

VOTES
AND
PROCEEDINGS

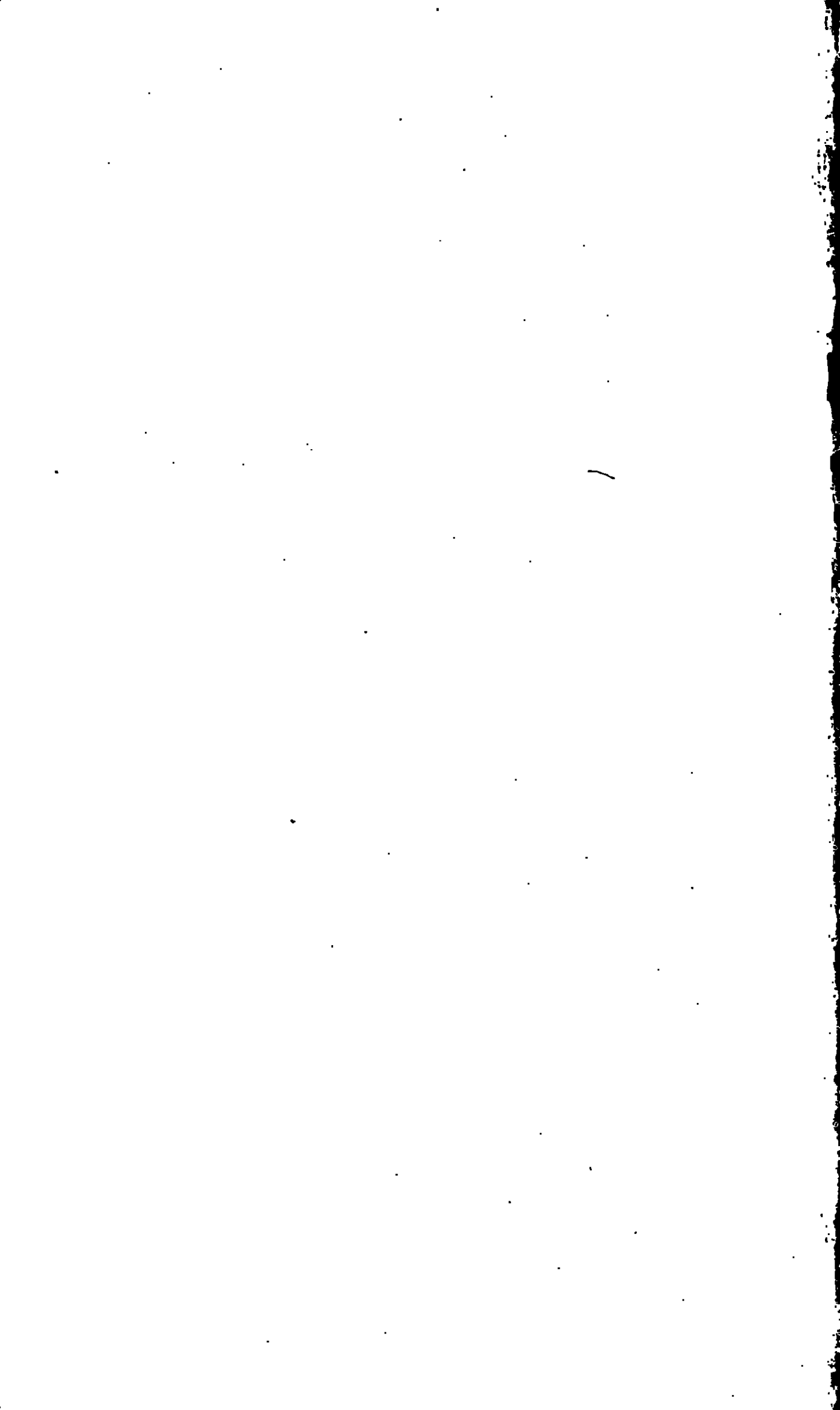
1841

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NEW SOUTH WALES.



VOTES

AND

PROCEEDINGS

OF

THE LEGISLATIVE COUNCIL,

DURING

THE SESSION

1841,

WITH THE VARIOUS DOCUMENTS CONNECTED THEREWITH.

SPRINGER:

WILLIAM JOHN ROW, GOVERNMENT PRINTER.

1842.



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VOTES AND PROCEEDINGS
OF
THE LEGISLATIVE COUNCIL.

TUESDAY, 8 JUNE, 1841.

PRESENT:—His Excellency the Governor; the Right Reverend the Lord Bishop of Australia; the Honourable the Colonial Secretary; the Acting Attorney General; the Collector of Customs; the Auditor General; Robert Campbell, Esquire; Alexander Berry, Esquire; Richard Jones, Esquire; John Blaxland, Esquire; Hannibal H. Macarthur, Esquire; Sir John Jamison, Knight; and James Macarthur, Esquire;
ABSENT:—His Honor the Chief Justice; and His Excellency the Commander of the Forces.

1. Council met pursuant to summons; His Excellency the Governor in the Chair; New Member sworn, Roger Therry, Esquire, Acting Attorney General of New South Wales.
2. His Excellency the Governor then read the following Address:—

GENTLEMEN OF THE LEGISLATIVE COUNCIL,

The New South Wales Act of 1828 having been renewed for another Year, you are again called on to provide for the Legislative wants of the Colony; I do not doubt that you will cheerfully meet this further demand upon your services.

I regret that it is not in my power to lay before you the important Bills which were suspended last Year, in order that the instructions of Her Majesty's Government might be obtained on some material points involved in them; I trust, however, that before the end of the Session, I may be able to re-produce them in such a state, as may render the discussion of them easy and satisfactory.

I am convinced, by almost every day's experience, of the want throughout the Colony of the Institutions which these Bills are intended to provide; in respect to Sydney in particular, it must I think appear to others, as well as to myself, a matter of surprise and regret, that a Commercial Capital, containing more than 30,000 Inhabitants, should be still without any means of self Government.

I have received information, that Her Majesty has been pleased to erect the Islands of New Zealand into a separate Government; and that consequently the intimate connexion which existed for a time between New Zealand and New South Wales has ceased; a friendly intercourse, however, and one of mutual benefits, will continue, I trust, still to be kept up between the two Countries; and there is not, I am sure, an Inhabitant of New South Wales who will not join with me in wishing success to the Colonists of New Zealand.

I am not yet able to lay before the Council any Documents respecting the separation of the two Colonies; but I hope shortly to be in a condition to do so.

The important measures, for which Legislative provision was made by the Council during its last Session, have been, as far as possible, carried into effect by the Executive Authority. A Court of Superior Jurisdiction has been established at Port Phillip; Circuit Courts, at Bathurst, Berrima, and Maitland; and Courts of Requests, in a considerable number of the Minor Towns of the Colony. These are measures, not only calculated to be of great benefit to the Colonists, but are otherwise of importance, as approximating the Institutions of the Colony, to the condition of those which we look up to with veneration in our Parent Land.

A Census has been taken of our Population; and as soon as possible, after all the Returns are received, I shall lay the result before the Council.

The Colony has, moreover, in many other respects, advanced during the Year, in a gratifying and encouraging manner. Steam Navigation has greatly increased; a store of Grain is provided against the recurrence of such a calamity, as that which visited us in 1839; Immigration has been continued in a copious, though still an insufficient stream; and the streets of Sydney are the first to testify that Gas Lights have made their appearance in the Eastern Hemisphere.

But

But notwithstanding these many subjects of congratulation, it must be acknowledged, that the few months which have elapsed since the Council last separated, have been anxious ones for the Colony, and obvious to all, that the present times require of us, the exercise of patience, industry, mutual forbearance, and economy; with these, however, I feel confident that we shall easily surmount our difficulties, whilst the evils of the present day will become profitable lessons for the future. The Commercial embarrassments, which first shewed themselves in Sydney, about the month of October or November last, did not affect the Public Income of 1840. The Revenue of that Year was indeed the largest ever collected in the Colony—the gross receipt of the Year having exceeded the gross expenditure, by the large sum of £120,000, notwithstanding that in the expenditure was included very nearly £150,000 for Immigration.

The ordinary Revenue of the Port Phillip District was more than double that of the preceding Year, it having increased from £14,008 in 1839, to £29,799 in 1840, whilst the sale of Crown Lands in that District, brought to the general Land Fund the large amount of £217,127; thus affording to the older parts of the Colony, the means of replacing the Labour and Capital which the opening of Port Phillip had drained from them.

Aided by the resources of the older Settlements, but unassisted with borrowed money, the District of Port Phillip has indeed risen rapidly to a state of Wealth and Importance, which cannot but be highly gratifying to the entire Colony.

The pecuniary difficulties under which many interests in the Colony are still suffering, must naturally be expected to affect the Revenue of the present Year, and of probably the next succeeding one; the falling off, however, is as yet only sensibly felt in the branch of it which is derived from the Sale of Land, and in this even, the deficiency may in part be ascribed to other causes.

These pecuniary difficulties may safely, I believe, be said to have arisen from excessive speculation, and an undue extension of credit; they seem to be of the nature of those which frequently, and almost periodically occur, in all places where Commercial adventure is eager, and a remedy for them is, I think, to be looked for, in the natural course of events, rather than to be sought in any Legislative Enactment.

A few of the circumstances which have contributed to bring about these embarrassments in our Commercial relations, may perhaps, without much risk of error, be pointed out, though it is very necessary to bear in mind, that in seeking to discover such agencies, we are very likely to mistake effects for causes.

The scarcity of 1838 and 1839, caused a great drain from the Colony, for the first necessary of Life, and produced excessive fluctuations in the price of every description of Grain.

The decline in price of our chief staple commodity, Wool, lessened the value of our Exports in the Home Market.

The excessive consignment of Goods to the Colony, mostly on speculation by Mercantile Houses in England, produced a depreciation in the value of nearly every species of Merchandise, calculated to affect, more or less, the transactions of the whole Commercial Body.

The necessity of disposing of these Goods contributed to the undue extension of credit, whilst the rapid influx of Capital into the Colony may have had a tendency to encourage hazardous speculations, and the employment of money in investments not yielding any immediate return.

A more abundant supply of Labour is, undoubtedly, the one great thing wanted in the Colony, for without Labour no wealth can be produced, no Capital can be profitably employed.

I shall propose to the Council immediately to re-appoint the Committee on Immigration, and I have some important Papers to lay before it.

In a Country where Labour is so much in demand, it must appear strange to all who have their eyes directed on us, that we should neglect the nearest source from which it is to be obtained—I mean the real Children of the Soil, the Aboriginal Inhabitants of the Country. Though by nature wild, and with difficulty induced to submit to the restraints which are imposed on ordinary Labourers, abundant proof exists that they may be made to do so. I have seen some Establishments myself, and am informed of others, in which they have been, and still are, profitably employed. The Colonists are individually, no less than collectively, concerned in this important matter; and in addition to the considerations of Religion, Humanity, and Justice, which press so heavily upon us, we have now a further reason for turning our attention to it, as I have received instructions from Her Majesty's Government, to apply to the civilization and improvement of the Aborigines, 15 per Cent of the Revenue derived from the Sale of the unimproved Lands of the Crown.

On the subject of the Aborigines, I shall lay before the Council some important Despatches which I have received from the Secretary of State.

The Financial Papers of the Year, including the Estimates for 1842, are in an advanced state of preparation, and will speedily be laid before you.

GEORGE GIPPS.

Council Chamber, }
June 8th, 1841. }

3. His Excellency the Governor laid upon the Table, a Despatch from the Right Honourable Lord John Russell, No. 139, dated 2 September, 1840, transmitting a copy of an Act passed in the late Session of Parliament, intituled, "*An Act to continue, until the thirty-first day of December, one thousand eight hundred and forty-one, and to the end of the then next Session of Parliament, and to extend the provisions of an Act to provide for the Administration of Justice in New South Wales, and Van Diemen's Land, and for the more effectual Government thereof, and for other purposes relating thereto*;" and transmitting also, a copy of a Bill, intituled, "*A Bill to make further provision for the Government of New South Wales, and Van Diemen's Land*," which the Government had introduced into Parliament, but which was not passed; the Despatch read; to be printed.
4. His Excellency the Governor laid upon the Table, "*A Bill to amend and continue for five years, an Act intituled, 'An Act to restrain the unauthorised occupation of Crown Lands, and to provide the means of defraying the expence of a Border Police'*"; Bill read a first time; to be printed, and read a second time on Tuesday, June 15.
5. His Excellency the Governor laid upon the Table, "*A Bill to prohibit Shooting, for Sport, Pleasure, or Profit, on Sunday*"; Bill read a first time; to be printed, and read a second time on Tuesday, June 15.
6. IMMIGRATION: Committee appointed to consider the Question of Immigration generally, with the view of ascertaining the present and prospective demands of the Colonists for Labour, and how the same may be most effectually and economically met, with instructions to examine Evidence, and report:—

THE RIGHT REVEREND THE LORD BISHOP OF AUSTRALIA,

THE HONOURABLE THE COLONIAL
SECRETARY,
THE AUDITOR GENERAL,
MR. JONES,

MR. H. H. MACARTHUR,
SIR JOHN JAMISON,
MR. JAMES MACARTHUR.

His Excellency the Governor then laid upon the Table the undermentioned Papers on the subject of Immigration, viz. :—

- (1.) A Copy of His Excellency's Despatch to the Most Noble the Marquis of Normanby, No. 164, dated 4 December, 1839; to be printed.
- (2.) A Despatch from the Right Honourable Lord John Russell, No. 160, dated 7 October, 1840, with its Enclosures; to be printed.
- (3.) Report from James Denham Pinnock, Esq., Colonial Agent for Immigration, on the subject of Immigration generally, for the Year 1840; to be printed.
- (4.) Return by J. D. Pinnock, Esq., of the Number of Immigrants who arrived in the Colony of New South Wales, from the 1st of January to the 31st of December, 1840, shewing the number, description, and cost, of Immigrants arrived by Government Ships, and of those for whom Bounties have been paid; shewing also the number and description of Immigrants who arrived Unassisted; to be printed.
- (5.) Return by J. D. Pinnock, Esq., dated 7th June, 1841, of the whole number of persons, the Permissions for whose introduction into the Colony yet remain in force, and for whom Bounties have been promised in conformity with the Government Notices of 28 September, 1837, and 3 March, 1840; distinguishing the number of those for whom Bounties have been promised absolutely, and conditionally.
- (6.) Return shewing the Number of Persons, the Permissions for whose introduction into the Colony will expire between 7 June 1841, and 3 March 1842.
7. His Excellency the Governor laid upon the Table, the undermentioned Papers respecting the Aborigines of the Colony; viz. :—
 - (1.) A Despatch from the Right Honourable Lord John Russell, No. 128, dated 5 August, 1840, enclosing a copy of a communication received from the Secretary to the Church Missionary Society, again bringing under the consideration of Her Majesty's Government, the state of the Society's Mission in New South Wales, and urging the claim of the Society to some further support in aid of that Mission; and enclosing also, a copy of a Report on the subject, received from the Colonial Land and Emigration Commissioners, with the enclosures referred to.
 - (2.) A Despatch from the Right Honourable Lord John Russell, No. 132, dated 25 August, 1840, relating to the treatment of the Aborigines, and recommending that fifteen per cent of the yearly produce of the Sales of Crown Lands should be applied to their protection and civilization; to be printed.
 - (3.) A Despatch from the Right Honourable Lord John Russell, No. 161, dated 8 October, 1840, enclosing a copy of a Report received from Captain Grey, late Commandant of an Expedition into the Interior of Australia, upon the best means of promoting the civilization of the Aborigines; Despatch and its Enclosures to be printed.
8. His Excellency the Governor laid upon the Table, a Despatch from the Right Honourable Lord John Russell, No. 146, dated 5 August, 1840, enclosing a copy of a letter from the Colonial Land and Emigration Commissioners, with Forms of two Public Notices intended to give publicity to the New Arrangements regarding the disposal of Crown Lands in New South Wales; Despatch and its Enclosures to be printed.

Committee on Immigration.

The foregoing Despatches and other Papers relating to Immigration, the Aborigines, and the of Sale of Crown Lands, to be referred to the Committee on Immigration.

9. His Excellency the Governor laid upon the Table, an Abstract of the Verified Returns, rendered pursuant to the Act of Council, 4th Victoria, No. 13, of the Average Assets and Liabilities, and of the Capital and Profits, of the several Banks in the Colony of New South Wales, for the Quarter ended 31 March, 1841; to be printed.
10. His Excellency the Governor laid upon the Table, the undermentioned Returns made to him by the Respective Officers of Her Majesty's Ordnance, pursuant to the provisions of the Act of Council, 4 Victoria, No. 2, viz :
 - (1.) A Return, (exhibiting Nil) of all Messuages, Lands, Tenements, and Buildings, vested in the Principal Officers of Her Majesty's Ordnance in the Colony of New South Wales, under the Act of the Governor and Council, 4 Victoria, No. 2.
 - (2.) A Return (exhibiting Nil) of all Monies which have been received by, or are now payable to, the Respective Officers of Ordnance, in respect of any Lands, Tenements, or Buildings, vested in the Principal Officers of Her Majesty's Ordnance in New South Wales, under the provisions of the Act of the Governor and Council, 4 Victoria, No. 2; to be printed.

Council adjourned at Two o'Clock, until Tuesday next, June-15, at Twelve o'Clock.

ORDERS OF THE DAY.

TUESDAY, JUNE 15.

1. Crown Lands Act continuation Bill; second reading.
2. Shooting on Sunday Prevention Bill; second reading.

WM. MACPHERSON,

Clerk of Councils.

VOTES AND PROCEEDINGS
OF
THE LEGISLATIVE COUNCIL.

TUESDAY, 15 JUNE, 1841.

PRESENT:—His Excellency the Governor, and Eleven Members: ABSENT:—His Honor the Chief Justice; His Excellency the Commander of the Forces; and H. H. Macarthur, Esquire.

1. Council met pursuant to adjournment; His Excellency the Governor took the Chair, and laid upon the Table, "*A Bill to amend an Act, intituled 'An Act to authorise the establishment of Markets in certain Towns in the Colony of New South Wales; and for the appointment of Commissioners to manage the same'*"; Bill read a first time; to be printed, and read a second time on Tuesday next, June 22.
2. His Excellency the Governor laid upon the Table, a Despatch from the Right Honorable Lord John Russell, No. 137, dated 31 August, 1840, enclosing a copy of a letter from the Under Secretary of State for the Home Department, transmitting a copy of a Report from the "Home Inspector of Prisons," on an Act passed by this Council in the year 1839, intituled, "*An Act to abolish the Transportation of Female Convicts, and to provide for the more effectual punishment of Female Offenders within the Colony of New South Wales,*" recommending the omission of the word "*Dark*" in clauses 3 and 4 of that Act; the Despatch and its enclosure read.
His Excellency then laid upon the Table, "*A Bill to repeal so much of an Act, intituled 'An Act to abolish the transportation of Female Convicts, and to provide for the more effectual punishment of Female Offenders, within the Colony of New South Wales,' as authorises the confinement of any Female Offenders in a Dark Cell;*" Bill read a first time; to be printed, and read a second time on Tuesday, June 22.
3. His Excellency the Governor laid upon the Table, an Extract from a Despatch from the Right Honorable Lord John Russell, No. 127, dated 11 August, 1840, intimating the disallowance of an Act passed by this Council in the year 1839, intituled, "*An Act to allow the Aboriginal Natives of New South Wales, to be received as competent Witnesses in Criminal Cases;*" and enclosing a copy of a Report from the Attorney and Solicitor General stating their opinion, that that Act could not properly be submitted to the Queen for confirmation; as, to admit, in a Criminal case, the evidence of a Witness acknowledged to be ignorant of the existence of a God, or a Future state, would be contrary to the principles of British Jurisprudence; adding, that they would have supposed that the Aboriginal Natives might be sufficiently instructed before being produced as Witnesses, to render their evidence admissible, according to the established rules of Law, which do not define the distinctness of Religious ideas, nor to what degree the belief in a Future state is to be fixed, to qualify a Witness to take an oath; Extract and its Enclosure read.
4. His Excellency the Governor laid upon the Table, a Letter from the Secretary to the Colonial Committee of the General Assembly of the Church of Scotland, dated 21 August, 1840, transmitting an Extract from the Minutes of the Colonial Committee of Assembly dated 11 August, 1840, containing a Report on the State of the Presbyterian Church in New South Wales; Letter read, and with its Enclosure, to be printed.
5. His Excellency the Governor laid upon the Table, a letter received in April last, from the Reverend John Dunmore Lang, D.D., representing the circumstances under which the Scots Church, situated on Church Hill, Sydney, and the suite of adjacent buildings, commonly known as the Australian College, were erected, and soliciting that the Mortgages which were granted to the Colonial Government by the Trustees for that Church, for the sum of £600, advanced in the year 1825, in dollars at five shillings, in aid of the erection of the Church, and for the sum of £3,500, advanced in the year 1832, in aid of the erection of the College Buildings, may be cancelled: And representing further, that in consequence of the great increase of the population of this Colony, during the last ten years, and the rapid rate at which that population is still increasing,—the establishment of a number of Elementary Schools of respectable character throughout the Colony,—and the great and increasing difficulty and expence of procuring from the Mother Country, School-masters and Ministers of Religion, possessed of the requisite qualifications, it is proposed to adopt forthwith, such measures as will lead to the speedy elevation of the Australian College to the rank of an Academical Institution, or College properly so called, and with this view, immediately to erect a Lecture Room; towards which purpose, contributions

contributions to the amount of at least £300, are immediately available, and further sums, it is believed, would be obtained during the progress of the work; and soliciting, that a sum equal to the amount of voluntary contributions, may be granted from the Colonial Treasury in aid of the undertaking. His Excellency also laid upon the Table, a voluminous correspondence connected with the above-mentioned Loans, and proposed the appointment of a Committee, to whom all the papers should be referred, and who should be instructed to report the amount due to the Government, and what measures they would recommend should be adopted;
 Committee appointed;

THE HONORABLE THE COLONIAL SECRETARY,	
THE AUDITOR GENERAL,	MR. JONES,
MR. BERRY,	MR. JAMES MACARTHUR,

6. Crown Lands Act continuation Bill; read a second time; committed and amended; to be further considered to-morrow.
 7. Shooting on Sunday prevention Bill; read a second time; committed and amended; to be further considered on Tuesday next, June 22.
- Council adjourned at three o'clock, until to-morrow, at twelve o'clock.

ORDERS OF THE DAY.

WEDNESDAY, JUNE 16.

1. Crown Lands Act continuation Bill; further consideration.

TUESDAY, JUNE, 22.

1. Shooting on Sunday Prevention Bill; further consideration.
2. Markets in Country Towns Act amendment Bill; second reading.
3. Female Convict Transportation Abolition Act amendment Bill; second reading.

WM. MACPHERSON,

Clerk of Councils.

VOTES AND PROCEEDINGS
OF
THE LEGISLATIVE COUNCIL.

WEDNESDAY, 16 JUNE, 1841.

PRESENT:—His Excellency the Governor and Ten Members. ABSENT:—His Honor the Chief Justice; His Excellency the Commander of the Forces; Richard Jones, Esquire; and H. H. Macarthur, Esquire.

1. Council met pursuant to adjournment; His Excellency the Governor took the Chair, and laid upon the Table:—
 - (1.) A Despatch from the Right Honorable Lord John Russell, No. 163, dated 12 October, 1840, enclosing a Copy of a Letter from the under Secretary of State, dated 6 October, 1840, transmitting a Report by John Tidd Pratt, Esquire, the Barrister appointed to certify the Rules of Savings' Banks, on the Act passed by this Council, in the year 1839, intituled, "*An Act to consolidate and amend the Laws relating to the 'Savings' Bank of New South Wales.*"
 - (2.) An Extract from the Minutes of Proceedings of the Trustees of the Savings' Bank of New South Wales, at a Special Meeting, held 7 June, 1841, to take into consideration the proposed alterations in the constitution of the Bank recommended by Mr. Tidd Pratt; and other papers relating to the subject.
 - (3.) "*A Bill to amend, and to extend to Port Phillip, An Act, intituled, 'An Act to consolidate and amend the Laws relating to the Saving's Bank of New South Wales';* Bill read a first time, and with the Despatch and other papers above mentioned, to be referred to a Committee, with instructions to take the whole subject into consideration, and to report as to the best way, in their opinion, in which the measures recommended by that Despatch can be carried into effect.

Committee appointed:

THE RIGHT REVEREND THE LORD BISHOP OF AUSTRALIA,	
THE AUDITOR GENERAL,	SIR JOHN JAMISON,
MR. JONES,	MR. JAMES MACARTHUR.

2. Crown Lands Act continuation Bill; further considered and amended; to be fairly transcribed, and presented to the Governor by the Attorney General and Mr. Jones. Council adjourned at Two o'Clock, until Tuesday next, at Twelve o'Clock.

ORDERS OF THE DAY.

TUESDAY, JUNE 22.

1. Shooting on Sunday Prevention Bill; further consideration.
2. Markets in Country Towns Act Amendment Bill; second reading.
3. Female Convict Transportation Abolition Act Amendment Bill; second reading.

WM. MACPHERSON,

Clerk of Councils.



VOTES AND PROCEEDINGS

OF

THE LEGISLATIVE COUNCIL.

TUESDAY, 22 JUNE, 1841.

PRESENT:—His Excellency the Governor, and Twelve Members. ABSENT:—His Honor the Chief Justice; and His Excellency the Commander of the Forces.

1. Council met pursuant to adjournment; His Excellency the Governor took the Chair, and laid upon the Table, the undermentioned Financial Papers:—
 - (1.) An Abstract of the Revenue of the Colony of New South Wales (including the Revenue arising from Crown Lands) and of its appropriation for the Year 1840.
 - (2.) A Statement of Sums appropriated by the Legislative Council for the service of the Year 1840, and previous years, remaining on the 31 of December, 1840, to be expended and charged, as being then still required to meet the purposes for which they were appropriated.
 - (3.) A Statement of Sums appropriated by the Legislative Council, for the Year 1840, which will not be required.
 - (4.) The Estimates of Expenditure for the Year 1842, exclusive of the Estimate for Port Phillip, not yet received.

To be printed.

2. His Excellency the Governor laid upon the Table, a letter from His Excellency Sir John Franklin, Lieutenant-Governor of Van Diemen's Land, dated, 3 February, 1841, on the subject of rendering the Navigation of Bass's Straits more secure, by the erection of Light Houses, and proposing that the Government of this Colony should co-operate with that of Van Diemen's Land, in taking measures for effecting that object; and enclosing a copy of a Bill passed last year by the Legislature of Van Diemen's Land, to provide for the maintenance of Light Houses, and copies of letters on the subject from William Moriarty, Esquire, Commander, R.N., and C. S. Henty, of Launceston, Esquire. His Excellency also laid upon the Table, letters on the same subject from Captain Philip P. King, R. N., and Captain J. W. Wickham, of H. M. S. Beagle. His Excellency proposed, that these papers should be referred to a Committee, with instructions to take the subject into consideration, and examine evidence, and report :
Committee appointed:—

THE COLLECTOR OF CUSTOMS,

THE AUDITOR-GENERAL,
MR. BERRY,

MR. JONES,
SIR JOHN JAMISON.

3. Crown Lands continuation Bill; presented by the Governor as amended; re-committed, and further considered and amended; to be read a third time to-morrow.
4. Shooting on Sunday Prevention Bill; the Colonial Secretary moved that the Bill be now further considered; the Lord Bishop of Australia moved as an Amendment, that the following Resolution be adopted, viz. :—

That this Bill be referred to a Committee with instructions to consider the means of promoting the more becoming observance of the Lord's Day, by prohibiting, on that day,
(1.) Shooting, Boxing, Horse-racing, Boat-racing, Cock-fighting, Cricket-playing, and Fishing.

(2.) Keeping open Shops for the sale of goods, merchandise, or provisions, excepting Apothecaries', and Chemists' Shops for the Sale of drugs or medicines only, during the whole day, and Butchers', Shops until the hour of 8 A. M.

(3.) Loading or packing goods for Market, or forwarding the same towards any Market within forty miles from the point of starting, by any carriage, dray, cart, wain, waggon, or other vehicle: The loading, or starting of any dray or other vehicle, for the conveyance of goods from Sydney: Labouring in the fields, or collecting or conveying farm produce or manure, excepting grain, in cases of evident and urgent danger of its being spoiled by the weather.

Resolution passed unanimously.

Committee appointed:—

THE RIGHT REVEREND THE LORD BISHOP OF AUSTRALIA,
THE ATTORNEY GENERAL,
MR. BERRY,

MR. JONES,
MR. JAMES MACARTHUR.

5. Markets in Country Towns Act Amendment Bill; read a second time; to be read a third time on Tuesday next, June 29.
 6. Female Convict Transportation Abolition Act amendment Bill; read a second time; to be read a third time on Tuesday next.
- Council adjourned at Half-past Three o'Clock, until to-morrow at Twelve o'Clock.

ORDERS OF THE DAY.

WEDNESDAY, JUNE 23.

1. Crown Lands Act continuation Bill; third reading.

TUESDAY, JUNE 29.

1. Markets in Country Towns Act Amendment Bill; third reading.
2. Female Convict Transportation Abolition Act Amendment Bill; third reading.

Wm. MACPHERSON,

Clerk of Councils.

VOTES AND PROCEEDINGS
OF
THE LEGISLATIVE COUNCIL

WEDNESDAY, 23 JUNE, 1841.

PRESENT:—His Excellency the Governor and Eleven Members: ABSENT:—His Honor the Chief Justice; His Excellency the Commander of the Forces; and H. H. Macarthur, Esquire.

1. Crown Lands Act continuation Bill; read a third time and *Passed*.

Council adjourned at One o'Clock, until Tuesday next, June 29, at Twelve o'Clock.

ORDERS OF THE DAY.

TUESDAY, JUNE 29.

1. Markets in Country Towns Act Amendment Bill; third reading.
2. Female Convict Transportation Abolition Act Amendment Bill; third reading.

WM. MACPHERSON,

Clerk of Councils.

No. 6.

VOTES AND PROCEEDINGS
 OF
 THE LEGISLATIVE COUNCIL

TUESDAY, 29 JUNE, 1841.

PRESENT:—His Excellency the Governor, and Ten Members: ABSENT:—His Honor the Chief Justice; His Excellency the Commander of the Forces; Richard Jones, Esquire; and James Macarthur, Esquire.

1. Council met pursuant to adjournment, His Excellency the Governor in the Chair; Markets in Country Towns Act Amendment Bill; read a third time and *Passed*.
2. Female Convict Transportation Abolition Act Amendment Bill; read a third time and *Passed*.

Council adjourned at Two o'Clock, until Tuesday next, July 6, at Twelve o'Clock.

Wm. MACPHERSON,
 Clerk of Councils.

VOTES AND PROCEEDINGS
OF
THE LEGISLATIVE COUNCIL.

TUESDAY, 6 JULY, 1841.

PRESENT; His Excellency the Governor, and Eleven Members; **ABSENT;** His Honor the Chief Justice; His Excellency the Commander of the Forces; and the Auditor-General.

1. Council met pursuant to adjournment; His Excellency the Governor took the Chair, and read a Minute explanatory of the Finances of the Colony, and of the Estimates of Expenditure for the Year 1842; to be printed.
2. His Excellency the Governor read a Minute on the Expenditure for Education, and laid upon the Table,
 - (1.) A Copy of His Excellency's Despatch, No. 168, to the Most Noble the Marquis of Normanby, dated 9 December, 1839, Representing that the system of affording Assistance from the Government Funds, for the formation and support of Schools, equal to the amount of Private Contributions in aid of the same, although, in principle, apparently unobjectionable, being granted equally to persons of all Religious persuasions, yet, in practice, had been found to be both expensive and inefficient, as it had encouraged the establishment of a greater number of Schools than could be maintained in efficiency by the thinly scattered population of the Colony; and moreover, that the poorer Classes, who stood most in need of Assistance from the State, obtained the smallest share of it; and that the only way in which, in His Excellency's opinion, Education could be extensively advanced in this Colony, would be by having Government Schools, conducted upon principles which should not exclude from them any persons whatsoever on account of their Religious tenets; and that these should be the only Schools, with the exception of those for Orphans, which should receive support from the Government.
 - (2.) A Despatch, in reply, from the Right Honorable Lord John Russell, No. 85, dated 25 June, 1840, Recommending that efforts should be made to obtain mild and tolerant exceptions to existing rules of the founders of Schools, rather than to require of them a general admission of all sects and denominations; and that the aid granted by the Government to all existing Schools but those for Orphans, should be gradually reduced; and that efforts should be made to place all such Schools upon the footing of being supported by local rates and voluntary Contributions; and advising the establishment of a System of Inspection, to which all Schools receiving Public Aid should be subjected; Minute to be printed.Council adjourned at Two o'Clock, until Tuesday, 20 July, at Twelve o'Clock.

NOTICES OF MOTION.

TUESDAY, JULY 20.

1. The Colonial Secretary; the Estimates of Expenditure for 1842.
2. Mr. James Macarthur; That he will present a Petition praying that the Government will adopt such measures as may appear expedient to obtain the removal of the restrictions which prevent the Emigration of the Hill Coolies from India; and will move that the same be then taken into consideration, and resolutions to that effect adopted.

Wm. MACPHERSON,

Clerk of Councils.

VOTES AND PROCEEDINGS
OF
THE LEGISLATIVE COUNCIL.

TUESDAY, 20 JULY, 1841.

PRESENT:—His Excellency the Governor and Eleven Members. ABSENT:—His Honor the Chief Justice; His Excellency the Commander of the Forces; and the Auditor General.

1. Council met pursuant to adjournment; His Excellency the Governor took the Chair, and laid upon the Table a numerously signed Petition representing, that an Association has been formed in Sydney for mutual protection from loss by Fire, under the name of the "MUTUAL FIRE INSURANCE ASSOCIATION"; that the number of Members is now 250, and the value of property insured exceeds £700,000, and both are daily increasing; and praying that an Act of the Legislature may be passed to secure to the Members of the Association, the due performance of its engagements, and to the Public, the benefits proposed by its formation; Petition received, and read; to lie on the Table.
2. Mr. James Macarthur presented a petition from 206 Landholders, and other Employers of Labour in the Colony of New South Wales, representing that the Petitioners in common with their fellow Colonists are suffering severely from the deficiency of labourers, more especially from the want of Shepherds, whereby their flocks, which supply the principal staple export for the British market, are subject to the most alarming deterioration and loss; that the price of labour has consequently risen to a height altogether disproportioned to the value of Wool, and to the general profits of Agricultural and Pastoral pursuits, and thus threatens the most ruinous consequences to all Classes of the Community, but particularly to Flock masters, who hold the largest stake in the prosperity of the Colony, and in whose success that prosperity mainly consists; that the occupations of a shepherd are so light and simple, that to employ therein the great bodily powers of British labourers, would be a misapplication of strength, since the more active departments of industry will for many years to come be sufficient to absorb all the energies of European Immigration; that for more than five years past, the attention of many of the Petitioners has been directed to the subject of Emigration from British India, and the more they have reflected thereon, the deeper has become their conviction that such emigration if conducted on sound principles, and under the immediate supervision of the respective Governments of this Colony, and of India, would be the readiest and most effectual means of relieving their present necessities; and of averting the ruin with which they are now threatened, and would moreover confer important benefits upon the Immigrants themselves; that this conviction is not founded upon mere theory, but has been justified by a limited experience, forty three Coolie Immigrants having been employed in various ways by some of the Petitioners, during the last four years and a-half; and that many of the Petitioners can testify, that the experiment has equalled, or surpassed their most sanguine expectations; that so confidently do the Petitioners rely upon the accuracy of the data upon which their high estimate of the value of Indian Immigration is founded, that all they desire is, that the subject should undergo the most thorough investigation, on the part of the Local, and British Authorities, convinced, as the Petitioners are, that the result would be not less satisfactory to Her Majesty's Government, than to the Petitioners themselves; that having observed that a Committee on Immigration has been recently appointed by the Council, the Petitioners avail themselves of so favourable a juncture, of submitting their present case to His Excellency and the Council, in the hope that an opportunity may be afforded them of entering into all the details of the subject, and of thereby removing the various prejudices by which it has hitherto been obscured; they pray that His Excellency and the Council will take the subject into their most favourable consideration, and refer the whole question of Indian Immigration to a Committee of the Council, with instructions to examine evidence and report thereon; Petition received and read. Mr. Macarthur remarked that the Notice which had been entered on the Proceedings did not correctly state the Motion which it was his intention to make, and which he would now move as follows; "That the subject of Coolie Immigration be referred to the Immigration Committee to report upon separately from the general question of Immigration." After a debate of nearly three hours, Mr. Macarthur withdrew his Motion.
3. His Excellency the Governor laid upon the Table, "A Bill to amend the Act for the Registration of Deeds; and to provide for the Registration of Judgments, and for the establishment of a separate Registry at Port Phillip;" Bill read a first time; to be printed, and read a second time on Tuesday, August 3.

4. His Excellency the Governor laid upon the Table, "*A Bill to make further provision for the trial of cases in the Circuit Courts, and to amend in certain respects, the Act providing for trial by Jury therein;*" Bill read a first time; to be printed, and read a second time on Tuesday, August 3.
5. The Estimates of Expenditure for 1842; the consideration of, deferred until to-morrow. Council adjourned at Four o'Clock, until to-morrow at Twelve o'Clock.

ORDERS OF THE DAY.

WEDNESDAY, JULY 21.

1. The Estimates of Expenditure for 1842; to be considered.

TUESDAY, AUGUST 3.

1. Registration Act amendment Bill; second reading.
2. Supreme Court regulation Act amendment Bill; second reading.

Wm. MACPHERSON,

Clerk of Councils.

VOTES AND PROCEEDINGS
OF
THE LEGISLATIVE COUNCIL.

WEDNESDAY, 21 JULY, 1841.

PRESENT; His Excellency the Governor and Ten Members. **ABSENT**; His Honor the Chief Justice; His Excellency the Commander of the Forces; the Auditor-General; and Robert Campbell, Esq.

1. Council met pursuant to adjournment, His Excellency the Governor in the Chair. The Estimates of Expenditure for 1842; The Colonial Secretary moved that they be now considered in Committee: Passed.
 - (1.) Resolved, that a sum not exceeding £580 1s. 3d., be appropriated to defray the expence of the Establishment of His Excellency the Governor, for the year 1842.
 - (2.) Resolved, that a sum not exceeding £1,465 18s. 9d., (including a further sum of £300, towards the formation of a Library), be appropriated to defray the expence of the Executive and Legislative Councils, for the year 1842.
 - (3.) Resolved, that a sum not exceeding £7,071 13s., be appropriated to defray the expence of the Colonial Secretary's Department, for the year 1842.
 - (4.) Resolved, that a sum not exceeding £4,120 16s. 8d., be appropriated to defray the expence of the Colonial Treasury, for the year 1842.
 - (5.) Resolved, that a sum not exceeding £2,689 8s. 9d., be appropriated to defray the expence of the Auditor General's Department, for the year 1842.
 - (6.) Resolved, that a sum not exceeding £8,803 16s. 8d., be appropriated to defray the expence of the Custom's Department at Sydney, for the year 1842.
 - (7.) Resolved, that a sum not exceeding £310 10s. 3d., be appropriated to defray the expence of the Department of Customs at Newcastle, for the year 1842.

The consideration of the Estimate of the probable expences of the Post Master General's Department deferred until Tuesday next.

 - (8.) Resolved, that a sum not exceeding £495, (including £75, for the keep of a Horse), be appropriated to defray the Salaries of Inspectors of Colonial Distilleries, for the year 1842.
 - (9.) Resolved, that a sum not exceeding £200, be appropriated to defray the Salary of the Inspector of Slaughter Houses for the District of Sydney, for the year 1842.
 - (10.) Resolved, that a sum not exceeding £907 10s., be appropriated to defray the expence of the Department of the Colonial Botanist, for the year 1842.
 - (11.) Resolved, that a sum not exceeding £738 5s., be appropriated to defray the expence of the Government Domain, Parramatta, for the year 1842.
 - (12.) Resolved, that a sum not exceeding £200, be appropriated towards the support of the Australian Museum, for the year 1842.
 - (13.) Resolved, that a sum not exceeding £1,520 15s. 7d., be appropriated to defray the expence of the Colonial Storekeeper's Department, for the year 1842.
 - (14.) Resolved, that a sum not exceeding £1,304 15s., be appropriated to defray the expence of the Government Printing Office, for the year 1842.
 - (15.) Resolved, that a sum not exceeding £1,931 15s. 5d., be appropriated to defray the expence of the Department of the Harbour Master, at Sydney, for the year 1842.
 - (16.) Resolved, that a sum not exceeding £144, be appropriated to defray the expence of the Quarantine Schooner "Ariel," for the year 1842.
 - (17.) Resolved, that a sum not exceeding £448 18s. 9d., be appropriated to defray the expence of the Light House, at South Head, for the year 1842.
 - (18.) Resolved, that a sum not exceeding £487 17s. 6d., be appropriated to defray the expence of the Floating Light Vessel, near the entrance of Port Jackson, for the year 1842.
 - (19.) Resolved, that a sum not exceeding £279 15s., be appropriated to defray the expence of the Department of the Harbour Master, at Newcastle, for the year 1842.
 - (20.) Resolved, that a sum not exceeding £250 3s. 4d., be appropriated to defray the expence of the Department of the Harbour Master, at Port Macquarie, for the year 1842.
 - (21.) Resolved, that a sum not exceeding £54 15s., be allowed as a Salary for the year 1842, to a Pilot at Wollongong, in aid of such fees for Pilotage as he may receive.
 - (22.) Resolved, that a sum not exceeding £54 15s., be allowed as a Salary for the year 1842, to a Pilot at Brisbane Water, in aid of such fees for Pilotage as he may receive.

(23.) Resolved, that a sum not exceeding £430 17s. 6d., be appropriated to defray the expence of the Telegraph Stations, for the year 1842.

(24.) Resolved, that a sum not exceeding £250, be appropriated to defray the Salary of the Colonial Agent General, for the year 1842.

Council adjourned at Three o'Clock, until Tuesday next, July 27, at Twelve o'Clock.

ORDERS OF THE DAY.

TUESDAY, JULY 27.

1. Estimates of Expenditure for 1842 ; further consideration.

TUESDAY, AUGUST 3.

1. Registration Act amendment Bill ; second reading.
2. Supreme Court regulation Act amendment Bill ; second reading.

WM. MACPHERSON,

Clerk of Councils.

VOTES AND PROCEEDINGS
OF
THE LEGISLATIVE COUNCIL.

TUESDAY, 27 JULY, 1841.

PRESENT; His Excellency the Governor and Twelve Members. ABSENT; His Excellency the Commander of the Forces; and the Auditor General.

1. Council met pursuant to adjournment, His Excellency the Governor in the Chair. Shooting on Sunday Prevention Bill; The Lord Bishop of Australia as Chairman, brought up the Report, and laid upon the Table the Evidence taken before the Committee; to be printed.
2. Savings' Bank Bill; The Lord Bishop of Australia as Chairman, brought up the Report, and laid upon the Table the Evidence taken before the Committee; to be printed.
3. His Excellency the Governor laid upon the Table, "*A Bill to facilitate proceedings by and against the Proprietors of a certain Joint Stock Company, lately carrying on business in Sydney, in the Colony of New South Wales, under the name, style, or firm of the 'AUSTRALIAN AUCTION COMPANY,' and for other purposes therein mentioned*"; the Clerks of the Churches of St. Philip, and St. James in Sydney, called in, and notification of the intention to apply for the Bill having been affixed on the doors of the said Churches, on three successive Sundays, proved; Bill read a first time, to be printed, and referred to a Sub-Committee to consist of the following Gentlemen:—

THE ATTORNEY GENERAL.

THE COLLECTOR OF CUSTOMS.

MR. BERRY.

MR. JONES.

MR. JAMES MACARTHUR.

- with instructions to consider and report upon the provisions of the Bill, and to examine evidence if necessary.
4. His Excellency the Governor laid upon the Table, "*A Bill for facilitating Proceedings by and against the 'HUNTER'S RIVER STEAM NAVIGATION COMPANY,' and for other purposes therein mentioned*"; the Clerks of the Churches of St. Philip, and St. James in Sydney, and Mr. James Norris, Agent for the Company, at Morpeth, called in, and notification of the intention to apply for the Bill having been affixed on the doors of the said Churches in Sydney, and on the doors of the Churches at East and West Maitland, and at Morpeth, on three successive Sundays, proved; Bill read a first time, to be printed, and referred to the Sub-Committee on the "*Australian Auction Company Bill*", with instructions to consider and report upon the provisions of the Bill, and to examine evidence if necessary.
 5. Estimates of Expenditure for 1842; further considered in Committee.
 - (25.) Resolved, that a sum not exceeding £18,564 1s. 3d., be appropriated to defray the expence of the Post Master General's Department, for the year 1842.
 - (26.) Resolved, that a sum not exceeding £17,951 0s. 10d., be appropriated to defray the expence of the Surveyor General's Department, for the year 1842.
 - (27.) Resolved, that a sum not exceeding £16,883 12s. 4d., be appropriated to defray the expence of the Colonial Engineer's Department, for the year 1842.
 - (28.) Resolved, that a sum not exceeding £17,400, be appropriated to defray the expence for the year 1842, of repairing Roads and Bridges, and for the construction of New Bridges, and other Public Works.
 - (29.) Resolved, that a sum not exceeding £1,740 10s., be appropriated to defray the expence of the Department of the Colonial Architect, for the year 1842.
 - (30.) Resolved, that a further sum of £5,000, be appropriated to defray the expence for the year 1842, of building a New Government House, at Sydney.
 - (31.) Resolved, that a sum not exceeding £750, be appropriated to defray the expence for the year 1842, of converting two yards into sleeping rooms, to increase the accommodation at the Lunatic Asylum.
 - (32.) Resolved that a sum not exceeding £2,000, be appropriated to defray the expence for the year 1842, of casual repairs to Government Houses, Courts of Justice, and other Public Buildings.
 - (33.) Resolved, that a sum not exceeding £350, be appropriated to defray the Salary for the year 1842, of the District Surveyor of Buildings, Sydney.
 - (34.) Resolved, that a sum not exceeding £6,889 1s. 8d., be appropriated to defray the expence of the Supreme Court, for the year 1842.
 - (35.) Resolved that a sum not exceeding £5,984 10s., be appropriated to defray the expence of the Law Officers of the Crown, for the year 1842.

The further consideration of the Estimates deferred until to-morrow.
Council adjourned at Five o'Clock, until to-morrow, at Twelve o'Clock.

ORDERS

ORDERS OF THE DAY.

WEDNESDAY, JULY 28.

1. Estimates of Expenditure for 1842; further consideration.

TUESDAY, AUGUST 3.

1. Registration Act amendment Bill; second reading.
2. Supreme Court regulation Act amendment Bill; second reading.

WM. MACPHERSON,

Clerk of Councils.

VOTES AND PROCEEDINGS
OF
THE LEGISLATIVE COUNCIL.

WEDNESDAY, 28 JULY, 1841.

PRESENT; His Excellency the Governor and Eleven Members. ABSENT; His Excellency the Commander of the Forces; the Auditor General; and John Blaxland, Esq.

1. Council met pursuant to adjournment, His Excellency the Governor in the Chair. Mr. Jones presented a Petition from 523 persons, inhabitants of the District of Paterson, representing that the heavy importations of foreign Grain and Flour into the Colony, have deeply injured the Colonial Agriculturalists; that unless some Legislative enactment be passed to prevent such importations in future, Grain will cease to be grown within the Colony; that the Colonial Farmers cannot raise Grain at such a price as would enable them to compete with Foreign Grain Growers, and that unless some protection is afforded to them, the vast extent of Lands which have been cleared at great expence, and which are now under cultivation, must cease to be cultivated, and that, as a consequence of this, the Farmers residing on such Lands will be completely ruined, and the immense sums which they have expended in the erection of Barns and other Buildings necessary for agricultural purposes will be wholly lost to the Colony; that no reliance can be placed on Foreign Countries for the supply of Grain, as either war, scarcity in those Countries, or a better market nearer home, would at all times be sufficient to prevent a regular supply; that by the ruin of the Colonial farmers, an immense amount of specie would be withdrawn from this, and circulated in those other countries whence our supplies must, in such case, be derived, and that our dependence on them for such supplies, would place them in a position to exact from us whatever commercial regulations they might dictate, under the threat of withholding their Grain until we should submit; that our only exports of importance being Wool and Oil, for which a ready market is always found in the mother country, the balance of trade would be entirely in favour of those countries whence we derived our supply of Grain; that the only persons likely to derive benefit from the ruin of the Colonial farmers, would be a few overgrown Capitalists in our own and Foreign ports, who would contrive, whenever an attempt was made to grow Colonial Grain, to keep the price a little below that which would remunerate the Colonial Agriculturalists, and having succeeded in driving them from the market, those large Capitalists would then be in a condition to exact whatever price they thought proper; that scarcity from drought could be prevented by making siloes sufficient to contain twelve months supply of Grain; that wheat can be grown in the Colony at 10s. per bushel, and remunerate the grower; and the Petitioners therefore pray, that His Excellency and the Council will levy a Duty upon all Foreign Grain and Flour;—Petition received and read.
2. Estimates of Expenditure for 1842; further considered in Committee.
 - (36.) Resolved, that a sum not exceeding £4,778, be appropriated to defray the expence of Courts of Quarter Sessions, for the year 1842.
 - (37.) Resolved, that a sum not exceeding £1,916 18s. 9d., be appropriated to defray the expence of Courts of Requests, for the County of Cumberland, and District of Wollongong, for the year 1842.
 - (38.) Resolved, that a sum not exceeding £1,220, be appropriated to defray the expence of Courts of Requests, for other Counties and Districts.
 - (39.) Resolved, that a sum not exceeding £3,346 8s. 9d., be appropriated to defray the expence of the Sheriff's Department, for the year 1842.
 - (40.) Resolved, that a sum not exceeding £1,888 17s. 6d., be appropriated to defray the Salaries of Coroners, and the expences of Inquests, for the year 1842. Police and Gaols; Motion made and question put, that the consideration of the appropriation of £93,371 8s. 4d., to defray the expence of Police and Gaols, for the year 1842, be deferred until Tuesday next; Passed.
 - (41.) Resolved, that a sum not exceeding £18,081 10s., be appropriated to defray the expence of the Establishment of the United Church of England and Ireland, for the year 1842.
 - (42.) Resolved, that a sum not exceeding £6,500, be appropriated to defray the expence of the Presbyterian Church, for the year 1842.
 - (43.) Resolved, that a sum not exceeding £3,050, be appropriated to defray the expence of the Wesleyan Mission, for the year 1842.
 - (44.) Resolved, that a sum not exceeding £8,350, be appropriated to defray the expence of the Establishment of the Roman Catholic Church, for the year 1842.
 - (45.) Resolved, that a sum not exceeding £3,133 6s., be appropriated to defray the expence of the Male Orphan School, for the year 1842.

(46.)

- (46.) Resolved, that a sum not exceeding £2,639 5s., be appropriated to defray the expence of the Female Orphan School, for the year 1842.
- (47.) Resolved that a sum not exceeding £1,500, be appropriated for the support of Orphan Schools for destitute Roman Catholic Children, for the year 1842.
- (48.) Resolved, that a sum not exceeding £3,450, be appropriated towards the support of Schools of the Church of England, for the year 1842, including £500, on condition of sums to an equal amount being raised by private contributions.
- (49.) Resolved, that a sum not exceeding £300, be appropriated towards the support of the Australian School Society, for the year 1842.
- (50.) Resolved, that a sum not exceeding £1,500, be appropriated towards the support of Presbyterian Schools, for the year 1842, on condition of sums to an equal amount being raised by private contributions.
- (51.) Resolved, that a sum not exceeding £350, be appropriated towards the support of Wesleyan Methodist Day Schools, for the year 1842, on condition of sums to an equal amount being raised by private contributions.
- (52.) Resolved, that a sum not exceeding £1,450, be appropriated towards the support of Roman Catholic Schools, for the year 1842, including £700, on condition of sums to an equal amount being raised by private contributions.
- (53.) Resolved, that a further sum, not exceeding £2,000, be appropriated towards building new Orphan Schools at Parramatta.
- (54.) Resolved, that a sum not exceeding £335, be appropriated to defray the Salaries and contingent expences for the year 1842, of the Health Officer, and Clerk of the Medical Board.
- (55.) Resolved, that a sum not exceeding £1,685 10s. 3d., be appropriated to defray the expence of the Lunatic Asylum at Tarban Creek, for the year 1842.
- (56.) Resolved, that a sum not exceeding £2,500, be appropriated to defray the expence for the year 1842, of supporting Free Paupers in the Colonial Hospitals.
- (57.) Resolved, that a sum not exceeding £250, be appropriated to defray the charge of Pensions payable in England, for the year 1842.
- (58.) Resolved, that a sum not exceeding £1,420, be appropriated to defray the charge of Pensions payable in the Colony, for the year 1842.
- (59.) Resolved, that a sum not exceeding £1,000, be appropriated to defray the expence for the year 1842, of the Commission for hearing and determining on claims to grants of land in New South Wales.
- (60.) Resolved, that a sum not exceeding £1,000, be appropriated to defray the expence for the year 1842, of the management of the Church and School Estates.
- (61.) Resolved, that a sum not exceeding £200, be appropriated towards the support of the Sydney School of Arts, for the year 1842.
- (62.) Resolved, that a sum not exceeding £2,000, be appropriated to defray the expence of Stationery, Bookbinding, Gazettes, and Almanacks, for the several Colonial Departments, for the year 1842.
- (63.) Resolved, that a sum not exceeding £3,000, be appropriated to defray the expence, for the year 1842, of providing furniture for the New Government House, Sydney.
- (64.) Resolved, that a sum not exceeding £600, be appropriated to defray the expence, for the year 1842, of furniture for Government Houses, and Public Offices.
- (65.) Resolved that a sum not exceeding £600, be appropriated to defray the expence, for the year 1842, of fuel and light for the several Colonial Departments.
- (66.) Resolved, that a sum not exceeding £300, be appropriated to defray the expence, for the year 1842, of conveying stores to the several Public Departments.
- (67.) Resolved, that a sum not exceeding £300, be appropriated to defray the expence, for the year 1842, of lighting the Government lamps in Sydney.
- (68.) Resolved, that a sum not exceeding £105, be appropriated to defray the expence, for the year 1842, of training Firemen to work the Engines when required.
- (69.) Resolved, that a sum not exceeding £200, be appropriated to defray the expence for the year 1842, of the passages of Convicts transported to Van Diemen's Land.
- (70.) Resolved, that a sum not exceeding £4000, be appropriated to meet unforeseen expences on occasions of emergency, for the year 1842, to be afterwards accounted for.
- Council adjourned at Half past Four o'Clock, until Tuesday next, August 3, at Twelve o'Clock.

ORDERS OF THE DAY.

TUESDAY, AUGUST 3.

1. Estimates of Expenditure for 1842; further consideration.
2. Registration Act amendment Bill; second reading.
3. Supreme Court regulation Act amendment Bill; second reading.

WM. MACPIERSON,

Clerk of Councils.

VOTES AND PROCEEDINGS
OF
THE LEGISLATIVE COUNCIL.

TUESDAY, 3 AUGUST, 1841.

PRESENT; His Excellency the Governor and Twelve Members. ABSENT; His Excellency the Commander of the Forces; and the Auditor General;

1. Council met pursuant to adjournment, His Excellency the Governor took the Chair, and read a Minute explanatory of the Estimates for the District of Port Phillip, for the year 1842, and laid upon the Table.
 - (1.) Estimate of the probable Expences of the Establishments at Port Phillip, for the year 1842.
 - (2.) Supplementary Estimate of the probable Expences of the Establishments at Port Phillip, forming a charge on the Treasury of New South Wales, for the year 1841. Minute and Estimates to be printed.
2. Hunter's River Steam Navigation Company Bill; the Attorney General, as Chairman, brought up the Report of the Committee; Report to be printed; Bill to be read a second time on Tuesday next, August 10.
3. Australian Auction Company Bill; the Attorney General, as Chairman, brought up the Report of the Committee; Report to be printed; Bill to be read a second time on Tuesday next.
4. Registration Act amendment Bill; the Attorney General, moved that the second reading of this Bill be deferred, and that the Bill be referred to a Committee; Passed. Committee appointed:—

HIS HONOR THE CHIEF JUSTICE.

THE ATTORNEY GENERAL.
MR. BERRY.

MR. JONES.
MR. JAMES MACARTHUR.

with instructions to consider and report upon the provisions of the Bill, and to examine evidence if necessary.

5. Circuit Courts Jury Act amendment Bill, (in previous Minutes of the Proceedings erroneously called Supreme Court regulation Act amendment Bill); read a second time: committed and amended; to be further considered on Tuesday next.
6. Estimates of Expenditure for 1842; further considered in Committee,
 - (71.) Moved by the Colonial Secretary, That it be resolved, that a sum not exceeding £13,491 2s. 6d., be appropriated to defray the expence of the Police, for the Town and District of Sydney, for the year 1842. Moved as an Amendment, by Mr. James Macarthur, That it be resolved, that the Estimates of Expenditure for the Police and Gaol Establishments, for the year 1842, be reduced to the sum of £46,375 9s. 2d., being (after deducting the amount estimated for the Debtors Prison, Sydney) one half of the Estimated charge for those Services, and as large an expenditure as can, with any degree of Justice, be required from this Colony, for the punishment and discipline of British transported Criminals; and also, that the sum of £7,225, be withdrawn from the Estimate for Public Buildings, for the year 1842, being one half the amount proposed to be applied to the erection of Gaols and other Buildings chiefly rendered necessary by the transportation of British Criminals to this Colony, and one half at least, if not a larger proportion of which charge, as well as of that for the Police and Gaol Establishments ought, in justice, to be borne by the British Treasury; Council divided; for the Original Motion, seven; for the Amendment, five; Original Resolution passed.
 - (72.) Resolved, that a sum not exceeding £2,608 5s. 10d., be appropriated to defray the expence of the Water Police, for the Port and Harbour of Sydney, for the year 1842.
 - (73.) Resolved, that a sum not exceeding £36,006 15s. 5d., be appropriated to defray the expence of the Police, in the Country districts, for the year 1842.
 - (74.) Resolved, that a sum not exceeding £17,460 9s. 7d., be appropriated to defray the expence of the Mounted Police, for the year 1842.
 - (75.) Resolved, that a sum not exceeding £11,028 17s. 6d., be appropriated to defray the expence of the Border Police, for the year 1842.
 - (76.) Resolved, that a sum not exceeding £5,576 0s. 0d., be appropriated to defray the expence of the Sydney Gaol, for the year 1842.
 - (77.) Resolved, that a sum not exceeding £620 10s. 0d., be appropriated to defray the expence of the Debtors' Prison, Sydney, for the year 1842.
 - (78.) Resolved, that a sum not exceeding £6,579 7s. 6d., be appropriated to defray the expence of Gaols in the Country districts, for the year 1842.
 - (79.) Resolved, that a further sum not exceeding £4000 0s. 0d., be appropriated for the year 1842, towards building the New Gaol, and Court House, Darlinghurst.

- (80.) Resolved, that a further sum not exceeding £3,000, be appropriated, for the year 1842, towards building the New Gaol, Parramatta.
- (81.) Resolved, that a sum not exceeding £2,000, be appropriated, for the year 1842, towards building a Water Police Office, and Office for the Harbour Master, Sydney.
- (82.) Resolved, that a sum not exceeding £450, be appropriated, for the year 1842, towards building a Court and Lock-up House, Ailsa.
- (83.) Resolved, that a sum not exceeding £700, be appropriated, for the year 1842, towards building Lock-up Houses, at Kiama, and Dungog; being £350, for each.
- (84.) Resolved, that a sum not exceeding £350, be appropriated, for the year 1842, towards building Solitary Cells, at Scone.
- (85.) Resolved, that a further sum not exceeding £250, be appropriated, for the year 1842, towards completing and fitting up the Court and Watch-house, Newcastle.
- (86.) Resolved, that a sum not exceeding £250, be appropriated, for the year 1842, towards building a Court and Watch-house, at Murrurundi.
- (87.) Resolved, that a sum not exceeding £2,400, be appropriated, for the year 1842, towards building Barracks and Stables for the Mounted Police, at Emu Ferry, Hartley, Berrima, Yalbret, Murrurundi, and Ailsa, being £400 for each.
- (88.) Resolved, that a sum not exceeding £700, be appropriated, for the year 1842, towards building Barracks and Stables for the Mounted Police, at Goulburn.
- (89.) Resolved, that a sum not exceeding £350, be appropriated, for the year 1842, towards building Solitary Cells, at Newcastle Gaol.
- Council adjourned at Five o'Clock, until Tuesday next, August 10, at Twelve o'Clock.

ORDERS OF THE DAY.

TUESDAY, AUGUST 10.

1. Hunter's River Steam Navigation Company Bill; second reading.
2. Australian Auction Company Bill; second reading.
3. Circuit Courts Jury Act amendment Bill; second reading.

NOTICES OF MOTION.

TUESDAY, AUGUST 10.

1. The Colonial Secretary; that out of the sum of £68,056 8s. 0d., being the excess of the amount appropriated for the service of the year One thousand eight hundred and forty, there shall and may be issued and applied any sum or sums of money not exceeding £22,399 1s. 9d., to supply the deficiencies in the amount appropriated for certain Departments and Services, for that year.

TUESDAY, AUGUST 17.

1. The Colonial Secretary; The Estimates of Expenditure for Port Phillip, for the year 1842.
2. The Colonial Secretary; The Supplementary Estimates of Expenditure for Port Phillip, for the year 1841.

WM. MACPHERSON,

Clerk of Councils

VOTES AND PROCEEDINGS
OF
THE LEGISLATIVE COUNCIL.

TUESDAY, 10 AUGUST, 1841.

PRESENT; His Excellency the Governor and Twelve Members. ABSENT; His Excellency the Commander of the Forces; and the Auditor General;

1. Council met pursuant to adjournment; His Excellency the Governor took the Chair, and laid upon the Table.
 - (1.) Copy of a Despatch from His Excellency to the Right Honorable Lord John Russell, No. 138, dated 26 September, 1840, transmitting the addresses of congratulation from the Governor and Council to Her Majesty and Prince Albert, on the occasion of Her Majesty's Nuptials.
 - (2.) Despatch from Lord John Russell in reply, No. 210, dated 28 February, 1841. To be printed.
2. The Lord Bishop of Australia presented a Petition from 396 persons, Magistrates, Clergymen, and other Inhabitants of Melbourne and its vicinity, representing, that the Petitioners had learned with much satisfaction, that a Bill had been introduced to prohibit the practice of shooting on the Lord's Day, and that additional clauses had been proposed to the effect of prohibiting certain sports, games, and amusements, and also trafficking, keeping shops open, loading vehicles and pursuing field labour on that day; that the practices in question had been long deplored by the Petitioners as grievous profanations of the Holy Sabbath, producing a very demoralizing effect on the Community, especially on the rising generation, and tending to efface all regard for Religious observances, and Religion itself; that the Petitioners further regard as a particularly serious evil, the practice of Steam Vessels sailing on Sundays, on short trips with passengers, for the purposes of pleasure, often starting and arriving about, or during the hours of Divine Service, and thus withdrawing many persons from the duties appropriate to that Sacred day; and the Petitioners pray, that in the Bill now before the Council, provision may be made for the suppression of the several desecrations of the Lord's Day above enumerated. Petition received and read.
3. Mr. Jones, presented a Petition, signed on behalf of the Total Abstinence Society by their President, Secretary, and Treasurer, expressing their great surprise, and deep regret, at the lamentable extent of Intemperance in this Colony, as proved by the Returns for the last year from the Customs and Revenue Departments, it appearing from those Returns that the value of the Exports from the Colony during the last year, amounted to about £1,000,000, whilst the value of the Wines, Spirits, &c. imported during the same period amounted to about £338,490, and the duties paid on those liquors, and on liquors distilled in the Colony, and on Licenses to retail, and distil such liquors, amounted to £159,507, making the whole expenditure by the Public in that way (exclusive of the profits of the Merchant and Retailer) £497,997, being only £2,003 less than the half of the Exports during the same period; and representing that these facts, taken in connexion with the future prosperity or ruin of this Colony, appear to the Petitioners to be of so appalling a character as to require the most serious attention; that dependent as this Colony is on other Countries for a great proportion of the necessaries of life, without mention of luxuries, the Petitioners can not believe it possible that the Colony can long support such a drain upon its resources for an article which is in their opinion worse than useless, and that ruin to every portion of the Community must be the ultimate result, unless some effectual check can be put to the importation and distillation of all intoxicating liquors, and to their use as a common beverage; that it appears from most unexceptionable evidence collected under Legislative authority both in Great Britain, and America, that at least five-sixths of the crimes which are committed, and three-fourths of the pauperism which exists, originate in Intemperance; that of the accuracy of such statements the records of the Sydney Police Court furnish the most melancholy and decided proof, for no further back than Monday the 14 of June last, it appeared by the records of that Court that 117 cases were brought before it, which cases had occurred during the Saturday night and Sabbath previous; and that of these cases, no less than 96 were reported to have originated in Intemperance; that this enemy to the peace, respectability, and prosperity of all ranks in the Community is, in the opinion of the Petitioners, the greatest social evil with which the world has ever been afflicted, and so destructive of the welfare of Society in all its social and productive energies, that it is no longer safe for the Legislature of any Country to disregard it, or treat it with

with a lenient hand; that the manner however in which this social evil has been, and still is treated by Governments in general, appears to the Petitioners to be the very reverse of what it ought to be, and what is usually adopted in reference to other evils affecting the Body Politic, which are prohibited by law, and the Community are carefully guarded from their consequences, whilst Intemperance—which is the most formidable of all evils, and is sapping the foundation of the well being of almost every Community on the face of the Earth, and has gone far towards making our Country a Nation of drunkards, and is carrying more than 50,000 of its population annually to a disgraceful and untimely grave,—in place of being so dealt with, is *Licensed*, which the Petitioners can not but regard as one of the grossest mistakes which has ever been committed in Human Legislation, for to License the manufacture, importation, and vending of intoxicating liquors, is, to all intents and purposes, to License the crimes, pauperism, profligacy, and wretchedness, which spring from them; that the progress of the Temperance Society, the Petitioners rejoice to say, has been of the most encouraging character, but they cannot however entertain the slightest hope of overcoming the gigantic evil of Intemperance, so long as Licenses are granted for the manufacture and vending of intoxicating liquors, as every instance in which this is done, proves a source of innumerable temptations to intemperance, in those who have unhappily fallen under the habit, and conduces to the acquisition of the habit, in those who have not, particularly the rising generation; that so long indeed as the cause of this evil is licensed by law, the Petitioners cannot indulge a hope that it is ever likely to be overcome, although the Petitioners are resolved as a Society to persevere, with the help of God, in their noble cause; and the Petitioners earnestly pray, not only for their own sakes, but for the sake of the happiness and prosperity of all ranks in the Community, that the Government will put forth its strong arm, and prohibit by law the trade in intoxicating liquors, and thus protect the Country against Intemperance—that Monster-foe to its well-being—which unless it be put down, will continue to increase until it shall have accomplished the destruction of the prosperity and happiness of this Land; and whatever deficiency in the Revenue of the Colony may be caused by such a procedure, the Petitioners would be willing to bear their share in common with other members of the Community in making it up, or such portion of it as may be necessary for the Public expenditure of the Colony, in any way which to His Excellency and the Council may seem meet. Petition received and read.

4. Immigration; The Lord Bishop of Australia as Chairman of the Committee, stated, that the Report would have been ready to present this day, but that a number of additional papers received by a vessel recently arrived, had been referred to the Committee for their consideration; his Lordship thought however, that the Report might be ready to present on Friday next.
5. The Colonial Secretary presented a Petition from 112 persons, Landholders, Stockholders, Agriculturists, and other employers of labour, resident in the District of Bathurst and its neighbourhood, representing:—That in the opinion of the Petitioners the present distress in the Colony is consequent on the dearth of labour, and that from the want of this essential element of production, Capital is becoming extinguished—land valueless—and every pursuit languishing; that Wool being almost the sole Colonial Export, upon its profitable growth the prosperity of the Colony depends, and that the profits of the Wool-grower depend on the value of his increase, which is now unscalable from the want of Shepherds; that a remedy is to be sought from greatly extended British Emigration, or from the importation of Coolies, and that an amply copious stream of the former can alone supersede the necessity for the latter; that the Bounty Regulations of 3 March, 1840, while they exclusively sanction the emigration of a class who cannot be induced to emigrate in sufficient numbers, exclude the emigration of another class, who are disposed to emigrate, and would be equally useful to the Colony; and the Petitioners recommend the extension of the Bounty system to the Parents of large Agricultural and Pastoral Families, though above the age of forty years, and also to hand-loom weavers and other manufacturing artizans, who frequently make the best shepherds; and that application should be made to the Authorities at Home to encourage the emigration of the kelp manufacturers from Scotland, 40,000 of whom, it appears by the proceedings in the House of Commons, are starving; and that the Agents of the Glasgow Company, who have monthly ships trading to this Colony with Emigrants, should be invited to import them at the expense of the Land Fund; that the Petitioners being of opinion that British Emigration cannot be expected to an extent equal to the urgent necessities of the Colony, they suggest that such representations should be made to the Authorities at Home, as would be calculated to effect the withdrawal of the order prohibiting the emigration of the Coolies from India; and urging that the relation which would subsist between the Colonial Master and the Coolie Servant could not, without perversion and abuse of words, be designated Slavery, but that such a term might more appropriately be applied to the condition of the Coolies when coerced within territorial limits and prohibited from resorting to fairer and more profitable fields of labour; that the Petitioners are sensible there are evils attached to a mixture of races, but the question is not whether the Colony shall exist as a select and superior Community, but whether it shall exist at all, without receding into barbarism, in the absence of labour, the great condition and *sine quâ non* of civilization; and the Petitioners do not assert this in a spirit of exaggeration, but in the most earnest sincerity, and under the profoundest conviction of its truth; that in the judgment of the Petitioners, the fearful and extensive consequences to be apprehended from the present state of affairs, have been brought about by the precipitate abolition of the Assignmer's system, without preparatory and adequate provision of free labour, and by the misappropriation

misappropriation and withholding of the Land Fund, which was an adequate and the only just and legitimate means of securing such provision; and the Petitioners therefore pray, that such remedial measures may be adopted, as to His Excellency the Governor and Council may seem meet. Petition received and read; to be referred to the Committee on Immigration.

- 6. Removal from office of the late Agent for Immigration: Motion made by Sir John Jamison, and seconded by Mr. H. H. Macarthur, That His Excellency the Governor be respectfully requested to afford information to the Council in regard to Mr. Pinnock's removal from office, and to lay before them the correspondence on that subject. The Governor having stated, that Mr. Pinnock had been removed from his office by the express order of the Secretary of State, upon a representation from the Land and Emigration Commissioners; that His Excellency had placed in Mr. Pinnock's hands copies of all the documents which he had received on the subject, with the view of affording him every facility for exonerating himself; and that until Mr. Pinnock's reply was received, His Excellency could not decide on what course to adopt, and it would be inconvenient that this matter should at present be further gone into; the Motion was withdrawn.
 - 7. The Colonial Secretary moved, that out of the sum of £68,056 8s. 0d. being the excess of the amount appropriated for the service of the year 1840, (after deduction therefrom of £2,536, voted towards indemnifying the late Thomas Moore, Esq. for the loss he sustained by the sale of the Burwood Estate, under a commission from Governor Macquarie, which has been applied for by, and paid to his Executors) there shall and may be issued and applied any sum or sums of money not exceeding £22,399 1s. 9d., to supply the deficiencies in the amount appropriated for certain Departments and Services for that year; Passed.
 - 8. Hunter's River Steam Navigation Company Bill; read a second time; committed and amended; to be further considered on Friday next, August 13.
 - 9. Australian Auction Company Bill; read a second time; committed and amended; to be further considered on Friday next.
 - 10. Circuit Courts Jury Act amendment Bill; further considered and amended; to be further considered on Friday next.
- Council adjourned at Four o'Clock, until Friday next, August 13, at Twelve o'Clock.

ORDERS OF THE DAY.

FRIDAY, AUGUST 13.

- 1. Hunter's River Steam Navigation Company Bill; further consideration.
- 2. Australian Auction Company Bill; further consideration.
- 3. Circuit Courts Jury Act amendment Bill; further consideration.

NOTICES OF MOTION.

FRIDAY AUGUST 13.

- 1. Mr. Jones: That he will move the adoption of the following resolution: That in the opinion of this Council, if the clause in the Auction Company Bill be retained which suspends the operation of the Act until the Royal approbation be received, the Act will fail to afford assistance and remedy to the Company in the recovery of the Debts justly due to the Shareholders, until it may be too late, and the object for which it has been required will thus be defeated; and that His Excellency the Governor be therefore respectfully requested to make the Act a Public Act, with a view to its coming into immediate operation.

TUESDAY, AUGUST 17.

- 1. The Colonial Secretary; The Estimates of Expenditure for Port Phillip, for the year 1842.
- 2. The Colonial Secretary; The Supplementary Estimates of Expenditure for Port Phillip, for the year 1841.
- 3. The Colonial Secretary; That a sum not exceeding £2,310 13s. 9d., be appropriated to meet the deficiencies in the Estimates of Expenditure for the District of Port Phillip, in the year 1840.

WM. MACPHERSON,
Clerk of Councils.

VOTES AND PROCEEDINGS

OF

THE LEGISLATIVE COUNCIL.

FRIDAY, 13 AUGUST, 1841.

PRESENT; His Excellency the Governor and Ten Members. **ABSENT;** His Honor the Chief Justice; His Excellency the Commander of the Forces; the Auditor General; and John Blaxland, Esq.

1. Council met pursuant to adjournment, His Excellency the Governor in the Chair.
IMMIGRATION COMMITTEE: The Lord Bishop of Australia, as Chairman, brought up the Report, and laid upon the Table the Evidence taken before the Committee; to be printed; Motion made and Question put, that this Report be taken under consideration on Friday, next August, 20; Passed.
2. Sunday Shooting prevention Bill: the Lord Bishop of Australia Moved, that the Report of the Committee upon this Bill be taken under consideration on Tuesday, August, 24; Passed.
3. Australian Auction Company Bill: Mr. Jones, in pursuance of Notice, Moved the adoption of the following Resolution:
Resolved, That in the opinion of this Council, if the clause be retained in the Australian Auction Company Bill which suspends the operation of the Act until the Royal approbation be received, the Act will fail to afford that assistance and remedy to the Company which is necessary for the recovery of the Debts justly due to the Shareholders, until it may be too late, and the object for which the Act has been required will thus be defeated; and therefore, that His Excellency the Governor be respectfully requested to make the Act a Public Act, with a view to its coming into immediate operation; Passed. His Excellency stated, that under the particular circumstances of this case, he would accede to the request which had just been made to him, but his doing so must not be looked upon as a precedent, as he would certainly not again consent to such a measure. The necessary amendment having been made, Bill ordered to be fairly transcribed, and presented to the Governor by the Attorney General and Mr. Jones.
4. His Excellency the Governor laid upon the Table a Circular Despatch, dated 4 May, 1840, which had been addressed by the Right Honorable Lord John Russell to the Governors of Colonies, transmitting for their information and guidance, and for that of the Legislative Bodies and Local Authorities, a Copy of certain Rules and Conditions prescribed by the Lords Commissioners of the Treasury, for observance in Charters, or Legislative enactments for incorporating Banking Companies, in the Colonies, together with its enclosure, intituled, *Regulations and Conditions for the observance of which, provision should be made in the Charter or Legislative enactments relating to the incorporation of Banking Companies in the Colonies.*
 - (1.) The Amount of Capital of the Company to be fixed; and the whole of such fixed amount to be subscribed for within a limited period, not exceeding eighteen months from the date of the Charter or Act of Incorporation.
 - (2.) The Bank not to commence business until the whole of the Capital is subscribed, and a moiety at least of the Subscription paid up.
 - (3.) The whole amount of the Capital to be paid up within a given time from the date of the Charter or Act of Incorporation, such period, unless particular circumstances, not to exceed Two years.
 - (4.) The Debts and Engagements of the Company on Promissory Notes, or otherwise, not to exceed at any time thrice the amount of the paid-up Capital, with the addition of the amount of such Deposits as may be made with the Company's Establishment by individuals in Specie or Government Paper.
 - (5.) All Promissory Notes of the Company, whether issued from the Principal Establishment, or from Branch Banks, are to bear date at the place of issue, and to be payable, on demand, in Specie at the place of date.
 - (6.) No Promissory or other Notes to be issued for sums under £1 Sterling, (or in the North American Colonies, £1 Halifax currency), or the equivalent thereof in any other local currency, and not for fractional parts of that amount.
 - (7.) Suspension of Specie payments on demand at any of the Company's Establishments for a given number of days (not in any case exceeding sixty, within any one year) either consecutively or at intervals, forfeit the Charter.
 - (8.) In event of the assets of the Company being insufficient to meet its engagements, the Shareholders are to be responsible to the extent of twice the amount of their subscribed shares (that is, for the amount subscribed and paid up, and for an additional amount equal thereto).

(9.)

(9.) The Company shall not hold Shares in its own Stock, nor make advances on the security of those Shares.

(10.) The Discounts or Advances by the Company on Securities bearing the name of any Director or Officer thereof, as drawer, acceptor, or endorser, shall not at any time exceed one-third of the total advances and discounts of the Bank.

(11.) The Company shall not advance Money on security of Lands, or Houses, or Ships, or on pledge of Merchandise; nor hold Lands or Houses, except for the transaction of its business, nor own Ships or be engaged in Trade except as dealers in Bullion or Bills of Exchange; but shall confine its transactions to discounting Commercial Paper, and negotiable Securities, and other legitimate Banking business.

(12.) The Dividends to Shareholders are to be made out of profits only, and not out of the Capital of the Company.

(13.) The Company to make up and publish periodical statements of its assets and liabilities, (half-yearly or yearly) shewing under the heads specified in the annexed form the average of the amount of its notes in circulation and other liabilities at the termination of each week or month during the period to which the statement refers, and the average amount of Specie or other assets that were available to meet the same. Copies of these statements are to be submitted to the Government of the Colony within which the Company may be established; and the Company to be prepared, if called upon, to verify such statements by the production, as confidential documents, of the weekly or monthly balance-sheets from which the same are compiled. And also to be prepared, upon requisition from the Lords Commissioners of Her Majesty's Treasury, to furnish in like manner such further information respecting the state or proceeding of its Banking Establishments as their Lordship's may see fit to call for.

(14.) No Bye-Law of the Company shall be repugnant to the conditions of the Charter or Act of Incorporation, or to the law of any Colony in which the Company's establishment may be placed.

(15.) The Charter or Act of Incorporation may provide for an addition to the Capital of the Company, within specified limits, with the sanction of the Lords Commissioners of the Treasury; such additional Capital and the shares and subscription that may constitute the same, being subject in every other respect, from and after the date of the above mentioned sanction, to conditions and regulations similar to those applying to the original capital.

(16.) In all cases in which Shares in the Company's Stock are transferred between the period of the Grant of the Charter or Act of Incorporation, and the actual commencing of of business by the Bank, the responsibility of the original holder of the transferred Shares shall continue for six months, at least, after the date of the transfer.

(17.) As the insertion in Charters or Acts of Incorporation, of provisions relating to the detailed management of the Business of the Corporation has in several instances been found to render the documents complicated and unintelligible, and has been productive of great inconvenience, it is desirable that such insertion should be avoided, and that the provisions of such Charters or Acts should be confined, as far as practicable, to the special powers and privileges to be conferred on the Company, and the Conditions to be observed by the Company, and to such general regulations relating to the nomination and powers of the Directors, the institution of Bye-laws, or other proceedings of the Company, as may be necessary with a view to the Public convenience and security.

Form of Return referred to in Regulation No. 13.

Return of the average amount of Liabilities and Assets of the Bank of _____
during the period from 1 January, to 30 June, 184 .

Promissory Notes in Circulation not bearing Interest	} £	Coin and Bullion	} £
Bills of Exchange in circulation not bearing Interest		Landd or other Property of the Corporation	
Bills and Notes in circulation bearing Interest	}	Government Securities	}
Balances due to other Banks		Promissory Notes or Bills of other Banks	
Cash Deposits not bearing Interest	}	Balances due from other Banks	}
Cash Deposits bearing Interest		Notes and Bills discounted or other debts due to the Corporation, not included under the foregoing Heads	
Total average Liabilities	£	Total average Assets	£

5. Hunter's River Steam Navigation Company Bill; further considered and amended, and a clause introduced to prevent any part of the funds of the Company from being employed in discounting bills, or promissory notes, under a penalty; Bill ordered to be fairly transcribed and presented to the Governor by the Collector of Customs, and Sir John Jamison.

6. His Excellency the Governor laid upon the Table, a Return shewing the Actual Expenditure of the Police and Gaol Establishments, from 1 July, 1835, to 31 December, 1840, including Buildings, but exclusive of the expence of the Debtors' Prison, Sydney, and of the Establishments at Port Phillip; and shewing also, the Estimated Expence of the same, for the years 1841, and 1842; to be printed.

7. Circuit Courts Jury Act amendment Bill; the Bill having been fairly transcribed and presented to the Governor by the Attorney General and Mr. James Macarthur,—presented by the Governor as amended; to be read a third time on Tuesday next, August 17.
Council adjourned at Three o'Clock, until Tuesday next, August 17, at Twelve o'Clock.

ORDERS OF THE DAY.

TUESDAY, AUGUST 17.

1. Circuit Courts Jury Act amendment Bill; third reading.

NOTICES OF MOTION.

TUESDAY, AUGUST 17.

1. The Colonial Secretary; the Estimates of Expenditure for Port Phillip, for the year 1842.
2. The Colonial Secretary; The Supplementary Estimates of Expenditure for Port Phillip, for the year 1841.
3. The Colonial Secretary; That a sum not exceeding £2,310 13s. 9d., be appropriated to meet the deficiencies in the Estimates of Expenditure for the District of Port Phillip, in the year 1840.

FRIDAY, AUGUST 20.

1. The Lord Bishop of Australia; That the Council do take into consideration the Report of the Committee upon Immigration.

TUESDAY, AUGUST 24.

1. The Lord Bishop of Australia; That the Council do take into consideration the Report of the Committee upon the Sunday Shooting prevention Bill.

WM. MACPHERSON,

Clerk of Councils.

VOTES AND PROCEEDINGS

OF

THE LEGISLATIVE COUNCIL.

TUESDAY, 17 AUGUST, 1841.

PRESENT; His Excellency the Governor and Ten Members. ABSENT; The Right Reverend the Lord Bishop of Australia; His Excellency the Commander of the Forces; the Auditor General; and Robert Campbell, Esq.

1. Council met pursuant to adjournment. His Excellency the Governor took the Chair, and laid upon the Table, the undermentioned Statistical Returns;
 - (1.) Return of Immigrants, and Convicts, arrived, and of Births, and Deaths, in this Colony, during the years 1837, 1838, 1839, and 1840.
 - (2.) Return shewing the entered Value of Imports, in each of the fifteen years from 1826, to 1840.
 - (3.) Return shewing the entered Value of Exports, in each of the fifteen years from 1826, to 1840.
 - (4.) Return of Live Stock imported in each of the thirteen years from 1828, to 1840.
 - (5.) Return of the Number and Tonnage of Vessels entered Inwards, in each of the fifteen years from 1826, to 1840.
 - (6.) Return of the Number and Tonnage of Vessels entered Outwards, in each of the fifteen years from 1826, to 1840.
 - (7.) Return of the Number of Vessels Built, and Registered, in the Colony, in each of the nineteen years from 1822, to 1840.
 - (8.) Return shewing the entered Value of Wool exported from the Colony, in each of the nineteen years from 1822, to 1840.
 - (9.) Return shewing the amount of Auction Duty at $1\frac{1}{2}$ per cent per annum, paid into the Colonial Treasury, in each of the seventeen years from 1824, to 1840.
 - (10.) Return of the amounts received for Crown Lands sold, in each of the seventeen years from 1824, to 1840.
 - (11.) Return shewing the Estimated Quantity of Land in Cultivation (exclusive of Gardens and Orchards,) on 31st December, 1840.

To be printed.
2. Savings' Bank Act amendment and extension to Port Phillip Bill; presented by the Governor as amended; the amendment being to a very limited extent only, as recommended by the Committee to whom the same was referred; Bill as so amended read a first time; to be printed, and read a second time on Tuesday next, August 24.
3. His Excellency the Governor laid upon the Table, "*A Bill to amend the Law for the Transportation of Offenders to Penal Settlements, and to provide for, and regulate, the Transportation of Offenders to Van Diemen's Land, and the Islands adjacent thereto, and comprised within the Government thereof;*" Bill read a first time; to be printed, and read a second time on Friday, August 27.
4. His Honor the Chief Justice presented a Petition from 203 persons, Inhabitants of the District of William's River and the Country adjacent, representing—that great distress exists in the Agricultural Districts, occasioned by the low price of Grain as compared with the cost of production; that such distress is attributable mainly to circumstances which afford no reasonable prospect of amelioration, but, on the contrary, appear to be permanent in their nature, and progressive in their effects; that the discontinuance of Assignment—the extreme scarcity and high price of labour—the importation of Foreign Grain and Flour, without payment of duty—and the difficulty of preserving Colonial Grain from the depredations of the Weevil, may be enumerated as being among the causes conducing to the present distress; that the continuance of such distress, must shortly ruin the farmers, and throw out of cultivation the greater part of the lands now under culture, and thus render the large Capital expended in clearing them, a dead letter to the Colony; that the ruin of the farmers will extend its influence over every other branch of the Community, and be productive of much injury to the general prosperity of the Colony; that the greater part of the Grain imported, being brought from Countries which take no Colonial Produce in exchange, is paid for in specie, which operates very unfavourably on the monetary interests of the Colony; that if the Australian Colonies should ever become dependent on Foreign Importation for their Supplies of Grain, they might be reduced to a state of Famine in the event of a War with a Maritime Power; that if the profits on agricultural pursuits were raised to a level with those on other branches of Colonial industry, a large quantity of fertile land would be rapidly brought under tillage, the farmers would devise means to preserve the surplus produce of one season to meet the deficiency of another, and in a few years the Colony would be independent of Foreign Importations;

Importations; that the average price of Grain, in the Sydney Market, affords but a very imperfect criterion of the return realised by the Colonial Grower, as, in the year 1839, when it reached the unprecedented height of 28s., per bushel, the average rate obtained by the farmer did not exceed 10s., after deducting the expence of carriage to market, &c., and the greater part of the deficient crop of 1840, has already passed into other hands, at prices averaging not more than 4s., per bushel; that the Petitioners neither expect nor desire any exclusive or unreasonable monopoly of the Colonial Grain Market, but only such equitable Legislative support and protection as will enable them to derive an adequate return for their Industry and Capital; and the Petitioners therefore Pray, that His Excellency and Council, will be pleased to take their case into consideration, and adopt such measures for their relief, as may be deemed most expedient. Petition received and read; His Honor moved, That this Petition be taken into consideration on Tuesday, August 31; Passed.

5. Loans to the Australian College Committee; The Honorable the Colonial Secretary, as Chairman, brought up the Report, and laid upon the Table, the Evidence taken before the Committee; to be printed.
6. Circuit Courts Jury Act amendment Bill; read a third time, and *Passed*.
7. The Estimates of Expenditure for the Establishments at Port Phillip, for the year 1842; Motion made, and Question put, that they be now considered in Committee; *Passed*.
 - (1.) Resolved, that a sum not exceeding £1,531 8s. 9d., be appropriated to defray the expence of the Establishment of His Honor the Superintendent of the District of Port Phillip, for the year 1842.
 - (2.) Resolved, that a sum not exceeding £1,052 5s., be appropriated to defray the expence of the Sub-Treasurer's Department, for the year 1842.
 - (3.) Resolved, that a sum not exceeding £4,269 16s. 3d., be appropriated to defray the expence of the Custom's Department, at Melbourne, Williams Town, and Geelong, for the year 1842.
 - (4.) Resolved, that a sum not exceeding £732 5s., be appropriated to defray the expence of the Custom's Department at Portland Bay, for the year 1842.
 - (5.) Resolved, that a sum not exceeding £2,295, be appropriated to defray the expence of the Post Master General's Department, for the year 1842.
 - (6.) Resolved, that a sum not exceeding £1,184 12s. 6d., be appropriated to defray the expence of the Harbour Master's Department, for the year 1842.
 - (7.) Resolved, that a sum not exceeding £730 11s. 8d., be appropriated to defray the expence of Light Houses, for the year 1842.
 - (8.) Resolved, that a sum not exceeding £11,693, be appropriated to defray the expence of the Department of the Surveyor General, for the year 1842.
 - (9.) Resolved, that a sum not exceeding £5,192 1s. 8d., be appropriated to defray the expence of the department of Public Works, for the year 1842.
 - (10.) Resolved, that a further sum not exceeding £2,000, be appropriated, for the year 1842, towards defraying the expence of forming a Public Quay or Wharf, at Melbourne.
 - (11.) Resolved, that a sum not exceeding £1,000, be appropriated for the year 1842, towards defraying the expence of forming a Wharf, at Portland Bay.
 - (12.) Resolved, that a sum not exceeding £500, be appropriated for the year 1842, towards defraying the expence of forming a Wharf, at Geelong.
 - (13.) Resolved, that a sum not exceeding £500, be appropriated for the year 1842, towards defraying the expence of constructing a Dam across the Yarra Yarra.
 - (14.) Resolved, that a further sum not exceeding £5,000, be appropriated for the year 1842, towards defraying the expence of building a Gaol, at Melbourne.
 - (15.) Resolved, that a further sum not exceeding £6,500, be appropriated for the year 1842, towards defraying the expence of erecting a Court House, at Melbourne.
 - (16.) Resolved, that a sum not exceeding £2,000, be appropriated for the year 1842, towards defraying the expence of building a Police Office, at Melbourne.
 - (17.) Resolved, that a sum not exceeding £4,000, be appropriated for the year 1842, towards defraying the expence of building Offices for His Honor the Superintendent, and for the Sub-Treasurer.
 - (18.) Resolved, that a sum not exceeding £2,000, be appropriated for the year 1842, towards defraying the expence of building an Office for the Survey Department.
 - (19.) Resolved, that a sum not exceeding £1,500, be appropriated for the year 1842, towards defraying the expence of erecting a Police Office, at Geelong.
 - (20.) Resolved, that a sum not exceeding £1,000, be appropriated for the year 1842, towards defraying the expence of erecting a Custom House, at Geelong.
 - (21.) Resolved, that a sum not exceeding £1,000, be appropriated for the year 1842, towards defraying the expence of erecting a Watch House, at Portland Bay.
 - (22.) Resolved, that a sum not exceeding £3,000, be appropriated for the year 1842, towards defraying the expence of erecting Light Houses.
 - (23.) Resolved, that a sum not exceeding £1,775, be appropriated to defray the expence of the Supreme Court, for the year 1842.
 - (24.) Resolved, that a sum not exceeding £635, be appropriated to defray the expence of the Sheriff's Department, for the year 1842.
 - (25.) Resolved, that a sum not exceeding £465, be appropriated to defray the expence of Courts of Requests, for the year 1842.
 - (26.) Resolved, that a sum not exceeding £180, be appropriated to defray the salary of a Coroner, and the expence of Inquests, for the year 1842.
 - (27.) Resolved, that a sum not exceeding £2,759 4s. 3d., be appropriated to defray the expence

- expence of the Police at Melbourne, Newtown, and William's Town, for the year 1842.
- (28.) Resolved, that a sum not exceeding £1,124 18s. 9d., be appropriated to defray the expence of the Police, at Geelong, for the year 1842.
 - (29.) Resolved, that a sum not exceeding £1,049 18s. 9d., be appropriated to defray the expence of the Police, at Portland Bay, for the year 1842.
 - (30.) Resolved, that a sum not exceeding £350 7s. 6d., be appropriated to defray the expence of the Police, at the Grange, for the year 1842.
 - (31.) Resolved, that a sum not exceeding £1,055 2s. 6d., be appropriated to defray the expence of the Water Police, for the year 1842.
 - (32.) Resolved, that a sum not exceeding £5,540 1s. 8d., be appropriated to defray the expence of the Mounted Police, for the year 1842.
 - (33.) Resolved, that a sum not exceeding £4,273 2s. 6d., be appropriated to defray the expence of the Border Police, for the year 1842.
 - (34.) Resolved, that a sum not exceeding £1,373 12s. 1d., be appropriated to defray the expence of the Gaol, at Melbourne, for the year 1842.
 - (35.) Resolved, that a sum not exceeding £4,600, be appropriated to defray the expence of the Ecclesiastical Establishments, for the year 1842.
 - (36.) Resolved, that a sum not exceeding £750, be appropriated in aid of the establishment of Schools, and towards their support, for the year 1842.
 - (37.) Resolved, that a sum not exceeding £500 5s. 10d., be appropriated to defray the expence of the Medical Establishment, for the year 1842.
 - (38.) Resolved, that a sum not exceeding £2,000, be appropriated to defray the expence of Stationery, Printing, and Bookbinding, for the several Public Departments, and for Furniture, Fuel, and Light, for the several Public Offices, during the year 1842.
8. The Supplementary Estimates of Expenditure, for the Establishments at Port Phillip, for the year 1841; Motion made, and Question put, that they be now considered in Committee; Passed.
- (1.) Resolved, that a sum not exceeding £8 9s. 4d., be appropriated to defray the Supplementary expence for the year 1841, of the Establishment of His Honor the Superintendent.
 - (2.) Resolved, that a sum not exceeding £212 10s., be appropriated to defray the Supplementary expence for the year 1841, of the Post Master General's Department.
 - (3.) Resolved, that a sum not exceeding £40, be appropriated to defray the Supplementary expence for the year 1841, of the Harbour Master's Department
 - (4.) Resolved, that a sum not exceeding £622 11s. 8d., be appropriated to defray the Supplementary expence for the year 1841, of the Surveyor General's Department.
 - (5.) Resolved, that a sum not exceeding £59 6s. 3d., be appropriated to defray the Supplementary expence for the year 1841, of the Department of Public Works.
 - (6.) Resolved, that a further sum of £8,000, be appropriated as a Supplementary aid for the year 1841, towards the crection of a Gaol, at Melborune.
 - (7.) Resolved, that a sum not exceeding £1975 8s. 4d., be appropriated to defray the Supplementary expence for the year 1841, of the Supreme Court.
 - (8.) Resolved, that a sum not exceeding £378 16s. 8d., be appropriated to defray the Supplementary expence for the year 1841, of the Sheriff's Department.
 - (9.) Resolved, that a sum not exceeding £330 16s. 8d., be appropriated to defray the Supplementary expence for the year 1841, of Courts of Requests.
 - (10.) Resolved, that a sum not exceeding £95 5s., be appropriated to defray the Supplementary expence for the year 1841, of the Police, at Geelong.
 - (11.) Resolved, that a sum not exceeding £350 7s. 6d., be appropriated to defray the Supplementary expence for the year 1841, of the Police, at the Grange.
 - (12.) Resolved, that a sum not exceeding £411 17s. 6d., be appropriated to defray the Supplementary expence for the year 1841, of the Water Police.
 - (13.) Resolved, that a sum not exceeding £250, be appropriated to defray the Supplementary expence for the year 1841, of the Ecclesiastical Establishments.
9. Port Phillip Expenditure in 1840; the Colonial Secretary, in pursuance of Notice, Moved the adoption of the following Resolution;
That it be resolved, That a sum not exceeding £2,310 13s. 9d., be appropriated to meet the deficiencies in the Estimates of Expenditure for the District of Port Phillip, in the year 1840. Passed.
10. Immigration Report; Motion made, and Question put, That the consideration of the Report of the Committee upon Immigration, appointed for Friday next, be postponed until Tuesday next; Passed.
Council adjourned at Half-past Three o'Clock, until Tuesday next; August 24.

ORDERS OF THE DAY.

TUESDAY, AUGUST 24.

- 1. Savings' Bank Act amendment and extension to Port Phillip Bill; second reading.

FRIDAY, AUGUST 27.

- 2. Transportation and Punishment Act amendment Bill; second reading.

NOTICES

NOTICES OF MOTION.

TUESDAY, AUGUST 24.

1. The Lord Bishop of Australia ; That the Council do take into consideration the Report of the Committee upon Immigration.
2. Mr. Jones ; That he will move the adoption of the following Resolutions ;
 - (1.) That this Council having had under consideration the Report presented on the 13th of August Instant, by the Committee appointed to inquire into, and report on the subject of Immigration, concurs in, and adopts, the opinions therein expressed.
 - (2.) That as, in the opinion of this Council, the continued influx of eligible Immigrants, will, in proportion to their number, increase the demand for Land, enhance its value, and replenish the fund applicable to the encouragement of Immigration, no temporary deficiency in its amount (the reverse of which is happily the case at present), should be allowed to interrupt the requisite supply of labour ; and this Council would therefore express an earnest hope that Her Majesty's Government will at all times be ready to assist this important Dependency of the Crown, in a matter so materially affecting its interests, under a full assurance of the certain and speedy reimbursement of any advance which may be made for promoting so vital an object.
3. The Lord Bishop of Australia ; That the Council do take into consideration the Report of the Committee upon the Sunday Shooting prevention Bill.

TUESDAY, AUGUST 31.

1. His Honor the Chief Justice ; that he will move the adoption of the following Resolution ; That in the opinion of this Council, a Duty should be imposed upon all Flour, Meal, Wheat, Rice, and other Grain and Pulse imported into the Colony of New South Wales and its Dependencies, of Fifteen pounds Sterling, on every Hundred pounds in value thereof, instead of the present Duty of Five pounds Sterling on every Hundred pounds in value of the same.

WM. MACPHERSON,

Clerk of Councils.

VOTES AND PROCEEDINGS
OF
THE LEGISLATIVE COUNCIL.

WEDNESDAY, 25 AUGUST, 1841.

PRESENT; His Excellency the Governor and Ten Members. ABSENT; His Honor the Chief Justice; His Excellency the Commander of the Forces; the Auditor General; and James Macarthur, Esq.

1. The Meeting of the Council appointed for yesterday, having been adjourned until this day, at Twelve o'Clock, the Council met pursuant to that adjournment; His Excellency the Governor took the Chair, and laid upon the Table, a Book containing the Statistical Returns for the Colony of New South Wales, for the year 1839.
2. His Excellency the Governor laid upon the Table, the Returns of the Population collected under the Act passed last Session for ascertaining the Number of Inhabitants of the Colony; to be printed.
3. His Excellency the Governor laid upon the Table, "*A Bill for applying certain Sums arising from the Revenue receivable in New South Wales, to the service thereof for the year One thousand eight hundred and forty-two, and for further appropriating the said Revenue*"; Bill read a first time; to be printed, and read a second time on Tuesday next, August 31.
4. His Excellency the Governor laid upon the Table, "*A Bill to enable the Members of an Association called 'THE MUTUAL FIRE INSURANCE ASSOCIATION', to sue and be sued, the name of the Chairman of the said Association, for the time being, and for other purposes therein mentioned*", The Clerks of the Churches of St. Philip, and St. James, in Sydney, called in, and notification of the intention to apply for the Bill having been affixed on the doors of the said Churches, on three successive Sundays, proved; Bill read a first time; to be printed, and referred to a Sub-Committee, to consist of the following Gentlemen; viz,

THE HONORABLE THE COLONIAL SECRETARY,
THE COLLECTOR OF CUSTOMS, | MR. JONES,
MR. BERRY, | MR. H. H. MACARTHUR.

with instructions to consider, and report upon, the provisions of the Bill—particularly as to whether it be expedient or otherwise to adopt the rules of the Company as a Schedule to the Bill—and with power to examine Evidence if necessary.

5. Hunter's River Steam Navigation Company Bill; presented by the Governor as amended; to be read a third time on Tuesday next.
 6. Australian Auction Company Bill; presented by the Governor as amended; to be read a third time on Tuesday next.
 7. The Lord Bishop of Australia's Motion, relative to the Report of the Committee upon the Sunday Shooting prevention Bill; consideration of, deferred until Friday next, August 27.
 8. Report of the Committee upon Immigration, and Mr. Jones' proposed Resolutions relative thereto, considered in Committee; and the following Resolutions severally moved and adopted:
 - (1.) Resolved, That this Council having had under consideration the Report presented on the 13th of August Instant, by the Committee appointed to inquire into, and report on the subject of Immigration, concurs in, and adopts, the opinions therein expressed.
 - (2.) Resolved, That as in the opinion of this Council, the continued influx of eligible Immigrants, will, in proportion to their number, increase the demand for Land, enhance its value, and replenish the fund applicable to the encouragement of Immigration, no temporary deficiency in its amount, (the reverse of which is happily the case at present) should be allowed to interrupt the requisite supply of labour; and this Council therefore guarantees to the utmost of its ability, a speedy re-imbusement of such sums as the Government may find it necessary to advance, in anticipation, towards promoting an object of such vital importance.
 9. Savings' Bank Act amendment and extension to Port Phillip Bill; read a second time; committed and amended; to be fairly transcribed, and presented to the Governor by the Attorney General and Mr. Jones.
- Council adjourned at Three o'Clock, until Friday next, August 27, at Twelve o'Clock.

ORDERS OF THE DAY.

FRIDAY, AUGUST 27.

1. Transportation and Punishment Act amendment Bill; second reading.

TUESDAY,

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TUESDAY, AUGUST 31.

1. Appropriation Bill; second reading.
2. Hunter's River Steam Navigation Company Bill; third reading.
3. Australian Auction Company Bill; third reading.

NOTICES OF MOTION.

FRIDAY, AUGUST 27.

1. The Lord Bishop of Australia; That the Council do take into consideration the Report of the Committee upon the Sunday Shooting prevention Bill.

TUESDAY, AUGUST 31.

1. His Honor the Chief Justice; that he will move the adoption of the following Resolution; That in the opinion of this Council, a Duty should be imposed upon all Flour, Meal, Wheat, Rice, and other Grain and Pulse imported into the Colony of New South Wales and its Dependencies, of Fifteen pounds Sterling on every Hundred pounds in value thereof, instead of the present Duty of Five pounds Sterling on every Hundred pounds in value of the same.
2. The Colonial Secretary; that he would move the adoption of the following Resolution; That a Pension of £200, a year, be granted to John Nicholson, Esq., and that the Salary of the Harbour Master be reduced to £300, a year.

W^M. MACPHERSON,
Clerk of Councils.

VOTES AND PROCEEDINGS
OF
THE LEGISLATIVE COUNCIL.

FRIDAY, 27 AUGUST, 1841.

PRESENT; His Excellency the Governor and Ten Members. ABSENT; His Honor the Chief Justice; His Excellency the Commander of the Forces; the Auditor General; and James Macarthur, Esq.

1. Council met pursuant to adjournment, His Excellency the Governor in the Chair. Savings' Bank Act amendment and extension to Port Phillip Bill; presented by the Governor as amended; re-committed, and further considered and amended; to be read a third time on Tuesday next, August 31.
2. The Lord Bishop of Australia presented a Petition from 12 persons, Master Butchers, in the Town of Sydney, representing, That the Petitioners having for a considerable number of years, some more, some less, been engaged in the occupation of Butchers, in the Town of Sydney, are well acquainted with their business and with the influence of the climate upon meat; and that after a careful consideration of the subject, they beg leave humbly and respectfully to express their opinion, that such arrangements might easily be made as would render the slaughtering and sale of meat on the Sabbath day wholly unnecessary, and yet secure the convenience and comfort of the Public; the Petitioners therefore Pray, that such a measure may be adopted as may be deemed expedient for carrying the above purposes into effect; in which, as it would secure rest to themselves, and to their servants, on the Holy Sabbath, they would most readily acquiesce. Petition received and read.
3. Report of the Committee upon the Sunday Shooting prevention Bill; The Lord Bishop of Australia, in pursuance of Notice, moved, That this Report be now taken into consideration, and that the following Resolution be adopted; That this Council do recommend to His Excellency the Governor to introduce a Bill founded upon the Report of the Committee for the prevention of Shooting on Sunday, and with a view to carry into effect the recommendations contained therein. After a long debate, the Motion withdrawn; Bill, (as laid upon the Table by His Excellency the Governor on the 8th of June last,) to be read a second time on Tuesday next.
4. Transportation and Punishment Act amendment Bill; second reading deferred until Tuesday next.
Council adjourned at Half-past Three o'Clock, until Tuesday next, August 31, at Twelve o'Clock.

ORDERS OF THE DAY.

Tuesday ~~FRIDAY~~, AUGUST 27 31.

1. Hunter's River Steam Navigation Company Bill; third reading.
2. Australian Auction Company Bill; third reading.
3. Savings' Bank Act amendment and extension to Port Phillip Bill; third reading.
4. Sunday Shooting prevention Bill; second reading.
5. Transportation and Punishment Act amendment Bill; second reading.
6. Appropriation Bill; second reading.

NOTICES OF MOTION.

TUESDAY, AUGUST 31.

1. His Honor the Chief Justice; that he will move the adoption of the following Resolution; That in the opinion of this Council, a Duty should be imposed upon all Flour, Meal, Wheat, Rice, and other Grain and Pulse imported into the Colony of New South Wales and its Dependencies, of Fifteen pounds Sterling on every Hundred pounds in value thereof, instead of the present Duty of Five pounds Sterling on every Hundred pounds in value of the same.
2. The Colonial Secretary; that he will move the adoption of the following Resolution; That a Pension of £200, a year, be granted to John Nicholson, Esq., and that the Salary of the Harbour Master be reduced to £300, a year.

WM. MACPHERSON,

Clerk of Councils.

The first part of the document discusses the importance of maintaining accurate records of all transactions. It emphasizes that every entry should be clearly documented and verified. The second section covers the process of reconciling accounts, ensuring that all entries are balanced and consistent. This involves comparing the company's records with bank statements and other external sources. The final part of the document provides a summary of the findings and offers recommendations for improving the accounting process. It suggests implementing more robust internal controls and regular audits to prevent errors and fraud.

VOTES AND PROCEEDINGS
OF
THE LEGISLATIVE COUNCIL.

TUESDAY, 31 AUGUST, 841.

PRESENT; His Excellency the Governor and Eleven Members. ABSENT; His Excellency the Commander of the Forces; the Auditor General; and Robert Campbell, Esq.

1. Council met pursuant to adjournment, His Excellency the Governor in the Chair.

Mr. Berry presented a petition from 103 persons, Inhabitants of the Districts of the Hawkesbury, representing, That the Petitioners, in common with the Inhabitants of other Agricultural Districts of the Colony, are suffering greatly from the present low price of Grain, caused by the importation from Foreign Countries of Grain and Flour at so low a rate, that the Colonial grower who, in consequence of the scarcity and high price of labour, must cultivate his land at a heavy expence, cannot compete with the Importer; that by importations of Grain, the Specie of the Colony is withdrawn from it to Countries which do not take in exchange any article of its produce, and the Monetary interests of the Colony are thereby deranged, and its general prosperity affected; that unless a duty is imposed, on Foreign Grain imported, sufficient to secure to the Colonial Agriculturist an adequate return for his outlay of capital, and the labour bestowed on his land, the certain consequences must be, that a considerable portion of the lands already cleared and cultivated at a heavy expence, will be allowed to become waste and profitless, and a large body of the industrious inhabitants of the Colony, solely depending upon the sale of the produce of their lands, will inevitably be ruined; the Petitioners therefore Pray, that such measures may be adopted as will restore the Agricultural affairs of the Colony to a healthy state, which will cause a larger portion of the fertile lands of this fine Colony to be brought into cultivation, and at all times ensure the production of such a quantity of Grain as will be fully adequate to its consumption. Petition received and read.

2. Sir John Jamison presented a Petition from 44 persons, Landholders and Agriculturists of the District of Penrith, in the County of Cumberland, representing, That the Petitioners are occupiers of one of the Agricultural Districts of the Colony, comprising the alluvial banks of the Nepean River, and South Creek, which since its first settlement has been cultivated for the growth of grain for the Colonial market; that the great rise in the price of labour, occasioned, as the Petitioners believe, by the inadequate supply of Immigrants, caused by the misappropriation of the Land Fund to other purposes than that of Immigration, to which it was pledged, and the simultaneous cessation of the Assignment of Convicts, renders it impossible for them to grow wheat at a less remunerating price than nine shillings per bushel; while the frequent and large importations of Foreign wheat which have lately glutted the Market, are detrimental to the Petitioners in common with other Landholders, by lowering the value of their grain, below the cost of production, and must ultimately prove so to the Colony in general, by draining it of large quantities of Specie, and rendering it dependent on other Countries for one of the most essential necessaries of life; that there is abundance of land in the Colony fit for agriculture, which encouragement on the part of the Government would greatly tend to bring into cultivation; and were grain crops rendered moderately remunerating by obtaining a more uniform price, the Colony might speedily become independent of Foreign supplies, unless in Seasons of unusual scarcity; that the Petitioners have no desire to prohibit the importation of Foreign corn, but to be protected from injury and loss, by being undersold in their own Market, by Countries more advantageously situated with respect to labour than this; the Petitioners therefore pray, that such a protecting duty may be imposed on all Foreign corn, flour, or bread-stuff imported into the Colony as will prevent their sale here, under the price of nine shillings per bushel, a price which the Petitioners believe will admit of ample importations in times of scarcity.

Annexed to the Petition is a statement of the cost of cultivating one acre of wheat, including the expence of the conveyance of the crop to Market.

Rent

Rent of stumped land per acre	£ 1 0 0
Ploughing twice at 12s. and 10s. 1 2 0
Harrowing three times 0 10 0
Sowing 0 1 0
Seed at two bushels per acre 0 16 0
Rolling 1s. 6d. ; Reaping 16s. 0 17 6
Drawing in, stacking and thatching 0 7 6
Thrashing and cleaning at 1s. per bushel 0 18 0
Carriage forty miles at 9d. 0 13 6
	£ 6 5 6

Eighteen bushels, an average crop in ordinary seasons, cost a fraction under seven shillings per bushel.

Petition received and read.

3. His Honor the Chief Justice, in pursuance of Notice, moved that the following Resolution be adopted; That in the opinion of this Council, a Duty should be imposed upon all Flour, Meal, Wheat, Rice, and other Grain and Pulse imported into the Colony of New South Wales and its Dependencies, of Fifteen pounds Sterling on every Hundred pounds in value thereof, instead of the present Duty of Five pounds Sterling on every Hundred pounds in value of the same. After a Debate of upwards of Three hours, Motion withdrawn.
4. The Colonial Secretary, in pursuance of Notice, moved, that the Estimates of Expenditure for 1842, be further considered, and that the following Resolution be adopted; (60.) Resolved that a Pension of £200, a year, be granted to John Nicholson, Esq., and that the salary of the Harbour Master be reduced to £300, a year. Resolution passed.
5. The consideration of the other Orders of the Day deferred until to-morrow. Council adjourned at Four o'Clock, until to-morrow at Twelve o'Clock.

ORDERS OF THE DAY.

WEDNESDAY, SEPTEMBER 1.

1. Hunter's River Steam Navigation Company Bill ; third reading.
2. Australian Auction Company Bill ; third reading.
3. Savings' Bank Act amendment and extension to Port Phillip Bill ; second reading.
4. Sunday Shooting prevention Bill ; second reading.
5. Transportation and punishment Act amendment Bill ; second reading.
6. Appropriation Bill ; second reading.

WM. MACPHERSON,
Clerk of Councils.

VOTES AND PROCEEDINGS
OF
THE LEGISLATIVE COUNCIL.

WEDNESDAY, 1 SEPTEMBER, 1841.

PRESENT; His Excellency the Governor and Ten Members. ABSENT; His Excellency the Commander of the Forces; the Auditor-General; Robert Campbell, Esq.; and John Blaxland, Esq.

1. Council met pursuant to adjournment, His Excellency the Governor in the Chair. Light Houses in Bass' Straits Committee; The Collector of Customs, as Chairman, brought up the Report, and laid upon the Table, the Evidence taken before the Committee; to be printed.
2. Sir John Jamison said that, although rather late, he would request leave to present a Petition which had been put into his hands, praying for a protecting duty on Grain, from 16 persons, Proprietors of land, Agriculturists, and Inhabitants of the District of Broulee, in the County of St. Vincent, representing, That the influx of Foreign Grain and Flour has materially injured the interests of the Colonial Landholders and Farmers, by reducing the scale of prices to so ruinously low a rate as to render it impossible that the Colonial grower of Wheat can compete with the Foreign grower; that although in ordinary seasons such a quantity of Wheat might be raised in the Colony as amply to meet its consumption, if adequate protection were offered to the Agriculturists, yet if they be driven to the necessity of discontinuing the growth of Wheat, and War, or a scarcity in the supply from Foreign Markets should occur, the consequence must be famine, with all its accompanying horrors; that even in the favourably situated district occupied by the Petitioners, which, from its fine alluvial soil, proximity to the Sea, and exemption from severe droughts in consequence of the effects of the vicinity of the Coast-range of Mountains in condensing the vapours, is well adapted for the growth of Grain, and is possessed of a harbour affording facility for the conveyance of their produce by water, yet the Petitioners will be obliged to abandon the cultivation of their Farms, unless they can obtain a moderately remunerating price for their Wheat, which they deem to be 10s. per bushel; the Petitioners therefore earnestly Pray, that for the purpose of averting the apprehended evils, a graduated scale of duties may be imposed on Foreign Grain and Flour, which would enable the Colonial Agriculturist to bring the produce of his land into competition with that of Foreign Countries; Petition received, and read.
3. Hunter's River Steam Navigation Company Bill; read a third time and *Passed*.
4. Australian Auction Company Bill; read a third time, and *Passed*.
5. Savings' Bank Act amendment and extension to Port Phillip Bill; re-committed and a small verbal amendment made; read a third time, and *Passed*.
5. Sunday Shooting prevention Bill; read a second time; committed, and some verbal alterations made; to be read a third time on Tuesday next.
7. Transportation and Punishment Act amendment Bill; His Excellency the Governor laid upon the Table, a letter addressed to him yesterday, by their Honors the Judges, stating in reference to this Bill, that the substitution of Transportation for Capital Sentences has of late years taken effect in so many instances, and in respect to Offences varying from each other so much in degree, that the disposal of them in one general mode by Transportation to Van Diemen's Land, would appear to their Honors as very little calculated to provide for the due apportionment of punishment, since all would necessarily be subjected in Van Diemen's Land, to the operation of the general Law for regulating Offenders there, which is contained in the Act of Parliament, 5 George IV., C. 84; and although the Bill now before the Council would seem intended to remedy this defect by placing all persons sentenced to Transportation at the disposal of the Governor, and empowering him to order them either to be transported to Van Diemen's Land, or to be put to Hard Labour on the Public Works of this Colony, as he shall see fit, yet, as this provision prescribes no principle upon which the Governor is to proceed, their Honors consider it too indefinite to be a remedy for the defect; as to be just in its operation, it would impose on the Governor the necessity of inquiry into each individual case amounting, in fact, to an apportionment of punishment which it is rather the province of a Court of Justice to award, upon consideration of all the facts before it. Their Honors are of opinion that Transportation to Van Diemen's Land should be greatly restricted; First, because in respect to persons who have been transported to this Colony, it would in many cases, fail to be a punishment, being merely a removal from one Colony to the other, or from Private to Government Service; Secondly, because it would be impolitic to remove from this Colony persons who might be beneficially employed on Public Works within it; and thirdly, because it would entail a great burden on the Treasury of this Colony. Their Honors recommend that a Bill should

should rather be introduced, First, to authorise Courts of Law to pass sentences, in all Transportable cases, either of Hard Labour on the Public Works for any period not exceeding ten years, or, of Transportation, as the Court should see fit; and Secondly, to authorise the Governor to remit Capital Sentences, on condition either, of Hard Labour on the Public Works, in Irons or without, for any period not exceeding fourteen years, or of Transportation, as he should see fit; their Honors further recommend a general revision of the Colonial Criminal Code.

His Excellency observed, that it was his intention to bring the measures suggested by their Honors, before the Council, at their next Session; but that a temporary Bill was required to meet immediate exigencies; after a long debate, Bill read a second time; to be further considered to-morrow.

8. Appropriation Bill; second reading deferred until to-morrow.
Council adjourned at Four o'Clock, until to-morrow at One o'Clock.

ORDERS OF THE DAY.

THURSDAY, SEPTEMBER 2.

1. Transportation and Punishment Act amendment Bill; further consideration.
2. Appropriation Bill; second reading.

TUESDAY, SEPTEMBER 7.

1. Sunday Shooting prevention Bill; third reading.

WM. MACPHERSON,
Clerk of Councils.

VOTES AND PROCEEDINGS
OF
THE LEGISLATIVE COUNCIL.

THURSDAY, 2 SEPTEMBER, 1841.

PRESENT; His Excellency the Governor and Eleven Members. ABSENT; His Excellency the Commander of the Forces; the Auditor General; and Robert Campbell, Esq.

1. Council met pursuant to adjournment, His Excellency the Governor in the Chair. Transportation and Punishment Act amendment Bill; further considered; After a long debate as to the power of the Council to introduce into it any provisions regulating the punishment in Van Diemen's Land, of Convicts Transported there from this Colony, His Excellency withdrew the Bill, announcing his intention of introducing another Bill, to provide for the temporary detention in this Colony, of Convicts sentenced to Transportation.
2. Appropriation Bill; after a debate of some length, on the clauses appropriating the Estimated expenditure voted for Police and Gaols, Bill read a second time; committed, and the alterations rendered necessary by the Resolution recorded in the Proceedings of the 31st. ultimo, allowing a Pension to the Harbour Master, made; to be read a third time on Wednesday next, September 8.
3. His Excellency the Governor laid upon the Table, "*A Bill to authorise the Governor of New South Wales, to detain at Hard Labour on the Roads or Public Works of the said Colony, any person under sentence or order of Transportation passed therein.*" Bill read a first time; to be printed, and read a second time on Wednesday next. Council adjourned at Five o'Clock, until Wednesday next, at Twelve o'Clock.

ORDERS OF THE DAY.

WEDNESDAY, SEPTEMBER 8.

1. Sunday Shooting prevention Bill; third reading.
2. Appropriation Bill; third reading.
3. Transportation to Penal Settlements temporary abolition Bill; second reading.

NOTICE OF MOTION.

WEDNESDAY, SEPTEMBER 8.

1. The Lord Bishop of Australia; That he will move the adoption of the following Resolution; That his Excellency the Governor be respectfully requested to lay before the Council, Copies of a letter from the Colonial Secretary of this Colony, to the Agent General for Emigration, on the subject of certain parties to whom a free passage was allowed in the Emigrant ship China, in 1839, and of any correspondence relating to that subject which may have taken place between the Departments of Government in England and Ireland, with the Enclosures therein referred to.

WM. MACPHERSON,
Clerk of Councils.

VOTES AND PROCEEDINGS
OF
THE LEGISLATIVE COUNCIL.

WEDNESDAY, 8 SEPTEMBER, 1841.

PRESENT; His Excellency the Governor and Ten Members. **ABSENT**; His Excellency the Commander of the Forces; the Attorney General; the Auditor General; and John Blaxland, Esq.

1. Council met pursuant to adjournment; His Excellency the Governor took the Chair, and laid upon the Table, a Book containing the Statistical Returns for the Colony of New South Wales, for the year 1840.
2. Registration Act amendment Bill; His Honor the Chief Justice, as Chairman, reported progress, and laid upon the Table, the Evidence taken before the Committee, and Moved that the same be printed, in order to afford greater facility of reference, and to enable the Committee more conveniently to prepare their Final Report; Passed.
3. His Excellency the Governor laid upon the Table, an Abstract of the Verified Returns, rendered pursuant to the Act of Council, 4 Victoria, No. 13, of the Average Assets and Liabilities, and of the Capital and Profits, of the several Banks in the Colony of New South Wales, for the Quarter ended 30 June, 1841; to be printed.
4. His Excellency the Governor laid upon the Table the undermentioned Statistical Returns;
 - (1.) Return shewing the quantity, and entered value of Timber exported, in each of the eleven years, from 1830, to 1840.
 - (2.) Return shewing the quantity, and entered value of Sperm and Black Whale oil, and Whalebone, and Seal skins, in each of the eleven years from 1830, to 1840. To be printed.
5. Mr. Campbell presented a Petition from certain Merchants, Bankers, and other persons residing in New South Wales, bearing 183 signatures of Firms and Individuals, Representing, that several cases have lately occurred, where Debtors, on the point of failing, have selected one particular Creditor, and either by actual payment, or by giving him a Warrant of Attorney, or other similar security, have liquidated his demand, to the prejudice of their other Creditors, who were thereby left without remedy, and that such fraudulent and other preferences are now of alarmingly frequent occurrence; that moreover, many persons, although in a state of absolute Bankruptcy, have refused to assign their property for the general benefit of their Creditors, who are thereby exposed to the almost certain loss of their claims, whilst on the other hand, honest Debtors who are willing to assign, are unprotected as to their persons, and there are no means by which a dissenting vindictive Creditor can be bound by the decision of a majority of the Creditors; that in the present state of the Law of this Colony, there is no remedy against these fraudulent or other preferences, nor can Insolvent Debtors be compelled to assign their property for the benefit of their Creditors who are thus wholly at the mercy of dishonest Debtors; that in the present Mercantile crisis of the Colony, many failures may be anticipated, and unless some Bankrupt or Insolvent Law to remedy the evils adverted to by the Petitioners be passed without delay, the Mercantile Interests of the Colony will be severely affected; the Petitioners therefore pray, that some Law may be passed, during the present Session, for the protection of Creditors from fraudulent and other preferences, and to compel, or at least to induce Debtors in a state of Insolvency, or embarrassment to give up their property for the purpose of its being equitably distributed amongst their Creditors; Petition received, and read.
6. Mutual Fire Insurance Association Bill; the Colonial Secretary, as Chairman, brought up the Report of the Committee, and laid upon the Table the Evidence taken before them; to be printed; Bill to be read a second time on Wednesday next, September 15.
7. The Lord Bishop of Australia, in pursuance of Notice, moved the adoption of the following Resolution; That His Excellency the Governor be respectfully requested to lay before the Council, Copies of a Letter from the Colonial Secretary of this Colony, to the Agent-General for Emigration, on the subject of certain parties to whom a free passage was allowed in the Emigrant ship China, in 1839, and of any correspondence relating to that subject, which may have taken place between the Departments of Government in England and Ireland, with the enclosures therein referred to; Passed.
His Excellency the Governor, in compliance with the foregoing request, laid upon the Table, the undermentioned letters.
 - (1.) Copy of letter from the Colonial Secretary of New South Wales, to T. Frederick Elliott, Esq., Agent-General for Emigration, dated 9th March, 1840, transmitting Copy of a Letter from J. D. Pinnock, Esq., dated 19th February, 1840, enclosing a statement referring to certain parties supposed to have been connected with a murder in Ireland, who were allowed a free passage to New South Wales, in the Emigrant ship China, with the enclosures referred to.

(2.) Copy of letter from S. Walcott, Esq., Secretary to the Land and Emigration Commissioners, to Norman M'Donald, Esq., Under Secretary, Castle, Dublin, dated 12th October, 1840, transmitting Copy of letter above-mentioned, and stating that by an arrangement made in 1839, between the Irish Government and the Agent-General for Emigration, Crown Witnesses, provided they were in every respect eligible for the indulgence, according to the Regulations laid down as to the general fitness and character of Emigrants, were allowed free passages in Government Emigrant Ships; and requesting information as to the characters of the parties referred to in Mr. Pinnock's letter, as the reception of them as eligible Emigrants had led to imputations of neglect, or improper selection on the part of the Department of Emigration at Home.

(3.) Letter from N. H. M'Donald, Esq., to S. Walcott, Esq., dated 24th October, 1840, transmitting copies of two letters, from the Magistrate who recommended the parties to whom Mr. Pinnock's letter refers, to the effect, that the complaints made are wholly without foundation.

(4.) Letter from the Surgeon Superintendent of the Emigration ship *China*, on her voyage to New South Wales, in 1839, to S. Walcott, Esq., dated 9th November, 1840, disclaiming all knowledge of the circumstances mentioned in the statement referred to in Mr. Pinnock's letter, with the exception of what regards his having had under his charge a certain sum of money.

8. Sunday Shooting prevention Bill; read a third time, and *Passed*.

9. Appropriation Bill; read a third time and *Passed*.

His Excellency the Governor laid upon the Table the following Protest, by Mr. Blaxland and Sir John Jamison, against certain Items of the Estimates of Expenditure, for the year 1842:—

In respect to the Item £107,200 18s. 4d., (One hundred and seven thousand two hundred pounds, Eighteen shillings, and four pence) in the Estimated Expenditure for Police and Gaols, for the year 1842, notwithstanding the alternative that has been intimated, we, whose names are subjoined, regret that we cannot but feel it our duty to protest against this item, on the grounds:—

1stly. That it is unjust that the extraordinary expences of this Department, occasioned by the system of Assignment, (as explained in our protest of last year) and especially the consequent dispersion of the Convicts (alluded to by his Excellency during the present Session of Council) should be defrayed by all persons alike; viz:—in equal ratio by those who do not benefit by the present distribution of Assigned Convicts, as by those who do—and who will continue so to benefit at least up to, and during, the period in question.

2ndly. That it is not equitable that this Colony should be charged with the entire Expences of this Department, even in respect to that portion of the Convicts who are placed in Assignment; inasmuch as, although Transportation, accompanied with Assignment is of vital importance to this Colony, and, under the due regulation to which that system was brought by the practical genius and labour of Sir Richard Bourke, the direct saving to the Colony in the gratuitous labour of Assigned Convicts amounted to not less than £500,000 (Five hundred thousand pounds) annually, that yet, even under those circumstances, we beg, with all deference, to maintain that the Colony was not, in justice, chargeable with the entire amount of the expences of the Department in question, inasmuch, as the direct saving to the Parent Country, in the maintenance of the same number of Assigned Convicts, amounted to £750,000 (Seven hundred and fifty thousand pounds) annually—exclusive of the saving of building, and other similar expences for Gaols, Penitentiaries, &c., and an incalculable amount of other expences contingent upon the confinement, and consequent perpetual accumulation of Convicts in England; and which were saved to it, and in part borne by this Colony.

That the Colony cannot, in justice, be chargeable with the entire expences of this Department, is indirectly admitted by His Excellency the Governor, who has stated, in his place in Council, that "the Government had driven a hard bargain with the Colonists"; as well as by His Excellency's immediate predecessor, Sir Richard Bourke, who had recommended to the Home Government (the entire cost of the Mounted Police having then been transferred to the Colony from the Military Chest) to contribute, annually, £20,000 (Twenty thousand pounds)—nearly one-half of the actual cost of this Department at that time.

3rdly.—That it is unconstitutional, illegal, and unjust, that this Colony should be charged with those expences in the Department which must arise from the perpetual influx of Expirees from Norfolk Island, or any other neighbouring Penal Settlement, (from which influx this Colony must derive immense injury, redeemed by no benefit) inasmuch as this Colony cannot constitutionally, legally, and justly, be chargeable with the expences in this Department which must arise from the consequences of the mere landing of British Convicts on our Shores, any more than any District in England could, constitutionally, legally, and justly, be chargeable for such entire expences.

Finally.—We beg, with all deference, to protest against this item in the Estimates for 1842, as being oppressive, and ruinous to the Colony—and therefore impolitic, both with respect to this Colony, and to Great Britain.

At the close of the year 1837, this Colony had arrived at unparalleled, but still progressive, state of tranquillity, opulence, and general prosperity, both public and private. The revenues were more than adequate to the current public expenditure, and left a large balance for those noble works of public usefulness which were then in contemplation. On the contrary, the Colony is now in a state of distress and embarrassment, unparalleled within the memory of its oldest inhabitants, rendered more poignantly painful, by contrast with the prosperous condition from which it has been precipitated.

Inasmuch,

Inasmuch, therefore, as it was deemed by Sir Richard Bourke, during his administration of the Local Government, and when the presence of the Convicts was of vital importance to the Colony, only just that the Home Government should defray so large a portion of the expences of the department in question, it cannot be less just, that it should do at the present juncture, when the presence of the Convicts is, from the abolition of assignment, becoming, day by day, a more serious injury, redeemed by no benefit to the Colony.

But, moreover, we indulge the hope, based on the example afforded in the late extensive pecuniary aid granted by the Home Government to the province of South Australia, that a considerate attention may be given to the condition of this Colony; and that, even if any difference of opinion can continue to exist as to the constitutional and legal merits, and to the mere dry justice of the case, such relief may be afforded by the Home Government in respect to the present item on the Estimates for the year 1842, as the necessities of the Colony, (produced by no circumstances over which the Colonists could exercise any control,) and sound policy, in regard to this Colony, and to British interests generally, may seem to require.

JOHN JAMISON, M. C.

J. BLAXLAND, M. C.

*Council Chamber,
25 August, 1841.*

10. Transportation to Penal Settlements temporary abolition Bill; read a second time; committed and amended; to be fairly transcribed and presented to the Governor by His Honor the Chief Justice and Mr. Jones.
11. His Excellency the Governor laid upon the Table, "*A Bill for the further amendment of the Law, and for the better advancement of Justice*"; Bill read a first time; to be printed, and read a second time on Wednesday next. Council adjourned at half-past three o'Clock, until Wednesday next, September 15, at twelve o'Clock.

ORDERS OF THE DAY.

WEDNESDAY, SEPTEMBER 15.

1. Mutual Fire Insurance Association Bill; second reading.
2. Better Advancement of Justice Bill; second reading.

NOTICES OF MOTION.

WEDNESDAY, SEPTEMBER 15.

1. The Colonial Secretary; That he will move the adoption of the following Resolution:— That this Council do adopt and confirm the opinion contained in the Report from the Committee appointed to consider the propriety of releasing the Trustees of the Scots Church, Sydney, from the Mortgage on the Scots Church Allotment, for the advance made by the Government towards the erection of the said Church, and of the Australian College Buildings; and that, accordingly, the sum of £520, advanced towards the Scots Church be entirely remitted; and that the Governor be respectfully requested to cause such measures to be taken as His Excellency may deem expedient for securing to the Australian College the possession of the Ground and Buildings which were originally intended to be appropriated to that Institution.
2. The Lord Bishop of Australia; That he will move the adoption of the following Resolution:—That this Council has learned with much regret that, under an arrangement entered into with the Government of Ireland, free passages to this Colony, have been provided for parties who either themselves were Crown Witnesses in Criminal Cases, or were ~~closely connected with those~~ who had been such; and being impressed with a sense of the injury which the character and interests of the Colony are likely to sustain from such a practice, respectfully requests His Excellency the Governor to submit to the Right Honorable the Secretary of State for the Colonies, the anxious desire of this Council, that no such arrangement should henceforth be allowed in any system of Emigration from the United Kingdom to this Colony, which may be carried on under the sanction of Her Majesty's Government.

WM. MACPHERSON,

Clerk of Councils.

VOTES AND PROCEEDINGS
OF
THE LEGISLATIVE COUNCIL.

WEDNESDAY, 15 SEPTEMBER, 1841.

PRESENT; His Excellency the Governor and Ten Members. **ABSENT**; His Excellency the Commander of the Forces; the Attorney General; Robert Campbell, Esq.; and Hannibal Hawkins Macarthur, Esq.

1. Council met pursuant to adjournment, His Excellency the Governor in the Chair. His Honor the Chief Justice presented a Petition signed by 232 persons connected with the Trading Interests of Sydney, Representing, that from the operation of the present Court of Requests' Act, 3 William IV, No. 2, the Petitioners, and the Trading Community generally, of Sydney, have experienced much loss and inconvenience, and in some instances, so much difficulty in prosecuting their claims, as to cause the recovery of small debts outstanding in the Interior to be hopeless, or almost impossible; that by the sixth Clause of that Act it is enacted, that the jurisdiction of Courts of Requests shall extend only to debts *not originally exceeding Ten Pounds sterling*, and by the tenth clause, that all actions or suits which shall be brought in any Court of Requests, shall be brought in the Court which shall be holden nearest to the place where the *Defendant* in such Action or Suit shall usually reside; and that no such Defendant shall be summoned to attend any such Court which shall be holden at any greater distance than *thirty miles*, from his or her usual place of abode; and the Petitioners Pray, that the jurisdiction of Courts of Requests may be extended to debts not originally exceeding *Thirty Pounds sterling*, and that every such debt shall be actionable at the Court of Requests holden in the District in which the *Plaintiff* usually resided at the time when the debt was contracted, unless otherwise specially agreed upon in writing. Petition received, and read.
 2. His Excellency the Governor laid upon the Table, "*A Bill for giving relief to Insolvent Persons, and to provide for the due collection, administration, and distribution of Insolvent Estates, within the Colony of New South Wales, and for the prevention of frauds affecting the same*": Bill read a first time; to be printed, and read a second time, on Tuesday, October 5.
 3. Loans to the Australian College; the Colonial Secretary, in pursuance of Notice, moved the adoption of the following Resolution: That this Council do adopt and confirm the opinion contained in the Report from the Committee appointed to consider the propriety of releasing the Trustees of the Scots Church, Sydney, from the mortgage on the Scots Church Allotment, for the advance made by the Government towards the erection of the said Church, and of the Australian College Buildings; and that, accordingly, the sum of £520, advanced towards the erection of the Scots Church be entirely remitted; and that the Governor be respectfully requested to cause such measures to be taken as His Excellency may deem expedient for securing to the Australian College, the possession of the Ground and Buildings which were originally intended to be appropriated to that Institution;—Passed.
 4. The Lord Bishop of Australia, in pursuance of Notice, moved the adoption of the following Resolution: That this Council has learned with much regret that, under an arrangement entered into with the Government of Ireland, free passages to this Colony, have been provided for Crown Witnesses in Criminal Cases, who were privy to the Criminal acts deposed to by them; and being impressed with a sense of the injury which the character and interests of the Colony are likely to sustain from such a practice, respectfully requests His Excellency the Governor to submit to the Right Honorable the Secretary of State for the Colonies, the anxious desire of this Council, that no such arrangement should henceforth be allowed in any system of Emigration from the United Kingdom to this Colony, which may be carried on under the sanction of Her Majesty's Government:—Passed.
 5. Transportation to Penal Settlements temporary abolition Bill; presented by the Governor as amended; to be read a third time on Tuesday next, September 21.
 6. Mutual Fire Insurance Association Bill; second reading deferred until Tuesday next.
 7. Better Advancement of Justice Bill; second reading deferred until Tuesday next.
- Council adjourned at Half past Four o'Clock, until Tuesday next, September 21, at Twelve o'Clock.

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ORDERS OF THE DAY.

TUESDAY, SEPTEMBER 21.

1. **Transportation to Penal Settlements temporary abolition Bill; third reading.**
2. **Mutual Fire Insurance Association Bill; second reading.**
3. **Better Advancement of Justice Bill; second reading.**

TUESDAY, OCTOBER 5.

1. **Insolvent Debtors' Bill; second reading.**

WM. MACPHERSON,
Clerk of Councils.

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No. 23.

VOTES AND PROCEEDINGS
OF
THE LEGISLATIVE COUNCIL.

TUESDAY, 21 SEPTEMBER, 1841.

PRESENT: His Excellency the Governor and Ten Members. ABSENT: the Attorney-General; Robert Campbell, Esq.; John Blaxland, Esq.; and Hannibal Hawkins Macarthur, Esq.

1. Council met pursuant to adjournment, His Excellency the Governor in the Chair.
Transportation to Penal Settlements Temporary Abolition Bill; read a third time, and *Passed*.
2. Better Advancement of Justice Bill; read a second time; committed and amended; to be fairly transcribed, and presented to the Governor by the Attorney-General and Mr. Jones.
3. Mutual Fire Insurance Association Bill; second reading deferred until Tuesday next, September 28.
Council adjourned at half-past Three o'clock, until Tuesday next, September 28, at Twelve o'clock.

ORDERS OF THE DAY.

TUESDAY, SEPTEMBER 28.

1. Mutual Fire Insurance Association Bill; second reading.

TUESDAY, OCTOBER 5.

1. Insolvent Debtors' Bill; second reading.

WM. MACPHERSON,
Clerk of Councils.

VOTES AND PROCEEDINGS
OF
THE LEGISLATIVE COUNCIL.

TUESDAY, 28 SEPTEMBER, 1841.

PRESENT: His Excellency the Governor and Eleven Members. ABSENT: His Honor the Chief Justice; Robert Campbell, Esq; and Hannibal Hawkins Macarthur, Esq.

1. Council met pursuant to adjournment, His Excellency the Governor in the Chair.
Better Advancement of Justice Bill; presented by the Governor as amended; to be read a third time after the Orders of the Day are disposed of.
2. His Excellency the Governor laid upon the Table:—
 - (1.) A letter from Colonel G. S. Anson, dated April 28, 1841, acknowledging receipt of the Congratulatory Address of His Excellency and the Council to Prince Albert, on the Nuptials of His Royal Highness with Her Majesty the Queen.
 - (2.) A Despatch from the Right Honorable Lord John Russell, No. 243, dated 18 April, 1841, acknowledging receipt of the Address of His Excellency and the Council, congratulating Her Majesty on her Providential escape from Assassination.
Read, and ordered to be printed.
2. TRANSPORTATION, AND ASSIGNMENT: His Excellency the Governor having directed the Clerk to read the Resolutions adopted by the Council, October 7, 1840, deprecatory of the admission into this Colony of Convicts transported to Norfolk Island, or other Penal Settlements, after the termination or remission of their Sentences, laid upon the Table a Despatch from the Right Honorable Lord John Russell, No. 248, dated 23 April, 1841, acknowledging receipt of those Resolutions, and stating that had it been known in the Colony, at the period when they were passed, that Her Majesty's Government intended that all Convicts transported to Norfolk Island, should be sent from thence to Van Diemen's Land immediately before the expiration of their Sentences, it would have dispelled the apprehensions entertained by the Colonists.
Read, and ordered to be printed.
3. CLAIMS TO GRANTS OF LAND IN NEW ZEALAND ACT: With reference to the Act of the Governor and Council, passed August 4, 1840, intituled "An Act to empower the Governor of New South Wales to appoint Commissioners, with certain powers to examine and report on Claims to Grants of Land in New Zealand," His Excellency the Governor laid upon the Table,
 - (1.) A Despatch from the Right Honorable Lord John Russell, No. 241, dated 16 April, 1841, notifying the disallowance of that Act, in consequence of the erection of New Zealand into a separate Government, which rendered necessary some deviation from the form, though not from the spirit of the measures proposed by that Act, of which, on the contrary, Her Majesty's Government highly approved.
 - (2.) Copy of a Despatch, enclosed in the above, from the Right Honorable Lord John Russell, to His Excellency Captain Hobson, Governor of New Zealand, No. 27, dated 16 April, 1841, directing that a new Law for the adjustment of Claims to Grants of Land in New Zealand, should be proposed to the Legislature of that Colony, and recommending that the Act of the Governor and Council of New South Wales, above recited, should be followed as a guide in all respects, except where the altered circumstances of New Zealand rendered any deviation from the form of that Act necessary.
Read, and ordered to be printed.
4. His Excellency the Governor laid upon the Table, "*A Bill for vesting in certain Trustees, the Estate in fee simple of a certain piece of Land in Macquarie-street, Sydney, upon the Trusts set forth in a Model Deed of the Society denominated Wesleyan Methodists*"; Bill read a first time; to be printed, and read a second time, on Tuesday, December 28.
5. Mutual Fire Insurance Association Bill: read a second time; Motion made, and Question put, that the standing orders of the Council be suspended, and that this Bill be read a third time after the other Orders of the Day are disposed of; Passed.
6. Better Advancement of Justice Bill; re-committed, and further amended by the introduction of a Proviso to the thirty-third section, rendering it sufficient in all proceedings for Debts on Bills of Exchange, or Promissory Notes, to state merely the amount of such Bills, or Notes—the day on which they became due—and to whom they had been paid; Bill read a third time and passed.

7. Mutual Fire Insurance Association Bill ; read a third time and *passed*.
Council adjourned at half-past Three o'clock, until Tuesday, December 28, at Twelve o'clock.

ORDERS OF THE DAY.

TUESDAY, DECEMBER 28.

1. Insolvent Debtors' Bill ; second reading.
2. Wesleyan Methodists' Land in Macquarie-street Bill ; second reading.

W^M. MACPHERSON,
Clerk of Councils.

VOTES AND PROCEEDINGS
OF
THE LEGISLATIVE COUNCIL.

TUESDAY, 30 NOVEMBER, 1841.

PRESENT; His Excellency the Governor and Thirteen Members. ABSENT; Robert Campbell, Esq.

1. Council met pursuant to Summons; His Excellency the Governor took the Chair, and read a Minute explanatory of the circumstances which have rendered it necessary to bring under the consideration of the Council, a Bill for securing on the Ordinary Revenue of the Colony, the payment of Debentures proposed to be issued to meet the expences of Immigration; Minute to be printed.
His Excellency then laid upon the Table, "*A Bill to secure on the Ordinary Revenue of the Colony of New South Wales, the payment of Debentures to be issued, to a limited amount, by the Governor thereof, in support of Immigration*"; Bill read a first time; to be printed, and referred to a Sub-Committee;
Committee appointed;

THE HONORABLE THE COLONIAL SECRETARY,

THE ATTORNEY GENERAL,
THE COLLECTOR OF CUSTOMS,
THE AUDITOR GENERAL,
MR. BERRY,
MR. JONES,

MR. BLAXLAND,
MR. H. H. MACARTHUR,
SIR JOHN JAMISON,
MR. JAMES MACARTHUR.

- With instructions to report generally upon the whole measure, and to take evidence if necessary.
2. His Excellency the Governor laid upon the Table, a Despatch from the Right Honorable Lord John Russell, No. 255, dated 30 April, 1841, communicating the steps taken, upon the suggestion of the Colonial Land and Emigration Commissioners, to prevent the application of Parish Funds belonging to the Parish of Saint Marylebone, to the purpose of conveying to Australia, certain Young Females, unfit subjects for Emigration; and enclosing copies of the correspondence relative thereto.
 3. His Excellency the Governor laid upon the Table, a Despatch from the Right Honorable Lord John Russell, No. 263, dated 13 May, 1841, approving of the formation of a Council Library; to be printed.
 4. His Excellency the Governor laid upon the Table, an Abstract of the Verified Returns rendered pursuant to the Act of Council, 4th Victoria, No. 13, of the Average Assets and Liabilities, and of the Capital and Profits, of the several Banks in the Colony of New South Wales, for the Quarter ended 30 September, 1841; to be printed.
 5. The Attorney General presented a Petition signed by 12 Editors and Proprietors of Newspapers published in Sydney, representing, That various laws affecting the Editors and Proprietors of Newspapers have, at different times, been passed by the Council, which, in the present state of the Colony, the Petitioners consider as inapplicable; that the clauses ordaining banishment upon a second conviction for Libel, are totally at variance with British Law, and were only introduced in England, in 1819, on the plea that, that Country was then in a state of disturbance, and therefore, are not required in this Colony; that the name of the Editor of a Newspaper, is not the Petitioners believe, required to be published in any other British Colony, neither is its publication of any practical benefit, the name of the Publisher, the responsible party, being sufficient for all purposes; that the recognizances to be entered into by Publishers, and Proprietors, should relate only to seditious or blasphemous libels, and that persons obtaining verdicts in Civil Actions should be left to the same remedy as other judgment Creditors; that under the existing laws, any common informer can proceed for the recovery of penalties, while the ends of Justice would be more securely met, the Petitioners say, if no prosecutions were

- were allowed except by the Attorney or Solicitor General of the Colony; a provision similar to which, it is stated, has been adopted by the British Parliament; the Petitioners therefore Pray, that a Law for their relief may be passed, or, if doubts of the expediency of such a measure should be entertained, that they may be heard by Counsel in support of their Petition; Petition read, and received; to lie on the Table.
6. Insolvent Debtors Bill; second reading deferred until Tuesday, December 28.
 7. His Excellency the Governor laid upon the Table, "*A Bill to amend an Act, intituled, 'An Act to consolidate the Laws for the Distillation of Spirits in the Colony of New South Wales, and for the issue of Licenses for Distilling, Rectifying, and Compounding Spirits therein, and for repealing certain Laws relating thereto ;'*" Bill read a first time; to be printed, and read a second time, on Tuesday, December 7.
 8. His Excellency the Governor laid upon the Table, "*A Bill to amend an Act, intituled, 'An Act for better regulating the keeping and carriage of Gunpowder ;'*" Bill read a first time; to be printed, and read a second time, on Tuesday, December 7.
 9. His Excellency the Governor laid upon the Table, "*A Bill to amend an Act, intituled, 'An Act for subjecting Vessels coming to New South Wales from certain places to the performance of Quarantine ;'*" Bill read a first time; to be printed, and read a second time on Tuesday, December 7.
 10. His Excellency the Governor laid upon the Table, "*A Bill further to amend an Act, intituled, 'An Act for the better preservation of the Ports, Harbours, Havens, Roadsteads, Channels, Navigable Creeks and Rivers, in New South Wales, and the better regulation of Shipping in the same ;'*" Bill read a first time; to be printed, and read a second time, on Tuesday, December 7.
 11. His Excellency the Governor laid upon the Table, "*A Bill to prevent the removal of Wines, and Spirituous Liquors without a Permit, in order to restrain the illicit dealing in and clandestine importation of such Liquors ;'*" Bill read a first time; to be printed and read a second time, on Tuesday, December 7.
 12. Wesleyan Methodists' Land in Macquarie Street Bill; to be read a second time on Tuesday next, December 7, instead of on Tuesday, December 28, as before ordered.
 13. His Excellency the Governor laid upon the Table, "*A Bill for rendering a Notarial Copy of an exemplification of the Charter 'of THE BANK OF AUSTRALASIA,' Evidence in all Courts of Law, Equity, Admiralty, and Vice Admiralty, and in all Courts of Inferior Jurisdiction in the Colony of New South Wales ;'*" Bill read a first time; to be printed, and read a second time, on Tuesday, December 7,
Council adjourned at Three o'Clock, until Tuesday next, December 7, at Twelve o'Clock.

ORDERS OF THE DAY.

TUESDAY, DECEMBER 7.

1. Distillation Act amendment Bill; second reading.
2. Gunpowder regulation Act amendment Bill; second reading.
3. Quarantine Act, amendment Bill; second reading.
4. Harbour Regulation Act amendment Bill; second reading.
5. Permit Bill; second reading.
6. Wesleyan Methodists' Land in Macquarie Street Bill; second reading.
7. Bank of Australasia Bill; second reading.

TUESDAY, DECEMBER 28.

1. Insolvent Debtors Bill; second reading.

WM. MACPHERSON,
Clerk of Councils

VOTES AND PROCEEDINGS
OF
THE LEGISLATIVE COUNCIL.

TUESDAY, 7 DECEMBER, 1841.

PRESENT; His Excellency the Governor and Eleven Members. ABSENT; The Right Reverend the Lord Bishop of Australia; Robert Campbell, Esq., and Hannibal Hawkins Macarthur, Esq.

1. Council met pursuant to adjournment; His Excellency the Governor took the Chair, and laid upon the Table, "*A Bill to amend an Act, intituled, an Act to amend an Act, intituled, an Act to provide for the Conveyance and Postage of Letters*"; Bill read a first time; to be printed, and read a second time on Friday next, December 10.
2. Debenture Bill. The Honorable the Colonial Secretary, as Chairman, reported progress, and laid upon the Table, the Evidence taken before the Committee, and Moved that the same be printed, in order to afford greater facility of reference, and to enable the Committee more conveniently to prepare their Final Report; passed.
3. Distillation Act amendment Bill; read a second time; committed and amended; to be further considered on Friday next.
4. Gunpowder Regulation Act amendment Bill; read a second time; to be read a third time on Tuesday next, December 14.
5. Quarantine Act amendment Bill; read a second time; to be read a third time on Tuesday next.
6. Harbour Regulation Act amendment Bill; second reading deferred until Friday next.
7. Permit Bill; second reading deferred until Friday next.
8. Wesleyan Methodist's Land in Macquarie-street Bill; read a second time; to be read a third time on Tuesday next.
9. Bank of Australasia Bill; read a second time; to be read a third time on Tuesday next.
10. Insolvent Debtors' Bill; to be read a second time on Tuesday next, December 14, instead of on Tuesday, December 28, as before ordered.
Council adjourned at Three o'Clock, until Friday next, December 10, at Twelve o'Clock.

ORDERS OF THE DAY.

FRIDAY, DECEMBER 10.

1. Distillation Act amendment Bill; further consideration.
2. Harbour Regulation Act amendment Bill; second reading.
3. Permit Bill: second reading.
4. Postage Act amendment Bill; second reading.

TUESDAY, DECEMBER 14.

1. Gunpowder Regulation Act amendment Bill; third reading.
2. Quarantine Act amendment Bill; third reading.
3. Wesleyan Methodist's Land in Macquarie-street Bill; third reading.
4. Bank of Australasia Bill; third reading.
5. Insolvent Debtors' Bill; second reading.

WM. MACPHERSON,
Clerk of Councils.

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VOTES AND PROCEEDINGS

OF

THE LEGISLATIVE COUNCIL.

FRIDAY, 10 DECEMBER, 1841.

PRESENT; His Excellency the Governor and Twelve Members. ABSENT; Robert Campbell, Esq., and Sir John Jamison.

1. Council met pursuant to adjournment, His Excellency the Governor in the Chair. Mr. Jones presented a Petition from certain Merchants and other Inhabitants of New South Wales, bearing 71 signatures of Individuals and Mercantile Firms, representing, That the Petitioners have heard with feelings of mingled surprise and regret of the introduction of "A Bill to prevent the removal of Wines, and Spirituous Liquors without a Permit, " in order to restrain the illicit dealing in, and clandestine importation of such Liquors"; that feeling, as the Petitioners do, every degree of confidence in the upright and honorable principles by which the public conduct of the Colonial Legislature is regulated, they hope it will not be considered as obtrusive on their part to step forward on this occasion, and in the name of the Colony at large, to urge the inexpediency of introducing a Law universally allowed to be unconstitutional in its spirit, and harsh and oppressive in its operation; that however much the Petitioners may feel the propriety of conforming generally to the Laws of the Mother Country, they cannot shut out from their consideration, the entire absence in this Colony, of any circumstances that can justify the adoption of a measure, which, if defensible at all, can only be so in a vast Commercial State like that of Great Britain; that the consequences of passing the proposed Law would be ruinous to an alarming extent to the Mercantile Community, and injurious and oppressive to the great body of the People; that if an opportunity be afforded them of expressing themselves fully on the subject, the Petitioners feel confident of being able to bring forward sufficient arguments to cause the rejection of the proposed measure: The Petitioners therefore Pray, that they may be permitted to appear by Counsel, for the purpose of further explaining and enforcing their arguments, and that, in the mean time, the further consideration of the Bill may be postponed; Petition read, and received; To lie on the Table.
2. Debenture Bill; The Honorable the Colonial Secretary, as Chairman, stated that the Committee had been in communication with the Banks, with a view to ascertain whether they would be willing to grant the Government a Cash Credit to the required amount, at a rate of Interest not exceeding eight per cent; that from some of the Banks favorable answers had been received, but from others the Committee had not yet heard, which prevented them making their Report to-day, but he felt no doubt they would be able to present it on Tuesday next.
3. Distillation Act amendment Bill; further considered and amended; to be fairly transcribed, and presented to the Governor by the Attorney General, and Mr. Jones.
4. Permit Bill; Motion made and Question put, That the second reading of this Bill, be deferred until Tuesday next; Passed.
5. Harbour Regulation Act amendment Bill; read a second time; committed and amended; to be further considered on Tuesday next.
6. Postage Act amendment Bill; read a second time; to be read a third time on Tuesday next:
Council adjourned at Three o'Clock, until Tuesday next, December 14, at Twelve o'Clock.

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ORDERS OF THE DAY.

TUESDAY, DECEMBER 14.

1. Gunpowder regulation Act amendment Bill; third reading.
2. Quarantine Act amendment Bill; third reading.
3. Wesleyan Methodist's Land in Macquarie Street Bill; third reading.

4. Bank of Australasia Bill; third reading.
5. Postage Act amendment Bill; third reading.
6. Harbour Regulation Act amendment Bill; further consideration.
7. Permit Bill; second reading.
8. Insolvent Debtors' Bill; second reading.

NOTICE OF MOTION.

TUESDAY, DECEMBER 14.

1. PERMIT BILL; The Collector of Customs; That he will move the introduction of a Clause to empower the Officers who may be appointed for that purpose, to take Stock in the Stores of Wholesale and Retail Dealers in Spirits.

WM. MACPHERSON,
Clerk of Councils.

VOTES AND PROCEEDINGS
OF
THE LEGISLATIVE COUNCIL.

TUESDAY, 14 DECEMBER, 1841.

PRESENT; His Excellency the Governor and Twelve Members. ABSENT; The Right Reverend the Lord Bishop of Australia; and Robert Campbell, Esq.,

1. Council met pursuant to adjournment, His Excellency the Governor in the Chair. Distillation Act Amendment Bill; presented by the Governor as amended; to be read a third time on Friday next, December 17.
2. Debenture Bill; The Honorable the Colonial Secretary, as Chairman, brought up the Report; Report read; to be printed; Motion made and Question put, that this Report be taken under consideration on Friday next; *Passed.*
3. His Excellency the Governor laid upon the Table, "*A Bill to repeal so much of an Act, intituled, "An Act for preventing the mischiefs arising from the Printing and Publishing Newspapers, and Papers of a like nature, by persons not known, and for regulating the Printing and Publication of such Papers in other respects; and also for restraining the abuses arising from the Publication of blasphemous and seditious libels," as relates to the sentence of Banishment on a second conviction, and further to amend the same;*" Bill read a first time; to be printed, and read a second time on Tuesday next.
4. Gunpowder Regulation Act Amendment Bill; read a third time, and *Passed.*
5. Quarantine Act Amendment Bill; read a third time, and *Passed.*
6. Wesleyan Methodists' Land in Macquarie-street Bill; read a third time, and *Passed.*
7. Bank of Australasia Bill; read a third time and *Passed.*
8. Postage Act Amendment Bill; read a third time, and *Passed.*
9. Harbour Regulation Act Amendment Bill; further considered and amended; to be further considered on Friday next.
10. Permit Bill; first clause read a second time; Motion made and Question put, that this clause do pass; Motion negatived after a long debate; His Excellency then withdrew the Bill.
11. Insolvent Debtors' Bill; second reading deferred until to-morrow. Council adjourned at Five o'Clock, until to-morrow at Twelve o'Clock.

ORDERS OF THE DAY.

WEDNESDAY, DECEMBER 15.

1. Insolvent Debtors' Bill; second reading.

FRIDAY, DECEMBER 17.

1. Debenture Bill; Report of the Committee on, to be considered.
2. Harbour Regulation Act Amendment Bill; further consideration.
3. Distillation Act Amendment Bill; third reading.

TUESDAY, DECEMBER 21.

1. Newspaper Act Amendment Bill; second reading.

WM. MACPHERSON,
Clerk of Councils.

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VOTES AND PROCEEDINGS
OF
THE LEGISLATIVE COUNCIL.

WEDNESDAY, 15 DECEMBER, 1841.

PRESENT; His Excellency the Governor and Eleven Members. ABSENT; The Right Reverend the Lord Bishop of Australia; and Robert Campbell, Esq.,

1. Council met pursuant to adjournment, His Excellency the Governor in the Chair. Insolvent Debtors' Bill; read a second time; committed and amended; to be further considered to-morrow, Thursday, December 16. Council adjourned at Four o'Clock, until to-morrow at Twelve o'Clock.

ORDERS OF THE DAY.

THURSDAY, DECEMBER 16.

1. Insolvent Debtors' Bill; further consideration.

FRIDAY, DECEMBER 17.

1. Debenture Bill; Report of the Committee on, to be considered.
2. Harbour Regulation Act Amendment Bill; further consideration.
3. Distillation Act Amendment Bill; third reading.

TUESDAY, DECEMBER 21.

1. Newspaper Act Amendment Bill; second reading.

WM. MACPHERSON,
Clerk of Councils.

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No. 30.

VOTES AND PROCEEDINGS
OF
THE LEGISLATIVE COUNCIL.

THURSDAY, 16 DECEMBER, 1841.

PRESENT; His Excellency the Governor and Eleven Members. **ABSENT;** The Right Reverend the Lord Bishop of Australia; Robert Campbell, Esq.; and Hannibal Hawkins Macarthur, Esq.

1. Council met pursuant to adjournment, His Excellency the Governor in the Chair. Insolvent Debtors' Bill; further considered and amended; to be further considered to-morrow, Friday, December 17.
Council adjourned at Three o'Clock, until to-morrow at Twelve o'Clock.
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ORDERS OF THE DAY.

FRIDAY, DECEMBER 17.

1. Insolvent Debtors' Bill; further consideration.
 2. Debenture Bill; Report of the Committee on, to be considered.
 3. Harbour Regulation Act Amendment Bill; further consideration.
 4. Distillation Act Amendment Bill; third reading.
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TUESDAY, DECEMBER 21.

1. Newspaper Act Amendment Bill; second reading.

WM. MACPHERSON,
Clerk of Councils.



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VOTES AND PROCEEDINGS

OF

THE LEGISLATIVE COUNCIL.

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FRIDAY, 17 DECEMBER, 1841.

PRESENT; His Excellency the Governor and Twelve Members. **ABSENT;** The Right Reverend the Lord Bishop of Australia; and Robert Campbell, Esq.

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1. Council met pursuant to adjournment, His Excellency the Governor in the Chair. Debenture Bill; consideration of the Report of the Committee on, deferred until Tuesday next, December 21.
 2. Harbour Regulation Act Amendment Bill; further considered and amended; to be fairly transcribed, and presented to the Governor by the Collector of Customs, and Mr. Berry.
 3. Distillation Act Amendment Bill; read a third time, and *Passed*.
 4. Insolvent Debtors' Bill; further considered and amended; to be fairly transcribed, and presented to the Governor by the Chief Justice, and Attorney General. Council adjourned at half past Four o'Clock, until Tuesday next, December 21, at Twelve o'Clock.
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ORDERS OF THE DAY.

TUESDAY, DECEMBER 21.

1. Debenture Bill; Report of the Committee on, to be considered.
 2. Newspaper Act Amendment Bill; second reading.
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NOTICE OF MOTION.

TUESDAY, DECEMBER 21.

- Mr. James Macarthur; That he will move the adoption of the following Resolutions;
1. That this Council, having had under consideration the Report presented on the 14th Instant, by the Committee appointed to take into consideration the provisions of the Debenture Bill concur in the propriety of the measures therein recommended for raising the Funds necessary to meet the engagements of the Government in aid of Immigration.
 2. That fully concurring with the Committee, that this Colony has a just claim to the immediate reimbursement of the sum of about £40,000, advanced from the Land Fund of New South Wales to establish British Authority in the Islands of New Zealand, this Council would respectfully submit their request that His Excellency the Governor will be pleased to draw for the above amount on the Lords Commissioners of Her Majesty's Treasury, under whose authority the appropriation was originally made, with a full reliance that under the existing circumstances of the Colonial Finances, such a course would meet with the sanction of Her Majesty's Government.
 3. That this Council, on the grounds contained in the Report, would further confirm the recommendation of their Committee that His Excellency the Governor be respectfully requested

requested to issue Debentures, secured on the Land Fund of this Colony, to such amount, not exceeding £160,000, as may be necessary to meet the payment of Bounties promised upon the introduction of Immigrants; that such Debentures be made payable only in the Colony—the Principal sum, in one or two years after date, as may be considered most expedient, with interest half yearly, at the rate of 8 per cent. per annum, and with liberty to the holder to use them at any time in payment for Land.

4. That this Council further concur in the suggestion of their Committee, that His Excellency the Governor be respectfully requested to open for sale, by Auction, such Lands in the District of Moreton Bay, at the Clarence River, or in the neighbourhood of the Towns of Melbourne, Williams' Town, Geelong, and Portland, as to His Excellency may seem most advisable, under a full assurance that such a measure would not only be the means of raising a large amount of Revenue, but be conducive also to the general welfare of the Colony.
5. That this Council, upon a full review of all the circumstances relating to the question of Immigration, and to the necessity of providing a Fund, which can be relied upon as certain to meet its expences, concur in the opinion of their Committee, that it is highly expedient to adopt the measure of a Loan to be raised in England, upon the principle recommended in the Reports of the Immigration Committee of this Council, which sat in the years 1838 and 1839, and strongly recommend the same to His Excellency the Governor, in the earnest hope that early steps will be taken by His Excellency to give effect to a measure of such paramount importance to the best interests of the Colony.
6. That in the opinion of this Council, such a measure would be alike advantageous to the Mother Country as to this Colony. In support of this opinion it may be sufficient to state, that nearly the whole expence for Immigration is paid to the British ship owner, and provision merchant; that if carried on to the extent of 12,500 souls annually, as proposed, the expenditure would exceed £200,000, and employment would be afforded to nearly fifty ships of from four hundred to five hundred tons burthen. The surplus population of the United Kingdom, thus taken off, would, in its improved condition in this Colony, open a new Market for British Manufactures, and afford increased means of employment to the working classes of the Mother Country. This Council therefore confidently trust, that Her Majesty's Government will be ready to lend any assistance necessary in raising a Loan in England, on the most advantageous terms to the Colony.

WM. MACPHERSON

Clerk of Councils.

VOTES AND PROCEEDINGS

OF

THE LEGISLATIVE COUNCIL.

TUESDAY, 21 DECEMBER, 1841.

PRESENT; His Excellency the Governor and thirteen Members. ABSENT; Robert Campbell, Esq.

1. Council met pursuant to adjournment, His Excellency the Governor in the Chair. Insolvent Debtors Bill; presented by the Governor as amended; to be read a third time on Wednesday, December 29.
2. Harbour Regulation Act Amendment Bill; presented by the Governor as amended; to be read a third time on Wednesday, December 29.
3. His Excellency the Governor laid upon the Table, "*A Bill to facilitate proceedings by and against the Proprietors of a certain Joint Stock Company lately carrying on business at Melbourne, in the District of Port Phillip, in the Colony of New South Wales, under the name, style, or firm, of the "MELBOURNE AUCTION COMPANY"; and for other purposes therein mentioned*"; Bill read a first time; to be printed, and read a second time on Wednesday, December 29.
4. Registration Act amendment Bill; His Honor the Chief Justice, as Chairman of the Committee, appointed on the 3rd of August last to consider the provisions of this Bill, brought up the Final Report; Report read; to be printed; Bill to be read a second time on Wednesday, December 29.
5. Mr. Berry presented a Petition from certain Presbyterians residing in New South Wales, signed by 853 persons, representing, That the Petitioners have learned with deep regret, that the Moderator of the Synod of Australia, has informed His Excellency the Governor, that the Rev. James Allan, of Parramatta, and the Rev. John Gregor, of Maitland, "have been removed from their Charges;" and that in consequence thereof the Government allowance of Stipend has, for the past quarter, been withheld from them; that the Petitioners protest against the meeting of the Synod at which such attempts at removal were made; as also against this innovation in Presbyterian Church discipline, whereby ministers are made removable from their incumbencies, *without fault, and without Form of Process*; that the Pastoral Relation between an inducted minister and his congregation is of a *Religious Character and indissoluble*, without the consent of the minister and his people; that the Bond of Union agreed to between the late Presbytery and the Synod of New South Wales, (preceding the Act of Council, establishing the Synod of Australia,) declares "that all past causes of dispute shall be buried in oblivion;" and the report upon which the said Bond of Union is founded, distinctly declares, *that the two Ministers of Parramatta shall continue to occupy their respective posts of duty*; that the Petitioners would refer to the 6th clause of the Act of Council, 7 William IV., No. 3, by which it is enacted, "That once at least in every year, for which the stipend of any minister shall be issued, such proof shall be produced to the Governor and Executive Council, as they shall require, of the sufficient and regular performance of the duties in respect of which stipends shall be respectively issued; and if it shall appear that the said duties have been culpably or wilfully neglected, it shall be lawful for the said Governor and Council to withdraw the said stipend for such time as to them shall seem proper;" that the Petitioners would also refer to the Government Regulations regarding Religious Establishments, dated 4 October, 1836, and 1 March, 1839, which requires, that "a statement shall be transmitted, in the month of January of every year, to the Clerk of the Executive Council, signed by the Lord Bishop of Australia, the Moderator on behalf of the Presbytery, or the Roman Catholic Bishop, respectively, certifying that each minister of their respective churches has, during the past year, or such part thereof as he shall have been employed, faithfully and diligently performed the several duties allotted to him, in the district for which he shall be appointed; which statement shall be deemed sufficient proof of such performance, unless a complaint be made in writing to the Governor or Executive Council, which shall render further inquiry necessary; and no stipend will be issued for the current year, until such certificate shall have been received,

or

or such Inquiry, if instituted, shall have been satisfactorily determined;" that the Petitioners believe that the said Clergymen "have faithfully and diligently performed the several duties allotted to them; and that "no complaint has been made against either of the said ministers of wilful or culpable neglect;" and that they are therefore entitled to the certificate of the Moderator, which cannot be justly withheld, except upon lawful grounds, in accordance with the various Church Acts, more especially with the Act of Council, 4 Victoria No. 18, which limits the powers of the Synod to acts conformable with the discipline and usages of the Established Church of Scotland; that the Petitioners beg to call the attention of His Excellency and the Council to the fact, that an allowance of money, was received from the Government by those Presbyterian Ministers brought out by the Rev. Doctor Lang in the year 1837, who did not join the Presbytery of New South Wales, and consequently could not obtain the authority of the Moderator to draw stipends—these allowances being made to the said Ministers pending a reference to the Home Government; that the Petitioners respectfully represent that these Ministers are regularly ordained Ministers of the Church of Scotland; that they were selected by the Colonial Committee in Scotland, sanctioned and sent out by the Secretary for the Colonies; that on their arrival they were appointed respectively, to Parramatta and Maitland, where they have exercised their sacred duties with acceptance, and have succeeded in forming good congregations and in erecting churches; that the Petitioners being apprehensive that the said Ministers will be taken from their congregations and be deprived, *without fault*, of their Churches, Stipends, and Clerical Standing, do therefore most respectfully solicit His Excellency and the Council to exercise the powers granted by the Acts 7 Wm. IV., No. 3, and 4 Victoria, No. 18, to avert such consequences, and either to continue their stipends to the said Ministers until the opinion of the Church Court in Scotland be obtained, or, to institute an Inquiry into said cases in accordance with the Acts of Council; 7 Wm. IV., No. 3, and 4 Victoria, No. 18. Petition read and received; to lie on the Table.

5. Report of the Committee on the Debenture Bill, and Mr. James Macarthur's proposed Resolutions relative thereto, considered in Committee; and the following Resolutions severally moved and adopted.

(1.) Resolved, That this Council, having had under consideration the Report presented on the 14th Instant, by the Committee appointed to take into consideration the provisions of the Debenture Bill, concurs in the propriety of the measures therein recommended for raising the Funds necessary to meet the engagements of the Government in aid of Immigration.

(2.) Resolved, That fully concurring with the Committee, that this Colony has a just claim to the immediate reimbursement of the sum of about £40,000, advanced from the Land Fund of New South Wales, to establish British Authority in the Islands of New Zealand, this Council would respectfully request that His Excellency the Governor will be pleased to draw for the above amount on the Lords Commissioners of Her Majesty's Treasury, under whose authority the appropriation was originally made, with a full reliance that under the existing circumstances of the Colonial Finances, such a course will meet with the sanction of Her Majesty's Government.

(3.) Resolved, That this Council, on the grounds contained in the Report, would further confirm the recommendation of the Committee, that his Excellency the Governor be respectfully requested to issue Debentures, secured on the Land Fund of this Colony, to such amount not exceeding £160,000, as may be necessary to meet the payment of Bounties promised upon the introduction of Immigrants; that such Debentures be made payable only in the Colony—the Principal sum, in one or two years after date, as may be considered most expedient, with interest half yearly, at the rate of 8 per cent. per annum, and with liberty to the holder to use them at any time in payment for Land.

(4.) Resolved, that this Council further concurs in the suggestion of the Committee, that His Excellency the Governor be respectfully requested to open for sale, by Auction, such Lands in the District of Moreton Bay, at the Clarence River, or in the neighbourhood of the Towns of Melbourne, Williams' Town, Geelong, and Portland, as to His Excellency may seem most advisable, under a full assurance that such a measure would not only be the means of raising a large amount of Revenue, but be conducive also to the general welfare of the Colony.

(5.) Resolved, That this Council upon a review of all the circumstances relating to the question of Immigration, and to the necessity of providing a Fund, which can be relied upon as certain to meet its expences, concurs in the opinion of the Committee that it is highly expedient to adopt the measure of a Loan to be raised in England, upon the principle recommended in the Reports of the Immigration Committee of this Council, which sat in the years 1838 and 1839, and strongly recommends the same to His Excellency the Governor, in the earnest hope that early steps will be taken by His Excellency to give effect to a measure of such paramount importance to the best interests of the Colony.

(6.) Resolved that in the opinion of this Council, such a measure would be advantageous alike to the Mother Country and to this Colony. In support of which opinion it may be sufficient to state, that nearly the whole expence for Immigration is paid to the British ship owner, and provision merchant; that if carried on to the extent of 12,500 souls annually, as proposed, the expenditure would exceed £200,000 in each year, and employment would be afforded to nearly fifty ships of from four hundred to five hundred tons burthen, whilst the surplus population of the United Kingdom, thus taken off, would

in its improved condition in this Colony, open a new Market for British Manufactures, and afford increased means of employment to the working classes of the Mother Country. This Council therefore confidently trust, that Her Majesty's Government will be ready to lend any assistance necessary in raising a Loan in England on the most advantageous terms to the Colony.

7. Newspaper Act amendment Bill; second reading deferred until Wednesday December 29.

Council adjourned at Five o'Clock, until Wednesday, December 29, at Twelve o'Clock.

ORDERS OF THE DAY.

WEDNESDAY, DECEMBER 29.

1. Insolvent Debtors' Bill; third reading.
2. Harbour Regulation Act amendment Bill; third reading.
3. Newspaper Act amendment Bill; second reading.
4. Registration Act amendment Bill; second reading.
5. Melbourne Auction Company Bill; second reading.

WM. MACPHERSON,
Clerk of Councils

VOTES AND PROCEEDINGS
OF
THE LEGISLATIVE COUNCIL.

WEDNESDAY, 29 DECEMBER, 1841.

PRESENT; His Excellency the Governor and Eleven Members. ABSENT; The Collector of Customs; Robert Campbell, Esq.; and Sir John Jamison.

1. Council met pursuant to adjournment, His Excellency the Governor took the Chair, and laid upon the Table:—
 - (1.) Copy of a Despatch from the Right Honorable Lord John Russell, No. 312, dated 21 July, 1841, approving the provisions of the Bills for the institution of Municipal Corporations—and for the appointment of Commissioners of Highways and other Public Works, which the Governor introduced into the Council in the Sessions of 1840, but withdrew in consequence of the opposition made to them; and recommending their re-introduction into the Council.
 - (2.) Copy of a Despatch from the Right Honorable Lord John Russell, No. 293, dated 24 June, 1841, disapproving of the purchases of Wheat made by the Government in 1840, and directing the disposal, by Auction, of the Wheat at present stored in the Government Silos.
 - (3.) Copy of a Despatch from the Right Honorable Lord John Russell, No. 289, dated 20 June, 1841, recommending a considerable increase of the sum payable for Licenses to occupy Crown Lands, and of the rates of assessment on Stock depastured upon such Lands.Despatches; to be printed.
 2. Insolvent Debtors' Bill; read a third time, and *Passed*.
 3. Harbour Regulation Act amendment Bill; read a third time, and *Passed*.
 4. Newspaper Act amendment Bill; read a second time; to be read a third time on Monday, January 3, 1842.
 5. Registration Act amendment Bill; second reading deferred until to-morrow.
 6. Melbourne Auction Company Bill; second reading deferred until to-morrow.
- Council adjourned, at Five o'Clock, until to-morrow at Twelve o'Clock.

ORDERS OF THE DAY.

THURSDAY, DECEMBER 30.

1. Registration Act amendment Bill; second reading.
2. Melbourne Auction Company Bill; second reading.

MONDAY, JANUARY 3, 1842.

1. Newspaper Act amendment Bill; third reading.

WM. MACPHERSON,
Clerk of Councils.

VOTES AND PROCEEDINGS
OF
THE LEGISLATIVE COUNCIL.

THURSDAY, 30 DECEMBER, 1841.

PRESENT; His Excellency the Governor and Ten Members. **ABSENT**; The Right Reverend the Lord Bishop of Australia; The Collector of Customs; Robert Campbell, Esq.; and Sir John Jamison.

1. Council met pursuant to adjournment, His Excellency the Governor in the Chair. Registration Act amendment Bill; read a second time; committed and amended; to be fairly transcribed, and presented to the Governor by His Honor the Chief Justice and the Attorney General.
2. Melbourne Auction Company Bill; read a second time; to be read a third time on Monday, January 3, 1842.
Council adjourned at Half-past Two o'Clock, until Monday, January 3, 1842. at Twelve o'Clock,

ORDERS OF THE DAY.

MONDAY, JANUARY 3, 1842.

1. Newspaper Act amendment Bill; third reading.
2. Melbourne Auction Company Bill; third reading.

WM. MACPHERSON,
Clerk of Councils.

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VOTES AND PROCEEDINGS

OF

THE LEGISLATIVE COUNCIL.

MONDAY, 3 JANUARY, 1842.

PRESENT; His Excellency the Governor and Thirteen Members. ABSENT; Robert Campbell, Esq.

1. Council met pursuant to adjournment, His Excellency the Governor in the Chair.
Registration Act Amendment Bill; presented by the Governor as amended; recommitted, and further considered and amended; to be read a third time after the Orders of the Day are disposed of.
2. Newspaper Act Amendment Bill; read a third time and *Passed*.
3. Melbourne Auction Company Bill; read a third time and *Passed*.
4. Registration Act Amendment Bill; read a third time and *Passed*.
Council adjourned at Half-past Two o'Clock, *Sine die*.

WM. MACPHERSON,
Clerk of Councils.

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