



NEW SOUTH WALES.

VOTES

AND

PROCEEDINGS

OF

THE LEGISLATIVE COUNCIL,

DURING THE

FIRST SESSION OF THE YEAR

1851.

WITH THE VARIOUS DOCUMENTS CONNECTED THEREWITH.

IN ONE VOLUME.

Sydney:

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REFERENCE TO VOTES AND PROCEEDINGS OF SESSION 1 OF 1851.

Council :—

	Page.
Members Sworn	1, 9
Declarations of Qualification	1, 9
Martin v. Speaker and Sergeant at Arms	3
Chairman of Committees Elected	3
Days for dispatch of business	3
Opening Speech	1
Council's Reply	2
Governor's acknowledgment of Reply	3
Prorogation Speech	35

Messages from His Excellency the Governor to the Legislative Council :—

New South Wales Electoral Bill	1
Victoria Electoral Bill	3
Victoria Public Officers' Jurisdiction Bill	5
Victoria Revenue and other Laws continuation Bill	23
Sydney Post Office	25
Land and Immigration	25
Steam Communication with Europe	26
Immigration Depôt at Hyde Park Barracks	29

Addresses from the Legislative Council to His Excellency the Governor :—

Land and Immigration	5
Leichhardt's Expedition	5, 6
Immigration Depôt at Hyde Park Barracks	9
Sydney Post Office	13
Convictions under the Vagrant Act	13
Steam Communication with Europe	17
Public Abattoirs (Glebe Island)	17
Declaration and Remonstrance against the New Constitution Act 13 & 14 Vict., Chap. 59	31

Questions proposed but not passed :—

Distresses for Rent	4
Boundary line between New South Wales and Victoria	11
Additional days for dispatch of business	15
Sydney Post Office	26
Rider to New South Wales Electoral Bill	33

Petitions received :—

New South Wales Electoral Bill	3, 5, 17, 21
Victoria Electoral Bill	9, 11, 17, 23, 25
Cattle Slaughtering Bill	16, 17, 19
Distresses for Rent	17
Publicans (Port Phillip)	12
Road from Paterson to Gresford	5
Road from Cutter's Inn to Bong Bong	17
Light House on Cape Moreton	17
Cornelius Delohery	17

SELECT COMMITTEES

APPOINTED DURING THE SESSION OF 1851.

REPLY TO GOVERNOR'S OPENING SPEECH.

MR. ERDEN,
THE COLONIAL SECRETARY,
MR. WENTWORTH,

{ Appointed
28th March, 1851. }

MR. WESTGARTH,
MR. NICHOLS.

STANDING ORDERS.

THE SPEAKER,
THE COLONIAL SECRETARY,
THE ATTORNEY GENERAL,
MR. PARKER,
MR. JAMES MACARTHUR,

{ Appointed
1st April, 1851. }

MR. DONALDSON,
MR. WENTWORTH,
MR. NICHOLS,
MR. MURRAY.

LIBRARY.

THE SPEAKER,
THE COLONIAL SECRETARY,
THE ATTORNEY GENERAL,
MR. PARKER,
MR. JAMES MACARTHUR.

{ Appointed
1st April, 1851. }

MR. WENTWORTH,
MR. DONALDSON,
CAPTAIN KING,
DOCTOR DICKSON,
MR. NICHOLS.

NEW CONSTITUTION.

MR. WENTWORTH,
MR. MOOR,
MR. DONALDSON,
MR. JAMES MACARTHUR,
MAJOR MERCER,

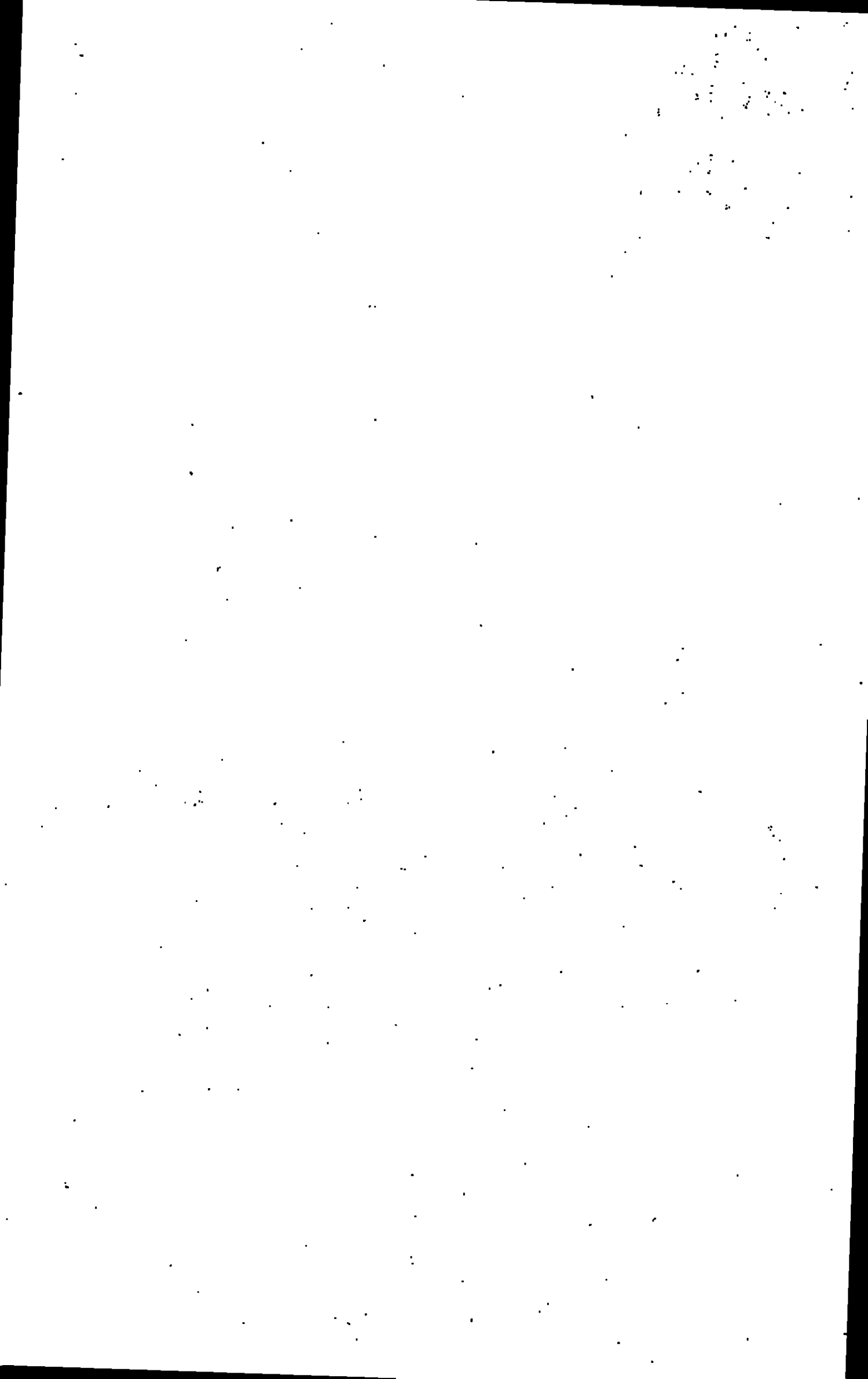
{ Appointed
8th April, 1851. }

MR. FITZGERALD,
MR. MURRAY,
MR. COOPER,
MR. DANGAR,
MR. MARTIN.

INDEX TO THE PRINTED DOCUMENTS OF SESSION 1 OF 1851.

	Page.
ABATTOIRS (Sec "PUBLIC ABATTOIRS.")	
CONSTITUTION :—	
(13 and 14 <i>Vict.</i> , chap. 59.) Despatch with Act	37
(Declaration and Remonstrance.) Report from Select Committee	143
COUNCIL :—	
Divisions in Committee of the whole (3.)	147
Votes and Proceedings (10.)	1
CROWN LANDS (Sec "LAND AND IMMIGRATION.")	
DECLARATION AND REMONSTRANCE (Sec "CONSTITUTION.")	
ELECTORAL DISTRICTS (Sec "POPULATION.")	
FINANCE, 1851-2 :—	
Abstract of Revenues and Appropriation for 1850	76
with Statements therein referred to—No. 1	160
2	113
3	115
4	117
5	119
(Appropriations under Schedules A, B, and C, in 1850.) Statements	65
GENERAL POST OFFICE (Sec "SYDNEY POST OFFICE.")	
GLEBE ISLAND (Sec "PUBLIC ABATTOIRS.")	
HYDE PARK BARRACKS (Sec "IMMIGRATION DEPÔT AT HYDE PARK BARRACKS.")	
IMMIGRATION (Sec "LAND AND IMMIGRATION.")	
IMMIGRATION DEPÔT AT HYDE PARK BARRACKS :—	
(Female Orphans.) Return to Address	137
LAND AND IMMIGRATION :—	
(Expenditure.) Return to Address	133
POPULATION :—	
(Electoral Districts, New South Wales.) Proximate Return	123
(Electoral Districts, Victoria.) Ditto	127
POST OFFICE (Sec "SYDNEY POST OFFICE.")	
PUBLIC ABATTOIRS :—	
(Glebe Island.) Return to Address	141
REMONSTRANCE (Sec "CONSTITUTION.")	
STEAM :—	
(Communication with Europe.) Return to Address	129
SYDNEY POST OFFICE :—	
(Commission of Inquiry.) Return to Address	131

NOTE.—The figure within parenthesis—as "(3)"—denotes the number of separate papers where there are more than one on the same subject.



ARRANGEMENT OF CONTENTS IN ONE VOLUME.

Council :—

Votes and Proceedings 1 to 16.

Despatch :—

New Constitution, (with 13 and 14 Vict., chap. 59, following.)

Financial Papers :—

Statements of Expenditure under Schedules A, B, and C, in 1850.

Abstract of Revenues and of their Appropriation for 1850

with Statement No. 1.

„ 2.

„ 3.

„ 4.

„ 5.

Statistics :—

Population of proposed Electoral Districts of New South Wales.

Population of proposed Electoral Districts of Victoria.

Returns (including Messages) to Addresses :—

Steam Communication.

Sydney Post Office.

Land and Immigration.

Immigration Depôt.

Public Abattoirs.

Report from Select Committee :—

New Constitution.

Decisions in Committee of the whole (3.)

NOTE.—The figure within parenthesis—as “(3)” denotes the number of separate papers where there are more than one on the same subject.

VOTES AND PROCEEDINGS

OF THE

LEGISLATIVE COUNCIL.

FRIDAY, 28 MARCH, 1851.

1. The Council having met pursuant to Proclamation of His Excellency the Governor, bearing date the 31st day of January, 1851,—the Clerk read the said Proclamation by order of the Speaker.

2. New Members sworn :—

(1.) William Montagu Manning, Esquire, having taken the oath, took his seat as a Non-elective Member of the Council, in room of Major-General Edward Buckley Wynyard, C. B., resigned.

(2.) William Westgarth, Esquire, having taken the oath, and handed to the Clerk at the Table the following Declaration of Qualification, took his seat as Member for the Electoral District of Melbourne, in room of the Right Honorable Earl Grey.

" I, William Westgarth, do declare and testify, That I am duly seised at Law
 " or in Equity, of an estate in freehold, for my own use and benefit, in lands or
 " tenements, in the Colony of New South Wales, of the yearly value of one hundred
 " pounds sterling money, above all charges and incumbrances affecting the same,
 " situate near Melbourne, upon the Merri Merri Creek, namely, my private residence,
 " known as Maryfield, containing forty-six acres of land ; and that I have not collu-
 " sively or colourably obtained a title to, or become possessed of the said lands and
 " tenements, or any part thereof, for the purpose of qualifying or enabling me to be
 " returned a Member of the Legislative Council of the Colony of New South Wales."

W. WESTGARTH.

Sydney, 28th March, 1851.

3. Governor's Speech :—His Excellency the Governor having been announced by the Sergeant at Arms, and conducted to his seat by the Speaker, read the following Speech :—

MR. SPEAKER, AND GENTLEMEN OF THE LEGISLATIVE COUNCIL :—

The object for which I have called you together is the consideration and enactment of the measures necessary for giving effect to the provisions of the Imperial Act 13 and 14 Victoria, chapter 59, for the better Government of the Australian Colonies, in the division of the Colony into electoral districts on the separation of Port Phillip from the Middle District, and of Port Phillip on its erection after such separation into the Colony of Victoria.

2. A copy of this Act, and also of a Despatch from the Right Honorable the Secretary of State for the Colonies explanatory of the views of Her Majesty's Government in recommending to Parliament the enactment of its several provisions, will be immediately laid before you.

3. It will also be my duty to transmit to you without delay the necessary Bills for carrying out the objects in question. It has been my anxious desire in the preparation of these measures to place upon a satisfactory and impartial basis the representation of the several interests of which the Colonial community is constituted, and to arrange the Electoral Divisions of the two Colonies in the best manner possible in the present scattered state of the population, especially in the pastoral Districts of the interior.

4. I have availed myself of the presence of His Honor the Superintendent of Port Phillip to obtain from him such suggestions as his long experience in the management of the District has enabled him to offer for the proper division of the new Colony of Victoria, over which, as a reward for his long career of usefulness, Her Majesty has been pleased to signify Her intention of appointing him the first Lieutenant Governor.

5. It only remains for me to recommend these measures to your immediate and attentive consideration.

CH^s. A. FITZ ROY.

*Legislative Council Chamber,
 Sydney, 28th March, 1851.*

His Excellency the Governor having been conducted to the door by the Speaker, the Council adjourned at half-past Twelve o'clock, until Three o'clock.

4. Governor's Speech :—The Council having resumed, the Speaker read the copy of the Speech of His Excellency the Governor on opening the Session.
5. New South Wales Electoral Bill :—The following Message from His Excellency the Governor received and read :—

Message

CH^s. A. FITZ ROY,
Governor.

Message No. 1.

In accordance with the provisions of the Act of the Imperial Parliament 5th and 6th Victoria, cap. 76, the Governor transmits to the Legislative Council the Draft of a Bill "To provide for the division of the Colony of New South Wales, after the separation of the District of Port Phillip therefrom, into Electoral Districts, and for the Election of Members to serve in the Legislative Council."

Government House,

Sydney, 28th March, 1851.

Ordered to be printed, together with the accompanying Bill, and taken into consideration on Friday next.

6. New Constitution:—The Colonial Secretary, by command of His Excellency the Governor, laid upon the Table a Despatch from the Right Honorable Earl Grey, dated 30th August, 1850, in reference to the New Constitution, together with a copy of the said Constitution, (13 and 14 Victoria, chap. 59.)
Ordered to be printed.

7. Address in reply to Governor's Speech:—Mr. Ebden moved, That a Select Committee be appointed to prepare an Address in reply to the Speech of His Excellency the Governor on opening the Session, and that such Committee consist, with the Mover, of the following Members, viz:—The Colonial Secretary, Mr. Wentworth, Mr. Westgarth, and Mr. Nichols.

Question put and passed.

Mr. Ebden having brought up the Address in reply to the Speech of His Excellency the Governor on opening the Session, as prepared by the Committee, the same was read, as follows:—

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

"MAY IT PLEASE YOUR EXCELLENCY:—

"We, Her Majesty's most dutiful and loyal subjects, the Members of the
"Legislative Council of New South Wales, in Council assembled, desire to express to
"your Excellency our affection and loyalty to the Person and Government of Our
"Most Gracious Sovereign, and to offer our respectful thanks for your Excellency's
"Speech to this Council.

"2. Whilst we abstain from expressing, at present, any opinion upon the
"various provisions of the Act of Parliament referred to in your Excellency's Speech,
"we beg to assure your Excellency that you may rely on our giving our immediate
"and most attentive consideration to that Act, and to those important measures
"which Your Excellency has expressed your intention of laying before us."

"Legislative Council Chamber,

"Sydney, 28th March, 1851."

Mr. Ebden moved, That this Address be adopted by the Council.

Question put and passed.

The Speaker then proceeded to appoint the Colonial Secretary and the Colonial Treasurer a Deputation to wait upon the Governor to ascertain when His Excellency may be pleased to receive the Address, when the Colonial Secretary informed the Council that, in anticipation of the wish of the House, he had already waited upon the Governor and ascertained it to be His Excellency's pleasure to receive the Council's Address in reply to His Speech on opening the Session, at Government House, on Tuesday next, at half-past two o'clock.

Council adjourned at half-past Three o'clock, until Tuesday next, at Two o'clock.

NOTICES OF MOTION AND ORDER OF THE DAY.

TUESDAY, APRIL 1.

MEMO.—The Council meet at Two o'clock, and proceed to Government House, there to present to the Governor their Address in reply to His Excellency's Opening Speech, at half-past Two o'clock.

NOTICES OF MOTION:—

1. THE COLONIAL SECRETARY to move, That Henry Watson Parker, Esquire, be Chairman of Committees during the continuance of the present Session,
2. THE COLONIAL SECRETARY to move, That Tuesday, Wednesday, Thursday, and Friday in each week, be the days on which this Council shall meet for the dispatch of business.
3. THE COLONIAL SECRETARY to move, That the Standing Orders Committee for the present Session consist of the following Members, viz:—The Speaker, The Attorney General, Mr. Parker, Mr. J. Macarthur, Mr. Donaldson, and Mr. Wentworth.
4. THE COLONIAL SECRETARY to move, That the Library Committee for the present Session consist of the following Members, viz:—The Speaker, the Attorney General, Mr. Parker, Mr. J. Macarthur, Mr. Wentworth, and Mr. Donaldson.
5. MR. NICHOLS to move, That an Address be presented to His Excellency the Governor, praying that His Excellency will be pleased to place upon the Supplementary Estimates for the year 1851, a sum not exceeding Two thousand pounds, for the purpose of outfitting an Expedition to proceed in search of Dr. Ludwig Leichhardt, and the exploring party under his command, who left the Settled Districts of New South Wales, in 1848, for the purpose of finding and pursuing an overland route to Western Australia.
6. MR. MARTIN to move for leave to bring in a Bill to regulate Distress for Rent.

FRIDAY, APRIL 4.

ORDER OF THE DAY:—

1. Consideration of Governor's Message No. 1, with New South Wales Electoral Bill.

CHARLES NICHOLSON,
Speaker.

VOTES AND PROCEEDINGS
OF THE
LEGISLATIVE COUNCIL.

TUESDAY, 1 APRIL, 1851.

1. Council met pursuant to adjournment; the Speaker took the Chair.
Address in reply to Governor's Opening Speech:—On motion of the Colonial Secretary, the Council proceeded to Government House, there to present to the Governor their Address in reply to His Excellency's Opening Speech.
The Council having returned, the Speaker reported that the Council had been to Government House, and there presented to the Governor their Address in reply to His Excellency's Speech on opening the Council, and that His Excellency had been pleased to make thereto the following answer:—

MR. SPEAKER, AND GENTLEMEN OF THE LEGISLATIVE COUNCIL:—

I thank you for this Address containing the expression of your loyalty and affection to Our Most Gracious Sovereign, and for the assurance of your attentive consideration of the important measures which I shall have to submit to you during the Session.

CH^s. A. FITZ ROY.

*Government House,
Sydney, 1st April, 1851.*

2. Martin v. Speaker and Sergeant-at-Arms:—The Speaker reported, That in this action a verdict had been returned for the plaintiff, with forty shillings damages—subject to the opinion of the full Court upon a special case; and that the Court, upon argument and consideration, had confirmed that verdict.
3. Victoria Electoral Bill:—The following Message from His Excellency the Governor, received and read:—

CH^s. A. FITZ ROY,
Governor.

Message No. 2.

In accordance with the provisions of the Act of the Imperial Parliament 5 and 6 Vict., cap 76, the Governor transmits to the Legislative Council the Draft of a Bill intituled, "A Bill to provide for the division of the Colony of Victoria into "Electoral Districts, and for the election of Members to serve in the Legislative Council."

*Government House,
Sydney, 1st April, 1851.*

Ordered to be printed, together with the accompanying Bill, and taken into consideration this day week

4. New South Wales Electoral Bill:—
(1.) Mr. Murray presented a Petition from certain inhabitants of Yass, praying that instead of the plan of division proposed by this Bill, the Council will unite the counties of Murray, King, and Georgiana, into an Electoral District for the return of one member to the Legislative Council: and incorporate the towns of Yass, Gunning, and Queanbeyan, into a Borough for the return of another Member to the Legislative Council.
Petition received.
- (2.) Mr. Murray presented a Petition from certain Inhabitants of the District of Queanbeyan, with a similar prayer.
Petition received.
5. Chairman of Committees:—The Colonial Secretary moved, pursuant to notice, That Henry Watson Parker, Esquire, be Chairman of Committees during the continuance of the present Session.
Question put and passed;—
Whereupon Mr. Parker made his acknowledgments to the House.
6. Days for Dispatch of Business:—The Colonial Secretary moved, pursuant to notice, That Tuesday, Wednesday, Thursday, and Friday in each week, be the days on which this Council shall meet for the dispatch of business.
Question put and passed.
7. Standing Orders Committee:—The Colonial Secretary moved, pursuant to notice, That the Standing Orders Committee for the present Session consist of the following Members, viz.:—The Speaker, The Attorney General, Mr. Parker, Mr. J. Macarthur, Mr. Donaldson, and "Mr. Wentworth."

Mr.

Mr. Martin moved, as an amendment, That after the name of "Mr. Wentworth," there be added the names of "Mr. Nichols;" and "Mr. Murray."

Question,—That the names proposed to be added after the name of "Mr. Wentworth," be so added,—put and passed.

Original Question, as so amended, put and passed.

8. Library Committee:—The Colonial Secretary moved, pursuant to amended notice, That the Library Committee for the present Session consist of the following Members, viz. :—The Speaker, The Attorney General, Mr. Parker, Mr. J. Macarthur, Mr. Wentworth, Mr. Donaldson, Captain King, Dr. Dickson, and Mr. Nichols.

Question put and passed.

9. Postponement:—Mr. Nichols postponed the Motion standing in his name fifth on the Notice Paper for to-day, until Friday next.

10. Distresses for Rent:—Mr. Martin moved, pursuant to notice, For leave to bring in a Bill to regulate Distresses for Rent.

The Solicitor General moved the Previous Question.

Debate ensued.

Previous Question put—" Shall this Question be now put? "

Council divided.

Ayes, 7.

Mr. Cooper,
Mr. Wentworth,
Mr. Fitzgerald,
Mr. Berry,
Mr. Donaldson,
Mr. Dangar,
Mr. Martin, (Teller.)

Noes, 16.

Captain King,
The Attorney General,
The Solicitor General,
Mr. Parker,
The Auditor General,
Mr. Allen,
The Colonial Treasurer,
The Collector of Customs,
Mr. Nichols,
Mr. Lamb,
Dr. Dickson,
Mr. Westgarth,
Major Mercer,
Mr. Moor,
The Colonial Secretary,
Mr. Murray, (Teller.)

Council adjourned at Four o'clock, until Friday next at Three o'clock.

NOTICES OF MOTION AND ORDERS OF THE DAY.

FRIDAY, APRIL 4.

NOTICES OF MOTION :—

1. MR. DONALDSON to move, 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, shewing :—
- (1.) The amount paid into the Treasury of the Commissariat Department out of the Colonial Treasury, on account of the Land Fund, for two years, from 5th April, 1849, to 5th April, 1851.
 - (2.) The amount which was at the disposal of the Land and Emigration Commissioners in London on the 1st October, 1850.
 - (3.) The amount of debt upon the Land Fund on this day, bearing interest in the way of interest on Debentures issued by the Colonial Government.
 - (4.) The number of Immigrants who have arrived in the Colony, from 5th April, 1849, to 5th April, 1851, that is in the time during which monthly or other payments have been made on this account to the Commissariat Department, on account of the Treasury.
 - (5.) A Return shewing in one sum the amount, paid into the Treasury of the Commissariat from the period at which Immigration was resumed in 1848, until the 5th April, 1851.
 - (6.) A Return shewing in one sum the number of Bounty Immigrants, male and female, who have landed in the Colony during the same period.
- And that His Excellency will be pleased to cause these Returns to be furnished as early as possible.

2. MR. NICHOLS to move, That an Address be presented to His Excellency the Governor, praying that His Excellency will be pleased to place upon the Supplementary Estimates for the year 1851, a sum not exceeding Two thousand pounds, for the purpose of outfitting an Expedition to proceed in search of Dr. Ludwig Leichhardt, and the exploring party under his command, who left the Settled Districts of New South Wales, in 1848, for the purpose of finding and pursuing an overland route to Western Australia.

ORDER OF THE DAY :—

1. Consideration of Governor's Message No. 1, with New South Wales Electoral Bill.

TUESDAY, APRIL 8.

ORDER OF THE DAY :—

1. Consideration of Governor's Message No. 2, with Victoria Electoral Bill.

CHARLES NICHOLSON,
Speaker.

VOTES AND PROCEEDINGS
OF THE
LEGISLATIVE COUNCIL.

FRIDAY, 4 APRIL, 1851.

1. Council met pursuant to adjournment; the Speaker took the Chair.
New South Wales Electoral Bill:—Mr. James Macarthur presented a Petition from certain Freeholders, Leaseholders, and Householdors of the County of Camden, resident in the Police District of Campbell Town, Camden, Narellan, and Picton, praying that the County of Camden may be allowed to return two Members to the Legislative Council, without trenching on the just claims of other Districts.
Petition received.
2. Road from Paterson to Gresford:—Mr. Donaldson presented a Petition from certain Inhabitants of Paterson, in the County of Durham, praying that a line of road may be marked out from the Scots' Kirk to near the old crossing place of the Creek, and thence to Keppie's Inn.
Petition received.
3. Land and Immigration:—Mr. Donaldson moved, pursuant to *amended* notice, 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:—
 - (1.) An Account shewing the several sums remitted to the Land and Emigration Commissioners for the general Emigration conducted under their direction, since its resumption in 1848 up to the latest date, stating the amount in each year.
 - (2.) An Account of the sums remitted to the Commissioners for the Emigration of persons to be nominated by the Depositors under the Land and Immigration Deposit Regulations.
 - (3.) A Statement of the Land and Immigration Debentures now outstanding, distinguishing those secured on the Territorial Revenue of the Sydney and Port Phillip Districts respectively, and shewing the rate and amount of Interest payable thereon, and the several rates at which they were purchased.
 - (4.) A Statement of the estimated Expenditure of the Land and Emigration Commissioners on account of Emigration to this Colony, from its resumption in 1848 to the latest date.
 - (5.) A Statement shewing the number of Emigrant Ships, and the number of Emigrants, who have arrived in the Colony since the resumption of Immigration in 1848.
 - (6.) An approximate estimate of the amount at the disposal of the Land and Emigration Commissioners at the latest date—say 1st October last.Question put and passed; Address to be presented by the Speaker, the Colonial Secretary, and the Attorney General.
4. Dr. Leichhardt's Expedition:—Mr. Nichols moved, pursuant to notice, That an Address be presented to His Excellency the Governor, praying that His Excellency will be pleased to *place upon the Supplementary Estimates for the year 1851*, a sum not exceeding Two thousand pounds, for the purpose of out-fitting an Expedition to proceed in search of Dr. Ludwig Leichhardt, and the exploring party under his command, who left the Settled Districts of New South Wales, in 1848, for the purpose of finding and pursuing an overland route to Western Australia.
Debate ensued.
5. Victoria Public Officers' Jurisdiction Bill:—The following Message from His Excellency the Governor received and read:—

CH^s. A. FITZ ROY,
Governor.

Message No. 3.

In accordance with the provisions of the Act of the Imperial Parliament 5 and 6 Vict. Cap 76, the Governor transmits to the Legislative Council the Draft of a Bill intituled "*A Bill to preserve the jurisdiction and authority of Public Officers and Magistrates within the Colony of Victoria, until new Commissions shall have issued.*"

*Government House,
Sydney, 4th April, 1851.*

Ordered to be printed, together with the accompanying Bill, and taken into consideration on Tuesday next.

6. Dr. Leichhardt's Expedition :—The Debate of Mr. Nichols's motion, " That an Address " be presented to His Excellency the Governor, praying that His Excellency will be " pleased to place upon the Supplementary Estimates for the year 1851, a sum not " exceeding two thousand pounds, for the purpose of outfitting an Expedition to " proceed in search of Dr. Ludwig Leichhardt, and the exploring party under his " command, who left the Settled Districts of New South Wales in 1848, for the " purpose of finding and pursuing an overland route to Western Australia,"—interrupted by the above Message,—resumed—
Mr. Martin moved, as an amendment, That the words "*place upon the Supplementary " Estimates for the year 1851,*" be omitted, with a view to the insertion in their place of the words " expend out of the Territorial Revenue."
Debate continued.
Proposed amendment by leave withdrawn.
Original Question put and passed; Address to be presented by the Speaker.
7. New South Wales Electoral Bill :—The Governor's Message No. 1, received with this Bill on the 28th ultimo, having been read on motion of the Colonial Secretary,—The Colonial Secretary moved, That the Bill accompanying His Excellency's Message be now read a first time.
Question put and passed; and Bill, intituled, "*A Bill to provide for the division " of the Colony of New South Wales, after the separation of the District of Port " Phillip therefrom, into Electoral Districts, and for the Election of Members to serve " in the Legislative Council,*"—read a first time.
The Colonial Secretary then moved, That the Bill be read a second time this day week.
Debate ensued.
Question put and passed.
Council adjourned at half-past Five o'clock, until Tuesday next at Three o'clock.

NOTICES OF MOTION AND ORDERS OF THE DAY.

TUESDAY, APRIL 8.

NOTICE OF MOTION :—

1. Mr. WENTWORTH to move for the appointment of a Select Committee to prepare a remonstrance against the Act of Parliament 13 & 14 Victoria, c. 59; the Committee to consist of the following Members :—Mr. Dangar, Mr. Donaldson, Mr. Ebden, Mr. Fitzgerald, Mr. James Macarthur, Mr. Martin, Major Mercer, Mr. Moor, and Mr. Murray.

ORDERS OF THE DAY :—

1. Consideration of Governor's Message No. 2, with Victoria Electoral Bill.
2. Consideration of Governor's Message No. 3, with Victoria Public Officers' Jurisdiction Bill.

FRIDAY, APRIL 11.

ORDER OF THE DAY :—

1. New South Wales Electoral Bill; second reading.

CHARLES NICHOLSON,
Speaker.

VOTES AND PROCEEDINGS
OF THE
LEGISLATIVE COUNCIL.

TUESDAY, 8 APRIL, 1851.

1. Council met pursuant to adjournment; the Speaker took the Chair.
New Constitution:—Mr. Wentworth moved, pursuant to amended notice, That a Select Committee be appointed to prepare a remonstrance against the Act of Parliament 13 & 14 Victoria, c. 59; the Committee to consist of the following Members:—Mr. Dangar, Mr. Donaldson, Mr. Cooper, Mr. Fitzgerald, Mr. James Macarthur, Mr. Martin, Major Mercer, Mr. Moor, and Mr. Murray.
Debate ensued.
The Colonial Secretary required that the Committee be appointed by Ballot.
Question,—That a Select Committee be appointed to prepare a remonstrance against the Act of Parliament 13 & 14 Victoria, c. 59—put and passed:—
Whereupon the Council proceeded to the Ballot, and the following Members were declared to have the greatest number of votes, and to be, with the Mover, the Committee duly appointed, viz.:—Mr. Moor, Mr. Donaldson, Mr. James Macarthur, Major Mercer, Mr. Fitzgerald, Mr. Murray, Mr. Cooper, Mr. Dangar, and Mr. Martin.
2. Victoria Electoral Bill:—The Governor's Message No. 2, received with this Bill on the 1st instant, having been read, on motion of the Colonial Secretary, Bill, intituled, "*A Bill to provide for the division of the Colony of Victoria into Electoral Districts, and for the Election of Members to serve in the Legislative Council,*"—read a first time; to be read a second time on Friday next.
3. Victoria Public Officers' Jurisdiction Bill:—The Governor's Message No. 3, received with this Bill on the 4th instant, having been read, on motion of the Colonial Secretary, Bill, intituled, "*A Bill to preserve the jurisdiction and authority of Public Officers and Magistrates within the Colony of Victoria, until New Commissions shall have issued,*"—read a first time; to be read a second time on Friday next.
Council adjourned at half-past Six o'clock, until Friday next at Three o'clock.

NOTICES OF MOTION AND ORDERS OF THE DAY.

FRIDAY, APRIL 11.

NOTICES OF MOTION:—

1. MR. WENTWORTH to move for leave to bring in a Bill to enable the Council of the City of Sydney to assess, collect, and levy certain City and Lighting Rates for the year 1851.
2. MR. NICHOLS to move, 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:—
 - (1.) A Return of the expenses incurred at the Immigration Depôt at Hyde Park Barracks, since its formation, distinguishing the amount paid for the maintenance, clothing, &c., of the Immigrants.
 - (2.) The amounts paid to the various Clerks, Matrons, Superintendents, Messengers, and other Servants, since the establishment was formed.
 - (3.) The amounts (if any) paid to the Members of the Immigration Board.
 - (4.) The amount of legal expenses paid by the Board, or at its recommendation, or the recommendation of the Immigration Agent, and the authority by which such payments were made.
 - (5.) The number of Immigrants who have been provided for in the Barracks during the year 1850.
 - (6.) The number of punishments inflicted on the Immigrants, by solitary confinement or otherwise, within the building, and by whose authority the same were inflicted.

ORDERS OF THE DAY:—

1. New South Wales Electoral Bill; second reading.
2. Victoria Electoral Bill; second reading.
3. Victoria Public Officers' Jurisdiction Bill; second reading.

CHARLES NICHOLSON,
Speaker.

VOTES AND PROCEEDINGS
OF THE
LEGISLATIVE COUNCIL.

FRIDAY, 11 APRIL, 1851.

1. Council met pursuant to adjournment; the Speaker took the Chair.
New Member Sworn :—Richard Jones, Esquire, having taken the Oath, and handed to the Clerk at the Table the following Declaration of Qualification, took his Seat as Member for the Electoral District of Gloucester, Macquarie, and Stanley, in room of Colonel Kenneth Snodgrass, resigned :—
“ I, Richard Jones, do declare and testify, That I am duly seised at Law or
“ in Equity of an estate in freehold, for my own use and benefit, in lands or tenements, in the Colony of New South Wales, of the yearly value of one hundred
“ pounds sterling money, above all charges and incumbrances affecting the same,
“ situate near the Town of Brisbane, County of Stanley, viz. : my private residence,
“ called *New Farm*, containing ninety-three acres of cleared land, well adapted for the
“ growth of sugar cane, cotton, or other tropical produce; And that I have not
“ collusively or colourably obtained a title to, or become possessed of the said lands
“ and tenements, or any part thereof, for the purpose of qualifying or enabling me to
“ be returned a Member of the Legislative Council of the Colony of New South Wales.”
RICHARD JONES.
Sydney, 11th April, 1851.
2. Victoria Electoral Bill :—Mr. Westgarth presented a Petition from certain Electors, Householders, and others, Inhabitants of the City of Melbourne, in the District of Port Phillip, praying that in any Bill for regulating the Poll at the first Election of Members to serve in the Legislative Council of Victoria which may pass, provision may be made for taking the votes of the Electors by a close Ballot.
Petition received.
3. Postponement :—Mr. Wentworth postponed the motion standing in his name first on the Notice Paper for to-day, until Tuesday next.
4. Immigration Depôt at Hyde Park Barracks :—Mr. Nichols moved, pursuant to notice, 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 :—
 - (1.) A Return of the expenses incurred at the Immigration Depôt at Hyde Park Barracks, since its formation, distinguishing the amount paid for the maintenance, clothing, &c., of the Immigrants.
 - (2.) The amounts paid to the various Clerks, Matrons, Superintendents, Messengers, and other Servants, since the establishment was formed.
 - (3.) The amounts (if any) paid to the Members of the Immigration Board.
 - (4.) The amount of legal expenses paid by the Board, or at its recommendation, or the recommendation of the Immigration Agent, and the authority by which such payments were made.
 - (5.) The number of Immigrants who have been provided for in the Barracks during the year 1850.
 - (6.) The number of punishments inflicted on the Immigrants, by solitary confinement or otherwise, within the building, and by whose authority the same were inflicted.Question put and passed; Address to be presented by the Speaker.
5. New South Wales Electoral Bill :—The Colonial Secretary moved, That this Bill be now read a second time.
Debate ensued.
Mr. Murray moved, That the Debate be adjourned until Tuesday next.
Question—on the motion for adjournment of the Debate—put and passed.
6. Postponements :—On motion of the Colonial Secretary the following Orders of the Day postponed until Tuesday next :—
 - (1.) Victoria Electoral Bill; second reading.
 - (2.) Victoria Public Officers' Jurisdiction Bill; second reading.Council adjourned at Eight o'clock, until Tuesday next at Three o'clock.

NOTICES OF MOTION AND ORDERS OF THE DAY.

TUESDAY, APRIL 15.

NOTICES OF MOTION :—

1. MR. WESTGARTH to move, That the Petition from the Port Phillip Colonists for conducting elections in that Territory by Ballot, be printed.
2. MR. WESTGARTH to move, 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, all evidence, correspondence, and other documents, explanatory of the principles acted upon in determining the boundary, as at present fixed, between the Sydney and Port Phillip Districts, now to be constituted the Colonies of New South Wales and Victoria, respectively.
3. MR. WENTWORTH to move for leave to bring in a Bill to enable the Council of the City of Sydney to assess, collect, and levy certain City and Lighting Rates for the year 1851.
4. MR. MARTIN to move for leave to bring in a Bill to amend the laws for the Slaughtering of Cattle.

ORDERS OF THE DAY :—

1. Resumption of the adjourned Debate on the Colonial Secretary's motion, That the New South Wales Electoral Bill be now read a second time.
2. Victoria Electoral Bill; second reading.
3. Victoria Public Officers' Jurisdiction Bill; second reading.

CHARLES NICHOLSON,
Speaker.

VOTES AND PROCEEDINGS OF THE LEGISLATIVE COUNCIL.

TUESDAY, 15 APRIL, 1851.

1. Council met pursuant to adjournment; the Speaker took the Chair.
Victoria Electoral Bill :—Mr. Westgarth presented a Petition from certain Electors, Householders, and other Inhabitants of Bulla Bulla and vicinity, in the District of Port Phillip, in favor of Vote by Ballot.
Petition received.
2. Victoria Electoral Bill :—Mr. Westgarth moved, pursuant to notice, That the Petition from the Port Phillip Colonists for conducting elections in that Territory by Ballot, be printed.
Debate ensued.
Question put and negatived.
3. Boundary line between New South Wales and Victoria :—Mr. Westgarth moved, pursuant to notice, 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, all evidence, correspondence, and other documents, explanatory of the principles acted upon in determining the boundary, as at present fixed, between the Sydney and Port Phillip Districts, now to be constituted the Colonies of New South Wales and Victoria, respectively.
Debate ensued.
Question put.
Council divided.

Ayes, 14.

The Colonial Secretary,
The Attorney General,
Mr. Ebdon,
Mr. Bowman,
Mr. Westgarth,
Mr. Moor,
Mr. Nichols,
Mr. Macintyre,
Mr. Jones,
Dr. Dickson,
Dr. Lang,
Mr. Allen,
Major Mercer,
Mr. Cooper, (Teller.)

Noes, 18.

The Colonial Treasurer,
Mr. William Macarthur,
Mr. James Macarthur,
Mr. Wentworth,
Mr. Murray,
Mr. Fitzgerald,
Mr. Berry,
Mr. Dangar,
Mr. Donaldson,
Captain King,
The Collector of Customs,
Mr. Icely,
The Auditor General,
Mr. Byrnes,
Mr. Lamb,
Mr. Oakes,
Mr. Parker,
Mr. Martin, (Teller.)

4. Population of proposed Electoral Districts of New South Wales :—The Colonial Secretary laid upon the Table a proximate Return of the Population, Houses, Land under culture, and Stock within the proposed Electoral Districts of New South Wales.
Ordered to be printed.
5. City Rates Bill :—Mr. Wentworth moved, pursuant to notice, for leave to bring in a Bill to enable the Council of the City of Sydney to assess, collect, and levy certain City and Lighting Rates for the year 1851.
Debate ensued.
Question put and passed; *Ordered*, That the Mover and Seconder prepare and bring in the Bill.
6. Cattle Slaughtering Bill :—Mr. Martin moved, pursuant to notice, for leave to bring in a Bill to amend the Laws for the Slaughtering of Cattle.
Question put and passed; *Ordered*, That the Mover and Seconder prepare and bring in the Bill.
7. City Rates' Bill :—Mr. Wentworth having presented this Bill, Bill, intituled, "*A Bill to enable the Council of the City of Sydney to assess, collect, and levy certain City and Lighting Rates, for the year 1851,*" read a first time; ordered to be printed, and read a second time this day week.
8. Cattle Slaughtering Bill :—Mr. Martin having presented this Bill, Bill, intituled, "*A Bill to amend the Laws for the Slaughtering of Cattle,*" read a first time; ordered to be printed, and read a second time on Thursday next.

- 9. Publicans :—Mr. Moor presented a Petition from certain Licensed Victuallers of the City of Melbourne, praying that a certain Bill they (erroneously) suppose to be under consideration of the House for the amendment of the Laws affecting Licensed Victuallers, may be passed into law.
Mr. Moor moved, That the Petition be received.
Debate ensued.
Question put and passed.
- 10. New South Wales Electoral Bill :—The adjourned Debate on the Colonial Secretary's motion, That this Bill be now read a second time—resumed.—
The Attorney General moved, That the Debate be adjourned until to-morrow.
Question—on the motion for the adjournment of the Debate—put and passed.
- 11. Postponements :—On motion of the Colonial Secretary the following Orders of the Day postponed until to-morrow :—
(1.) Victoria Electoral Bill ; second reading.
(2.) Victoria Public Officers' Jurisdiction Bill ; second reading.
Council adjourned at half-past Eight o'clock, until to-morrow at Three o'clock.

NOTICES OF MOTION AND ORDERS OF THE DAY.

WEDNESDAY, APRIL 16.

NOTICES OF MOTION :—

- 1. Mr. DONALDSON to move, 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, the Report of the Commission appointed by the Executive Government to inquire into the state of the department of the General Post Office.
- 2. Mr. NICHOLS to move, 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 number of convictions under the Act of Council, passed in the thirteenth year of Her Majesty's reign, No. 46, for the more effectual prevention of vagrancy, and for the punishment of idle and disorderly persons, &c. &c. And that the Return should distinguish the offences of which the parties were convicted, and the different punishments inflicted upon them.
- 3. Mr. WESTWARTH to move, That the Petition from Electors and others in Bulla Bulla and vicinity, District of Port Phillip, in favor of Election by Ballot, be printed.

ORDERS OF THE DAY :—

- 1. Resumption of the adjourned Debate on the Colonial Secretary's motion, That the New South Wales Electoral Bill be now read a second time.
- 2. Victoria Electoral Bill ; second reading.
- 3. Victoria Public Officers' Jurisdiction Bill ; second reading.

THURSDAY, APRIL 17.

NOTICE OF MOTION :—

- 1. Mr. MURRAY to move, That this Council, on assembling after the Easter Holidays, shall sit from day to day until the business of the Session is disposed of.

ORDER OF THE DAY :—

- 1. Cattle Slaughtering Bill ; second reading.

TUESDAY, APRIL 22.

NOTICE OF MOTION :—

- 1. Mr. DONALDSON to move :—
That whereas a sum of £6,000 a year, out of the Colonial Revenue, has been held at the disposal of the Home Government for the last five years, for the purpose of establishing Steam Communication with the Mother Country.
And whereas the respectful remonstrances made by this House to the Home Government on this subject, from year to year, since the year 1848, have hitherto been entirely without avail—this House Resolves :—
(1.) That in their opinion the establishment of Steam Communication has never been rendered probable, within a reasonable time, by any steps which the Home Government have taken, and that the difficulty now publicly stated by the Secretary of State to have been interposed on the part of the East India Company, ought not to have constituted a reason for the delay which has taken place.
(2.) And further, That it is the opinion of this House that the course pursued by the Home Government has been a source of grievous disappointment to all classes of Her Majesty's subjects in this Colony, and has retarded very materially the social, political, and commercial advancement of the whole of the Australasian Dependencies.

ORDER OF THE DAY :—

- 1. City Rates Bill ; second reading.

CHARLES NICHOLSON,
Speaker.

VOTES AND PROCEEDINGS
OF THE
LEGISLATIVE COUNCIL.

WEDNESDAY, 16 APRIL, 1851.

1. Council met pursuant to adjournment; the Speaker took the Chair.
Sydney Post Office:—Mr. Donaldson moved, pursuant to notice, 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, the Report of the Commission appointed by the Executive Government to inquire into the state of the department of the General Post Office.
Debate ensued.
Question put.
Council divided.

Ayes, 13.

Mr. Murray,
Mr. Nichols,
Mr. Fitzgerald,
Mr. Dangar,
Mr. Bowman,
Mr. Donaldson,
Mr. Wentworth,
Mr. Oakes,
Dr. Lang,
Mr. Jones,
Mr. Byrnes,
Mr. Lamb,
Mr. Westgarth, (Teller.)

Noes, 12.

The Colonial Secretary,
Mr. William Macarthur,
The Auditor General,
Mr. Berry,
The Collector of Customs,
Mr. James Macarthur,
Mr. Macintyre,
Mr. Parker,
The Attorney General,
The Solicitor General,
Mr. Allen,
The Colonial Treasurer, (Teller.)

Address to be presented by the Speaker.

2. Convictions under the Vagrant Act:—Mr. Nichols moved, pursuant to notice, 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 number of convictions under the Act of Council, passed in the thirteenth year of Her Majesty's reign, No. 46, for the more effectual prevention of vagrancy, and for the punishment of idle and disorderly persons, &c. &c. And that the Return should distinguish the offences of which the parties were convicted, and the different punishments inflicted upon them.
Question put and passed: Address to be presented by the Speaker.
3. Motion withdrawn:—Mr. Westgarth withdrew the motion standing in his name third on the Notice Paper for to-day.
4. New South Wales Electoral Bill:—The adjourned Debate on the Colonial Secretary's motion, That this Bill be now read a second time—resumed.—
Question—That this Bill be now read a second time—put and passed.
Bill read a second time; to be considered in Committee to-morrow.
5. Victoria Electoral Bill:—The Colonial Secretary moved, That this Bill be now read a second time.
Debate ensued.
Question put and passed.
Bill read a second time; to be considered in Committee on Tuesday next.
6. Victoria Public Officers' Jurisdiction Bill:—The Colonial Secretary moved, That this Bill be now read a second time.
Question put and passed.
Bill read a second time; to be considered in Committee on Tuesday next.
Council adjourned at Eight o'clock, until to-morrow at Three o'clock.

NOTICES OF MOTION AND ORDERS OF THE DAY.

THURSDAY, APRIL 17.

NOTICES OF MOTION :—

1. MR. MURRAY to move, That this Council, on assembling after the Easter Holidays, shall sit from day to day until the business of the Session is disposed of.
2. MR. NICHOLS to move, 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, an Account of the several sums of Money awarded to the proprietors of the land situate at Glebe Island, as compensation consequent on the resumption thereof by Her Majesty's Government for the purpose of erecting Public Abattoirs thereon.

ORDERS OF THE DAY :—

1. Cattle Slaughtering Bill ; second reading.
2. New South Wales Electoral Bill ; to be considered in Committee.

TUESDAY, APRIL 22.

NOTICE OF MOTION :—

- 1. MR. DONALDSON to move :—
That whereas a sum of £6,000 a year, out of the Colonial Revenue, has been held at the disposal of the Home Government for the last five years, for the purpose of establishing Steam Communication with the Mother Country.
And whereas the respectful remonstrances made by this House to the Home Government on this subject, from year to year, since the year 1848, have hitherto been entirely without avail—this House Resolves :—
(1.) That in their opinion the establishment of Steam Communication has never been rendered probable, within a reasonable time, by any steps which the Home Government have taken, and that the difficulty now publicly stated by the Secretary of State to have been interposed on the part of the East India Company, ought not to have constituted a reason for the delay which has taken place.
(2.) And further, That it is the opinion of this House that the course pursued by the Home Government has been a source of grievous disappointment to all classes of Her Majesty's subjects in this Colony, and has retarded very materially the social, political, and commercial advancement of the whole of the Australasian Dependencies.

ORDERS OF THE DAY :—

1. City Rates Bill ; second reading.
2. Victoria Electoral Bill ; to be considered in Committee.
3. Victoria Public Officers' Jurisdiction Bill ; to be considered in Committee.

CHARLES NICHOLSON,
Speaker.

VOTES AND PROCEEDINGS
OF THE
LEGISLATIVE COUNCIL.

THURSDAY, 17 APRIL, 1851.

1. Council met pursuant to adjournment; the Speaker took the Chair.
Cattle Slaughtering Bill:—Mr. Nichols presented a Petition from certain Owners of Licensed Slaughter Houses, praying certain modifications in this Bill.
Petition received.
2. Days for Dispatch of Business:—Mr. Murray moved, pursuant to notice, That this Council, on assembling after the Easter Holidays, shall sit from day to day until the business of the Session is disposed of.
Debate ensued.
Question put.
Council divided.

Ayes, 7.

- Mr. Jones,
- Mr. Lamb,
- Mr. Bowinan,
- Mr. Ebdon,
- Mr. Moor,
- Mr. Oakes,
- Mr. Murray, (Teller.)

Noes, 20.

- The Colonial Secretary,
- Mr. William Macarthur,
- Major Mercer,
- Mr. Wentworth,
- Mr. Cooper,
- Mr. Westgarth,
- Mr. Fitzgerald,
- Mr. Nichols,
- Mr. James Macarthur,
- Mr. Byrnes,
- Dr. Dickson,
- Dr. Lang,
- Captain King,
- The Solicitor General,
- Mr. Parker,
- The Auditor General,
- The Attorney General,
- The Colonial Treasurer,
- Mr. Berry,
- Mr. Martin, (Teller.)

3. Postponement:—Mr. Nichols postponed the motion standing in his name second on the Notice Paper for to-day, until Tuesday next.
4. Cattle Slaughtering Bill, having been read a second time, on motion of Mr. Martin, the Speaker left the Chair, and the Council resolved itself into a Committee of the whole for consideration thereof.
The Chairman reported progress, and obtained leave to sit again on Wednesday next.
5. New South Wales Electoral Bill:—On motion of the Colonial Secretary, the Speaker left the Chair, and the Council resolved itself into a Committee of the whole for consideration of this Bill.
The Chairman reported progress, and obtained leave to sit again on Tuesday next.
Council adjourned at half-past Eight o'clock, until Tuesday next at Three o'clock.

NOTICES OF MOTION AND ORDERS OF THE DAY.

TUESDAY, APRIL 22.

NOTICES OF MOTION :—

1. MR. DONALDSON to move :—

That whereas a sum of £6,000 a year, out of the Colonial Revenue, has been held at the disposal of the Home Government for the last five years, for the purpose of establishing Steam Communication with the Mother Country.

And whereas the respectful remonstrances made by this House to the Home Government on this subject, from year to year, since the year 1848, have hitherto been entirely without avail—this House Resolves :—

(1.) That in their opinion the establishment of Steam Communication has never been rendered probable, within a reasonable time, by any steps which the Home Government have taken, and that the difficulty now publicly stated by the Secretary of State to have been interposed on the part of the East India Company, ought not to have constituted a reason for the delay which has taken place.

(2.) And further, That it is the opinion of this House that the course pursued by the Home Government has been a source of grievous disappointment to all classes of Her Majesty's subjects in this Colony, and has retarded very materially the social, political, and commercial advancement of the whole of the Australasian Dependancies.

2. MR. NICHOLS to move, 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, an Account of the several sums of Money awarded to the proprietors of the land situate at Glebe Island, as compensation consequent on the resumption thereof by Her Majesty's Government for the purpose of erecting Public Abattoirs thereon.

ORDERS OF THE DAY :—

1. City Rates Bill ; second reading.
2. Victoria Electoral Bill ; to be considered in Committee.
3. Victoria Public Officers' Jurisdiction Bill ; to be considered in Committee.
4. New South Wales Electoral Bill ; to be further considered in Committee.

WEDNESDAY, APRIL 23.

ORDER OF THE DAY :—

1. Cattle Slaughtering Bill ; to be further considered in Committee.

CHARLES NICHOLSON,
Speaker.

VOTES AND PROCEEDINGS
OF THE
LEGISLATIVE COUNCIL.

TUESDAY, 22 APRIL, 1851.

1. Council met pursuant to adjournment; the Speaker took the Chair.
Distresses for Rent:—Mr. Martin presented a Petition from certain Landlords of the Colony generally, praying immediate relief in the matter of the existing Landlord and Tenant Laws.
Petition received.
2. Light House,—Cape Morton :—Mr Jones presented a Petition from certain Inhabitants of Brisbane and others interested in the trade of Moreton Bay, praying the erection of a Light House on Cape Morton.
Petition received.
3. Cattle Slaughtering Bill :—Mr. Nichols presented a Petition from certain owners of Licensed Slaughter Houses, praying certain modifications in this Bill.
Petition received.
4. Cornelius Delohery :—Mr. Nichols presented a Petition from Cornelius Delohery, late Chief Clerk in the Department of the Sydney Police, praying inquiry into the causes which led to his dismissal from office.
Petition received.
5. Road from Cutter's Inn to Bong Bong :—Mr. Nichols presented a Petition from certain Landowners, Farmers, Graziers, and others, resident in the Town and District of Berrima, praying that this line of road may not be confirmed.
Petition received.
6. Victoria Electoral Bill :—Dr. Dickson presented a Petition from James Cowie, praying certain modifications in this Bill.
Petition received.
7. New South Wales Electoral Bill :—
 - (1.) Mr. James Macarthur presented a Petition from certain Freeholders, Leaseholders, and Householders, of the County of Camden, resident in the Police District of Campbell Town, Camden, Narrellan, and Picton, praying the division of the County of Camden into two Electoral Districts, to be called East Camden and West Camden.
Petition received.
 - (2.) Mr James Macarthur presented a Petition from certain Freeholders, Leaseholders, and Householders of the County of Camden, resident in the Police District and Town of Berrima, with a similar prayer.
Petition received.
8. Steam Communication with Europe:—Mr. Donaldson moved, pursuant to *amended* notice, That whereas a sum of £6,000 a year, out of the Colonial Revenue, has been held at the disposal of the Home Government for the last five years, for the purpose of establishing Steam Communication with the Mother Country :—
And whereas the respectful remonstrances made by this House to the Home Government on this subject, from year to year, since the year 1848, have hitherto been entirely without avail—this House Resolves :—
 - (1.) That in their opinion the establishment of Steam Communication has never been rendered probable, within a reasonable time, by any steps which the Home Government have taken, and that the difficulty now publicly stated by the Secretary of State to have been interposed on the part of the East India Company, ought not to have constituted a reason for the delay which has taken place.
 - (2.) And further, That it is the opinion of this House that the course pursued by the Home Government has been a source of grievous disappointment to all classes of Her Majesty's subjects in this Colony, and has retarded very materially the social, political, and commercial advancement of the whole of the Australasian Dependencies.
 - (3.) That an Address, embodying the foregoing Resolutions, be presented to His Excellency the Governor, accompanied with a request that he will forward the same to Her Most Gracious Majesty the Queen.Debate ensued.
Question put and passed; Address to be presented by the Speaker and the Colonial Secretary.
9. Public Abattoirs :—Mr. Nichols moved, pursuant to notice, 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, an Account of the several sums of Money awarded to the proprietors of the land situate at Glebe Island, as compensation consequent on the resumption thereof by Her Majesty's Government for the purpose of erecting Public Abattoirs thereon.
Question put and passed; Address to be presented by the Speaker.

18.

10. City Rates' Bill, read a second time, on motion of Mr. Wentworth ; to be considered in Committee on Thursday next.
11. Victoria Electoral Bill :—On motion of the Colonial Secretary, the Speaker left the Chair, and the Council resolved itself into a Committee of the whole for consideration of this Bill.
The Chairman reported progress, and obtained leave to sit again to-morrow.
12. Victoria Public Officers' Jurisdiction Bill :—On motion of the Colonial Secretary the Speaker left the Chair, and the Council resolved itself into a Committee of the whole for consideration of this Bill.
The Chairman having reported the Bill without amendment, Bill, as so reported, ordered to be engrossed, and read a third time on Tuesday next.
13. New South Wales Electoral Bill :—On motion of the Colonial Secretary, the Speaker left the Chair, and the Council resolved itself into a Committee of the whole for the further consideration of this Bill.
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.

ORDERS OF THE DAY.

WEDNESDAY, APRIL 23.

ORDERS OF THE DAY :—

1. Cattle Slaughtering Bill ; to be further considered in Committee.
2. Victoria Electoral Bill ; to be further considered in Committee.
3. New South Wales Electoral Bill ; to be further considered in Committee.

THURSDAY, APRIL 24.

ORDER OF THE DAY :—

1. City Rates Bill ; to be considered in Committee.

TUESDAY, APRIL 29.

ORDER OF THE DAY :—

1. Victoria Public Officers' Jurisdiction Bill ; third reading.

CHARLES NICHOLSON,
Speaker.

19.

No. 10.

VOTES AND PROCEEDINGS
OF THE
LEGISLATIVE COUNCIL.

WEDNESDAY, 23 APRIL, 1851.

1. Council met pursuant to adjournment; the Speaker took the Chair.
Cattle Slaughtering Bill :—Mr. Lamb presented a Petition from the Members of the Board of Health,—being a Committee appointed by the Corporation of the City of Sydney,—praying that this Bill, with the proposed additional clauses, may be speedily passed into Law.
Petition received.
2. Postponements :—
 - (1.) On motion of Mr. Nichols, in absence of Mr. Martin, the further consideration in Committee of the Cattle Slaughtering Bill postponed, until to-morrow.
 - (2.) On motion of the Colonial Secretary, the further consideration in Committee of the Victoria Electoral Bill postponed, until to-morrow.
3. New South Wales Electoral Bill :—On motion of the Colonial Secretary, the Speaker left the Chair, and the Council resolved itself into a Committee of the whole for the further consideration of this Bill.
The Chairman reported progress, and obtained leave to sit again to-morrow.
Council adjourned at Nine o'clock, until to-morrow at Three o'clock.

ORDERS OF THE DAY.

THURSDAY, APRIL 24.

ORDERS OF THE DAY :—

1. City Rates Bill; to be considered in Committee.
2. Cattle Slaughtering Bill; to be further considered in Committee.
3. Victoria Electoral Bill; to be further considered in Committee.
4. New South Wales Electoral Bill; to be further considered in Committee.

TUESDAY, APRIL 29.

ORDER OF THE DAY :—

1. Victoria Public Officers' Jurisdiction Bill; third reading.

CHARLES NICHOLSON,
Speaker.

No. 11.

VOTES AND PROCEEDINGS
OF THE
LEGISLATIVE COUNCIL.

THURSDAY, 24 APRIL, 1851.

1. Council met pursuant to adjournment; the Speaker took the Chair.
New South Wales Electoral Bill:—Mr. Dangar presented a Petition from certain house and landholders of the proposed Electoral District of Northumberland and Hunter, residing within the Police District of Macdonald, praying the appointment of Jurd's Public House, at the Village of St. Albans, on the left bank of the Macdonald River, within the County of Northumberland, as the Polling Place for the portion of the said Electoral District in which Petitioners reside.
Petition received.
2. City Rates Bill:—On motion of Mr. Nichols, in absence of Mr. Wentworth, the Speaker left the Chair, and the Council resolved itself into a Committee of the whole for consideration of this Bill.
The Chairman reported progress, and obtained leave to sit again to-morrow.
3. Cattle Slaughtering Bill:—On motion of Mr. Martin, the Speaker left the Chair, and the Council resolved itself into a Committee of the whole for the further consideration of this Bill.
The Chairman reported progress, and obtained leave to sit again this day six months.
4. Postponement:—On motion of the Colonial Secretary, the further consideration in Committee of the Victoria Electoral Bill postponed, until to-morrow.
5. New South Wales Electoral Bill:—On motion of the Colonial Secretary, the Speaker left the Chair, and the Council resolved itself into a Committee of the whole for the further consideration of this Bill.
The Chairman reported progress, and obtained leave to sit again to-morrow.
Council adjourned at half-past Nine o'clock, until to-morrow at Three o'clock.

ORDERS OF THE DAY.

FRIDAY, APRIL 25.

ORDERS OF THE DAY:—

1. City Rates Bill; to be further considered in Committee.
2. Victoria Electoral Bill; to be further considered in Committee.
3. New South Wales Electoral Bill; to be further considered in Committee.

TUESDAY, APRIL 29.

ORDER OF THE DAY:—

1. Victoria Public Officers' Jurisdiction Bill; third reading.

CHARLES NICHOLSON,
Speaker.

VOTES AND PROCEEDINGS
OF THE
LEGISLATIVE COUNCIL.

FRIDAY, 25 APRIL, 1851.

1. Council met pursuant to adjournment; the Speaker took the Chair.
Victoria Electoral Bill :—
(1.) Mr. Westgarth presented a Petition from the Council of the City of Melbourne, praying extended representation may be granted under this Bill to the City of Melbourne.
Petition received.
(2.) Mr. Westgarth presented a Petition from a Committee chosen at a Public Meeting of the Inhabitants of the Town of Warnambool, praying certain alterations in this Bill.
Petition received.
2. Postponement :—On motion of Mr. Wentworth, in absence of Mr. Nichols, the further consideration in Committee of the City Rates Bill postponed, until after the other Orders of the Day shall have been disposed of.
3. Victoria Electoral Bill :—On motion of the Colonial Secretary, the Speaker left the Chair, and the Council resolved itself into a Committee of the whole for the further consideration of this Bill.
4. Victoria Revenue and other Laws continuation Bill :—The following Message from His Excellency the Governor received and read :—
CH^s. A. FITZ ROY, Message No. 4.
Governor.
In accordance with the provisions of the Act of the Imperial Parliament 5 & 6 Victoria cap. 76 the Governor transmits to the Legislative Council the draft of a Bill intituled " *A Bill to provide that the Revenue and other laws and regulations made in and for the Colony of New South Wales shall after the erection of the District of Port Phillip into the separate Colony of Victoria continue in force within the last mentioned Colony until altered by the Legislature thereof.*"
Government House,
Sydney, 25th April, 1851.
Ordered to be printed, together with the accompanying Bill, and taken into consideration on Tuesday next.
5. Victoria Electoral Bill :—On motion of the Colonial Secretary, the Speaker left the Chair, and the Council resolved itself into a Committee of the whole to resume the further consideration of this Bill, interrupted by the above Message.
The Chairman reported progress, and obtained leave to sit again on Tuesday next.
6. New South Wales Electoral Bill :—On motion of the Colonial Secretary, the Speaker left the Chair, and the Council resolved itself into a Committee of the whole for the further consideration of this Bill.
The Chairman having reported the Bill with amendments, the adoption of the Report ordered to stand an Order of the Day for Tuesday next.
7. Postponement :—On motion of Mr. Wentworth, in absence of Mr. Nichols, the further consideration in Committee of the City Rates Bill postponed, until Tuesday next.
Council adjourned at half-past Five o'clock, until Tuesday next at Three o'clock.

ORDERS OF THE DAY.

TUESDAY, APRIL 29.

ORDERS OF THE DAY :—

1. Victoria Public Officers' Jurisdiction Bill; third reading.
2. Consideration of Governor's Message No. 4, with Victoria Revenue and other Laws Continuation Bill.
3. Victoria Electoral Bill; to be further considered in Committee.
4. New South Wales Electoral Bill Reported; adoption of the Report.
5. City Rates Bill; to be further considered in Committee.

CHARLES NICHOLSON,
Speaker.

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VOTES AND PROCEEDINGS
OF THE
LEGISLATIVE COUNCIL.

TUESDAY, 29 APRIL, 1851.

1. Council met pursuant to adjournment; the Speaker took the Chair.

Victoria Electoral Bill:—

(1.) Mr. Moor presented a Petition from certain Electors, Householders, and other Inhabitants of Belfast, in the District of Port Phillip, praying that provision may be made in this Bill for taking the votes of Electors by a close Ballot.

Petition received.

(2.) Dr. Dickson presented a Petition from certain Inhabitants of Geelong and the Municipal District of Grant, in Public Meeting assembled, praying certain modifications in this Bill.

Petition received.

2. New Constitution:—Mr. Wentworth, as Chairman, brought up the Report from the Select Committee appointed on the 8th instant, to prepare a Remonstrance against the Act of Parliament 13 and 14 Victoria, c. 59.

Ordered to be printed.

3. Victoria Public Officers' Jurisdiction Bill:—The Speaker having reported that the Chairman of Committees had certified to the engrossment of this Bill, Bill, on motion of the Colonial Secretary, read a third time, and passed.

The Colonial Secretary then moved, That the following be the title of the Bill, viz:—

“ An Act to preserve the jurisdiction and authority of Public Officers and Magistrates within the Colony of Victoria until new Commissions shall have issued.”

Question put and passed.

4. Messages:—The following Messages from His Excellency the Governor received and read:—

(1.) Sydney Post Office.

CH^s. A. FITZ ROY,

Governor.

Message No. 5.

In reply to the Address of the Legislative Council of the 16th instant requesting the Governor to cause to be laid upon the table of the House, the Report of the Commission appointed by the Executive Government to enquire into the state of the Department of the General Post Office His Excellency has to express his regret that it will not be in his power to comply with this request during the present Session.

His Excellency begs to assure the Legislative Council that it is not from any desire to withhold from them the fullest information respecting the recent Post Office enquiry that he declines to submit at the present moment the Report of the Commission appointed to conduct it; and he will take care that this Report with the voluminous mass of Evidence appended to it, together with the decision at which the Executive Government may arrive after due consideration of the several important recommendations contained in the Report, shall be communicated to the Council at an early period of the next Session.

Government House,

Sydney, 29th April, 1851.

Ordered to be printed.

(2.) Land and Immigration.

CH^s. A. FITZ ROY,

Governor.

Message No. 6.

In compliance with the Address of the Legislative Council dated 4th Instant the Governor transmits to the Council the Returns relating to Immigration which are therein alluded to viz:

1. An Account showing the several sums remitted to the Land & Emigration Commissioners for the general Emigration conducted under their direction since its resumption in 1848 up to the latest date, stating the amount in each Year.

2. An Account of the sums remitted to the Land & Emigration Commissioners for the Emigration of persons to be nominated by the Depositors under the Land & Immigration Deposit Regulations of 22 December 1848.

3. A Statement of the Land and Immigration Debentures now outstanding, distinguishing those secured on the Territorial Revenue of the Sydney and Port Phillip Districts respectively, and shewing the several rates at which they were purchased.

4. A Statement of the estimated expenditure of the Colonial Land and Emigration Commissioners on account of Emigration to New South Wales, from its resumption in 1848 to the latest date, and of the estimated amount at the disposal of the Commissioners on the 1st October 1850.

5. A Return showing the number of Ships chartered by the Colonial Land and Emigration Commissioners for the conveyance of Emigrants which arrived in Sydney and Port Phillip during the period from 1st January 1848 to 3rd April 1851, and the number of Emigrants who arrived in them.

Government House,
Sydney, 29th April, 1851.

Ordered to be printed, together with the accompanying Documents.

(3.) Steam Communication with Europe :—

CH^s. A. FITZ ROY,
Governor.

Message No. 7.

In reply to the Address of the Legislative Council dated 22nd Instant, on the subject of the delay which has occurred in the establishment of Steam communication with England, the Governor begs to inform the Council that the Resolutions, which are therein embodied, shall be duly forwarded to Her Majesty's Secretary of State for the Colonies.

Government House,
Sydney, 29th April, 1851.

Ordered to be printed.

5. Victoria Revenue and other Laws continuation Bill :—The Governor's Message No. 4, received with this Bill on the 25th instant, having been read, on motion of the Colonial Secretary, Bill, intituled, "A Bill to provide that the Revenue and other Laws and Regulations made in and for the Colony of New South Wales shall, after the erection of the District of Port Phillip into the separate Colony of Victoria, continue in force within the last mentioned Colony until altered by the Legislature thereof,"—read a first time; to be read a second time to-morrow.

6. Sydney Post Office :—Mr. Martin took notice of the circumstance that His Excellency the Governor had by His Message No. 5, this day received by the Council, declined to lay before the Council the Report of the Commission appointed by the Executive Government to inquire into the state of the Department of the General Post Office, as requested by an Address of the Council to His Excellency the Governor, adopted on motion of Mr. Donaldson, on the 16th instant, and a debate arising as to whether this circumstance in any way affected the privileges of the Council, and the Speaker being referred to, ruled—That the circumstance noticed did not involve a question of Privilege—

Whereupon Mr. Wentworth moved, That the Council do now adjourn until to-morrow, in order to search for precedents.

Debate ensued.

Question put.

Council divided.

Ayes, 8.

Mr. Oakes,
Mr. Byrnes,
Mr. Wentworth,
Mr. Nichols,
Mr. Martin,
Mr. Jones,
Mr. Lamb,
Mr. Donaldson, (Teller.)

Noes, 17.

Mr. William Macarthur,
Mr. Moor,
Mr. Ebdon,
The Colonial Secretary,
Mr. James Macarthur,
Mr. Suttor,
Mr. Berry,
The Auditor General,
The Collector of Customs,
Mr. Allen,
Captain King,
The Solicitor General,
The Attorney General,
Major Mercer,
Mr. Parker,
The Colonial Treasurer,
Mr. Westgarth, (Teller.)

7. Victoria Electoral Bill :—On motion of the Colonial Secretary, the Speaker left the Chair, and the Council resolved itself into a Committee of the whole for the further consideration of this Bill.

The Chairman having reported the Bill with amendments, the Council ordered the adoption of the Report to stand an Order of the Day for to-morrow.

8. New South Wales Electoral Bill Reported :—The Colonial Secretary moved, "That" the Report of this Bill from the Committee of the whole Council be now adopted.

The Attorney General moved as an amendment, That all the words following the word "That" be omitted, with a view to insert in their place the words "the Speaker do now leave the Chair, and the Council resolve itself into a Committee of the whole for the further consideration of Clauses I, II, VII, XI, XIII, XIV, XVII, XVIII, XXIV, XXV, XXXI, XLIV, XLVI, XLVII, LV, LVI, LVII, LVIII, LIX, LX, LXI, LXIV, LXV, LXVI, LXVIII, LXX, LXXI, and LXXIII—and Schedules A, B, F, and G—of this Bill."

Question

27

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

Question,—That the words proposed to be inserted in place of the words omitted, be so inserted,—put and passed.

Question,—That the Speaker do now leave the Chair, and the Council resolve itself into a Committee of the whole, for the further consideration of Clauses I, II, VII, XI, XIII, XIV, XVII, XVIII, XXIV, XXV, XXXI, XLIV, XLVI, XLVII, LV, LVI, LVII, LVIII, LIX, LX, LXI, LXIV, LXV, LXVI, LXVIII, LXX, LXXI, and LXXIII, and Schedules A, B, F, and G, of this Bill,—put and passed.—

Whereupon the Speaker left the Chair, and the Council resolved itself into a Committee of the whole accordingly.

The Chairman reported progress, and obtained leave to sit again to-morrow.

9. City Rates Bill:—On motion of Mr. Wentworth, the Speaker left the Chair, and the Council resolved itself into a Committee of the whole for the further consideration of this Bill.

The Chairman having reported the Bill with amendments, the Council adopted the same, and ordered the Bill, as so reported, to be engrossed and read a third time on Thursday next.

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

NOTICE OF MOTION AND ORDERS OF THE DAY.

WEDNESDAY, APRIL 30.

NOTICE OF MOTION:—

1. MR. WENTWORTH to move —

(1.) That the declaration and remonstrance against the New Constitution Act, 13 and 14 Vict., c. 59, be adopted and entered on the Minutes of this House.

(2.) That an Address be presented to His Excellency the Governor, requesting that he will transmit a copy of this declaration and remonstrance to the Right Honorable the Secretary of State for the Colonies.

(3.) That the Speaker of this Council if it be not dissolved, or after its dissolution, the Clerk of the Council, be directed to forward a printed copy of this document to the rest of Her Majesty's Ministers, and to all the Members of Her Majesty's Most Honorable Privy Council, with the following Circular:—

“ My Lord or Sir (*as the case may be*),

“ In accordance with a resolution of the Legislative Council of New South Wales, established by the 5 & 6 Vict., cap. 76, I have the honor to transmit you a copy of the declaration and remonstrance which that body passed and entered on their journals in their last or closing Session, in the hope that it may induce you to exercise whatever influence you may possess in Her Majesty's Councils, towards procuring the redress of the grievances therein declared and insisted upon.

“ I have the honor to be,

“ My Lord or Sir, (*as the case may be*),

“ Your most obedient humble Servant.”

(4.) That a printed copy of this declaration and remonstrance be also forwarded by the Speaker or Clerk of the Council (*as the case may be*), to such Noblemen and Gentlemen, in or out of Parliament, as have taken an interest in Colonial affairs, and more particularly in the affairs of the Australian Colonies; and that the Speaker or Clerk (*as the case may be*), be authorized to write and sign a Circular enclosing such declaration and remonstrance.

ORDERS OF THE DAY:—

1. Victoria Revenue and other Laws continuation Bill; second reading.
2. Victoria Electoral Bill Reported; adoption of the Report.
3. New South Wales Electoral Bill in part Re-committed; to be further considered in Committee.

THURSDAY, MAY 1.

ORDER OF THE DAY:—

1. City Rates Bill; third reading.

CHARLES NICHOLSON,
Speaker.

28.

VOTES AND PROCEEDINGS
OF THE
LEGISLATIVE COUNCIL.

WEDNESDAY, 30 APRIL, 1851.

1. Council met pursuant to adjournment; the Speaker took the Chair.
Immigration Depôt, at Hyde Park Barracks:—The following Message from His Excellency the Governor received and read:—

<p>CH^s. A. FITZ ROY, <i>Governor.</i></p>	<p><i>Message No. 8.</i></p>
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In compliance with the Address of the Legislative Council dated 11th Instant, requesting to be furnished with certain Returns relating to the Immigration Depôt at Hyde Park Barracks, the Governor lays before the Council the Returns called for, which have been made out by the Auditor General and Immigration Agent, with the exception of the Return (b) "of the number of Punishments inflicted on the Immigrants by solitary confinement, or otherwise, within the building, and by whose authority the same were inflicted," on which subject the Committee of management of the Female Orphan Immigrants (to which Class of Immigrants the question can only apply) have been requested to report.

His Excellency further transmits to the Legislative Council the copy of a letter addressed to the Colonial Secretary by the Immigration Agent relating to this subject.

*Government House,
Sydney, 29th April 1851.*

Ordered to be printed together with the accompanying Documents.
2. Postponements:—
 - (1.) Mr. Wentworth postponed the motion standing in his name on the Notice Paper for to-day, until to-morrow.
 - (2.) The second reading of the Victoria Revenue and other Laws Continuation Bill postponed, on motion of the Colonial Secretary, until after the other Orders of the Day shall have been disposed of.
3. Victoria Electoral Bill Reported:—The Colonial Secretary moved "That" the Report of this Bill from the Committee of the whole Council, be now adopted.
The Auditor General moved, as an amendment, That all the words following the word "That" be omitted, with a view to insert in their place the words "the Speaker do now leave the Chair, and the Council resolve itself into a Committee of the whole, for the further consideration of Clauses X, XVI, XVII, XXV, XLIII, XLV, LIV, LV, LVI, LVII, LVIII, LIX, LX, LXI, LXII, LXIII, LXV, LXVI, LXVII, LXIX, LXX, and LXXII, of this Bill, and for the consideration of three new Clauses, and one new Schedule proposed to be added thereto,"
Question,—That the words proposed to be omitted stand part of the Question,—put and negatived.
Question,—That the words proposed to be inserted in place of the words omitted, be so inserted,—put and passed.
Question,—That the Speaker do now leave the Chair, and the Council resolve itself into a Committee of the whole, for the further consideration of Clauses X, XVI, XVII, XXV, XLIII, XLV, LIV, LV, LVI, LVII, LVIII, LIX, LX, LXI, LXII, LXIII, LXV, LXVI, LXVII, LXIX, LXX, and LXXII of this Bill, and for the consideration of three new Clauses, and one new Schedule proposed to be added thereto,—put and passed,—
Whereupon the Speaker left the Chair, and the Council resolved itself into a Committee of the whole accordingly.
The Chairman having reported the Bill with further amendments, the Council adopted the same, and ordered the Bill, as so reported, to be engrossed, and read a third time to-morrow.
4. New South Wales Electoral Bill in part Re-committed:—On motion of the Colonial Secretary, the Speaker left the Chair, and the Council resolved itself into a Committee of the whole for the further consideration of the Clauses and Schedules of this Bill which have been re-committed.
The Chairman having reported the Bill with further amendments, the Council adopted the same, and ordered the Bill, as so reported, to be engrossed, and read a third time to-morrow.

- 5. Victoria Revenue and other Laws continuation Bill, having been read a second time, on motion of the Colonial Secretary, the Speaker left the Chair, and the Council resolved itself into a Committee of the whole for consideration thereof. The Chairman having reported the Bill with amendments, the Council adopted the same, and ordered the Bill, as so reported, 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.

NOTICE OF MOTION AND ORDERS OF THE DAY.

THURSDAY, MAY 1.

NOTICE OF MOTION :—

- 1. Mr. WENTWORTH to move —
 - (1.) That the declaration and remonstrance against the New Constitution Act, 13 and 14 Vict., c. 59, be adopted and entered on the Minutes of this House.
 - (2.) That an Address be presented to His Excellency the Governor, requesting that he will transmit a copy of this declaration and remonstrance to the Right Honorable the Secretary of State for the Colonies.
 - (3.) That the Speaker of this Council if it be not dissolved, or after its dissolution, the Clerk of the Council, be directed to forward a printed copy of this document to the rest of Her Majesty's Ministers, and to all the Members of Her Majesty's Most Honorable Privy Council; with the following Circular :—
 - “ My Lord or Sir (*as the case may be*),
 - “ In accordance with a resolution of the Legislative Council of New South Wales, established by the 5 & 6 Vict., cap. 76, I have the honor to transmit you a copy of the declaration and remonstrance which that body passed and entered on their journals in their last or closing Session, in the hope that it may induce you to exercise whatever influence you may possess in Her Majesty's Councils, towards procuring the redress of the grievances therein declared and insisted upon.
 - “ I have the honor to be,
 - “ My Lord or Sir, (*as the case may be*),
 - “ Your most obedient humble Servant.”
 - (4.) That a printed copy of this declaration and remonstrance be also forwarded by the Speaker or Clerk of the Council (*as the case may be*) to such Noblemen and Gentlemen, in or out of Parliament, as have taken an interest in Colonial affairs, and more particularly in the affairs of the Australian Colonies; and that the Speaker or Clerk (*as the case may be*), be authorized to write and sign a Circular enclosing such declaration and remonstrance.

ORDERS OF THE DAY :—

- 1. City Rates Bill; third reading.
- 2. Victoria Electoral Bill; third reading.
- 3. New South Wales Electoral Bill; third reading.
- 4. Victoria Revenue and other Laws continuation Bill; third reading.

CHARLES NICHOLSON,
Speaker.

VOTES AND PROCEEDINGS
OF THE
LEGISLATIVE COUNCIL.

THURSDAY, 1 MAY, 1851.

1. Council met pursuant to adjournment; the Speaker took the Chair.

Finance:—The Colonial Secretary laid upon the Table,—

(1.) Abstract of the Revenues of the Colony of New South Wales, and of their Appropriation, for the year 1850.

Ordered to be Printed.

(2.) Statements of the Expenditure of the Sums appropriated for defraying the Expenses of the Services specified in Schedules A, B, and C, to the Act 5 & 6 Victoria, chap. 76, for the year 1850.

Ordered to be Printed.

2. New Constitution :—Mr. Wentworth moved, pursuant to notice,—

(1.) That the Declaration and Remonstrance against the New Constitution Act, 13 and 14 Vict., c. 59, be adopted and entered on the Minutes of this House.

Debate ensued.

Mr. Wentworth having by leave withdrawn the Declaration and Remonstrance brought up by him on the 29th instant, and substituted a printed Declaration and Remonstrance in lieu thereof, and having also by leave substituted in the 2nd Protest and Declaration contained in the latter the word "mainly" for the word "wholly,"—
Question put,—That the following Declaration and Remonstrance against the New Constitution Act, 13 and 14 Vict., c. 59, be adopted and entered on the Minutes of this House:—

The Select Committee of the Legislative Council, appointed on the 8th instant, "to prepare a remonstrance against the Act of Parliament, 13 and 14 Victoria, "cap. 59," recommend the following declaration and remonstrance, for the adoption of this Council.

We, the Legislative Council of New South Wales, in Council assembled, feel it to be a duty which we owe to ourselves, to our constituents, and to posterity, before we give place to the New Legislature established by the 13 and 14 Vict., cap. 59, to record our deep disappointment and dissatisfaction at the Constitution conferred by that Act on this Colony. After the reiterated reports, resolutions, addresses, and petitions which have proceeded from us during the whole course of our Legislative career, against the Schedules appended to the 5 and 6 Vict., cap. 76, and the appropriations of our Ordinary Revenue under the sole authority of Parliament—against the administration of our Waste Lands, and our Territorial Revenue thence arising—against the withholding of the Customs' Department from our control—against the dispensation of the patronage of the Colony at the dictation of the Minister for the Colonies—and against the veto reserved and exercised by the same Minister, in the name of the Crown, in matters of Local Legislation—we feel that we had a right to expect that these undoubted grievances would have been redressed by the 13 and 14 Vict., cap. 59; or that power to redress them would have been conferred on the constituent bodies thereby created, with the avowed intention of establishing an authority more competent than Parliament itself to frame suitable constitutions for the whole group of the Australian Colonies. These our reasonable expectations have been utterly frustrated. The Schedules, instead of being abolished, have been increased. The powers of altering the appropriations in these Schedules, conferred on the Colonial Legislature by this new Act, limited as these powers are, have been, in effect, nullified by the subsequent instructions of the Colonial Minister. The exploded fallacies of the Wakefield theory are still clung to; the pernicious Land Sales Act (5 and 6 Vict., cap. 36,) is still enforced; and thousands of our fellow subjects, (in consequence of the undue price put by that mischievous and impolitic enactment upon our waste lands, in defiance of the precedents of the United States, of Canada, and the other North American Colonies, and even of the neighbouring Colony of the Cape of Good Hope,) are annually diverted from our shores, and thus forced against their will to seek a home for themselves and their children in the backwoods of America. Nor is this all. Our Territorial Revenue, diminished as it is by this most mistaken policy, is in a great measure confined to the introduction among us of people unsuited to our wants, and in many instances, the outpourings of the poor-houses and unions of the United Kingdom, instead of being applied in directing to this Colony a stream of vigorous and efficient labour, calculated to elevate the character of our industrial population. The bestowal of office among us, with but partial exception, is still exercised by or at the nomination of the Colonial Minister, and without any reference to the just claims of the Colonists, as if the Colony itself were but the fief of that Minister. The salaries of the Officers of the Customs and all other departments of Government, included in the Schedules, are placed beyond our control; and the only result of this new enactment, introduced into

into Parliament by the Prime Minister himself, with the declared intention of conferring upon us enlarged powers of self government and treating us, at last as an integral portion of the Empire—is, that all the material powers exercised for centuries by the House of Commons are still withheld from us; that our loyalty and desire for the maintenance of order and good government are so far distrusted that we are not permitted to vote our own Civil List, lest it might prove inadequate to the requirements of the public service; that our Waste Lands, and our Territorial Revenue, for which Her Majesty is but a trustee, instead of being spontaneously surrendered as the equivalent for such Civil List, is still reserved, to the great detriment of all classes of Her Majesty's subjects, in order to swell the patronage and power of the Ministers of the Crown; that whilst, in defiance of the Declaratory Act (18 Geo. III, cap. 12, sec. 1), which has hitherto been considered the Magna Charta of the representative rights of all the British Plantations, a large amount of our Public Revenue is thus levied and appropriated by the authority of Parliament, we have not even the consolation of seeing that portion of it which is applied to the payment of the Salaries of our Public Officers distributed as it ought to be, among the settled inhabitants; and that, as a fit climax to this system of misrule, we are not allowed to exercise the most ordinary legislation which is not subject to the veto of the Colonial Minister.

Thus circumstanced, we feel that, on the eve of the dissolution of this Council, and as the closing act of our Legislative existence, no other course is open to us but to enter on our Journals our declaration, protest, and remonstrance, as well against the Act of Parliament itself (13 and 14 Vict., cap. 59) as against the instructions of the Minister by which the small power of retrenchment that Act confers on the Colonial Legislature has been thus overridden; and to bequeath the redress of the grievances, which we have been unable to effect by constitutional means, to the Legislative Council by which we are about to be succeeded.

We, the Legislative Council of New South Wales, do accordingly hereby solemnly protest, insist, and declare as follows:—

1st.—That the Imperial Parliament has not, nor of right ought to have, any power to tax the people of this Colony, or to appropriate any of the monies levied by authority of the Colonial Legislature;—that this power can only be lawfully exercised by the Colonial Legislature;—and that the Imperial Parliament has solemnly disclaimed this power by the 18 Geo. III., cap. 12, sec. 1, which Act remains unrepealed.

2nd.—That the Revenue arising from the Public Lands, derived as it is "mainly" from the value imparted to them, by the labour and capital of the people of this Colony, is as much their property as the ordinary Revenue, and ought therefore to be subject only to the like control and appropriation.

3rd.—That the Customs and all other Departments should be subject to the direct supervision and control of the Colonial Legislature; which should have the appropriation of the gross Revenues of the Colony, from whatever source arising; and as a necessary incident to this authority, the regulation of the salaries of all Colonial Officers.

4th.—That offices of trust and emolument should be conferred only on the settled inhabitants, the office of Governor alone excepted; that this Officer should be appointed and paid by the Crown; and that the whole patronage of the Colony should be vested in him and the Executive Council, unfettered by instructions from the Minister for the Colonies.

5th.—That plenary powers of Legislation should be conferred upon and exercised by the Colonial Legislature, for the time being; and that no bills should be reserved for the signification of Her Majesty's Pleasure, unless they affect the Prerogatives of the Crown, or the general interests of the Empire.

Solemnly protesting against these wrongs, and declaring and insisting upon these our undoubted rights, we leave the redress of the one and the assertion of the other to the people whom we represent, and the Legislature which shall follow us.

W. C. WENTWORTH,
Chairman.

Legislative Council Chamber,
Sydney, 29th April, 1851.

Council divided.

- Ayes, 18.
- Mr. William Macarthur,
- Mr. Suttor,
- Mr. Westgarth,
- Mr. Martin,
- Mr. Byrnes,
- Mr. Jones,
- Mr. Wentworth,
- Mr. Moor,
- Major Mercer,
- Mr. Donaldson,
- Mr. Darvall,
- Mr. Bowman,
- Mr. Oakes,
- Dr. Dickson,
- Mr. Laub,
- Mr. James Macarthur,
- Captain King,
- Mr. Nichols, (Teller.)

- Noes, 8.
- The Colonial Secretary,
- The Attorney General,
- The Solicitor General,
- The Collector of Customs,
- Mr. Berry,
- The Auditor General,
- Mr. Parker,
- The Colonial Treasurer, (Teller.)

(2.) That an Address be presented to His Excellency the Governor, requesting that he will transmit a copy of this declaration and remonstrance to the Right Honorable the Secretary of State for the Colonies.

Question put and passed; Address to be presented by the Speaker.

(3.) That the Speaker of this Council if it be not dissolved, or after its dissolution, the Clerk of the Council, be directed to forward a printed copy of this document to all the Members of Her Majesty's Most Honorable Privy Council, with the following Circular :—

“ My Lord or Sir (*as the case may be*),

“ In accordance with a resolution of the Legislative Council of New South Wales, established by the 5 & 6 Vict., cap. 76, I have the honor to transmit you a copy of the declaration and remonstrance which that body passed and entered on their journals in their last or closing Session, in the hope that it may induce you to exercise whatever influence you may possess in Her Majesty's Councils, towards procuring the redress of the grievances therein declared and insisted upon.

“ I have the honor to be,

“ My Lord or Sir, (*as the case may be*),

“ Your most obedient humble Servant.”

Question put and passed.

(4.) That a printed copy of this declaration and remonstrance be also forwarded by the Speaker or Clerk of the Council (*as the case may be*), to such Noblemen and Gentlemen, in or out of Parliament, as have taken an interest in Colonial affairs, and more particularly in the affairs of the Australian Colonies; and that the Speaker or Clerk (*as the case may be*), be authorised to write and sign a Circular enclosing such declaration and remonstrance.

Question put and passed.

- 3. City Rates Bill :—The Speaker having reported that the Chairman of Committees had certified to the engrossment of this Bill, Bill, on motion of Mr. Wentworth, read a third time, and passed.

Mr. Wentworth then moved, That the following be the title of the Bill, viz. :—
“ An Act to enable the Council of the City of Sydney to assess, collect, and levy certain City and Lighting Rates, for the year one thousand eight hundred and fifty-one.”

Question put and passed.

- 4. Victoria Electoral Bill :—The Speaker having reported that the Chairman of Committees had certified to the engrossment of this Bill, Bill on motion of the Colonial Secretary, read a third time and passed.

The Colonial Secretary then moved, That the following be the Title of the Bill, viz.,
“ An Act to provide for the division of the Colony of Victoria into Electoral Districts, and for the election of Members to serve in the Legislative Council.”

Question put and passed.

- 5. New South Wales Electoral Bill :—The Speaker having reported that the Chairman of Committees had certified to the engrossment of this Bill, Bill on motion of the Colonial Secretary, read a third time.

Mr. Wentworth offered the following by way of Rider to the Bill, and moved that it be read a first time :—

RIDER.

Whereas many inhabitants of the said Colony of New South Wales are prevented in the present state of the law, by the great extent of the said Colony, the difficulty and expense of travelling therein, and other circumstances, from the due exercise of the elective franchise, and it is expedient that provision be made for remedy of this evil: Be it enacted, That every elector entitled to vote in any of the said Electoral Districts, under the provisions of the said last recited Act, for the election of any member of the said Legislative Council, and not usually resident in such District, may vote at any such election by going before the Court of Petty Sessions nearest to his usual place of abode, at any time after the issuing of the Writ for the election of a member or members for such District, with a voting paper filled up in the form or to the effect set forth in the Schedule H appended to this Act, and by making before the Justices assembled at such Court of Petty Sessions the several declarations therein contained, which declarations every such Court is hereby empowered and required to take from every such elector, and to attest by their signatures thereto, in the manner in the said schedule directed: Provided that such Court of Petty Sessions may require proof of the identity of any such Elector before taking any such declaration, if such Court shall think fit.

And be it enacted, That it shall be competent for any Candidate, or his Agent duly appointed in writing, to deliver openly to the Returning Officer presiding at the chief polling place at any such election, any such Voting Paper and declaration signed and made as aforesaid, at any time during the period appointed for the taking of the poll at such election; and every such Voting Paper shall thereupon have the same effect as, and no other effect than any Voting Paper handed in by any elector personally present at any such Election: Provided always, that no elector other than such non-resident Elector as aforesaid, shall vote otherwise than by personally handing in his Voting Paper in the manner hereinbefore provided; and that no person other than such Candidate or Agent shall hand in any such Voting Paper and declaration as aforesaid.

And be it enacted, That if any person should be guilty of wilful falsehood in

34.

making any of the said several declarations hereinbefore last required, or if any Candidate or Agent shall knowingly hand in to any Returning Officer, at any such Election, any false Voting Paper or declaration, or if any Elector shall, after having once delivered any such Voting Paper and declaration to any Candidate or his Agent, make and deliver any other Voting Paper and declaration to any other person in reference to the same Election, every person so offending shall be deemed guilty of a misdemeanor, and on conviction thereof, shall suffer the like penalties as persons convicted of wilful and corrupt perjury.

SCHEDULE II.

Form of Voting Paper with declarations to be made and declared before any Court of Petty Sessions in the Colony of New South Wales, for transmission or delivery to the Returning Officer, at any Election for returning a Member or Members to the Legislative Council, for any Electoral District in the said Colony.

I, A. B., residing at (here insert usual place of abode) hereby declare (1) that I am the person whose name is signed as A. B. to this Voting Paper, and (2) whose name appears as A. B. in the Electoral Roll now in force for the Electoral District of (insert District as the case may be), being registered and numbered in the said Electoral Roll as (insert qualification and number as entered in the Electoral Roll). I further declare (3) that I neither have voted nor will vote otherwise than by this Voting Paper at the Election now pending for the said Electoral District of (insert District as the case may be); and (4) that I have the same qualification as above described, for which my name was originally inserted in the said Electoral Roll for the Electoral District of (insert District as the case may be) as aforesaid; and (5) I further do solemnly declare, that I have not received or had by myself, or any person whomsoever in trust for me, or for my use and benefit, or for the use and benefit of any member of my family or kindred, or any friend or dependant, directly or indirectly, any sum or sums of money, office, place of emolument, gift, or reward, or any promise or security for any money, office, employment, or gift, by way of consideration, either expressed, implied, or understood, for giving my vote at this election.

Made and declared before us,

Justices of the Peace,

In virtue of my qualification, as hereinbefore described, I vote for as Member for the Electoral District of

A. B.

Debate ensued.

Question put,—That the proposed Rider be now read a first time.

Council divided.

Ayes, 10.

The Solicitor General,
The Auditor General,
Mr. Wentworth,
Mr. Martin,
Mr. William Macarthur,
Major Moore,
Captain King,
Mr. James Macarthur,
Mr. Moor,
Mr. Parker, (Teller.)

Noes, 15.

Mr. Nichols,
The Attorney General,
Mr. Darvall,
Mr. Byrnes,
Mr. Donaldson,
Dr. Dickson,
Mr. Lamb,
Mr. Berry,
Mr. Jones,
Mr. Oakes,
Mr. Bowman,
Mr. Suttor,
The Collector of Customs,
The Colonial Secretary,
The Colonial Treasurer, (Teller.)

Whereupon the Colonial Secretary moved, That the Bill do now pass.

Question put and passed.

The Colonial Secretary then moved, That the following be the title of the Bill, viz.:—
"An Act to provide for the division of the Colony of New South Wales, after the separation of the District of Port Phillip therefrom, into Electoral Districts, and for the election of Members to serve in the Legislative Council."

Question put and passed.

G. Victoria Revenue and other Laws Continuation Bill :—The Speaker having reported that the Chairman of Committees had certified to the engrossment of this Bill, Bill, on motion of the Colonial Secretary, read a third time and passed.

The Colonial Secretary then moved, That the following be the title of the Bill, viz.:—
"An Act to provide that the Revenue and other Laws and Regulations made in and for the Colony of New South Wales, shall, after the erection of the District of Port Phillip into the separate Colony of Victoria, continue in force within the last mentioned Colony until altered by the Legislature thereof."

Question put and passed.

Council adjourned at twenty minutes before Eleven o'clock, until to-morrow at Twelve o'clock.

CHARLES NICHOLSON,
Speaker.

VOTES AND PROCEEDINGS
OF THE
LEGISLATIVE COUNCIL.

FRIDAY, 2 MAY, 1851.

1. Council met pursuant to adjournment; the Speaker took the Chair.
Public Abattoirs:—The Colonial Secretary laid upon the Table the Return to the Address on this subject, adopted on motion of Mr. Nichols, on the 22nd ultimo.
Ordered to be Printed.
2. Assent to Bills:—The Speaker reported that His Excellency the Governor had been pleased to give the Royal Assent to the following Bills:—
 - (1.) Victoria Public Officers' Jurisdiction Bill.
 - (2.) City Rates Bill.
 - (3.) Victoria Electoral Bill.
 - (4.) New South Wales Electoral Bill.
 - (5.) Victoria Revenue and other Laws continuation Bill.
3. Business of the Session:—The Speaker reported, That of six Bills initiated during the present Session, five had passed and been assented to, and one had been disposed of by the Question of that day six months.
4. Prorogation:—His Excellency the Governor having arrived at the Chamber, was conducted by the Speaker to an elevated seat provided for him near the Speaker's Chair, and read the following Speech:—

MR. SPEAKER AND GENTLEMEN OF THE LEGISLATIVE COUNCIL,

The business of this special Session having now been brought to a close, I am glad to be able to release you from further attendance on the important duties on which you have been engaged. I entertain a confident hope that the measures which you have passed for the Electoral division of New South Wales and of the new Colony of Victoria will be found not only congenial to the sentiments of a large majority of the Colonists, but admirably adapted—because based on the principles of the British Constitution—to secure to them those blessings which can only flow from a proper balance of legislative power amongst the several interests composing the community. Feeling assured that these advantages are likely to accrue from the measures in question, it has been with no ordinary satisfaction that I have, on behalf of Her Majesty, given to them my assent.

2. I shall without delay transmit to the Right Honorable the Secretary of State for the Colonies, the Address adopted by you in relation to the Constitution Act, 13 and 14 Vict., cap. 59.

3. I might here close the observations which it is my duty to address to you on this occasion, were I not desirous of offering my hearty congratulations to the inhabitants of the new Colony of Victoria on the certain prospect which is now opened to them of a speedy attainment of their long expressed desire to become a separate Dependency of the Crown. The large revenue which is there collected,—the astonishing amount of exports which it now produces,—the fertility of its soil, and the salubrity of its climate, give the surest promise of its continuing, after separation, to increase in population, in wealth, and in general prosperity, with the same rapidity which has characterised its progress whilst forming an integral portion of New South Wales. It is gratifying to reflect that, whilst among the numerous settlements which have of late years been founded under the British Crown it is undoubtedly the most successful and the most promising;—it has been established without that pecuniary aid from the British Treasury which it has been found necessary to afford to so large an extent to the other Dependencies of the Crown contemporaneously founded in the Southern Hemisphere. It cannot be denied that so prosperous a community could not so suddenly have risen up but for its connexion with the older settlements of New South Wales, and the advantages which it thus possessed of obtaining Sheep and Cattle, and the experience necessary to their successful management. An immediate value was thus given to the lands of the District, the greater part of which would otherwise have remained for a considerable period comparatively unproductive and unscalable. I trust that, although the two Colonies are in future to be politically separated, there will always subsist between them mutual feelings of good will, which cannot fail to be highly beneficial to both Communities; and that the legislation of the two Colonies on all inter-Colonial matters will be conducted on the most liberal principles of reciprocal advantage. It will be my duty, no less than a source of sincere gratification to me, to promote to the utmost of my power the accomplishment of these objects.

4. Although it is not my intention immediately to dissolve the Council, lest circumstances should arise to render it necessary or expedient that I should have recourse to your advice or assistance before the requisite arrangements for the separation of Port Phillip and a General Election under the new Constitution can be completed, it is not probable that I shall have occasion to call you together again for the dispatch of business. I am desirous, therefore, of availing myself of the present opportunity to express to you individually and collectively the high sense which I entertain of the cordial co-operation and able assistance which you have afforded me in passing those numerous measures for the public benefit which I have had occasion to bring before you, or which have originated with yourselves.

5. I now declare this Council to stand prorogued to Tuesday, the first day of July next.

GEO. A. FITZ ROY.

*Legislative Council Chamber,
2nd May, 1851.*

His Excellency then retired, being conducted to the door by the Speaker, and the Council stood prorogued accordingly, to Tuesday, the 1st day of July next.

CHARLES NICHOLSON,
Speaker.