptacle for British crime; Petition read and received.
3. Bakers; Port Phillip:—Mr. Robinson presented a Petition from the Bakers of Melbourne, praying the Council to prohibit baking on the Sabbath; Petition read and received.
4. Lien on Wool Act amendment Bill:—Mr. W. C. Wentworth moved, pursuant to notice, That the Governor's Message on the Lien on Wool Act amendment Bill, having, in conformity with the 139th section of the Standing Orders, lapsed, in consequence of the House being counted out on the 26th instant, the said Bill be again presented to His Excellency the Governor for the Royal assent, by the Speaker and the Colonial Treasurer.  
Question put and passed.  
Council adjourned at half-past Twelve o'Clock, until Monday, the 30th instant, at One o'Clock.

ALEX. McLEAY,  
*Speaker.*

The first part of the document  
 discusses the general principles  
 of the proposed system.  
 It is intended to be a  
 general outline of the  
 subject, and is not  
 intended to be a  
 detailed description  
 of the system.  
 The second part of the  
 document describes the  
 details of the system,  
 and is intended to be  
 a detailed description  
 of the system.  
 The third part of the  
 document describes the  
 details of the system,  
 and is intended to be  
 a detailed description  
 of the system.  
 The fourth part of the  
 document describes the  
 details of the system,  
 and is intended to be  
 a detailed description  
 of the system.  
 The fifth part of the  
 document describes the  
 details of the system,  
 and is intended to be  
 a detailed description  
 of the system.



## VOTES AND PROCEEDINGS

OF

## THE LEGISLATIVE COUNCIL.

MONDAY, 30 DECEMBER, 1844.

1. Council met pursuant to adjournment; the Speaker took the Chair.  
Assent to Bill:—The Speaker reported, that His Excellency the Governor had been pleased, in the name and on the behalf of Her Majesty, to assent to the following Bill, viz:—  
(1.) Circular Quay Wharfage Bill.  
Assent reserved:—The Speaker reported, that His Excellency the Governor had been pleased, in the name and on the behalf of Her Majesty, to reserve the following Bills for the signification thereon of Her Majesty's pleasure:—  
(1.) Bank of Australia shares Bill.  
(2.) Interest Bill.  
Assent withheld:—The Speaker reported, that His Excellency the Governor had been pleased, in the name and on the behalf of Her Majesty, to withhold Her Majesty's assent to the following Bill, viz:—  
(1.) Lien on Wool Act amendment Bill.
2. Business of the Session:—The Speaker reported, That of the twenty-four Bills passed by the Council during the current Session, eighteen had been assented to; three had been reserved for the notification of Her Majesty's pleasure thereon; and from the remaining three, the Royal Assent had been withheld.
3. 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,

“ I am happy in being able at length to bring this protracted Session to a close, and to release you from further attendance.

“ As you have, gentlemen, declined to take into consideration the Estimates, which early in the Session I laid before you, for the Administration of Justice in the year which is now ensuing, I have only to express my hope, that the funds which the Law had previously placed at my disposal, may be found sufficient to keep open the ordinary tribunals of the Colony:—The resources which are within my reach I shall rigorously devote to the purposes to which they are applicable; but I shall not suffer myself to exceed in any manner the authority which I constitutionally hold, nor to set aside the instructions of Her Majesty.

“ The Supplies which you have granted for other branches of the public service, I shall expend with the utmost regard to economy.

“ I am happy to be able to congratulate you on the marked improvement which has recently manifested itself in the general condition of the Colony. The rise which has taken place in England, in the value of our chief staple, has had a very cheering influence on the whole community; and by the blessing of Providence we continue to enjoy the most abundant seasons.

“ Gentlemen, you have, in the latter part of the present Session, entrusted to my care, various Addresses to Her Most Gracious Majesty, praying for extensive alterations in the Constitution, which it pleased Her Majesty and Parliament, very recently, to grant to this portion of Her dominions. These Addresses, I shall take the earliest opportunity of transmitting to Her Majesty's Principal Secretary of State for the Colonies, in order that they may be presented to Her Majesty; and they will, I have no doubt, receive Her Majesty's most attentive consideration.

“ Many months must, however, necessarily elapse before Her Majesty's replies to these Addresses can be received in the Colony; and I consequently consider it my duty openly to declare my opinion, that many of the demands of the Council are such as never will be granted—such, indeed, as never can be granted, unless it be the pleasure of Her Majesty and Parliament, fundamentally and entirely to alter the relations, in which the Country now stands to the British Empire.

“ I now declare this Council to be prorogued to Tuesday, the fourth day of March next ensuing.”

“ GEORGE GIPPS.”

*Sydney, 30th December, 1844.*

His Excellency then retired, being conducted to the door by the Speaker; and the Council stood prorogued accordingly until Tuesday, the fourth day of March next.

ALEX. McLEAY,  
*Speaker.*

The first part of the paper is devoted to a general  
 consideration of the subject, and to a statement of the  
 objects which it has in view. It is then divided into  
 three parts, the first of which is devoted to a  
 description of the objects, the second to a  
 description of the means, and the third to a  
 description of the results. The first part is  
 divided into two sections, the first of which  
 is devoted to a description of the objects, and  
 the second to a description of the means. The  
 second part is divided into two sections, the  
 first of which is devoted to a description of  
 the means, and the second to a description of  
 the results. The third part is divided into  
 two sections, the first of which is devoted to  
 a description of the results, and the second to  
 a description of the means. The first part  
 is divided into two sections, the first of  
 which is devoted to a description of the  
 objects, and the second to a description of  
 the means. The second part is divided into  
 two sections, the first of which is devoted to  
 a description of the means, and the second to  
 a description of the results. The third part  
 is divided into two sections, the first of  
 which is devoted to a description of the  
 results, and the second to a description of  
 the means.