

NEW SOUTH WALES.



VOTES

AND

PROCEEDINGS

OF

THE LEGISLATIVE COUNCIL,

DURING

THE SESSION

(*Extraordinary*)

1843,

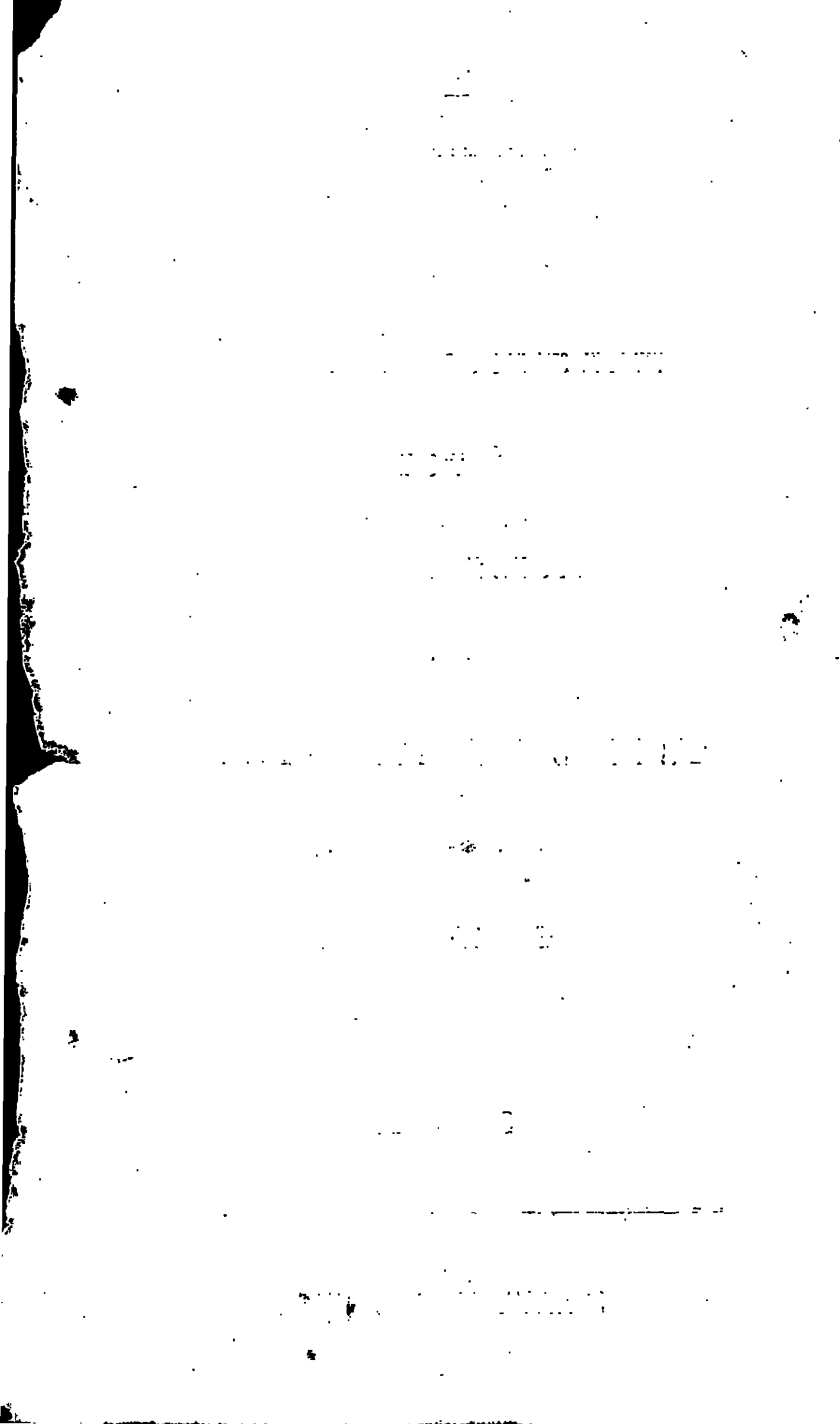
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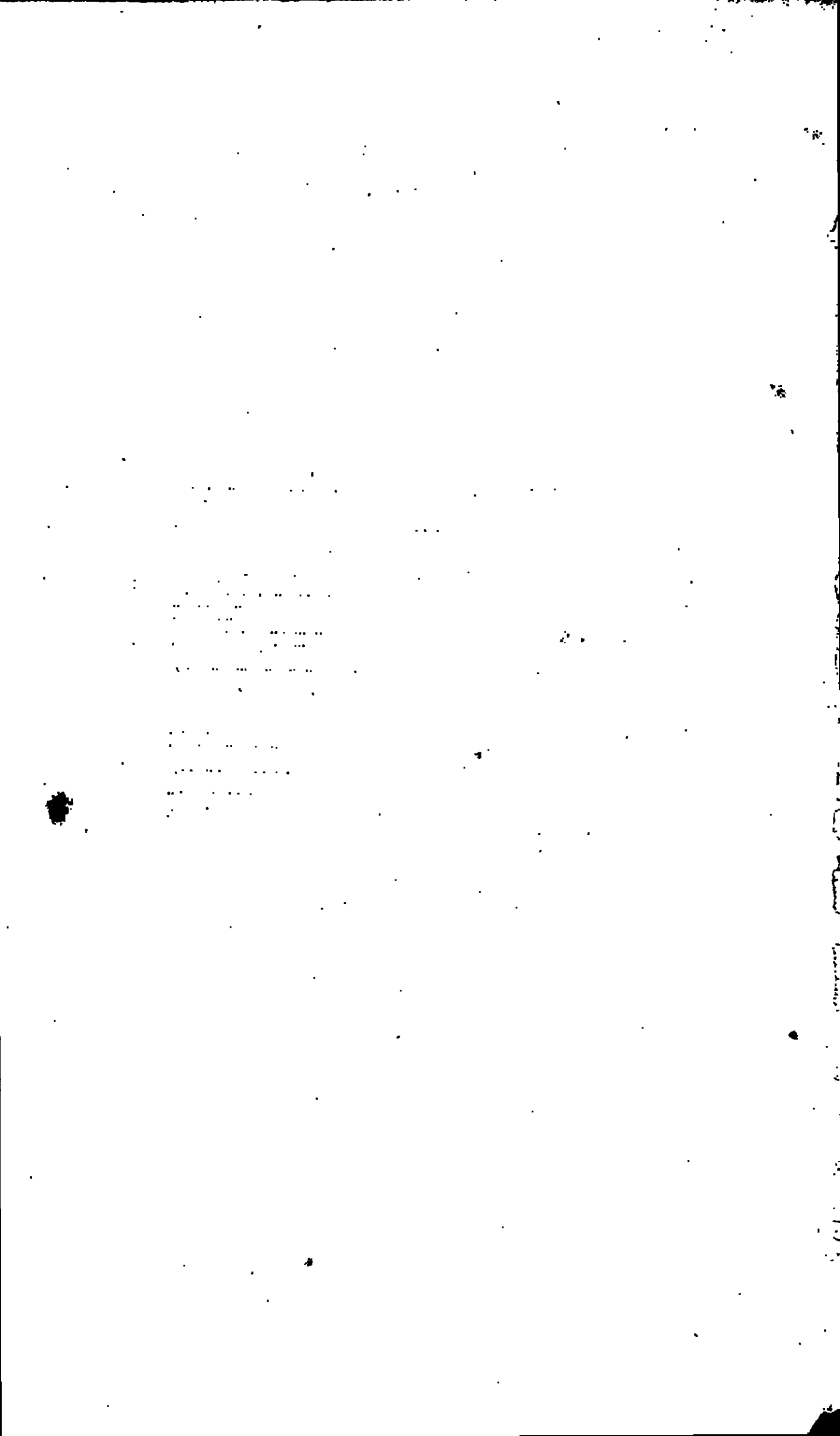
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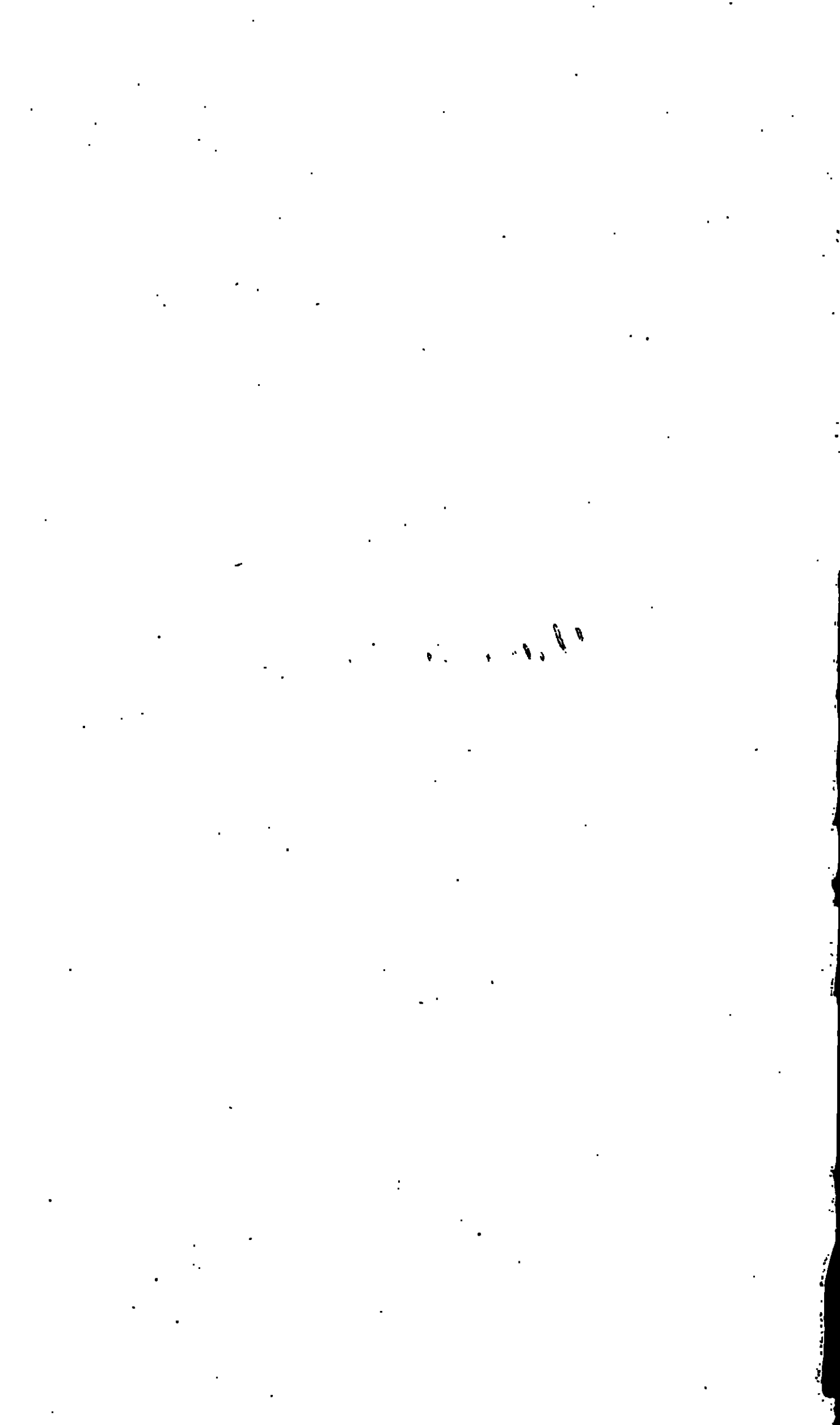
BENT-STREET.

1843.





Daily Proceedings.



VOTES AND PROCEEDINGS
OF
THE LEGISLATIVE COUNCIL.

TUESDAY, 24 JANUARY, 1843.

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

1. The Council having met pursuant to summons; His Excellency the Governor read the following Address:—

GENTLEMEN OF THE LEGISLATIVE COUNCIL,

The Act passed in the last Session of Parliament, for the Government of New South Wales, having directed that all necessary provisions shall be made by this Council, for giving effect to the Imperial Enactments, under which a New Legislative Body is to be constituted in the Colony, I have thought it right to summon you as early as I conveniently could, to the performance of the duties thus confided to you.

The Act of Parliament referred to, is the 5th and 6th Victoria, chapter 76; it was officially received by me on the first, and proclaimed in the Colony on the fifth day of the present month. By the second clause of it, the measures which you are now met to consider, are thus described;—

“And be it enacted, That the Legislature now by Law established within the said Colony of New South Wales, shall, by ordinances to be for that purpose made and enacted, in the manner and subject to the conditions now by Law required in respect of any ordinances made and enacted by the said Legislature, make all necessary provisions for dividing the parts of the said Colony, within the Boundaries of Location, into convenient Electoral Districts, and for appointing and declaring the number of Members to be elected for each such District, and for the compilation and revision of Lists of all persons qualified to vote at the Elections to be holden within such Districts, and for the appointing of Returning Officers, and for the issuing, executing, and returning, the necessary Writs for such Elections, and for taking the Poll thereat, and for determining the validity of all disputed Returns, and otherwise for ensuring the orderly, effective, and impartial conduct of such Elections.”

A Bill to effect the objects which are thus enumerated, having been prepared, I shall immediately lay it before you.

By the 53rd clause of the same Act of Parliament, the powers of this Council are continued, until the day on which the first Writs shall be issued for the Election of Members to serve in the New Council; it is not, however, my intention to bring before you any measure of importance, save that for the consideration of which you are specially summoned.

The passing therefore of the Bill which I shall lay before you, is the last duty which as Members of this Council, you will have to perform for the Colony of New South Wales; in passing it, you will in fact bring your own political functions to a close; but not on that account will you, I am sure, the less rejoice with me, that New South Wales is about to receive a form of Government, such as the Imperial Parliament has judged to be well suited to the station which it now holds among the Dependencies of the British Crown, and that the privilege of sending Representatives of their own choice to their local Legislature, has been conceded to the people of this land.

And though, Gentlemen, the functions of this Council are to cease, it is satisfactory to me to think, that the services which you have so long and so ably rendered to your Country, may be continued in the larger Body which is now about to be called into existence.

GEORGE GIPPS.

Council Chamber, }
24th January, 1843.

2. His Excellency the Governor laid upon the Table, an Act of the Imperial Parliament, intituled "*An Act for the Government of New South Wales and Van Diemen's Land*," passed in the 5th and 6th year of the reign of Her present Majesty Queen Victoria, cap. 76; to be printed.
3. His Excellency the Governor laid before the Council, a Despatch from the Right Honorable the Secretary of State, dated 5th September, 1842, No. 181, transmitting a copy of the Act of Parliament, 5 & 6 Victoria, cap. 76; read, and to be printed.
4. His Excellency the Governor laid upon the Table, "*A Bill to provide for the division of the Colony of New South Wales into Electoral Districts, and for the Election of Members to serve in the Legislative Council*;" Bill read a first time; to be printed, and read a second time on Tuesday, 7th February.
5. His Excellency the Governor having stated that, in consequence of the increased number of Members to sit in the New Council, the present Chamber would be too small for their accommodation, proposed the appointment of a Committee, to consist of the following Members, to consider in what manner a suitable Chamber could best be provided, and to report:—

THE COLONIAL SECRETARY,

THE AUDITOR GENERAL,
THE ATTORNEY GENERAL,
MR. JONES,

MR. BERRY,
MR. H. H. MACARTHUR,
MR. JAMES MACARTHUR.

Committee appointed:

6. His Excellency the Governor laid upon the Table, "*A Bill to declare all Inhabitants of Corporate Cities and Towns to be competent witnesses, and to enable Judges, Justices, and other Public Officers, to act in matters relating to the Corporation of which they are respectively Members; and to authorise Magistrates of the Territory to commit in certain cases*;" Bill read a first time; to be printed, and read a second time on Tuesday, 7th February.
7. On the motion of Mr. Blaxland, seconded by Mr. Berry, it was resolved, That His Excellency the Governor be respectfully requested to cause to be laid before this Council a Lithographed Outline Sketch of the several Electoral Districts proposed to be established by the Bill presented by His Excellency to the Council this day, shewing the population, and the number and description of houses in each Electoral District, according to the Census of 1841.
Council adjourned at Half-past One o'Clock, until Tuesday, February 7, at Twelve o'Clock.

ORDERS OF THE DAY.

TUESDAY, FEBRUARY 7.

1. Electoral Districts Bill; second reading.
2. Corporate Towns Inhabitants Bill; second reading.

FRANCIS L. S. MEREWETHER,

Clerk of Councils.

VOTES AND PROCEEDINGS
OF
THE LEGISLATIVE COUNCIL.

TUESDAY, 7 FEBRUARY, 1843.

PRESENT: His Excellency the Governor and Eleven Members. ABSENT:—His Honor the Chief Justice; the Right Reverend the Lord Bishop of Australia; and His Excellency the Commander of the Forces.

1. Council met pursuant to adjournment; His Excellency the Governor in the Chair.
New Council Chamber Committee: The Colonial Secretary, as Chairman, brought up the Report, and laid upon the Table the evidence taken before the Committee; Report read; to be printed, and taken into consideration to-morrow.
2. His Excellency the Governor laid upon the Table "A Bill to amend an Act, passed in the fourth year of Her Majesty's Reign, intituled, 'An Act to provide for the Trial by Jury, in Civil and Criminal cases, in the Circuit and other Courts, to be holden within the Colony of New South Wales and its Dependencies;'" Bill read a first time; to be printed, and read a second time on Tuesday next.
3. Corporate Towns Inhabitants Bill; second reading deferred until Friday next, the 10th Instant.
4. Mr. James Macarthur presented a petition from 158 Landholders and Householdors of the County of Cook, representing that the interests of their County are closely interwoven with those of the County of Cumberland, and that they have no connexion with the County of Hunter, and praying therefore, that, in the division of the Colony into Electoral Districts, the County of Cook may be conjoined with that of Cumberland, instead of with that of Hunter as proposed in the Bill now before the Council; read and received.
5. Electoral Districts Bill; read a second time; to be further considered to-morrow.
Council adjourned at Four o'Clock, until to-morrow at Twelve o'Clock.

ORDERS OF THE DAY.

WEDNESDAY, FEBRUARY 8.

1. Consideration of the Report of the New Council Chamber Committee.
2. Electoral Districts Bill; further consideration.

FRIDAY, FEBRUARY 10.

1. Corporate Towns Inhabitants Bill; second reading.

TUESDAY, FEBRUARY 14.

1. Circuit Courts Jury Act Amendment Bill; second reading.

NOTICE OF MOTION.

TUESDAY, FEBRUARY 14.

1. Mr. James Macarthur; That so much of the first clause of the "Electoral Districts Bill" as relates to the Counties of Camden, Cook, Roxburgh, Phillip, Wellington, Hunter, Brisbane

Brisbane, Bligh, Bathurst, Westmoreland, Georgiana, Argyle, and King, be struck out, and that the following arrangement be substituted with regard to those Counties:—

That the County of Camden	return	2 Members.
" Cook	"	1 "
" Roxburgh	}	1 "
" Phillip		
" Wellington		
" Hunter	}	1 "
" Brisbane		
" Bligh		
" Bathurst	}	1 "
" Westmoreland		
" Georgiana	}	1 "
" Argyle		
" King		

FRANCIS L. S. MEREWETHER,

Clerk of Councils.

VOTES AND PROCEEDINGS
OF
THE LEGISLATIVE COUNCIL.

WEDNESDAY, 8 FEBRUARY, 1843.

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 in the Chair.

Report of the New Council Chamber Committee considered:

The Colonial Architect, Mr. Mortimer William Lewis, called in and examined:

Mr. Lewis stated that he had prepared a detailed estimate of the expense of erecting a Chamber in the manner recommended by the Committee. It was intended that the foundation should be of stone, but that the walls should be of brick, with a facing of Roman cement.—According to his estimate, which was made at contract prices, and included an allowance of 15 per cent. for contingent expenses, the cost of erecting the Hall and stuccoing the exterior would be £1,271; and that of erecting the additional rooms intended as retiring rooms for the Speaker and Members, £806, making the total cost £2077. He should not require convict labour, or stone from the Woolloomooloo quarry. The entire work was estimated for at contract prices.—A condition was inserted in the schedule obliging the Contractors to employ as many men as might be necessary for the completion of the building within the time fixed. He was sure that it could be completed in three months. The Room would be 28 feet in height, being about two feet higher than the Hall in the New Government House. The pillars for the ornamental work in front would but slightly increase the expense, as those now on the north side of the building would be available for the purpose. He knew no building which would answer the purpose of a Council Chamber except the Old Government House, the repairing of which would, if substantially done, be attended with very considerable expense. The occupation of the Old Government House, as it stands across the line of a proposed principal street, (Phillip-street) would prevent the sale of land which might be expected to realize a very large sum. The annual Contractors were tied down by a bond to perform any work as fast as required; and if they failed to supply the requisite number of men, he could put an additional number on the work himself, and charge the Contractors with the sums paid to them. As far as building went, there would be very little difference in expense between the plan first suggested, viz:—that of placing the Chamber in the rear of the present Chambers, and that now proposed; but the first plan would not give the additional accommodation which is now contemplated.

The following Resolution was then adopted:—

Resolved that this Council having had under consideration the Report of the Committee appointed to inquire into the best means of providing a Chamber for the enlarged Council, concurs in and adopts the opinions therein expressed, and respectfully requests, that His Excellency the Governor will give the necessary directions for carrying into effect the recommendations which it contains.

2. Electoral Districts Bill further considered; to be further considered on Friday next.

Council adjourned at Four o'Clock, until Friday next, at Twelve o'Clock.

ORDERS

6.

ORDERS OF THE DAY.

FRIDAY, FEBRUARY 10.

1. Corporate Towns Inhabitants Bill ; second reading.
2. Electoral Districts Bill ; further consideration.

TUESDAY, FEBRUARY 14.

1. Circuit Courts Jury Act Amendment Bill ; second reading.

NOTICE OF MOTION.

TUESDAY, FEBRUARY 14.

1. Mr. James Macarthur ; That so much of the first clause of the "*Electoral Districts Bill*" as relates to the Counties of Camden, Cook, Roxburgh, Phillip, Wellington, Hunter, Brisbane, Bligh, Bathurst, Westmoreland, Georgiana, Argyle, and King, be struck out, and that the following arrangement be substituted with regard to those Counties :—

That the County of		return	2 Members.
"	Camden		
"	Cook	"	1 "
"	Roxburgh	}	1 "
"	Phillip		
"	Wellington		
"	Hunter	}	1 "
"	Brisbane		
"	Bligh		
"	Bathurst	}	1 "
"	Westmoreland		
"	Georgiana	}	1 "
"	Argyle		
"	King		

FRANCIS L. S. MEREWETHER,
Clerk of Councils.

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VOTES AND PROCEEDINGS
OF
THE LEGISLATIVE COUNCIL.

FRIDAY, 10 FEBRUARY, 1843.

PRESENT: His Excellency the Governor and Eleven Members. ABSENT:—His Honor the Chief Justice; His Excellency the Commander of the Forces; and Sir John Jamison.

1. Council met pursuant to adjournment; His Excellency the Governor in the Chair. . .
Mr. Jones presented a Petition from the Right Worshipful the Mayor, the Aldermen, and Councillors of the City of Sydney, praying for certain amendments in the Sydney Corporation Act, (6 Victoria, No. 3); read, received, and ordered to be printed.
2. The Attorney General presented a Petition from 126 Landholders of New South Wales, representing, that they are compelled by their affairs to be resident for a great part of the year in Sydney, and that, without some special arrangement in their favor, they will be debarred from the exercise of the elective franchise arising from their country freeholds, and praying, therefore, that "*a general Polling Place may be established in Sydney, whereat the Electors, unable at the time of Election to be in the District where their qualification is situated, may give their votes for the Members of the Legislative Assembly about to be constituted;*" read and received.
3. Notice of Motion; Mr. James Macarthur withdrew his Notice of the amendment he proposed to move in the first clause of the Electoral Districts Bill.
4. Corporate Towns Inhabitants Bill; read a second time; to be further considered on Tuesday next.
5. Electoral Districts Bill; further considered; to be further considered on Tuesday next. Council adjourned at Four o'Clock, until Tuesday, 14th February, at Twelve o'Clock.

ORDERS OF THE DAY.

TUESDAY, FEBRUARY 14.

1. Circuit Courts Jury Act Amendment Bill; second reading.
 2. Corporate Towns Inhabitants Bill; further consideration.
 3. Electoral Districts Bill; further consideration.
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NOTICE

NOTICE OF MOTION.

TUESDAY, FEBRUARY 14.

- 1. Mr. H. H. Macarthur; That so much of the first clause of the "Electoral Districts Bill" as relates to the Counties of Cook, Westmoreland, Roxburgh, Phillip, Wellington, Hunter, Brisbane, Bligh, Georgiana, King, Murray, St. Vincent, and Auckland, be struck out, and the following arrangement substituted with regard to those Counties:— That there be returned for the united Counties of

Cook and Westmoreland	1	Member
Roxburgh, Phillip, and Wellington ..	1	"
Hunter, Brisbane, and Bligh	1	"
Murray, King, and Georgiana ...	1	"
St. Vincent and Auckland	1	"

making the entire scheme of the division of the Colony (the Port Phillip District excluded) into Electoral Districts to stand

THUS:—			INSTEAD OF, AS PROPOSED BY THE BILL:—			
	Popula- tion.	Mem- bers.		Popula- tion.	Mem- bers.	
Sydney	29973	2	Sydney	29973	2	
Cumberland County	19656	2	} Clause 1.	Cumberland County	19656	2
Northumberland	5830	1		Northumberland	5830	1
Camden	6286	1		Camden	6286	1
Argyle	3397	1		Argyle	3397	1
Durham	6238	1		Durham	6238	1
Bathurst	2465	1		Bathurst	2465	1
St. Vincent and Auckland ..	1762	1		Murray, St. Vincent, & Auckland	3873	1
Murray, Georgiana, and King ..	3458	1		Westmoreland, Georgiana, & King	1966	1
Cook and Westmoreland	3511	1		Cook and Hunter	3891	1
Roxburgh, Phillip, & Wellington	2483	1		Roxburgh and Wellington ..	2030	1
Gloucester, Macquarie, & Stanley	3833	1		Gloucester, Macquarie, & Stanley	3833	1
Brisbane, Bligh, and Hunter ..	3105	1		Brisbane, Phillip, and Bligh ..	2559	1
Parramatta	5389	1	} Clause 2.	Parramatta	5389	1
Cumberland Boroughs	3090	1		Cumberland Boroughs	3090	1
Northumberland Boroughs	4145	1		Northumberland Boroughs	4145	1
		18			18	

FRANCIS L. S. MEREWETHER,
Clerk of Councils.

VOTES AND PROCEEDINGS
OF
THE LEGISLATIVE COUNCIL.

TUESDAY, 14 FEBRUARY, 1843.

PRESENT: His Excellency the Governor and Eleven Members. ABSENT:—His Honor the Chief Justice; His Excellency the Commander of the Forces; and Sir John Jamison.

1. Council met pursuant to adjournment; His Excellency the Governor took the Chair, and laid upon the Table the "Blue Book" for the year ended 30 September, 1842.
2. His Excellency the Governor laid upon the Table, the undermentioned Abstracts of the Sworn Returns of the average Assets and Liabilities, and Capital and Profits, of the several Banks in the Colony of New South Wales, rendered in pursuance of the Act of Council 4 Victoria, No. 13;—
 - (1.) Abstract for the Quarter ended 30th September, 1842.
 - (2.) Abstract for the Quarter ended 31st December, 1842.
 - (3.) Abstract for the Quarters ending 21st March, 30th June, 30th September, and 31st December, 1842; and of the General Averages for the years 1841 and 1842.

To be printed.

3. His Excellency the Governor laid upon the Table, a Despatch (No. 161, 4th August, 1842,) from the Right Honorable Lord Stanley, respecting the vacation, by the Roman Catholics, of the portion of the Old Court House now occupied by them as a School House; read, and to be printed.
4. His Excellency the Governor laid upon the Table, a Despatch (No. 144, 2nd July, 1842,) respecting the amenability of the Aborigines to British Law, for offences committed *inter se*; read, and to be printed.
5. His Excellency the Governor laid upon the Table, a Despatch (No. 156, 29th July, 1842,) from the Right Honorable Lord Stanley, communicating the views of Her Majesty's Government on certain points adverted to in the Resolutions passed on the 21st December, 1841, by the Council, after its consideration of the Report from the Committee on the Land and Immigration Debenture Bill; read, and to be printed.
6. Circuit Courts Jury Act Amendment Bill; read a second time; to be read a third time on Tuesday next.
7. Corporate Towns Inhabitants Bill; further considered and amended; to be fairly transcribed, and presented to His Excellency the Governor by the Attorney General and Mr. Jones.
8. His Excellency the Governor laid upon the Table "*A Bill to extend to the whole City of Sydney the operation of the laws, now in force in certain parts thereof, for regulating Buildings and Party Walls, and for preventing mischiefs by fire;*" Bill read a first time; to be printed, and read a second time on Tuesday next.
9. Electoral Districts Bill; Mr. H. H. Macarthur, in pursuance of notice, moved—That so much of the first clause of this Bill as relates to the Counties of Cook, Westmoreland, Roxburgh, Phillip, Wellington, Hunter, Brisbane, Bligh, Georgiana, King, Murray, St. Vincent, and Auckland, be struck out, and the following arrangement substituted with regard to those Counties:—That there be returned for the united Counties of

Cook and Westmoreland	1	Member
Roxburgh, Phillip, and Wellington		1	"
Hunter, Brisbane, and Bligh	1	"
Murray, King, and Georgiana	...	1	"
St. Vincent and Auckland	1	"

Carried.

Bill further considered and amended; to be fairly transcribed, and presented to His Excellency the Governor by the Attorney General and Mr. H. H. Macarthur.

His Excellency the Governor informed the Council that, unless in the mean time some unforeseen objection to the Bill in its present shape should present itself, he would propose its *third reading* on Tuesday, the 21st Instant, being the next day of meeting.

Council adjourned at Four o'Clock, until Tuesday next, at Twelve o'Clock.

ORDERS

10.

ORDERS OF THE DAY.

TUESDAY, FEBRUARY 21.

1. Building Act Extension Bill; second reading.
2. Circuit Courts Jury Act Amendment Bill; third reading.

FRANCIS L. S. MEREWETHER,
Clerk of Councils.

11.
No. 6.

VOTES AND PROCEEDINGS
OF
THE LEGISLATIVE COUNCIL.

THURSDAY, 23 FEBRUARY, 1843.

PRESENT: His Excellency the Governor and Twelve Members. ABSENT:—His Excellency the Commander of the Forces; and Sir John Jamison.

1. The meeting of Council appointed for Tuesday last, the 21st February, having, in consequence of the non-attendance of a Quorum of the Members, been adjourned to this day, at Twelve o'Clock, the Council met pursuant to that adjournment. His Excellency the Governor took the Chair, and laid before the Council, an extract from a Despatch from the Secretary of State, dated 5th September, 1842, and a letter from the Right Reverend the Lord Bishop of Australia, dated 20th February, 1843, relative to his Lordship's non-acceptance of a seat in the New Legislative Council; moved by the Attorney General, and seconded by Mr. H. H. Macarthur, that these papers be printed; carried, and the papers ordered to be printed accordingly.
2. Electoral Districts Bill; presented by His Excellency the Governor to the Council as amended in Committee; ordered to be recommitted for further amendment; again presented by the Governor to the Council as further amended; ordered to be read a third time; read a third time and *passed*.
3. Jury Act Amendment Bill; read a third time and *passed*.
4. Corporate Towns Inhabitants Bill; presented by His Excellency the Governor to the Council as amended in Committee; ordered to be read a third time; read a third time and *passed*.
5. Building Act Extension Bill; withdrawn by His Excellency the Governor. Council adjourned *sine die*.

FRANCIS L. S. MEREWETHER,
Clerk of Councils.

