

No. 52.



NEW SOUTH WALES  
GOVERNMENT GAZETTE,  
EXTRAORDINARY.

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SATURDAY, JUNE 28, 1845.

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1845.

NEW SOUTH WALES:

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CROWN LANDS OCCUPATION.

*Colonial Secretary's Office,  
Sydney, 27th June, 1845.*

THE following Despatches, relating to the Occupation of the Lands of the Crown in this Colony, under Depasturing Licenses, are, by direction of His Excellency the Governor, published for general information.

*By His Excellency's Command,*  
E. DEAS THOMSON.

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No. 1.

DESPATCH from SIR GEORGE GIPPS, to LORD STANLEY.

(No. 75.)

*Government House, Sydney,  
3rd April, 1841.*

MY LORD,

The management of the unsold lands of the Crown, and especially of those beyond what are called "the Boundaries of Location," has often been incidentally pointed out by me, as an object of very high importance to the interests of this Colony.

I brought the subject before Lord Glenelg, in my Despatch, No. 180, of the 7th November, 1838, when reporting on a Local Act (2 Victoria, No. 19,) to amend and continue for three years, an Act which had been passed in 1836, "to restrain the unauthorised occupation of Crown Lands," (7 William IV., No. 4;) and again in my Despatch, No. 65, of the 6th April, 1839, on submitting for Her Majesty's approval a further Act of the same nature (2 Victoria, No. 27.)

No. 1.  
Sir G. Gipps,  
to Lord Stan-  
ley, 3rd April,  
1841.

In my Despatch, No. 139, of the 28th September, 1840, on the progressive discovery and occupation of the Colony, I entered at some length into the detail of what is called the system of "authorised Squatting;" and I touched again upon the same subject, and dwelt upon the importance of what may be called the "Squatting Interest" of New South Wales, in the "Memorandum on Land Selling," which accompanied my Despatch, No. 192, of the 19th December, 1840.

More recently, namely, on the 18th April, 1843, I reported my general views on the administration of these lands, in reply to a reference made to me by your Lordship, at the suggestion of the Commissioners of Colonial Lands and Emigration; and lastly, in my Despatch of the 17th of January last, No. 17, I intimated my intention of speedily laying before your Lordship some definite proposals for altering and amending the Regulations, under which the unsold lands of the Crown are now occupied by private individuals.

In my present Despatch, I propose to carry into effect the intentions then expressed; but I cannot enter on the subject without premising, that there is, in my opinion, nothing connected with the administration of the affairs of this Colony, which more urgently requires the attentive consideration of Her Majesty's Government.

The intimate connexion which it has with the sale of land, and the supply of funds for the support of Immigration, I need scarcely point out. The Act now in force, to restrain the unauthorised occupation of Crown Lands, 2 Victoria, No. 27, (continued by the 5th Victoria, No. 1,) will, moreover, expire on the 30th June, 1846; and it seems to me most desirable, that the alterations which I recommend, should be introduced whilst that Act is yet in force.

Referring to my Despatches above mentioned, and particularly to those numbered 139 and 192, of the year 1840, for a full account of the "Squatting system" of New South Wales, I will briefly remind your Lordship, that an essential difference prevails in the administration of the lands of the Crown, according as they are situate within or without the Boundaries of Location.

The essential difference between the two systems of management is, that within the Boundaries, or, which is the same thing, within the Counties, land is either sold or let on lease;\* whereas it is neither sold nor leased, but occupied on licence beyond the Boundaries.†

A Lease within the Boundaries, is for a definite quantity of land, generally a square mile (whether measured or only taken by estimation), and the lease is strictly limited to one year. For the most part the lessees have lands of their own on which they live; and they frequently take on lease, the lands of the Crown, which lie contiguous to their own, in order only to prevent their falling into the hands of others; and I may add, although it is not material to the point under consideration, that they often occupy seven or eight square miles, paying rent only for one or two.

The essential thing, however, to be borne in mind is, that let them occupy what they may, they do not pretend to any right of occupation for a period longer than a year.

Beyond

\*Under the 6th clause of the 5th Victoria, No. 1, Licenses have lately been substituted for Leases, even within the Boundaries; but as these Licences are for a definite portion of land, and for a definite period, namely, one year, they are equivalent to Leases.

†In the new Counties, however, a mixed system, to a certain extent, prevails, because the Squatters had already possession of lands in them before the Counties were laid out; these new Counties are, Bourke, Grant, and Normanby, in the Port Phillip District; Auckland, at Twofold Bay; and Stanley, at Moreton Bay.

No. 1. Beyond the Boundaries, the Country never having been surveyed, there is  
 Sir G. Gipps, no division, either real or pretended, into allotments or sections of square miles; the  
 to Lord Stan- quantity of land therefore occupied by any Squatter, under the denomination of a  
 ley. "Station," or a "Run," is altogether indefinite, and the price of a License is equally  
 £10 for every body, whatever may be the extent of his run, or the number of sheep  
 or cattle depastured on it. Parties, originally, in taking up their runs, were limited  
 only by their own moderation, or by the pressure of other squatters on them, and it  
 was this pressure of one Squatter on another, and the disagreements which arose  
 therefrom, added to contests with the Aborigines, which led, in the year 1837, to the  
 first appointment of Crown Commissioners.

7 Wil. IV., These Commissioners are Stipendiary Magistrates, appointed to collect the  
 No. 11. Dues of the Crown, as well as to keep the Peace, within the District; and they  
 2 Vic., No. 27. enjoy some peculiar powers under the Acts passed to restrain the unauthorised  
 5 Vic., No. 1. occupation of Crown Lands. Still, however, the extent of Runs beyond the Bound-  
 aries, is often ill defined, and no man has any property in the soil which he occupies.

Enclosure, If your Lordship will now cast your eye over the accompanying rough map,  
 No. 1, or rather outline of this Colony, a glance will suffice to shew the immense extent  
 (not printed.) to which the "Squatting Interest," as it is called, has grown:—From Wilson's  
 Promontory on the south, to Harvey's Bay on the north, it extends through  
 fourteen degrees of latitude, with an average width of four degrees of longitude,  
 and a straight line passing through the centre of it, from the bottom of Harvey's  
 Bay, (in latitude twenty-five degrees south, longitude one hundred and fifty-two  
 degrees east) to the mouth of the Glenelg, on the southern confine of South  
 Australia, measures eleven hundred English statute miles.

This vast extent of country is divided into fifteen Districts, and the total  
 amount of Population, and Stock in it according to the latest Returns, was as  
 follows:—

Population, (Souls).....	9,885
Horses .....	15,052
Horned Cattle.....	573,114
Sheep .....	3,023,408

though as the Returns of Stock are taken for the purposes of an assessment, raised  
 under the 16th Clause of the Local Act, 2 Victoria, No. 27, the numbers are con-  
 sidered to be below the truth. So rapid too, in this Colony, is the increase of sheep,  
 cattle, and horses, that this wide extent of country has been overrun in the course  
 of fourteen or fifteen years.

I next desire to draw your Lordship's attention to the social and moral  
 evils, which such a state of things, if left unameliorated, must of necessity lead to.

We here see a British population spread over an immense Territory, beyond  
 the influence of civilization, and almost beyond the restraints of Law. Within this  
 wide extent a Minister of Religion is very rarely to be found;\* there is not a  
 place of Worship; nor even a School; so utter, indeed, is the destitution of all means  
 of instruction, that it may perhaps be considered fortunate that the population has  
 hitherto been one almost exclusively male. But women are beginning to follow  
 into the bush, and a race of Englishmen must speedily be springing up, in a state  
 approaching to that of untutored barbarism.

The occupiers of this vast wilderness not having a property of any sort in  
 the soil they occupy, have no inducement to make permanent improvements on it.  
 Some land indeed has been brought into cultivation, in order to diminish the very  
 heavy expense of obtaining supplies from the settled parts of the Colony, and here  
 and there a building has been erected, which may deserve the name of a cottage;  
 but the squatters in general live in huts, made of the bark of trees, and a garden,  
 at least anything worthy of the name, is a mark of civilization rarely to be seen.

On the other hand, it is well worthy of remark, that there are amongst the  
 Squatters, and living the life which I have described, a great number of young men,  
 every way entitled to be called gentlemen—young men of education, and many of  
 good family, and connexions in Europe. The presence of men of this des-  
 cription beyond the boundaries, has been highly advantageous,—first, in lessening  
 the rudeness of Society in what is called "the Bush;"—and secondly, as affording  
 the materials for a Local Magistracy. On a former occasion I remarked how un-  
 just it would be, to confound the Squatters of Australia, with those who bear the  
 same name in America.—(Memorandum on Land Selling, which accompanied my  
 Despatch, No. 192, of the 19th December, 1840.)

As good too, is ever springing out of evil, I may remark, that the disasters  
 which have recently overtaken great numbers of our Settlers, have had the effect of  
 driving many highly estimable persons into the bush, with their wives and families,  
 where their influence can hardly fail to be advantageously felt.

Independently

\*There are at present four itinerating Ministers of the Church of England, supported chiefly, if not  
 entirely, by the Society for the Propagation of the Gospel in Foreign Parts.

Independently therefore of any considerations of Revenue, the time seems to me to have arrived, when some alteration is required in the administration of the Lands of the Crown, beyond the boundaries of location, in order to relieve the Government from the reproach, not simply of permitting the continuance of such a state of things, but actually of prohibiting amendment; and to do this, not only should a portion of the lands now occupied by licenses, be opened to location in the usual way; but facilities should also be afforded to Squatters in general, of securing to themselves a permanent interest in some parts of the lands they occupy.

Within these last few years, three new Counties have been laid out at Port Phillip—another at Twofold Bay—and a fifth at Moreton Bay; but in addition to them, some others should, I think, be established—as for instance, a County in the District called Gipps' Land, one or two at Twofold Bay, to connect the County of Auckland with those lying to the north of it; and perhaps a County in each of the Districts called New England, Clarence River, and Liverpool Plains; and in respect to Squatters in general, I would submit, that they should have the opportunity afforded to them, of obtaining on easy terms, what may be called for every one a Homestead.

I must here distinctly state, that I reckon on the maintenance of the Crown Lands Act of 1842; if any doubt be thrown on the permanency of that Act, all will be uncertainty and indecision.

In my Despatch of the 17th January last, I stated that, in my opinion; the Squatting system will in New South Wales support a high minimum price of land, and that a high minimum price renders the Squatting system necessary—that the one may be made to support the other—and that without the other, either would be indefensible; and I would beg leave to repeat what I have urged in the same Despatch, namely, that if we once allow the selling price of an acre of land to depend on the profit to be made from it, by the feeding of sheep alone, we must, as we recede from the sea, diminish our selling price, until it come below the smallest coin in circulation.

Adhering, therefore, to the principle of the Lands Act of 1842 (5 and 6 Victoria, c. 36), there are three things to be borne in mind:—

Firstly—That the occupiers of Crown Lands cannot purchase any portion of their Stations for less than £1 per acre:

Secondly—That they must pay ready money for all they purchase:

Thirdly—That they can purchase only at Auction.

This last condition is fatal to what is called a right of pre-emption, and therefore it is scarcely necessary to touch on the other grounds, on which the recognition of such a right, might be objected to.

But without recognizing any right of pre-emption, a scheme may, I think, be devised, for improving the condition of the Squatters, based on the principle of giving to the occupier of a run or station, a property in his own improvements:

The proposals which I beg leave to lay before your Lordship are the following:—

Any person who may have occupied a station for not less than five years, and who may during the whole of that time have conformed to the Regulations of Government, and who may not be in arrears of any sort to the Government, may demand to purchase as a Homestead, any part of his run, not less than three hundred and twenty acres; and the Government will, under ordinary circumstances, or unless strong grounds exist for refusing it, give him an opportunity of purchasing the part he may require on the following conditions:—

Firstly—The quantity of water frontage purchased by him, shall never exceed the proportion of a mile in length, for every square mile of area, or eight hundred and eighty yards for every three hundred and twenty acres; neither shall any one purchaser secure to himself both sides of any river or watercourse, unless he purchase to the extent of at least two square miles, or one thousand two hundred and eighty acres.

Secondly—The sale must take place by Auction, but in order to secure to the occupier the benefit of such permanent and useful improvements as he may have made on his station, these improvements shall be valued by three persons, namely, firstly, the Commissioner of the District; secondly, a person named by the occupier; and thirdly, an Umpire named by the Governor.

Thirdly—The price of the improvements added to the minimum price of the land, (£1 per acre) will be the upset price of the whole.

Fourthly—If the occupier become the purchaser, he will reserve to himself the value of the improvement, and pay the remainder of the purchase money to Government. If a stranger become the purchaser, he will pay the whole money to the Government; and the Government will pay to the prior occupier, or Squatter, the assessed value of his improvements.

Fifthly—In order to avoid inconvenience to the Government, the right of requiring a station to be put up to auction, must not be absolute on the part of the occupier. The Government in bringing forward stations for sale, must consult its own convenience; and the right of the Crown to oust a Squatter, and sell a station at any time, or in any manner, must remain as at present, absolute.

Sixthly—

No. 1.  
Sir G. Gipps,  
to Lord Stanley,  
April 3rd,  
1844.

No. 1.  
Sir G. Gipps  
to Lord Stan-  
ley.

Sixthly—It is also to be thoroughly understood, that when stations are required for public purposes, they may be resumed, without compensation of any sort to the occupier; or if compensation be given, it will be as a gratuity, which Government may either give or withhold at its pleasure, and which will be given or withheld as circumstances may seem to require, and as the state of the Revenue may allow.

Seventhly—It is further to be understood, that by the purchase of his Homestead, the occupier acquires no further right than he had before the purchase, to the occupation of the rest of his station; and that he must still take out a License as before, for the unpurchased portions of his run, if he continue to occupy them. In fact, the rights of the Crown to all the unpurchased parts of a station, will remain in every respect the same, as to any other portion of unalienated land.

The foregoing proposals relate only to the manner in which the licensed occupiers of Crown Lands, may be enabled on easy terms, to acquire a right of property in a portion of the land which they occupy; but there are other alterations in the existing Regulations for the occupation of Crown Lands, which should, I think, be introduced at the same time, and which are nearly of equal importance.

It was suggested long ago, by Lord J. Russell, that the fee on the Depasturing License might be greatly increased; but I am disposed to think it would be more advisable to keep the fee at its present amount, and limit the quantity of land to be occupied, or the quantity of stock to be depastured under a single license. Up to the present time, not only have the runs been almost unlimited, but persons have been allowed to occupy any number of runs in the same, or in any two contiguous Districts, under a single license.

Notice of some alterations in this respect has already been given; but I propose, that in addition to what is contained in that notice, the following rules shall be established:—

Firstly—No run to be of greater extent in any direction than seven miles, nor to have more than four miles of water frontage, unless it be certified by the Commissioner, that the run is not greater than what is required for the maximum quantity of stock allowed to be depastured under a single license.

Secondly—If, on the same run, or under the same license, a person have more than four thousand sheep, or more than five hundred head of cattle, or than what may be equivalent to the same, in sheep, horses, and cattle, an additional fee will be charged on the license, at the rate of £1 for every one thousand sheep, or one hundred and twenty-five head of cattle, or their equivalent.

This additional fee will, however, not be payable in advance, but added to the price of the license for the ensuing year.

Thirdly—A fee or fine of £5 to be paid on the transfer of a license; and no transfer to be valid until this fee be paid.

Fourthly—No transfer of a station to be allowed, until the arrears (if any,) due by the former occupant, whether for license or assessment, shall be paid up.

Fifthly—No new station to be occupied, or transfer made of an old one, without leave, in writing, from the Commissioner of the district.

Sixthly—The license will not be renewed of any person who may bring an action against the Commissioner of the district, for any thing done in his official capacity, without giving two months notice to the Government of his intention to bring such action, or without first seeking from the Government redress for any injury or wrong alleged to have been done to him by the Commissioner of his district.

It is scarcely necessary to observe, that the whole of what I propose, can be carried into effect by the authority of the Executive alone; and that the Act of Council for restraining the unauthorised occupation of Crown Lands, does not in any way limit the prerogative of the Crown. In fact, all that I propose can be done by the authority of the Governor; and it is only on account of the importance of the subject, that I consider the Governor should not act in the matter, without the previous authority of Her Majesty's Government.

I beg now to state to your Lordship, that as the matters herein brought forward for consideration, appeared to me of the very highest importance to the future welfare of the Colony, I thought it right to lay a draft of this Despatch before my Executive Council; and I have further to explain, that the proposals herein contained, are not precisely those which I laid before the Council; but that several essential alterations have been introduced into them, in consequence of the discussions which took place in the Council. \* Neither are they the unanimous proposals of myself and the Council; but my own proposals, after having at several successive sittings, and at various private interviews, discussed the matter to which they relate with the Members of my Council, both collectively and individually.

It has been agreed that each Member of the Council, shall in a separate paper express his own opinions, and explain how far he may differ from the proposals

\* The proposals relating to changes in the existing Regulations, are greatly reduced, in consequence of the issue, by the advice of the Council, of the Notice dated the 2nd instant, which forms the Appendix to this Despatch No. 2.

Despatch  
dated 20th  
June, 1841.

Enclosure  
No. 2,  
dated 2nd  
April, 1844.

sals herein contained; and I shall not fail to transmit to your Lordship these separate Papers, as soon as I receive them; though on account of the long delay which has already occurred, I do not like further to postpone the transmission of this Despatch.

In order to supply such further information as may be necessary to a right apprehension of the present system of authorized squatting in New South Wales, I enclose copies of the following documents:—

The several Notices respecting the occupation of Crown Lands, which were issued by the Government on the 21st May, 1839, in consequence of the passing of the Act of Council, 2 Vic., No. 27, all of which are contained in the *Government Gazette* of the 22nd of the same month.

A copy of the latest general letter of instructions given to Crown Commissioners, beyond the Boundaries of Location, dated the 30th September, 1843.

Enclosure  
No. 3.

Enclosure,  
No. 4.

I have, &c.,

(Signed)

GEORGE GIPPS.

TO THE RIGHT HONORABLE LORD STANLEY.

[Enclosure No. 1.]

Not printed, being a Map.

[Enclosure No. 2.]

Colonial Secretary's Office,  
Sydney, 2nd April, 1844.

#### DEPASTURING LICENSES.

With reference to the Regulations of the 21st May, 1839, and 14th September, 1840, relative to the occupation of the Crown Lands beyond the Boundaries of Location, His Excellency the Governor, in consequence of the practice which has grown up of parties occupying several distinct stations under one License, has been pleased, with the advice of the Executive Council, to direct, that parties occupying stations in separate Districts, notwithstanding that the same may be contiguous, shall be required in future to take out a separate license for each such District, and to pay the established fee of ten pounds for the same; and that no person shall in future be allowed to take up a new station, either in the same District in which his stock may be depastured, or in any other, without having first obtained a separate license for the same, under the recommendation of the Commissioner, and paid the fee of ten pounds thereon.

2. His Excellency, with the advice of the Executive Council, has further directed, that from and after the 1st day of July, 1845, a separate license must be taken out, and the fee of ten pounds paid thereon, for each separate station or run occupied, even though situated in the same District.

3. No one station, within the meaning of these Regulations is, after the 1st July, 1845, to consist of more than twenty square miles of area, unless it be certified by the Commissioner that more is required for the quantity of sheep or cattle mentioned in the next paragraph.

4. If the party desire to occupy more, and the Commissioner consider him entitled to such occupation, with reference to the quantity of stock possessed by him, or its probable increase in the ensuing three years, as well as the accommodation required by other parties, and the general interests of the public, an additional license must be taken out and paid for.

5. Every station at a greater distance than seven miles from any other occupied by the same party, will be deemed a separate station within the meaning of these Regulations, even though the area occupied may not altogether exceed twenty square miles; and no one license will cover a station capable of depasturing more than four thousand sheep or five hundred head of cattle, or a mixed herd of sheep and cattle, equal to either five hundred head of cattle or four thousand sheep.

6. No station, or part of a station previously occupied under a separate license, will be incorporated with, or added to the station of any licensed person, unless he pay for it the price of another license.

7. In other respects, the Regulations referred to will remain in force.

By His Excellency's Command,  
E. DEAS THOMSON.

[Enclosure No. 3.]

Colonial Secretary's Office,  
Sydney, 21st May, 1839.

#### CROWN LANDS.

In pursuance of the Act of the Governor and Council passed in the second year of Her Majesty's Reign, intituled, "An Act further to restrain the unauthorised occupation of Crown Lands, and to provide the means of defraying the expense of a Border Police," His Excellency the Governor directs it to be notified, that from and after the First day of July next,

next, any persons who shall be found occupying any Crown Lands within the limits of location fixed by the Government Order of the Fourteenth day of October, 1829, or that may hereafter be allotted for location by any Proclamation or Order of the Governor published in that behalf, either by residing or by erecting any hut or building thereon, or by clearing, enclosing, or cultivating any part thereof, without holding a valid lease from the Government for the occupation of such lands; and any person who shall be found so occupying any Crown Lands beyond the said limits of location without holding a valid license for depasturing cattle and other stock under these Regulations, or a valid license to cut cedar or other timber, under the separate Notice of this date, will be respectively liable to the penalties imposed by the said Act, namely—for the first offence, any sum not exceeding Ten Pounds, at the discretion of the Justice or Justices before whom the complaint shall be heard; for the second offence, Twenty Pounds; and for the third or any subsequent offence, Fifty Pounds; the penalties to be recovered, within the boundaries, in a summary way, before any Justice of the Peace, upon information and complaint on oath of any Justice of the Peace, Commissioner of Crown Lands, or Proprietor or Lessee of Lands, or the Chief Constable of any District; and, without the boundaries, upon the like information of any Justice of the Peace, Licensed Person, or his Overseer, or Manager, or of any Constable duly appointed for such purpose.

Leases of vacant Crown Lands within the limits of location will continue to be given in the terms and under the Regulations prescribed by the Government Order of First August, 1831, the proper Officer being instructed not to permit any person to become a Lessee of Crown Lands unless he shall be satisfied that such person is of honest and respectable character.

Applications for licenses to depasture the vacant Crown Lands beyond the limits of location are to be made to the Commissioner of the District in the Form marked A annexed, and that Officer, if he approve of the same, will forward them to the Colonial Treasurer in Sydney, or, if required for the District of Port Phillip, to the Sub-Collector of Customs at Melbourne, in order that the License may be prepared.

Each License will be chargeable with a fee of Ten Pounds, to be paid to the Colonial Treasurer in Sydney, or, if for the District of Port Phillip, to the Sub-Collector at Melbourne, previously to its issue, and will be in the Form annexed marked B.

Persons desirous of depasturing in more Districts than one must make separate applications, and take out separate Licenses for each, but the fee will be chargeable to the same party for the same period upon one License only, for two contiguous Districts.

The Licenses will be granted for one year, commencing on the First July next, and renewable for the ensuing years in the months of May and June preceding, upon the application of the holder, in the same form and manner as for an original License; and any License not renewed by the first day of July in each year will be renewable only on payment of a double fee.

Such new Licenses as may be granted to persons desirous of depasturing subsequently to the 1st January in any year, will be chargeable with half the amount of the regulated fee, but will determine in like manner as other Licenses on the 30th June next ensuing. It is to be distinctly understood that no applicant for a License will be entitled to any benefit or protection from the same, until the fee for the current period be actually paid, and the License issued in his favor by the Colonial Treasurer, or Sub-Collector at Melbourne. The names of the persons so licensed will be published in the *Government Gazette*, for the information and guidance of the Commissioners and other persons entrusted with the execution of the Act. Applicants will be held responsible for any omission of their Agents to take out the Licenses after their applications shall have been transmitted by the Commissioners to the Colonial Treasurer, or Sub-Collector, and will therefore be careful to cause them to be furnished with the necessary instructions accordingly.

Any improvement effected upon Crown Land depastured under the authority of a License will be at the risk of the party holding the same; as such Land, whenever it may be deemed expedient to extend the boundaries of location, will be liable to be put up to competition at public auction in the same manner as other unalienated Crown Lands.

Any Justice of the Peace has power to cancel such License, if the person holding the same be convicted on the oath of any one or more credible witness or witnesses of any felony, or of illegally selling fermented or spirituous liquors, or of wilfully harbouring any convict or felon illegally at large, or of any malicious injury committed upon or against any Aboriginal Native or other person, or of any other offence which shall actually endanger the peace and good order of any District, or tend to obstruct the due execution of this Act; subject however to a right of appeal to the nearest Court of Petty Sessions within one month. And the Superintendent, Overseer, Manager, or Servant, resident on any station, will be subject to a penalty of a sum not less than Five nor more than Thirty Pounds, on conviction of any offence which would render a licensed person liable to have his or her License cancelled.

The Commissioners have also been instructed not to recommend the renewal of the License of any person who has not kept a sufficient number of Servants at his Station, or whose Servants have misbehaved in any way, or at whose Stations native women have been harboured, or where spirits in improper quantities are kept, or who have in any way infringed the Regulations of the Government, or where the Residents refuse to furnish the Commissioner with such particulars as he may require for the information of the Government in the due performance of his duties.

All persons who may be desirous of obtaining a License to depasture are required by the 8th clause of the Act to make a report on or before the 1st day of July next, to the Commissioner of the District, according to the Form C hereunto annexed, of all Stock kept upon the Lands occupied by him or her, with the names and descriptions, and particular brands of the respective Proprietors, and to renew such report half-yearly in future, namely, on the 1st January and 1st July in each year.



In default of such Report being furnished, or in the event of false statements being given therein, the party will be subject, upon conviction in a summary way before any Justice to a penalty of not less than Forty Shillings nor exceeding One Hundred Pounds. A similar return is to be made to the Commissioner immediately after any person shall occupy Lands by himself or his servants, and all changes of persons on the Establishment are to be communicated to him in writing, on all occasions when the Stations shall be visited by the Commissioner.

No person in future will be allowed to take up a new Station without having first obtained a License under these Regulations, and the permission of the Commissioner of the District, in order that he may previously ascertain that no encroachment will thereby be made upon any Station previously occupied, contrary to the established usage of the Colony, and no Station is to be transferred from the occupation of one licensed party to another without notice to that effect being first given to the Commissioner of the District.

Forms of Application necessary for the License are obtainable on application at this Office; at either of the Benches of Magistrates; or from the respective Commissioners; as well as of the Form of Return C to be made up previously to the 1st July next.

Respecting the boundaries of the several Districts; persons are referred to the Proclamation of this date.

All parties who have made application for a depasturing License during the present year, under the former Regulations, will, of course, be required to renew the same in accordance with these Regulations.

By His Excellency's Command,

E. DEAS THOMSON.

(A.)

*Application for a license to depasture Crown Lands beyond the limits of location.*

I, A.B., grazier (or other trade or calling), residing at \_\_\_\_\_, apply to the Commissioner for the District of \_\_\_\_\_, for a License to depasture Sheep, Cattle, and other Stock, upon the vacant Crown Lands situate within the said District; and known as (here describe the locality), for One Year from the 1st day of July next ensuing. And I, the said \_\_\_\_\_, declare that I am free, that I intend to depasture my Stock under my own charge (or under that of a free Overseer, or Ticket-of-Leave holder, to be specially authorised under Section X, of the Regulations of 25th May, 1835, stating the name of such Overseer), and that I am lawfully possessed, amongst other property, of the following real or personal Estate (here the Applicant is to particularise so much of his property as will be sufficient to shew that he has visible lawful means of support).

My Agent, Mr. \_\_\_\_\_ of \_\_\_\_\_ has been duly instructed to pay the stipulated fee to (the Colonial Treasurer in Sydney, or Sub-Collector at Melbourne, as the case may be), and receive the same when ready.

Signature of Applicant.

To the Commissioner of Crown Lands }  
for the District of \_\_\_\_\_ }

I, \_\_\_\_\_, being a Commissioner of Crown Lands for the District of \_\_\_\_\_, do certify that I have reason to believe this Applicant to be of sober, honest, and industrious character and habits, and a person to whom a License to depasture Stock beyond the limits of location may with safety and propriety be given.

Signature of Commissioner.

(B.)

*License to depasture Crown Lands beyond the limits of location.*

No. \_\_\_\_\_ WHEREAS, \_\_\_\_\_ of \_\_\_\_\_ has made application, duly certified by the Commissioner of Crown Lands for the District of \_\_\_\_\_ for a License to depasture Cattle and other Stock, upon the vacant Crown Lands, situate within the said District, and known as \_\_\_\_\_ and the said \_\_\_\_\_ has this day paid into my hands the sum of \_\_\_\_\_ Pounds, I do hereby license the said \_\_\_\_\_ to depasture Cattle and other Stock upon the said Crown Lands; under the Regulations contained in the Government Notice dated twenty-first May, 1839. This License to be in force from the date hereof until the thirtieth day of June next, unless previously cancelled under the provisions of the Act of Council 2 Victoria, No. 27:

Given under my hand, at \_\_\_\_\_  
the \_\_\_\_\_ day of \_\_\_\_\_

Colonial Treasurer.

(C.)

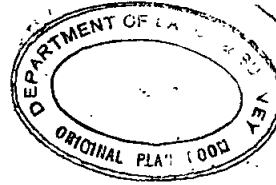
C.

First day of \_\_\_\_\_, 184 \_\_\_\_\_, adjacent to the County of \_\_\_\_\_, is the Commissioner; rendered in conformity with the Provisions of the Act of the Governor and Council, 2 VICTORIA, No. 27, Section 8.

1	2	3	4	5	6	7				8				9	10
						PERSONS AT STATION.				STOCK ON STATION.					
						FREE.		BOND.		TOTAL.	Horses.	Cattle, including Calves above six months old.	Sheep, including weaned Lambs.		
Male.	Female.	Male.	Female.												
	A.B.										1	2	3		A.B.
	C.D.										4	5	6		C.D.
	E.F.										7	8	9		E.F.
	G.H.										10	11	12		G.H.
	I.K.										13	14	15		I.K.
	L.M.										16	17	18		L.M.
TOTALS.....											51	57	63		

I do hereby certify that the above is a just and true Return.

Proprietor or Superintendent, (as the case may be.)



[Enclosure No. 4.]  
(No. 41-166.)

Colonial Secretary's Office,  
Sydney, 30th September, 1843.

SIR,

The Governor having been pleased to appoint you one of the Commissioners of Crown Lands in this Colony, and also a Magistrate of the Territory, I do myself the honor to transmit to you the following Acts of Council, relating to the powers and duties devolving on you in the former capacity, viz. :—

An Act to protect the Crown lands of this Colony from encroachment, intrusion, and trespass. 4 Gul. IV, No. 10.

An Act for amending the last mentioned Act. 5 Gul. IV, No. 12.

An Act further to restrain the unauthorised occupation of Crown Lands, and to provide the means of defraying the expense of a Border Police; and 2 Vic., No. 27.

An Act to amend and continue for five years, the Act 2 Victoria, No. 27. 5 Vic., No. 1.

It is proposed to employ you on the parts situated beyond the boundaries of location, in the Lachlan District, having, for its boundary to the southward, the right bank of the Murrumbidgee, as far as any stations extend down that river; and bounded on its right by the left bank of the River Lachlan. And I am directed by His Excellency the Governor to convey to you, the following instructions for your guidance, in acting upon the last mentioned Colonial enactment, and the regulations consequent thereon, which devolve upon you great duties and responsibilities, and render it necessary that you should be constantly within your district.

As relating to the depasturing of stock within your district, I have to refer you to the Regulations of 21st May, 1839, respecting the Licenses to be granted, and to point out that it will be necessary for you to send to the Post Town for the applications which may be addressed to you, and likewise forward those you approve, without delay, to the Treasurer, at the same time apprising the parties.

You will understand that a License is only valid in one District, and that persons having stock in other Districts must take Licenses for each, but Licenses for Stations in two contiguous Districts are chargeable with one fee only.

You will be very careful not to recommend the renewal of the License of any person who has not kept a sufficient number of servants at his Station, or whose servants have misbehaved in any way, or at whose Station native women have been harboured, or whose servants have committed unprovoked aggressions on the natives, or had spirits in improper quantities at his Station, or who has in any way infringed the Regulations of the Government.

You will be very punctual in transmitting all Returns required by the last Act of Council in the proper forms, according to the Schedules attached to it, particularly those which relate to the assessment of stock.

In addition to these returns you will be required to keep an itinerary in duplicate, in the form forwarded herewith, a copy of which you will transmit to this Office as opportunities occur, completed up to the date of its transmission; the other copy you will retain until you return to your Head Quarters, whence it is to be despatched to me by post.

You will be careful to number the pages of these returns, adding up the amount of each column that contains figures, and carrying the sum to the next page or sheet; the sheets are to be fastened together, and your signature, with the date of its completion, put to the last sheet only.

It is supposed that you will find no difficulty in obtaining the information required for filling up the several columns of the Itinerary, nor of the census return to accompany it, which is likewise to be paged and added up, copies of which will also be furnished to you, although the whole particulars may not be called for by the Act, but should any from whom you may make enquiry, refuse to give the requisite information of which he may be possessed, you are to inform him that his License will not be renewed, and are to report his name, with the facts of the case.

As your itinerary will not contain all the information required by the Government, you will forward special reports of any remarkable occurrence in your District, and particularly of any proceedings which you may be called on to take in deciding on cases of encroachment under the tenth clause of the Act—of Licenses cancelled under the fifth clause—of persons or stock removed under the sixth or tenth clause—of unbranded beasts seized under the fifteenth clause—or of horses or other stock under the eleventh clause.

You will discourage, by every means in your power, the practice so prevalent among stockmen of carrying fire-arms, or even of keeping fire-arms at their stations, unless deemed absolutely necessary for their protection.

You will report the names of all parties who may occupy Lands without a License, representing according to the best information to be obtained, the situation in life, habits and characters of those persons, and those with them, whether they desire a License and are able and willing to pay the double fee if the Government, after the receipt of your report, shall think proper to grant one.

A list of all persons who may obtain Licenses will be duly notified in the *Government Gazette*, a copy of which will be forwarded to you as published.

With reference to the duties devolving on you for the protection of the Inhabitants and of the Aborigines, I have the honor to inform you that you will be allowed the men that were supplied to your predecessor Mr. Cosby.

The general object of the establishment of the Police, is to keep order amongst all parties, but, in an especial manner, it has been established for the protection of the Aborigines, and to stop the atrocities which have been committed on both sides, between them and the stockmen; and you will bear in mind, that the black inhabitants of this country are no less

the

the subjects of Her Majesty than the white; that all are equally amenable to the laws, and all equally entitled to their protection. In every case, of violent death, therefore, an enquiry is to be held into the probable cause of it, whether the deceased were a white or a black person, and the parties to be dealt with as the case may require, and the proceedings on the enquiry immediately transmitted to the Attorney General.

You will endeavour by every means in your power to gain an influence over the Black population; if possible to attach a portion of them to your Police force; and to take care that they are kindly treated by the Policemen.

To facilitate your endeavours to gain the confidence and good will of the Blacks, you will be allowed to make occasional demands for articles esteemed by them, to be distributed amongst them, for any services they may render to you, but no general or indiscriminate distribution is to be made to them, and in the choice of the articles, care must be taken to select such only as will tend to create a taste for the more simple enjoyments or pursuits of civilized life, studiously avoiding any which may be calculated to be injurious to them.

You will explain to the Blacks, the consequences which they will draw upon themselves by any acts of aggression on the whites, as well as the punishment the latter will be subject to for any misbehaviour to them.

You will include in your Census, distinct from the whites, all the blacks who may be living at any station, at the time of your visit, noting in what manner they are employed.

You will be very particular in reporting any and every case which may come to your knowledge, of black women living with white men, whether it be with or without the consent of their husbands and friends.

You will further endeavour to ascertain the number of Aborigines who may be living within the limits of your District, though not in immediate connexion with white men.

2 Vic., No. 18.  
clause 49.

In your Magisterial Capacity, I am directed to call your attention to the suppression of illicit distillation, and sale of Spirits, and to the clause in the Act of Council, which forbids the giving of Spirits to an Aboriginal Native.

You are to allow no Ticket of Leave men to remain in your District, unless under competent authority; any that may remain, after being warned by you of the consequence, must be reported to the Government, and their Tickets will be cancelled; and in your Census you will distinguish Ticket of Leave men from other convicts, stating the authority under which they may reside beyond the boundaries.

With respect to the preservation of Timber on Crown Lands, I have the honor to refer your attention to the Regulations of 21st May, 1839, published on the subject, and to inform you, that a supply of the form of application will be forwarded to you for delivery to parties requiring the same, as well as to the several Benches of Magistrates, observing, that the third clause of the Act, (2 Victoria) allows occupiers of Land to cut Timber for their own use, but for no other purpose.

In conclusion I am to state, that it will be necessary that you visit each station in your District twice during each year, and that your pay is to be £450 per annum from the present date; but that no allowances of any nature soever, excepting printed stationery, will be made to you.

I have further the honor to enclose your Commission, and to inform you that a fee of five guineas is chargeable thereon, which you will have the goodness to pay into the hands of the Colonial Treasurer.

I have the honor to be, &c.,

(Signed) E. DEAS THOMSON.

THE COMMISSIONER OF CROWN LANDS, YASS.

No. 2.

DESPATCH from SIR GEORGE GIPPS, to LORD STANLEY.

(No. 84.)

Government House, Sydney,

16th April, 1844.

MY LORD,

No. 2.  
Sir G. Gipps,  
to Lord Stan-  
ley, April  
16th, 1844.

With my Despatch No. 75, of the 3rd instant, I transmitted to your Lordship a copy of a notice, which, with the advice of my Executive Council, I issued on the 2nd instant, in respect to the occupation of Crown Lands in this Colony.

I have now to inform your Lordship, that the issue of this notice has produced a great excitement among the occupiers of Crown Lands, and that a public meeting of "Squatters" was held in Sydney, on the 9th instant, at which some strong Resolutions were unanimously adopted.

The outcry which has thus been raised, shews how completely the occupiers of these lands have accustomed themselves to look on them as their own; and how urgently some declaration, on the part of Government, was necessary, to check the growth of opinions, such as those which were proclaimed at the meeting.

It has also satisfied me, that I should not have done my duty, if I had quitted this Government, without bringing forward the questions raised in my Despatch

Despatch of the 3rd instant, or if I had left it to my successor to declare to the people of this Colony, that Her Majesty's Government will maintain its right to dispose of the Crown Lands, and not suffer them to be kept in perpetuity, and at merely a nominal rent, by those who may be able first to seize upon them.

I enclose to your Lordship copies of the Resolutions passed on the 9th instant, as also a Newspaper (the "Sydney Morning Herald") of the 10th instant, containing a report of the proceedings of the meeting.

It will scarcely escape your Lordship's observation, that neither in the Resolutions, nor in the speeches of the gentlemen who moved and seconded them, is an allusion once made to the first, and most important object of the notice. These gentlemen, though they declaimed loudly against what they called the despotism of the measure, never once hazarded the proposition, that it is unjust or despotic, to make persons pay for the use of Crown Lands, in proportion to the advantages they derive from them; nor were they even bold enough to assert, that £10 per annum for the use of twelve thousand eight hundred acres of land, or for the depasturing of four thousand sheep, is an excessive charge.

The mover of the first Resolution purposely confounded the taking of a price for a licence, (which is in fact a payment in the nature of agistment,) with the imposition of a tax, and maintained in opposition to all Constitutional Law, and the positive enactment of Parliament, that the power to dispose of the lands of the Crown resides as a matter of right in the Local Legislature. The mover of the second Resolution declared, that so long as he continued to pay the price of his licence, £10 per annum, he had a freehold in the lands he occupied, and that from it the Government could not eject him.

I now proceed to offer to your Lordship some few observations on the matter at issue.

According to the returns of the Commissioners of Crown Lands, I find, that of the gentlemen who called the meeting, the three largest occupiers of Crown Lands hold collectively three hundred and five thousand nine hundred and twenty acres; the three smallest occupiers, thirteen thousand four hundred and forty, consequently, the large occupiers hold two and twenty times as much land for the same money as the small ones. The small occupiers get only twenty-two acres for one shilling per annum, the large occupiers get five hundred and ten acres for a shilling; and though they may require for their own use only a small portion of what they hold, they prevent the occupation of any portion of it by others. Various ways of sub-letting are also growing into use, in addition to the common practice of what is called "taking in sheep or cattle on thirds," the meaning of which is, that the person to whom the cattle or sheep belong shall give to the holder of the run one-third of their entire produce, including calves, lambs, and wool.

The right to the occupation of a station has also become an article of common sale, and sums varying from £100 to £500 are commonly given for them. I have indeed heard of £1000 being demanded, and stations may be said to have lately become articles of common traffic in the market.

From the same returns of the Crown Commissioners, I find, that reckoning one horse, ox, or cow, to be equal to eight sheep, the quantity of stock depastured by the three largest of the squatters, who called the meeting, is equal to seventy-eight thousand three hundred and sixty sheep, and the quantity depastured by the three smallest holders is equal to fourteen thousand one hundred and sixty-eight sheep; the small holders of stock therefore pay very nearly one shilling per annum for twenty-two sheep depastured by them on Crown Lands, whilst the large occupiers pay the same sum of one shilling per annum for depasturing one hundred and thirty-one, in each case exclusive of unweaned lambs.

These calculations are made from the returns of land and stock held by the requisitionists only; were they taken from the whole body of squatters, far greater inequalities would be exposed. In papers now before me, respecting a disputed run in the District called "New England," it is stated by most respectable parties, (one of them a member of the Legislative Council,) that a single squatter (Mr. Hall,) holds one thousand square miles of land, or six hundred and forty thousand acres; and by the Commissioner's returns I find, that he holds in one District, (New England,) and under a single licence, runs which are estimated by the Commissioner at eight hundred and twenty square miles, or five hundred and twenty-four thousand eight hundred acres; he has also another station in the District of Liverpool Plains, but for it he pays a separate licence.

It is alleged by the squatters, that they cannot, as a body, pay more than they now do; but even if this be admitted, it will not thence follow that they should pay as unequally as they now do.

The only part of the notice of the 2nd instant which is to have any immediate effect, is that which relates to persons who occupy two stations in contiguous Districts under a single licence, and no individual has, I believe, been hardy enough to deny that it is right and proper, that persons who occupy two stations in separate Districts, should take out separate licenses, even though the Districts be contiguous;

No. 2.  
Sir G. Gipps,  
to Lord Stanley.

Resolutions  
No. 1.  
"Herald" 10th  
April, No. 2.

No. 2.  
 Sir G. Gipps,  
 to Lord Stan-  
 ley, 16 April,  
 1844.

the other parts of the notice will have no effect until the month of July, 1845, and I postponed the operation of them, as well in consideration of the depressed state of the Colony, as to allow time for your Lordship's approval of the measures to arrive in the Colony before they are carried into effect.

If the sum of £10 be deemed too much for the price of a licence, and it can be shewn that the profits of sheep farming will not now admit of so high a charge, I shall, on a fair shewing that such is the case, not object to the reduction of it; but I do not at present think the charge too high for a solvent person to pay, though I do not doubt that a person encumbered with debts, and paying 10 or 12 per cent. per annum for borrowed money, may find £10 more than he can afford, and so even would he if it were reduced to 10s.

I do not admit the proposition advanced at the Meeting, that the fee on the License is only an acknowledgment that the land is held from the Crown, and that, therefore, it only ought to be of a nominal amount, and the same for all; I consider the price of a License to be analogous to rent, and that it ought to be proportional to the profits made from unimproved lands, the property of individuals.

Estimating the value of a fleece in the Sydney Market at the low price of 2s. 6d., the value of the wool alone from four thousand sheep would be £500 per annum, and the charge of £10 for a License would be 2 per cent. upon the wool alone, without reckoning anything for the value of the carcass, or the increase.

As the Government has almost entirely ceased to sell land, the necessity is so much the stronger for raising a revenue from the lands which are unsold.

If this be not done, it seems to me that Immigration into the Colony must altogether be given up; and there cannot be a real friend to Australia who would desire that such should be the case.

Who, it may be asked, in Australia will be foolish enough to buy land at £1, or even 5s. per acre, if, according to the dictum of the mover of the second Resolution, the freehold of an extensive domain can be procured for £10 a year?

The most obvious interests of this Colony require, that a fund should be annually raised for the support of Immigration; and I feel satisfied that a clear sum of £50,000 per annum may be obtained for this purpose, provided only proper protection be afforded to the unsold lands of the Crown.

I have elsewhere stated to your Lordship, that I have long felt the necessity of entirely remodelling the Squatting Regulations of this Colony. I may now add, that I have felt this necessity more urgently since the months of August and September, 1842, when a discussion took place in the (Old) Legislative Council, on the case of a Mr. Lee, of Bathurst. It was to this case I particularly alluded, at the conclusion of my Speech to the Legislative Council of the 9th September, 1842; and I took the unusual step of having that Speech printed, under my own authority, principally that what I said in it respecting squatting might serve as an introduction to the measures which I intended to bring forward. The long continued distress of the Colony, and the press of other important matters growing out of the recent changes in its constitution, caused me to defer the promulgation of these measures, longer than I at first intended, but the expiration of the sixth year of my Government, recently warned me that I ought no longer to postpone them.

I need scarcely remind your Lordship, that my power to grant Licences for the occupation of Crown Lands, is not only one which I believe in all Colonies incidental to the office of Governor; but that it is, in my case, distinctly recognised by Act of Parliament, (5th and 6th Victoria, c. 36, s. 17,) and the power of granting a License must, I apprehend, carry with it, that of fixing, subject to the approval of Her Majesty's Government, the extent of land to be held under it, as well as the price to be paid for it; that such a power is either despotic or unconstitutional, cannot, I apprehend, for one moment, be maintained. It is nevertheless, in this Colony a power of great magnitude, and one extremely onerous on the person who has to exercise it; therefore, I shall most anxiously join with the parties about to approach Her Majesty, and the Imperial Parliament, in humbly begging that the Governor of this Colony may, if possible, be relieved from the burthen of it, or if this cannot entirely be done, that regulations for his guidance in the exercise of it, may at least be laid down by superior authority.

Indeed I cannot but anxiously hope that the Imperial Parliament, having passed an Act for regulating the sale of Crown Lands in Australia, will complete its work by establishing statutory rules for the management of those which are unsold; and I feel that I ought not to conclude without expressing my strong opinion, that if this be not done, the Act of 1842, instead of being one for the protection of the Lands of the Crown in this Colony, will prove to be one virtually for their confiscation.

I have, &c.,  
 (Signed) GEORGE GIPPS.

TO THE RIGHT HONORABLE LORD STANLEY,  
 &c., &c., &c.

[Enclosure

## [Enclosure No. 1.]

AT a General Meeting of Stockholders and others interested in the prosperity of the Colony, held at the Royal Hotel, pursuant to Requisition, on Tuesday, 9th April, 1844, William Bland, Esq., M. C., in the Chair, the following Resolutions were unanimously adopted.

Moved by W. C. Wentworth, Esq., M.C. ; seconded by Robert Gore, Esq. :—

- 1.—That this Meeting regards with feelings of the deepest alarm the Regulations respecting the occupation of Crown Lands under Squatting Licenses, published in the *Government Gazette*, of 2nd April, 1844 ; such Regulations being, in the opinion of this Meeting, unconstitutional in their application and character, oppressive in their influence, and calculated to add materially to the existing distresses of the Colony. That the right claimed by the Executive Government of imposing arbitrary and unlimited Imposts for the occupation of Crown Lands, affects the vital interests of the whole Colonial community, and renders the right of imposing Taxes by the Representatives of the People almost nugatory. That these Regulations, if persevered in, must not only be ruinous in their immediate operation, but are calculated to strike a blow at the future prosperity of the Colony, rendering the tenure of all Squatting Licenses precarious, subject to the uncontrolled decision of the Executive Government, and preventing any accession to the population or wealth of the Colony by the influx of capital or labour.

Moved by Benjamin Boyd, Esq. ; seconded by John Blaxland, Esq., M. C. :—

- 2.—That the system of granting Licenses for so limited a period as twelve months is highly objectionable ; that in addition to the evil arising from the shortness of such a term, its injurious consequences are aggravated by the right of occupancy being uncertain, and rendered liable to change at the will or caprice of the Executive Government, either by alteration in the regulation of the stations, or by increase in the charge for occupation ; that, consequently, this uncertainty of right of occupancy of Crown Lands has a ruinous tendency upon the most valuable property in the Colony, has a very demoralising effect on the entire community, and must continue so until a fixity of tenure is granted to the occupier.

Moved by F. Kemble, Esq. ; seconded by Thomas Walker, Esq., M. C. :—

- 3.—That the commercial and trading classes of the community are most intimately connected with, and dependent upon, the prosperity of the great pastoral interests of the Colony, and that the members of those classes, most cordially support the objects of this meeting.

Moved by Dr. Nicholson, M.C. ; seconded by George M'Leay, Esq. :—

- 4.—That the foregoing Resolutions be embodied in a Petition to Her Majesty the Queen, both Houses of Parliament, His Excellency the Governor, and the Legislative Council, with a prayer that the latter body may take such steps as they consider meet in promoting its object.

Proposed by M. C. O'Connell, Esq. ; seconded by Dr. Dobie, J.P. :—

- 5.—That in order to secure a due protection to the pastoral interests of this Colony an Association be formed, to be designated "The Pastoral Association of New South Wales ;" and that the Members of this Association do agree to be annual subscribers of £1 sterling, for defraying its expenses.

Moved by J. Phelps Robinson, Esq., M.C. ; seconded by Robert Graham, Esq. :—

- 6.—That a Committee, consisting of the following gentlemen, be appointed ; with power to add to their number, to carry into effect the object of this meeting, viz :—W. Bland, Esq., M.C. ; Benjamin Boyd, Esq. ; M. C. O'Connell, Esq. ; W. C. Wentworth, Esq., M.C. ; W. Dumaresq, Esq., M.C. ; Thomas Walker, Esq., M.C. ; George M'Leay, Esq. ; Dr. Dobie, J.P. ; R. Graham, Esq. ; Dr. Nicholson, M.C. ; Fras. Taaffe, Esq. ; Robert Gore, Esq. ; W. Foster, Esq., M.C. ; J. P. Robinson, Esq., M.C. ; Charles Cowper, Esq., M.C. ; O. Bloxsome, Esq. ; J. Blaxland, sen., Esq., M.C.

Moved by W. Foster, Esq., M.C. ; seconded by W. Lawson, Esq., M.C. :—

- 7.—That copies of the above Resolutions be transmitted to the several Districts of the Colony inviting co-operation in carrying out the various objects of this Meeting.

WILLIAM BLAND,  
Chairman.

Mr. Bland having vacated the chair, and Dr. Nicholson, M.C., being called thereto ; It was moved by Francis Kemble, Esq., and seconded by Dr. Dobie, J.P. :— That the best thanks of this Meeting are due and are hereby rendered to William Bland, Esq., M. C., for his able and impartial conduct in the chair.

CHARLES NICHOLSON,  
Chairman.

## [Enclosure No. 2.]

"Sydney Herald," 10th April, not printed.

No. 3.

DESPATCH from SIR GEORGE GIPPS, to LORD STANLEY.

(No. 85.)

Government House, Sydney,  
17th April, 1844.

MY LORD,

No. 3.  
Sir G. Gipps,  
to Lord Stan-  
ley, 16th April,  
1844.

I have the honor herewith to forward a letter, addressed to your Lordship by Mr. Benjamin Boyd, on the subject of the Resolutions adopted at the recent public Meeting held in this City, and respecting which, I have had the honor of addressing Your Lordship, in my Despatch No. 84, of yesterday's date.

Your Lordship will perceive that Mr. Boyd's letter was written in the idea that I should forward a Despatch to Your Lordship by the ship "Medusa," via India, which, however, I have not done.

Weekly Re-  
gister 13th  
April, No. 2.

To the Newspapers forwarded by Mr. Boyd, I have added one, namely, the "Weekly Register," of the 13th instant, containing a very different view of the late Notice. I however beg to repeat, what I have on a former occasion stated to your Lordship, namely, that I have never in this Colony, directly or indirectly, connected myself with any Newspaper, nor is there any Newspaper in the Colony, which systematically, either supports or opposes my Government.

I have, &amp;c.,

(Signed)

GEORGE GIPPS.

THE RIGHT HONORABLE LORD STANLEY,  
&c., &c., &c.

[Enclosure No. 1.]

Sydney, New South Wales,  
16th April, 1844.

MY LORD,

I do myself the honor to acquaint your Lordship, that at a numerous and respectable Meeting of Stockholders and others interested in the prosperity of the Colony, held in this City, on the 9th instant, for the purpose of taking into consideration certain Regulations respecting the occupation of Crown Lands under Depasturing Licenses, published in the New South Wales *Government Gazette*, of the 2nd instant; it was unanimously resolved, amongst other things, that a Petition against the said Regulations should be presented to Her Most Gracious Majesty, and both Houses of Parliament; and a Committee was thereupon appointed to carry the objects of the Meeting into effect.

The Committee deeming it probable, that on this subject, so vitally interesting to the Colony, a Despatch will be addressed to your Lordship, by His Excellency Sir George Gipps, and be forwarded via India, per the ship "Medusa," now about to sail—have deputed me, as their Chairman, most respectfully to request, that should such a Despatch reach your Lordship, before the Petitions now in course of preparation, your Lordship will be pleased to suspend your judgment until the latter arrive.

In illustration of the great importance attached to this question, and of the strong feelings to which the new Regulations have given rise, I would venture to assure your Lordship, as will no doubt be admitted by the Governor himself, that the Public Meeting was most numerous attended by the leading Members of the community, and by persons of all shades of political opinion, who, in a matter affecting the stability of the whole country, forgot their differences, and united in the common object.

Australian  
11th April,  
1844.  
Colonial Ob-  
server, 11th  
April, 1844.  
Sydney He-  
rald 10th April  
1844.

I would also refer your Lordship to the statements and comments of the local Press, herewith transmitted, which but echo the unanimous sentiments of the Colonists.

The Petitions will be forwarded to England with all convenient dispatch, signed, as the Committee are well assured, by nearly every respectable person in the Colony; and since, after the official notification referred to, the Committee fear they can expect but little sympathy from the Colonial Executive, their only reliance is upon your Lordship's well known anxiety to promote the welfare of those vast portions of the empire committed by Her Majesty to your official charge.

I have, therefore, on behalf of the Committee, most respectfully to repeat their request, that until your Lordship shall have honored the Petitions already referred to with a candid perusal, you will be pleased to defer judgment upon any Despatches which your Lordship may previously receive from His Excellency the Governor of this Colony.

I have the honor to be,

My Lord,

Your Lordship's most obedient

humble Servant,

B. BOYD.

TO THE RIGHT HONORABLE LORD STANLEY,  
&c., &c., &c.

[Enclosure No. 2.]

"Weekly Register," 13th April, not printed.

No.



No. 4.

DESPATCH from SIR GEORGE GIPPS, to LORD STANLEY.

(No. 86.)

(No. 86.)

*Government House, Sydney,  
23rd April, 1844.*

MY LORD,

In order to throw further light on the subject of Squatting in this Colony, I beg to enclose a Sydney Newspaper (the "Morning Herald") of this day, containing a letter from Mr. Edward Hamilton, one of the Crown Nominees in the Legislative Council, who is himself an extensive Squatter.

{No. 4.  
Sir G. Gipps,  
to Lord Stan-  
ley, April 23,  
1844.

I have only to add, that the letter is dated from a place two hundred miles distant from Sydney, and that I have had no communication with Mr. Hamilton on the subject of it.

I have, &amp;c.,

(Signed)

GEORGE GIPPS.

THE RIGHT HONORABLE LORD STANLEY,  
&c., &c., &c.

TO THE EDITORS OF THE SYDNEY MORNING HERALD.

GENTLEMEN,

I have read with much interest your report of the speeches made on Wednesday last at the Royal Hotel, and though I cannot concur in the censure passed on the head of our Executive Government, it is a matter of unmixed satisfaction to me, as one of the numerous Squatters in the Colony, that the colonists have been roused to a sense of the precarious position in which they are placed by the terms on which they have hitherto enjoyed the use of the waste lands of the Crown; and I cannot but regret that so good a cause was weakened by so much personal violence and so much misstatement; and that the meeting was so fully determined to hear but one side of the question, that Mr. Macdermott, whose speech contained much practical good sense, could scarcely obtain a hearing. The difficulty and importance of the question at issue between ourselves and the Crown induce me to offer the following observations to the consideration of the public, in the hope that we may not lose our vantage ground by putting ourselves in the wrong.

In estimating public acts we should rarely, if ever, proceed on the supposition of continued and systematic bad motives. Our duty is to examine the object and probable effect of public measures, without enquiring into the motives of those who introduce them. Applying this mode of enquiry to the late regulations in respect of the waste lands of the Crown, before we condemn the author of them, we should enquire what good they are intended to accomplish, and what evils they are calculated to remove. Now the manifest object of these regulations is to provide funds to meet the demands of the public expenditure, and the obvious evil they are intended to remove is the seizure of large tracts of land, which the Squatters may probably never have means of occupying. And first I will address myself to this latter point.

Under the existing system, the same license fee is paid for the occupation of twenty square miles as twenty miles square. Covetousness is one of the infirmities of our nature, and as in this case the gratification of it costs nothing, every Squatter when selecting a new run proceeds on the "grab-all" system, which is imputed by Mr. Wentworth to the Executive Government. When a new district is opened by some enterprising colonists, there is a general rush for "runs;" the first comer takes a birds-eye view of an extensive and well watered valley, and without any reference to the extent required for his stock, he says "this is my run;" the next follows his example, and in a short time the whole District is parcelled out into forty or fifty fine estates, each of which is perhaps as extensive as a small county in England, and each of these estates is in the course of six months partially occupied by stock. The Commissioners profess to limit the extent of the run according to the quantity of stock, allowing space for the original stock and its increase for three years, and if this rule were strictly acted upon, there would not be much ground of complaint. But it is notorious that limits are assigned out of all proportion to the stock of the licensee. In numberless cases he takes possession of a run which he never can occupy without the investment of fresh capital. The consequence is, that for years thousands of acres are lying idle; nature in vain offers her rich pastures for the use of the beast of the field, but monopoly declares that they shall not answer the end of their creation. The monopolist says "True, I cannot use the greater part of my run, but I may have an opportunity of selling that part, or I may require the use of it some ten years hence, and therefore I will not give it up." Now, I ask who are the real sufferers by this rapacious system? Is it the Crown, whose representative wishes to make every Squatter pay in proportion to the extent of land which he claims as his run? Is it not rather the public, and every individual in it whose stock may be perishing for want of food and water, and yet are not allowed to use the pasture which is lying under their feet, because another has *seen* it first, and it forms part of his run? Really such a system as this is intolerable, and my answer to some of the speakers on Wednesday last, is "Gentlemen, I admit your principle, that the Crown is only a trustee of these waste lands for the public good, and I request you to apply it." How, then, is the evil to be remedied? Not by an increase of assessment which is irrespective of the extent of the stations, but by raising the license fee in proportion to the extent of land claimed; and a complaint from a tenant who occupies a farm of five hundred acres,

acres of the hardship of paying twice as much rent as the tenant of two hundred and fifty acres, would be as reasonable as the outcry of the Squatters against an attempt to adjust the rent paid to the Crown according to the extent of their stations. Is it fair, is it just, that I (and this is no hypothetical case) should pay for a tract of country, which has no surface water, and will only carry six flocks of sheep, the same license fee as Mr. Lawson, or Mr. Wentworth pay for runs which will carry fifteen thousand or twenty thousand? Either my license should be reduced to one-third of ten pounds, or they should pay at least thirty pounds. Nay, more; it is well known that the rate of profit increases with the extent of the stock, that is, that the proprietor of twenty thousand sheep will make a larger net profit on every one thousand sheep than the proprietor of three thousand or four thousand; and for this reason, that the expenses of superintendence and management bear a smaller proportion to the number of the stock. If, therefore, we are to pay graduated license fees, there would be more injustice in not reducing the amount for five thousand sheep to less than one-third of the amount demanded for fifteen thousand, than in making the amount of the rent exactly proportional to the number of the stock. As to the limits proposed by the new Regulations, they appear to be far too narrow and too indiscriminate, not distinguishing those lands which are only available in very propitious seasons, from those which are inexhaustible in the yearly supply of pasture and water. But the principal of adjustment I think is right, and that the new Regulations are calculated to remove one serious evil at least in the present Squatting system.

I have yet to consider the more important feature in the new Regulations, which is the provision of means to meet the increasing claims of the public expenditure; of means to pay for the timely supply of emigrants who have lately reached these shores. Mr. Wentworth may, for the purposes of argument, call this license fee a tax; but the amount cannot vary the nature of the impost, though it may render it more oppressive. The license fee was not considered a tax before the late Regulations; it was then looked upon, and acquiesced in, as a rent, and no ingenuity can give it another complexion now. This is incontrovertible even on principle, and the facts of the case bear it out. An Act of the Imperial Parliament (and a most short-sighted and rapacious Act it is) has removed the waste lands of the Crown from the control of the Colonial Legislature, and has empowered the Executive Officers to demand and receive rent for the use and occupation of it; and I leave to the constitutional Lawyers of this Colony to prove that the Crown cannot, under the sanction of that Act, demand rent without the fiat of the representatives of the people. But these are inauspicious times to increase the rent of Crown Lands. Distress and embarrassment press heavily on a large majority of the colonists, and out of respect for our necessities, the Executive Officers of the Crown ought at least to shew that the money is wanted. But, assuming that the Colonial Treasury is without means to meet the large demands upon it, the question is, whether the increased burthen is placed upon the right shoulders: and I think it is.

Mr. Lawson's statement, that under the Regulations at present in existence "it was as much as a man could do to live," surprises me much, and I cannot but think it directly contrary to fact. Mr. Bradley, in his examination before the Monetary Confusion Committee, has said, that his net profits amounted to £100 on every one thousand sheep; and since then wages have fallen from 25 to 30 per cent. My own experience corroborates Mr. Bradley's statement to its full extent; and not only is Mr. Lawson's assertion incorrect, but the expression of such an opinion is most inopportune and prejudicial to the best interests of the Colony. What prospect is there of inducing working capitalists (not idle capital to be doled out by usurious Banks, or by trust and loan companies, which are the real curse of the Colony) to emigrate to this Country, and invest their money in the purchase of our surplus stock, if such statements are made without contradiction by the leading Settlers. The fact is, that an investment in stock was never more securely profitable than at the present moment, and by this alone can the Crown be guided in distributing the necessary public burthens over the surface of the population. It is quite immaterial whether the holders of stock are in embarrassed circumstances; they have got into difficulties from various causes, chiefly from gross mismanagement, inattention to their duties as flockmasters, and rash speculations in bubble companies. It may be true that their stock is not sufficiently profitable to enable them to meet the numerous claims with which they are saddled; but this is not to be adduced as a fact to prove that an investment in stock is at this moment unprofitable. Instead of pronouncing this sweeping condemnation of our Colonial resources, those who are in difficulties should fearlessly look into the causes of them, and they will find that in ninety-nine cases out of one hundred, they do not arise from the unproductiveness of stock, when rightly managed and carefully looked after. I ask, what business have medical men, lawyers, or merchants, to become graziers? They rarely, if ever, visit their stations, and yet expect to reap the same harvest as those whose industry and time are devoted to the superintendence of their establishments. What would be thought of a grazier, who constantly resided on his station, setting up a mercantile firm in Sydney, and entrusting the superintendence of it to some vicarious hand? Would any one be surprised if such a speculation failed? And yet this wretched practice is universally adopted. With reference to stock-farming, the same remark equally applies to those large proprietors, who think they may live at their ease in Sydney, and trust with impunity, the management of twenty thousand sheep to a stranger, at a salary of £100 per annum. How much wiser is the course pursued by the great landed proprietor in England? If he receives a rent of thirty shillings an acre, and the tenant makes a profit of twenty shillings, the landlord might as well say, "by keeping my farms in my own hands, and managing them by bailiffs, I can get my rent, and the tenant's profit to boot, and can therefore nearly double my income;" but he knows well that such a system would not answer; that he would be liable to losses and expenses which would swallow up the gross profits of his estate; he knows that the eye of the master—the master who has to furnish the funds, and suffer for mismanagement, is indispensable to guard against reckless expenditure, whether incurred by carelessness, or needless improvements. And how much more strongly do these remarks apply to the graziers of Australia?

In

In England the landlord can secure the services of men of long tried experience, and well tried honesty; here we can rarely get either character or skill, and the dangers to be apprehended and guarded against by the flockmaster, are ten times as great as the risk incurred by the tiller of the soil.

But to return to the main question—the amount of the increased license fee, and the expediency of seeking an increase of revenue from the Squatters. Besides the assessment of one penny a head on every sheep, by the new regulations every Squatter will be required to pay a license fee of ten pounds for every four thousand sheep, that is somewhat more than a halfpenny per sheep, making the whole yearly contribution, from the Squatter to the public revenue, in round numbers, three half-pence for every sheep. According to Mr. Bradley's statement the nett profit on each sheep is two shillings; but as it is not my wish to overstate the case, I will assume the average nett profit to be one shilling on every sheep. On this reduced calculation of the returns of a grazing establishment, the contribution required by the public Treasury is, therefore,  $12\frac{1}{2}$  per cent. on our nett profits, and, putting out of consideration the inauspicious season of this increased impost, I cannot consider it excessive. In fact, I do not believe that in any quarter of the civilized world we could find such advantageous terms granted to the occupier of the soil. Nor do I think that the Executive would be dealing out even-handed justice to the colonists at large, if it sought to supply the required funds from the ordinary Revenue. It is quite clear to me, that if the holders of stock were all in prosperous circumstances, that is, free from debt, no outcry would have been raised against a moderate increase of the rent paid to the Crown; and surely, if the money must be provided, it is both impolitic and politically unjust to raise it by taxing the public at large, many of whom have no direct interest in stock, merely because those who have hitherto enjoyed an unprecedented immunity from contributing to the public revenue happen to be deeply in debt and require the whole of their nett profits (large as they are) to pay the wages of their folly and extravagance. I cannot feel the weight of Mr. Wentworth's objection to this impost, on the ground of its being a violation of the understanding upon which the Crown Lands Act was passed and renewed. The right to demand rent is incident to ownership, and is paramount to any powers or restrictions provided by the Colonial Act. And I believe that the true state of the case is this: The public took possession of the waste lands of the Crown; the squatters soon began to quarrel, and they went to the Government and said "if you will protect us in the enjoyment of these waste lands, and prescribe our mutual limits, we will pay for the cost of protection." I was not in the Colony at the time, but the rapacity and covetousness of the large flockholders, and the prosecution by them of any humble trespasser upon the great forests they claimed, are now facts of Colonial history, and the confusion arising from this state of things was, I believe, the principal ground for petitioning for the appointment of Crown Land Commissioners. But is it to be supposed, that because the Crown acceded to this petition, the right of the Crown as landlord of the soil is forfeited? Had the Crown, foreseeing the difficulties which have arisen from this permitted occupation, said to the public, "we have not the means of surveying the land beyond the limits of location, and therefore it shall lie idle," there would have been reason to remonstrate against such tyrannical selfishness. But on the contrary, we have been allowed to seize the land, our occupation has been sanctioned by the establishment of a police, which our own quarrelling and injustice induced us to petition for, and now when the real owner of the soil, the public if you will, as distinguished from the individuals composing it, insists on his right, we turn round and say, "Possession is the whole of the law; we have possession, and will pay no more for it than the price of protection." Satisfied as I am that the necessities of the Government are at this moment so urgent as to require an increase of the public burthens, and feeling that sooner or later, whenever these necessities arose, the comparative exemption of the Squatters from contributing to the public ways and means must cease, I see every reason to accept thankfully the mode in which the additional burthen is fixed upon us. The Government might have taken the opportunity of its poverty for introducing an entirely new and ruinous system for the occupation of Crown Lands; but by varying only the amount of our rent, it has practically adopted and stamped with the seal of permanence the principle of the old squatting system, by such. I mean the enjoyment of pastoral lands on payment of an annual rent, as distinguished from the sale of the fee simple at any thing more than a nominal value, and this is the real foundation of the future prosperity of this Colony. All that is requisite is, that the terms of our tenure should be fixed for a time certain, that we should not be exposed from year to year to the capricious exactions which any Governor of this Colony for the time being may think fit to impose upon us. It would certainly be agreeable to me, as well as to Mr. Wentworth or Mr. Lawson, to enjoy the use of my stations at a peppercorn rent. Rent is *pro tanto* a diminution of our nett profits, whether it be £100 or 100 pence, and we should all gladly avoid the exaction of it. But this is not to the purpose, and it is a short-sighted view of the real interests of this Colony, to recommend such a sacrifice of the public resources. To accomplish the end for which this vast continent is destined, to cover its surface with flocks and herds, we must provide for the increase of our population. The tide of emigration must be kept up, and I fear that we may long in vain for the introduction at home of a wise and enlightened economy which will convince our imperial rulers that no Colony can afford to import labour, but that the mother country must export its redundant population, and pay the expenses of the exportation. I wish there were any grounds to anticipate this change of system in England; but as yet there is not even the promise of a Statesman bold enough to contend for the honour of being the first to close the doors of the Union workhouses, and to place the starving and demoralized inmates above the pressure of want and the temptation of poverty, in another hemisphere. We must for years to come look to ourselves; and though Mr. Wentworth confidently asserts that the Executive possesses means of meeting this large expenditure without having recourse to the Squatters, I see no permanent source of income for this purpose, except the rental of the waste lands of the Crown.

Crown. I should deprecate the alienation in fee of a single acre of land which is exclusively adapted to grazing. By the sale of land, either the public purse or the purchaser must suffer; if the price is so low as to justify a prudent Settler in purchasing, the public parts with its resources at an enormous sacrifice; and if the price be remunerative to the Crown, it must entail ruin on the purchaser. It may be objected to this proposal, that nothing but the possession of the fee simple will induce persons to lay out capital in the improvement of land; and I admit the force of this objection in the case of lands which require the outlay of capital. But such is not the case in our grazing districts which will never carry a dense population, owing either to the distance from the coast, the want of water communication, or the inclemency of the climate. On these lands it is not even desirable that expensive improvements should be made, none at all events inconsistent with a certain tenure for a fixed term of years. The rent should be determined upon an average of years; when the Colony is prosperous we might contribute largely; in times of difficulty our means of contribution would be less. Under such an arrangement, the receipts of the public Treasury would vary with the fluctuations of the Colony; the true basis of all public revenue, which should rise or fall with the productiveness of the industry of the people, and above all by this means we get security of tenure, at least all the security which a tenant can expect, and as much as any tenant in England enjoys; and our present insecurity, our exposure to the frowns and smiles of the Executive Government for the time being, is the real drawback to our present position.

I shall cordially use every exertion in my power to second the efforts of the Pastoral Association, and yet it may be asked how I can offer to act in concert with persons whose opinions are so diametrically opposed to my own. Much as we differ in the means, we have a common end in view, to perpetuate and improve the present Squatting system. In this common object we can all unite, and by a fair statement of our immunities and liabilities, induce or compel the Executive Government, to adopt some permanent system with reference to the waste lands of the Crown; and to give up trifling by its indecision with the vast interests at stake. Let us say "we are willing to pay according to our profits, but our fortunes cannot be left to the mercy of capricious proclamations. Give us security of tenure so that we may reap the fair harvest of our labours and our sacrifices: If your terms are onerous, let them not be fluctuating; and do not come upon us like a thief in the night to carry away the grain which we have housed, or the wool which we have shorn. If you are so infatuated as not to see that your own interests are identical and only co-extensive with our prosperity, declare our ruin at once, but do not gradually absorb us by proclamations." And above all, we must force upon the Government the necessity of protection against the Aborigines. Now that the slavery question is disposed of, and that the ruin of the finest Colonies and their planters is accomplished by the meddling philanthropists of Exeter Hall, the energies of these people are exclusively directed against Australia and New Zealand, and the protection of the savages against the inroads of civilization has become the avowed system of our imperial rulers, whether Whig or Tory. God forbid that I should be suspected of advocating any harsh treatment of these benighted tribes; but if it be the paramount duty of Government to carry the arts of peace, and the wealth of civilization into the remotest corners of the country over which it presides, we must not allow our progress to be stopped by the supposed rights of the savages, as the first occupiers of the soil. An American Statesman has eloquently said "shall the lordly savage not only disdain the virtues and enjoyments of civilization himself, but shall he control the civilization of the world? \* \* \* \* No, generous philanthropists! Heaven has not been thus inconsistent in the works of its hands; Heaven has not thus placed its moral laws at irreconcilable strife with its physical creation."

The importance of this subject has induced me to address you at some length. The opinions I have expressed are sincerely entertained, and if I have defended the policy of our Executive Government, it is because I conscientiously believe it to be in principle conducive to our interests. Those who are foremost to throw the blame of our misfortunes upon the Governor of this Colony, rather than acknowledge their own numerous follies and mistakes, ought in honesty to reflect, that but for the spirited, and uninterrupted efforts on the part of Sir George Gipps, our flocks and herds must have been wandering in the wilds of the forest untended, and that even now in the midst of our distress, and in spite of an exhausted treasury, he has induced the Home Government to send out 5000 emigrants, the addition of whom to our population has reduced our expenditure nearly 25 per cent. The return he meets with, is unmerited abuse, because he has the honest courage to make an effort to pay for the costs of their importation.

I am, Gentlemen,

Your obedient servant,

EDWARD HAMILTON.

Collaroy, Cassilis, April 15.

No. 5.

DESPATCH from SIR GEORGE GIPPS, to LORD STANLEY.

(No. 94.)

Government House,  
Sydney, 1st May, 1844.

MY LORD,

I have the honor herewith to transmit Copies of some further Papers which have been laid before the Executive Council, on the subject of the occupation of Crown Lands, or Squatting, in this Colony.

No. 5.  
Sir G. Gipps,  
to Lord Stan-  
ley, 1st May, of Crown Lands, or Squatting, in this Colony.  
1844.

No.

No. 1, is a Paper by myself, intended to shew the manner in which, I think, the new Regulations proposed by my Despatch, of the 3rd of April last, No. 75, should be brought into operation. Proposals and  
Remarks No.  
1.

No. 2, is a Paper entered on the Minutes of the Council, by the Bishop of Australia, in pursuance of the arrangement which I reported in the concluding part of the same Despatch, No. 75, of the 3rd April. Bishop of  
Australia, No.  
2.

No. 3, is a similar Paper entered on the Minutes, by the Commander of the Forces, Lieut. General Sir Maurice O'Connell. Commander  
of the Forces,  
No. 3.

The other Members of the Council, namely, the Colonial Secretary, and the Colonial Treasurer, have expressed their intention of presenting similar Papers, but have not yet made any entry on the Minutes.

The views developed by the Bishop of Australia, are, I am happy to say, entirely in accordance with my own; and to avoid the possibility of misapprehension, I think it right to add, that the great interest which His Lordship has taken in the questions so long agitated in the Colony, respecting Emigration, and the disposal of lands, is solely to be ascribed to a thorough conviction of their extreme importance to the best interests of Society, and especially to those of morality and religion.

His Lordship is neither a proprietor, nor an occupier of land, he never owned a sheep, and possesses, I believe, but a single cow; consequently he is one of the very few persons of influence in the Colony, who has no personal interest of any sort in the Squatting question.

I have, &c.,

(Signed)

GEORGE GIPPS.

To THE RIGHT HONORABLE LORD STANLEY.

&c.,

&c.,

&c.

[Enclosure No. 1.]

#### NEW SOUTH WALES.

Remarks by Sir George Gipps on the proposals for the sale of stations, contained in his Despatch to Lord Stanley, of the 3rd April, 1814, No. 75.

##### PROPOSALS.

Any person who may have occupied a station for not less than five years, and who may during the whole of that time have conformed to the Regulations of Government, and who may not be in arrears of any sort to the Government, may demand to purchase as a homestead any part of his run, not less than three hundred and twenty acres, and the Government will, under ordinary circumstances, or unless strong grounds exist for refusing it, give him an opportunity of purchasing the part he may require on the following conditions:—

1.—The quantity of water frontage purchased by him shall never exceed the proportion of a mile in length for every square mile of area, or eight hundred and eighty yards for every three hundred and twenty acres. Neither shall any one purchaser secure to himself both sides of any run or watercourse, unless he purchase to the extent of two square miles, or one thousand two hundred and eighty acres.

2.—The sale must take place by Auction, but in order to secure to the occupier the benefit of such permanent and useful improvements as he may have made on his station, these improvements shall be valued by three persons, namely; Firstly—The Commissioner of the District; Secondly—A person named by the occupier; and Thirdly—An umpire named by the Governor.

##### REMARKS.

An occupation of five years will be considered to give the Squatter a right (though not an absolute one) to have an opportunity afforded to him of purchasing his homestead. There is nothing however in what is proposed to prevent his purchasing sooner *with the consent of the Government*. The true meaning of the proposal is, that the Government will consult the occupier's convenience after an occupation of five years, rather than its own; but its own convenience rather than that of the occupier, if the occupier shall have been in possession less than five, or, as hereafter to be explained, more than eight years. (See clause 5.) A further reason for requiring an occupation of five years, is that the Government thereby avoids the recognition of a Squatter's right to his improvements, until he shall have conducted himself as a good Squatter for that period; and takes (as it were) security for his good behaviour during five years.

It may be said that the Government will thus have two of the valutors in its interest, and the Squatter only one. But the Commissioner will be bound, as indeed will the umpire, to act impartially, and it will be by no means the desire or interest of the Government to put too low a valuation on the improvements. In proportion as the valuation is high, the chances will be increased of the occupier's becoming the purchaser, and the Government will in most cases naturally desire that the occupier should continue in possession, rather than be ousted by a stranger.

## PROPOSALS.

## REMARKS.

- 3.—The price of the improvements, added to the minimum price of the land, (£1 per acre,) will be the upset price of the whole.
- 4.—If the occupier become the purchaser, he will reserve to himself the value of the improvements, and pay the remainder of the purchase money to Government. If a stranger become the purchaser, he will pay the whole purchase money to the Government; and the Government will pay to the prior occupier (or Squatter,) the assessed value of his improvements.
- 5.—In order to avoid inconvenience to the Government, the right of requiring his station to be put up to Auction must not be absolute on the part of the occupier. The Government in bringing forward stations for sale, must consult its own convenience, and the right of the Crown to oust a Squatter and sell a station at any time, or in any manner, must remain as it is at present, absolute.
6. It is also to be thoroughly understood, that when stations are required for public purposes, they may be resumed without compensation of any sort to the occupier; or if compensation be given, it will be as a gratuity which the Government may either give or withhold at its pleasure, and which will be given or withheld as circumstances may seem to require, and as the state of the Revenue may allow.
- 7.—It is further to be understood, that by the purchase of his homestead, the occupier acquires no further right than he had before the purchase, to the occupation of the rest of his station, and that he must still take out a license, as before, for the unpurchased portions of his run, if he continue to occupy them. In fact, the rights of the Crown to all the unpurchased parts of a station, will remain in every respect the same as to any other portion of unalienated land.
- Nevertheless, as remarked on the first clause, the Government will consider that a Squatter who conforms to all the Regulations of Government, is not to be disturbed during the first five years of his occupancy; and during the three following years neither his homestead nor any part of his run will be exposed to sale, except at his own request, or to suit his own convenience; but if the Squatter fail within these three additional years to ask the Government to give him the opportunity of purchasing, the Government will offer the station for sale, at its own convenience, or on the demand of any individual. This is necessary, as otherwise the Squatter would have no inducement, or at any rate no sufficient inducement to become a purchaser. The Government, however, should not absolutely engage to put up land for sale at the demand of any individual, for it may not have the means of fulfilling such engagements. In 1839, when the minimum price of land was raised from 5s. to 12s., the Government was under engagement to put up at 5s. per acre, upwards of three hundred thousand acres of land (See my Despatch of 1st April, 1839, No. 62.)
- The general rule, or rather practice, of Government, should be, to give compensation equal to the value of the improvements; but this clause is nevertheless required, as well to guard against excessive valuations, as to preserve entire the rights of the Crown, and to strengthen the Executive. It is only the assertion of a right on the part of the Crown, which is enjoyed by every private proprietor.
- This is also necessary to preserve entire the rights of the Crown; but the following should, I submit, be the practice of Government. The purchaser of the homestead, whoever he might be, should be allowed to have the run previously attached to it, paying however, the usual price of a License for the occupation of it; and he should be allowed to hold the unpurchased parts of the run on the same terms, or rather under the same understanding, that a new run would be held (see clause 5) by the person forming it, that is to say, he should, under ordinary circumstances, remain undisturbed for eight years; should he during the course of these eight years desire to extend his purchase, the Government would afford him the opportunity of so doing, and every purchase, (of not less than three hundred and twenty acres,) would virtually act as a renewal of an eight years' Lease of the unpurchased parts of his run.

G. GIPPS.

[Enclosure No. 2.]

MINUTE BY THE LORD BISHOP OF AUSTRALIA.

In the suggestions which I offered to the Legislative Council in 1842, for deriving from the waste lands a revenue sufficient for purposes of Immigration I used (among others) the following expressions:—

We

"We want to hold out sufficient inducements to dispose the grazier to purchase land beyond the limits of location to the extent required.

"We want to give him an interest in the soil above that of the mere Squatter, and yet to guard against compromising the rights of the Crown, as well as against alienating disproportionate quantities of waste land at an inadequate price.

"We want, by giving the landholder such an interest, to encourage him to attend to his own civil, social, and religious improvement, and so to lay a foundation for a flourishing state of society through the length and breadth of the land, even to the farthest limit of this extended country."

My proposal was to effect these purposes by leaving it optional to every Squatter *either* to continue in the occupation of his run, as at present, under a License, or to become the purchaser at Auction of any section or half section upon it; obtaining therewith a lease of the remainder of the run for a time certain (7 or 14 years,) upon the terms of paying annually the fee for a License, and head money on all the stock, as at present charged. It was proposed that the land necessary to carry about 8000 sheep in ordinary seasons should be construed as forming a run; and provision was made for paying the Squatter the value of his improvements (if any) in the event of any other party out-bidding him, and so obtaining possession of the station. From a desire to interfere as little as possible with existing interests and arrangements, it was proposed to leave it *entirely to the discretion* of every Squatter whether he would thus put up a portion of his run for purchase, or not; so that in case *he* should decline doing it, no one else could bring it to sale. A fresh consideration of the question having now become necessary, I am disposed to think that the essential feature in my proposal, (which is that of allowing the purchase of a portion of every run as a condition of obtaining possession of the remainder for a time certain, and of providing compensation for improvements made by the occupier of a station of which he may be dispossessed) is perfectly practicable, and likely to be productive of advantages, both important and permanent to the Colony. The only point upon which my opinion has been changed, is that of leaving it entirely to the option of the occupier of a Station whether or no any portion of it should be exposed to sale. I entertain now more than a simple doubt as to the sufficiency of such an arrangement, and for the reasons following.

The position of the Squatter is this. Upon condition of paying an extremely moderate annual sum and conforming to a few well-known regulations, he obtains possession of a very extended tract of country, from which, even in the present state of affairs, if he be a frugal diligent man, not burdened with debts bearing interest, he may obtain a fair return upon capital invested in stock, and for his own personal labour of superintendence. Besides this, he has not only possession but safe possession against every other party except the Crown; and he may calculate upon uninterrupted possession even as regards the Crown, so long as he pays its dues and does not break the regulations.

Neither is this the whole extent of his advantages. So long as it suits him, it has been seen, his occupation is secure. He cannot be even intruded upon within his assigned limits by others, without having a remedy against them in the form of damages recoverable at Law. He cannot be removed capriciously even by the Crown, but only upon cause shewn, and for some definite grave offence. Should he be desirous of relinquishing possession, he can propose the transfer of his Occupation License to any Individual whom he may fix upon, being of unobjectionable character. Except upon the ground of personal ineligibility, the Commissioner of the District can scarcely decline assent to the transfer of the License to the Individual thus proposed. In fact, there is no sufficient motive for the Crown to withhold its sanction from such exchanges. If refused, the actual occupiers will either remain in possession, to their own inconvenience perhaps, or the arrangement will be carried into effect by a private understanding between the parties; the Crown, therefore, would gain nothing.

From these considerations, it is clear, that an Occupation License becomes, in the hands of the possessor, a species of chattel, which he has power to dispose of for a valuable consideration. In fact, his position may be described as giving him an interest, inferior only to ownership, in a property of vast extent, for which he has paid no price, and an actual ownership in a sum of money (the current value of his right of station), invested on excellent security, which he may realize whenever it suits him.

In putting the question therefore,—Is such a man likely to volunteer to become a purchaser to the extent proposed? I find much stronger reasons than heretofore to reply in the negative. My apprehension is, that, more frequently than not, the Squatter would prefer remaining as he is. To become an actual land owner is certainly an object of very general ambition; but, on the other hand, few, comparatively, among the residents beyond the boundaries, contemplate making a permanent settlement there for themselves and posterity. In time, it is probable, such an inclination might grow up among them, as the prospect of being able to make fortunes and retire from the Squatters' life becomes more remote, and as they witness the superior comfort of the few, who, even from the commencement of the system, may be calculated upon as purchasers. But the general introduction of such a feeling would be slow. There is this evil attending the present state of things,—that the tenure under a License is just secure enough to render the holder of it careless about purchasing, yet not secure enough to justify any man of worldly prudence in effecting much in the way of improvement, either civil or religious. It may be questioned, therefore, whether it would be the part of any sound Statesman to propose a measure, and yet continue to hold out what must be regarded as a constant premium against its being carried into effect.

The habits too generally contracted in the distant stations, are those of domestic discomfort, occasioned by the universal and not unnatural reluctance of men, to lay out their funds in forming more decent establishments upon land which is not their own; and which, however secure they may feel of continued possession, it is impossible to conceal from themselves, might, on a change in the policy of Government, be taken from them. It might be supposed that the mere wish to possess themselves of better domestic accommodation, or to bring

bring some portion of the land under a less slovenly system of culture than they can now venture to bestow upon it, would have sufficient weight to induce most Squatters to become purchasers to the limited extent proposed, if with no other view than to carry out such improvements upon land they may call their own. But persons, after a very short time, become so reconciled to the want of comfort, and even so enamoured of the freedom from all restraint which attends this mode of life, that little or no reliance can be placed on the expectation of their becoming purchasers from the motive now under consideration. Besides this, there is a contrary and very weighty motive, which would probably decide nearly every one, in preferring to remain under a mere License of occupation, if the question be left entirely to his determination. It must be assumed, that the intention cannot be to make merely a sale of a section or half section upon every station once for all, and then to desist for ever. The main object of Government, would be, to derive a permanent Revenue from these lands; to effect which, the process of sale must be repeated continually, at regular intervals, of seven, ten, fourteen, or whatever number of years may be determined on; the occupation of the run in the interval between two such sales appertaining always to the latest purchaser. For instance, if in the first instance A be the purchaser of a section or half section on any station, A will thereupon become entitled to occupy the run attached to it, until another sale takes place. When that occurs, if A become the purchaser of a second portion, he continues also to occupy the run; but it will be transferred to B, if B should outbid A, and become the purchaser of the quantity put up to Auction. The same will be repeated in each successive instance; the latest purchaser being entitled to occupy the run. Now the title of a Squatter under a License of Occupation, though in theory terminable at any time, is yet held to be, in practice and in reality, good for an indefinite number of years, and is, on this account, transferable, as has been shewn, and saleable at a high and well ascertained price. But there will be nothing of the kind occurring after the introduction of a system of selling portions of the stations. The purchaser will have possession of the run only until the next sale takes place; and his retaining it for any longer period, will depend upon his becoming again a purchaser. He will therefore no longer have to dispose of a right of occupation for an indefinite term, but for a few years only, and until a date which is fixed and known; and thus the market price of a right of station, would be diminished by the purchase of a part of it. From which it is plain, that the occupier of a station has a decided interest against such a purchase; and, if it be left to his discretion, exclusively, to determine on bringing forward a part of it for sale or not, it is very clear, that few opportunities for purchase will be afforded. The right of bringing forward for sale a portion of any station, to the proposed extent of a section or half section, must be left open to the public at large; and that right (subject to certain precautions and provisions) must be exercised afresh, at the end of every such term of years as the Government may appoint.

In the case of such purchases, the price will consist of three parts or elements, the value of the land itself at 20s. per acre or upwards; the value of the improvements effected by the last occupier, according to arbitration; and the value of the right of station. That right, as now held and exercised, accrues not through any active exertion of the Squatter beyond the mere taking up his position in the spot which he has selected. It becomes his fortuitously it may be said, and from the mere force of circumstances. It is a right which the Crown never intended to create; was never conscious even of having created, much less conveyed; for the concession of which it never received compensation; and which it may therefore, without any injustice, abridge or destroy by one series of measures, as it originally gave birth to it by another course of proceeding.

In carrying this measure into effect it will be necessary to use some precaution to introduce a condition that the portion of land selected for purchase, by any other person than the actual occupier of the run, shall be that section upon which are the improvements for which compensation is to be granted. When the sale is to take place at the instance of the occupier himself, there will be no difficulty, because he may, without injury to any one, forego his title to compensation by selecting for purchase a different section from that on which he has been at expense. But when a stranger comes in to make a purchase, the chances are almost infinite against his giving the preference (if the choice be allowed him) to the section upon which the Squatter has made his location. Every one who has been beyond the boundaries is aware that the station fixed upon by the Squatter, upon which he has placed his homestead and improvements, is often (except in the single article of having a command of water) in the most objectionable part of the whole run. No one, with his eyes open, would fix upon it as the section which he would put up for sale, if he had liberty to select another. And yet, unless the stranger, who may apply for liberty to purchase, shall be bound to the section upon which the improvements have been made, there will be no compensation provided for the Squatter who made those improvements; though the stranger coming into occupation of the run by virtue of his purchase, would necessarily come into possession of those improvements also.

An objection may be raised against this proposal, as if it involved an evasion of the Act of Parliament which requires that no waste land should be sold at a rate lower than 20s. per acre, whereas the concession of a right of occupation of the run for a certain number of years, is in fact a *bonus* given to the purchaser which virtually reduces the price paid for the land below the rate fixed by law.

There will be two different cases with reference to which this objection requires to be considered.

The first is, when, in consequence of competition, the lands sell at a price exceeding the minimum of £1 per acre. In that case it must assuredly be assumed, that although the purchaser, in computing the valuable considerations which induce him to bid to that extent, has included the right of run, and has added to the price which he bid accordingly, yet he has not estimated the land itself at a price beneath the lowest allowed by law. Without entering  
into



into the purchaser's private calculations, the Government is justified in assuming that he has given at least £1 (and possibly more) per acre for all the land which becomes his, and this sufficiently satisfies the Act of Parliament.

Where the minimum price is not exceeded there is more weight due to the objection, because it may be said the right of occupation would certainly be worth something in every man's estimation; and therefore as the purchaser obtains a certain number of acres, with that right annexed, for only the same number of pounds sterling, he cannot fairly be said to have paid £1 per acre for the land itself.

The true conclusion to be drawn from this is, that the land is not worth £1 per acre when exposed to open competition, and therefore is not of that class of lands which the Government is disposed to sell. The Government therefore may have its remedy either by withdrawing the lots upon which no advance is offered, or (which would probably be better) by fixing the upset price so as to include what the right of station upon a fair calculation is worth; in which case the land could not be said to be disposed of below the legal rate.

The following points however are worthy of consideration, as apparently tending under all circumstances to diminish the force of the objection:—

First.—The right of occupying the run is not absolutely given as part of the price of the land, but is to be paid for as at present in the annual charges for License and head-money upon stock. All that the Government in fact does is only to give the purchaser a preference over other people in obtaining a License for that particular station.

Secondly.—The Government, even now, gives away the value of that right, and would in the worst event be doing no more. And however it may be objected that the sale of land, with that right annexed to the purchase, clashes with the letter of the Act of Parliament, it can hardly be supposed to contradict its reasonable spirit that the Government should even give a right to a person who purchases from the Crown at a high price, rather than yield it gratuitously (as at present) to those who are paying a very low one.

The system of sale here recommended might be put to the proof, by its introduction first of all into one or two Districts only, but for the following objection. Should the Regulation be generally disapproved by the Squatters, then such of them as have their Licenses within the Districts made subject to the new system, would be loud in their clamours against the Government for oppressively selecting them in particular to endure this hardship. Should it, on the contrary, find favour in their eyes, then they who do not come within range of the Regulation will be no less clamorous against the Government for its partiality in allowing to others a benefit which it denies to them, and will never rest until they obtain it. It seems, therefore, necessary to place all upon an equal footing; and the measure must either be introduced into all the Districts at once, or not into any.

In arguing upon the supposed practicability of such a measure, it has been assumed that the Government will have such support from the Legislature as to obtain the legal powers necessary for carrying it into effect. Unless the Legislative Council consent to renew the present Act, or some one corresponding to it which shall continue the uncrippled and unfettered possession by the Government, of its subsisting power of control beyond the limits of location, my persuasion is, that the effort to raise an increased revenue from those lands which are now held under License, and at the same time to effect those religious and moral reforms which are so necessary in the state of society there, will be entirely nugatory. I conclude therefore with observing what ought perhaps to have been stated at first, that these remarks in every part proceed upon the assumption that the Legislature will duly perform its part; and my opinion is that the Crown should consider and determine beforehand what measures will be effectual and proper for the support of its rights and interests, in the event of the Council declining to pass such an Act as may enable the Government to call forth for its own, and for the general benefit, the immense resources of the territory here referred to.

W. G. AUSTRALIA.

[Enclosure No. 3.]

I have no hesitation in recording my opinion, that the great proprietors of stock, and occupiers of extensive tracts of pasture lands beyond the boundaries of location, ought to be called on to contribute, in prosperous times, in proportion to the extent of land they occupy, towards the exigency of the state; but considering the present depreciated value of their herds and flocks, and the acknowledged state of distress of this class, it may be advisable to suspend the operation of the proposed alterations in the rates of depasturing Licenses, beyond June, 1845, unless such an improvement in the value of stock should happily take place before that period, as would enable the occupiers of such lands to pay the new rates without their pressing too heavily on their subsistence.

M. C. O'CONNELL.

No. 6.

DESPATCH from SIR GEORGE GIPPS, to LORD STANLEY.  
(No. 107.)

Government House,  
Sydney, 17th May, 1844.

MY LORD,

With reference to my Despatch, No. 84, of the 16th ultimo, wherein I reported that much excitement had been caused in the Colony, by the publication on the 2nd April last, of a Notice respecting the occupation of Crown Lands, I have now the honor further to Report as follows:—

Since the 16th of April last, Meetings have been held at nearly all the principal places in the Colony, and particularly at those named in the margin; and Resolutions adopted similar to those which were passed on the 9th April, at the Royal Hotel, in Sydney.

No. 6.  
Sir G. Gipps,  
to Lord Stanley,  
17th May  
1844.

Windsor.  
Penrith.  
Camden.  
In

Sir G. Gipps,  
to Lord Stanley.

In general, however, the language at these Meetings has been more moderate than that which was used at the Sydney Meeting; and the violence of the language made use of by some of the speakers, at the Royal Hotel, has been generally condemned, as being no less injudicious than indecent.

Goulburn.  
Yass.  
Bathurst.  
Maitland.  
Mudgee.

Your Lordship will observe, that when these Meetings were held, nothing was known in the Colony of the recommendations contained in my Despatch to your Lordship, of the 3rd April, No. 75,—no allusion having been made to them in the Notice of the 2nd April; the Meetings, however, being over, it seemed to me, that the time had arrived, when it would be expedient to make known to the public, my general views on the subject of the occupation of Crown Lands; and as no other opportunity for giving publicity to them presented itself, I, on the 11th of the present month, put into the hands of Mr. Icely, (a Crown Nominee in the Legislative Council) a Paper, of which I enclose a Copy; and intimated to Mr. Icely, that he was at liberty to make it public.

Enclosure No.  
1.

Your Lordship will perceive, that this Paper contains an Abstract of the proposals brought forward for consideration in my Despatch, of the 3rd April, and of the Memorandum (No. 1, enclosed in my Despatch, of the 1st May,) wherein I explained the way, in which I recommended that those proposals should be carried into effect.

The publication of this Paper has tended, in some degree, to allay the excitement which previously existed; and many persons are beginning to admit, that the Squatting Regulations require amendment. The greater Squatters are, however, by no means pacified; on the contrary, and not unnaturally, they become more irritated, as they see moderate men beginning to desert them.

Enclosure No.  
2.

An advertisement called a Protest, was published yesterday in the "Morning Herald" Newspaper, on the part of the persons who have formed themselves into what is called "The Pastoral Association;" of this Protest, I enclose a Copy to your Lordship.

It may throw some light upon the subject, if I state that Mr. Benjamin Boyd, the gentleman who signs the Protest as Chairman of the Association, is one of the largest squatters in the Colony. He holds fourteen stations (paying License for four only) in the Maneroo District, and seven stations, paying also License for four in the District of Port Phillip. The fourteen stations in Maneroo are estimated to contain two hundred and thirty-one thousand acres of land, the seven in Port Phillip one hundred and fifty thousand acres, the whole of the land being well watered and in the best parts of the Colony.

Mr. Boyd is the gentleman who asserted, at the Royal Hotel, on the 9th April, that so long as he paid his £10 Licenses, he considered he had a freehold interest in the land which he occupied. Had Mr. Boyd's several runs at Maneroo and Port Phillip (amounting together to three hundred and eighty-one thousand acres of land) been granted to him, without purchase, in the time of General Darling, (the last Governor who had power to make Grants) they would have been charged with quit rents amounting to £3,175 per annum, (2d. per acre)—whereas Mr. Boyd pays for them in the shape of rent to the Crown, only £80 per annum. If, therefore, the present system of squatting remain unaltered, it is evident that the Government will have gained nothing by the abolition of free Grants.

Mr. Boyd came to this Colony about two years ago, and is the gentleman spoken of in Lord John Russell's Despatches to myself, Nos. 164 of 1840, and 187 of 1841. He is understood, in addition to his own means, to have at his disposal funds belonging to parties in England. Mr. Boyd has acquired most of his stations by purchase from their former holders, and it is on this account that he pays for so many as eight Licenses.

By a Return received only yesterday, I find there is an individual in the Bligh District, who holds twenty-seven stations under a single License.

This individual \* has three thousand head of cattle, and thirteen thousand sheep; and pays no more rent for the land they feed on, than is paid by another person in the same District, who holds only twelve thousand eight hundred acres, and has on them one hundred head of cattle.

Mr. Boyd has in the Maneroo District alone ten thousand head of cattle and twenty thousand sheep.

\*Mr. James Walker of Wallerawang. The Commissioner returns his run as containing five millions of acres; but I conclude that the greater part of it must consist of barren or mountain land.

I have, &c.,

(Signed)

GEORGE GIPPS.

TO THE RIGHT HONORABLE LORD STANLEY,  
&c., &c., &c.

## [Enclosure No. 1.]

## COPY OF A PAPER GIVEN TO MR. ICELY.

- 1.—Every Squatter, after an occupation of five years, shall have an opportunity afforded to him of purchasing a portion of his Run, not less than three hundred and twenty acres, for a Homestead.
- 2.—The value of any permanent and useful improvements which he may have made on the land, shall be allowed to him, but the land itself (exclusive of improvements) cannot be sold for less than the established minimum price of £1 per acre.
- 3.—Any person who may have purchased a Homestead, shall not be disturbed in the possession of his Run during the following eight years; he must, however, continue to take out for the unpurchased parts of it the usual License, and pay on it the usual fee of £10 per annum.
- 4.—A second purchase of not less than three hundred and twenty acres, shall be attended with the similar advantage of being undisturbed for the next eight years; so that each successive purchase of three hundred and twenty acres, will act virtually as a renewal of an eight years' lease.
- 5.—The right of the Crown must, however, remain absolute, as it at present is, over all lands which have not been sold or granted; it being well understood that the Crown will not act capriciously, or unequally, and will not depart from established practice except for the attainment of some public benefit.
- 6.—Persons who may not avail themselves, within a certain period to be hereafter fixed, of the advantage offered to them of purchasing a Homestead, will be exposed to the danger of having any part of their Run offered for sale, either at the pleasure of the Crown, or on the demand of an Individual; the value of any useful and permanent improvements which they may have made on their lands will be secured to them, should a stranger become the purchaser.
- 7.—The person, whoever he may be, who purchases the Homestead, is to have the remainder of the Run.
- 8.—All sales to be, as at present, by Auction; the appraised value of permanent and useful improvements, (which will be considered as the property of the former occupant) being added to the upset price of the land.
- 9.—As stated in the Notice of the 2nd April, a License is not to cover more than twelve thousand eight hundred acres of land, unless it be certified by the Commissioner that the twelve thousand eight hundred acres are not sufficient to keep, in ordinary seasons, four thousand sheep. No existing Run is, however, to be reduced below twelve thousand eight hundred acres on account of its being capable of feeding more than four thousand sheep; but if any licensed person have on his Run more than four thousand sheep, he is to pay £1 for every one thousand above four thousand; a person, therefore, having on a Run of twenty square miles five thousand sheep, will not, as has been supposed, be required to take out two Licenses, but will be charged an extra £1 for his License, or £11 instead of £10; if he have eight thousand sheep, he will be charged £4 extra, or £14 in all. This is not stated in the Notice of the 2nd April, but forms a part of the Proposals which were sent home by the "General Hewitt," which sailed on the 3rd April.

## [Enclosure No. 2.]

Protest of the Pastoral Association of New South Wales, against the projected Regulations of His Excellency Sir George Gipps, said to have been forwarded for the consideration of the Right Honorable the Secretary of State, in a Despatch, dated 3rd April last, by the ship "General Hewitt."

The Committee of the Pastoral Association, although not bound to notice a document so apocryphal, put forth without the formalities of official routine, yet believing that document to be genuine, from its having remained so long uncontradicted, protest against the Regulations which it contains for the following reasons:—

## REMARKS BY THE GOVERNOR.

- |   |   |
|---|---|
| <ol style="list-style-type: none"> <li>1.—Because the upset price of £1 an acre is evidently unreasonable for Land, three acres of which are admitted, even on the face of these projected Regulations, to be required for the feed of one sheep.</li> <li>2.—Because these Regulations give the occupant no right of pre-emption, but on the contrary, expose him to an unfair and ruinous competition.</li> <li>3.—Because these regulations do not give any fixity of tenure, or any tenure at all; the occupation of the Run not being under Lease for a fixed term at a fixed rent, but under License which may be withdrawn, or the fee for which may be raised indefinitely at the will of the Executive.</li> </ol> | <ol style="list-style-type: none"> <li>1.—The land will not be ordinary land, but selected out of a much larger quantity; for instance, three hundred and twenty acres selected out of twelve thousand eight hundred.</li> <li>2.—Pre-emption would be contrary to law; the Act of Parliament, 5th and 6th Victoria, c. 36, requiring that all land shall be sold by Auction.</li> <li>3.—The Recommendations (not Regulations) do give a fixity of tenure, and a very advantageous one, considering that it is proposed to be given to parties who pay only a rent of £10 a year for twelve thousand eight hundred acres.</li> </ol> |
|---|---|

## REMARKS.

- 4.—Because the system now sought to be introduced resembles closely that of Leases renewable at stated periods on payment of fines, a system universally exploded, but here especially inconvenient and unjust, as the occupant can never know the terms on which he will be permitted to renew his License; the lowest will be £320, but how much more will entirely depend upon the competition of the Auction Room.
- 4.—There may be some inconvenience, though no injustice, in subjecting the parties to the competition of the Auction Room; the statement contained in this paragraph is otherwise correct; the only arrangement free from inconvenience, in the opinion of the Association would be, one absolutely and for ever abandoning the rights of the Crown.
- 5.—Because the Crown, by the 5th projected Regulation, expressly reserves its absolute right to these lands, and by such reservation, retains to itself the power of taxing the people without the consent of their representatives, to an unlimited extent.
- 5.—*Taxing the People*, in the same way that a Landlord does who takes rent from his tenants, or a butcher who makes his customers pay for their meat, or as the Crown itself does when it sells land to a settler.
- 6.—Because the effect of these projected Regulations is, without giving the occupant any additional security against disturbance by the Crown, to render his tenure yet more uncertain, by putting it in the power of any third person to eject him, if he be not able at a short notice to pay a large sum of ready money.
- 6.—The short notice is one of eight years; the large sum of money, £320.
- 7.—Because the uncertainty of tenure is a far stronger inducement to make permanent improvements, than the prospect of compensation for them, it being perfectly notorious that their estimated value will never replace the outlay.
- 7.—This is true, but an absolute certainty of tenure is nowhere to be acquired but by purchase.
- 8.—Because no compensation is offered for the risks incurred in proving the fitness of the run for the pastorage of stock, although it is well known that in making selections the best judges have been deceived, and forced to abandon them with a heavy loss of stock and capital.
- 8.—A man may make a mistake in choosing a Run, as he may in choosing anything else, a leg of mutton, for instance, or a wife; but the Government cannot undertake to guarantee him against loss in the event of his choosing badly.
- 9.—Because the investment of large sums in the purchase of Land would tend to produce another commercial crisis; and because the exportation of Money from this Colony where it is three times as valuable as in England, in exchange for Emigrants, whom it is equally expedient to the payer of poor-rates at home to send as for us to receive, and a large portion of whose passage-money ought consequently to be paid by the parishes, is an operation which must be injurious to the Colony.
- 9.—It doubtless would be better if we could get emigrants for nothing, instead of being obliged to pay for them.
- 10.—Because the sum payable to the Government under the proposed Regulations, within the first five years, would amount to more than the whole (present saleable) value of stock depasturing outside the boundaries of the Colony, viz:—
- |  |          |
|--|----------|
| 2000 Licenses at £10 a year for five years .....   | £100,000 |
| 2000 Half Sections of Land, 320 acres, at 20s (at least) per acre .....                            | 640,000  |
| Assessment 3,200,000 Sheep at 1d. per annum, 600,000 Cattle at 3d. per annum, for five years ..... | 105,000  |
|  | <hr/>    |
|  | £845,000 |
- 10.—This calculation is grossly exaggerated; but even supposing it correct, it proves only that the new system, if adopted, will give to the Colony a land fund of £128,000 a year. I expect it will give one only of about £50,000 a year, or rather more than one-third of the money.
- 11.—Because whatever may be thought of the expediency of obliging the occupant to purchase a homestead, there can be none in compelling him to purchase an additional three hundred and twenty acres at the end of eight years, since they will not be required as a homestead, and are quite insignificant for pastoral purposes.
- 11.—The second purchase is one of the conditions on which he will be allowed to keep his Run. If he do not wish to make a second purchase, it is only just and proper that others should have the power of purchasing.

## REMARKS

12.—Because diseased Sheep can only be re- 12.—Even in the month of February, there moved in the month of February, and there- will not be many persons anxious to acquire fore if the Auction be not in that month, a Run infected with disease. the loss of the Run implies the loss of the Stock.

The Committee of the Pastoral Association, although fully alive to the impending ruin with which these projected Regulations are fraught, would yet entreat the Colonists of New South Wales not to be dismayed, but to persevere in their present efforts, in the full assurance that no amount of misgovernment has ever been able to bear down a British community if true to itself.

B. BOYD, Chairman.

Sydney, May 16.

No. 7.

DESPATCH from SIR GEORGE GIPPS, to LORD STANLEY.

(No. 111.)

Government House, Sydney,  
24th May, 1844.

MY LORD,

I have the honor herewith to forward a letter, which has been addressed to your Lordship by Mr. W. H. Suttor, as Chairman of a Committee which has been constituted at Bathurst for the purpose of opposing the Regulations respecting the occupation of Crown Lands, which were issued by me on the 2nd of April last.

No. 7.  
Sir G. Gipps,  
to Lord Stan-  
ley, 3rd April,  
1844.

There is nothing in this letter, seeming to call for any observations from me. Mr. Suttor is the Representative in the Legislative Council of an Electoral District, which comprehends the three Counties of Roxburgh, Phillip, and Wellington.

I have, &c.,

(Signed)

GEORGE GIPPS.

TO THE RIGHT HONORABLE LORD STANLEY.  
&c., &c., &c.

Colony of New South Wales,  
Bathurst, 16th May, 1845.

MY LORD,

A Public Meeting was held at Bathurst, on the 30th April ultimo, pursuant to a requisition, of which the following is a copy :—

We, the undersigned stockholders and others interested, do hereby convene a Public Meeting of the inhabitants of this District, to be held at the Black Bull, Bathurst, on Tuesday, the 30th day of April instant, at One o'clock in the afternoon, to take into consideration the new regulations touching the Depasturing Licenses, published in the *Government Gazette* of Tuesday, the 2nd of April instant.

W. H. SUTTOR, M.C.  
J. S. RODD, J.P.  
D. M. IRVING, J.P.  
THOMAS J. HAWKINS, J.P.  
ROBERT SMITH.  
GEORGE RANKIN, J.P.  
C. WRAY FINCH, J.P.  
JOHN SUTHERLAND, J.P.  
RICHARD M'HATTIE.  
W. A. STEEL, J.P.  
A. RODNEY B. CARTER, J.P.  
JOHN STREET, J.P.  
GILBERT WRIGHT.  
EDWIN PARK, J.P.  
J. B. RICHARDS, J.P.  
WILLIAM LAWSON, JUN., J.P.  
THOMAS KITE.  
WILLIAM LANE.  
JOHN R. TINDALL.  
EDWARD B. CORNISH.

T. M. SLOMAN.  
WILLIAM PATERSON.  
JAMES STEWART SMITH.  
JOHN WEST, JUN.  
P. C. BOSWELL.  
HENRY PERRIER.  
FREDERICK STRACHAN.  
G. BAKER BOULTON.  
PATRICK WHITE.  
ALEXANDER WATT.  
WILLIAM LEE.  
ARCHIBALD CAMPBELL.  
JOHN O'BALFOUR.  
THOMAS D. SYER.  
JOHN G. SYER.  
DAVID PERRIER.  
JAMES ARTHUR.  
NICHOLAS READ.  
WILLIAM TOM.  
HENRY H. CATER, J.P.

Bathurst, 6th April, 1844.

At the Meeting thus held, pursuant to requisition, (and of which Meeting I had the honor to be Chairman,) the following Resolutions were unanimously adopted :—

It was moved by James W. Lowe, Esq. ; and seconded by Mr. Thomas Kite.

- 1.—That this Meeting, sharing with their fellow Colonists the alarm which the regulations touching the Depasturing Licenses, published on the 2nd April instant, are calculated to inspire ; and believing them to be unconstitutional and oppressive, as well as impolitic, pledges itself by all lawful ways and means to resist them. Carried unanimously.

Moved by William Lane, Esq. ; seconded by Archibald Campbell, Esq.

- 2.—That not only do these regulations create distrust in the wisdom of the Government, but they destroy all confidence in the security (and consequently in the value,) of property. As it is obvious, that if the authority to enforce them be conceded, pastoral and grazing pursuits will become not only precarious, but utterly dependent on the will of the Executive. Carried unanimously.

Moved by Gilbert Wright, Esq. ; seconded by James W. Lowe, Esq.

- 3.—That the inhabitants of this District adopt the present occasion again to record their disapproval of many of the enactments contained in the Crown Lands Occupation Act; the powers conferred by it being too summary and absolute; and its provisions being, in many respects, ill calculated to develop the resources of the Colony. Carried unanimously.

Moved by Samuel Smith, Esq. ; seconded by Thomas Arkell, Esq.

- 4.—That without trenching on the permanent rights of the Crown to the waste lands of the Colony, their temporary occupation might be rendered less insecure and precarious, with advantage, both to the occupiers and to the State. To the occupiers who would thus be induced to extend their calculations and operations, and to surround themselves with the decencies and comforts of civilized life ; and to the State, both directly and indirectly :—directly, from the improved value which would thus be given to their domain ; and indirectly, from the consequent increased demand for the taxable consumptions of luxury, and the products of British industry. Carried unanimously.

Moved by John Clements, Esq. ; seconded by John R. Tindall, Esq.

- 5.—That the policy which can in any exigency, however great, impair the security of the Settlers—indispose them to pastoral and grazing pursuits, and deter the investment of capital in the production of the great Colonial exports of wool and tallow; is short sighted,—as the true wisdom of an enlightened statesman would consist in giving the most liberal encouragement to such pursuits, pursuits by which, when prospering, the Revenue is indirectly benefitted, far more than by any possible direct taxation whatever. Carried unanimously.

Moved by Thomas M. Sloman, Esq. ; seconded by George Morey, Esq.

- 6.—That the foregoing Resolutions be embodied in a Petition to Her Majesty the Queen, both Houses of Parliament, His Excellency the Governor, and the Legislative Council, with a prayer that the latter body may take such steps as they consider meet in promoting its object. Carried unanimously.

Moved by Mr. John G. Syer ; seconded by Mr. William Tress.

- 7.—That to give a practical effect to the above Resolutions, this Meeting pledges itself to join the "Pastoral Association of New South Wales." Carried unanimously.

Moved by Edward B. Cornish, Esq. ; seconded by Mr. William Tom.

- 8.—That a Committee consisting of the following gentlemen be appointed, with power to add to their number, to carry into effect the objects of this Meeting, viz. :—

WILLIAM HENRY SUTTON, Esq. M.C.  
FRANCIS LORD, Esq., M.C.  
ROBERT SMITH, Esq.  
ARCHIBALD CAMPBELL, Esq.

JOHN SAVERY RODD, Esq.  
WILLIAM LEE, Esq.  
GILBERT WRIGHT, Esq.

Carried unanimously.

Moved by John Lane, Esq. ; seconded by George Morey, Esq.

- 9.—That it be an instruction to the Committee, to forward, by the first English Mail, a letter to the Right Honorable the Secretary of State for the Colonies, soliciting him to suspend his judgment on the regulations, and the threatened impost, until the sense of the Colonists can be ascertained and constitutionally expressed. Carried unanimously.

The Committee appointed by the 8th Resolution, in pursuance of the instructions contained in

in the 9th Resolution, beg most respectfully to solicit your Lordship, that your Lordship will be pleased to suspend your judgment on the Regulations and the threatened impost, until the sense of the Colonists can be ascertained and constitutionally expressed thereon.

I have the honor to be,

My Lord,

Your Lordship's most obedient humble servant,  
W. H. SUTTOR, M. L. C.,  
Chairman of Committee.

No. 8.

DESPATCH from LORD STANLEY, to SIR GEORGE GIPPS.

(No. 163.)

Downing-street,

30th November, 1844.

No. 8.  
Lord Stanley,  
to Sir G. Gipps,  
November 30,  
1844.

Sir,

I have had under my consideration your Despatches relative to the sale and occupation of Crown Lands in New South Wales, the numbers and dates of which are noted in the margin.

As observed by you, in that relative to the address to you from the Legislative Council, respecting the sale of Crown Lands (No. 17, of 17th January last),\* the questions concerning their sale, and the terms on which the occupation of them without purchase is permitted, have an intimate relation to one another, and I have accordingly considered the two subjects in connection, devoting to them that attention which from their great importance they justly deserve.

Some time having elapsed since the receipt of these Despatches, I should have been glad to have been able to communicate to you at once a definite opinion upon the question presented by you in them for my decision; but in compliance with the wish expressed in the letter from Mr. Boyd, the Chairman of the Pastoral Association, of the 16th April, forwarded by you in your Despatch of the 17th of that month, "that I would defer judgment on any Despatches that I might receive "from you" on these subjects, until in possession of Petitions against your recent regulations, then in course of preparation, I defer (although otherwise prepared to have done so) coming to any decision on them at the present moment, in the hope that I may soon be in possession of those Petitions.

Adverting, however, to the circumstance that some of the Regulations which you propose are intended to take effect in the month of July next, as well as to the delay which has already taken place, I feel that I should not be justified in indefinitely postponing my decision, and you may therefore expect shortly to receive final instructions on the subject.

I have, &c.,

(Signed)

STANLEY.

To HIS EXCELLENCY SIR GEORGE GIPPS,  
&c., &c., &c.

No. 9.

DESPATCH from LORD STANLEY, to SIR GEORGE GIPPS.

(No. 12.)

Downing-street,

30th January, 1845.

SIR,

As the period at which you propose that some of the Regulations relative to the occupation of unsold Crown Lands in New South Wales, reported by you in the Despatches acknowledged by mine of the 30th November last, will arrive almost as soon as I can expect that this Despatch will reach you, I no longer defer putting you in possession of my views on the question raised in those Despatches.

I have not only myself considered them most anxiously, but I have also required from the Commissioners of Colonial Lands and Emigration their opinion upon the subject to which they relate, and enclose you their Reports.

I am fully sensible of the magnitude and importance, both to the welfare of the Colony, and to the interests of individuals, of the question involved in these discussions.

No. 9.  
Lord Stanley,  
to Sir G. Gipps,  
January 30th,  
1845.  
1212-30, Sep-  
tember,  
1213-30, Sep-  
tember,

\*The Despatch from Sir George Gipps to Lord Stanley, of the 17th January, 1844, is not printed with these Papers, but it will be laid before the Legislative Council, as will also Lord Stanley's Reply to it, of the 30th January, 1845, No. 11.

No. 9.  
 Lord Stanley,  
 to Sir G. Gipps,  
 30th January,  
 1844.

I know that the great source of the wealth of New South Wales, the production of wool, has been mainly the work of those who are termed Squatters.

I am also well aware, that although described familiarly by this term of American origin, they differ greatly, and in most important particulars, from the class whose name has been transferred to them; that, instead of consisting mainly of the least educated of the population, as is often the case with the pioneers of civilization in America, they include many of the most educated, the most intelligent, and the wealthiest of the inhabitants of the Colony.

I believe, moreover, that they constitute a body whose influence in the Colony, out of the Legislature, is very great, and in it, at this moment, is paramount to every other.

In considering the question brought before me by the Despatches referred to, I have felt strongly the great convenience which it would have been to yourself personally, and which indeed it would have been to me, now to conciliate so powerful a class, by the concession of what they demand.

I approve, therefore, highly of that sense of public duty, which has led you to incur the odium you have brought on yourself, by issuing the Regulations in question (a step which you could easily have avoided taking) and in coming to the conclusions I have arrived at, upon their justice and propriety, I am fortified in my opinion, by the consciousness that my own prepossessions would be in favor of those against whose claims I feel bound to decide; and that I do so, only under a strong sense of the obligation which rests upon me, not to sacrifice the interests of the Colony and the Empire at large, as well as the universally admitted rights of the Crown, for the purpose of disarming opposition, even in quarters from which a most effective opposition is to be apprehended.

In considering the points at issue between yourself and the occupiers of unsold Crown Lands, there are obviously two distinct questions—the one as to the right of the Crown to sanction any Regulations at all of the character which you have promulgated; the other, the reasonableness and propriety of the Regulations themselves, supposing the right to make them be conceded.

I begin with the question of right, and feel myself bound to protest, in the most decided manner, against the principles asserted and implied in the claims and remonstrances of those who represent the occupiers of Crown Lands. Indeed, when I find Mr. Boyd, the Chairman of the Pastoral Association, and the medium of communication with myself, holding language (which I understand you he did hold, at a public meeting of the 9th April, 1844,) to the effect that he considered himself and others, mere occupiers of Crown Lands under yearly License (himself, alone, holding twenty-one stations, extending over upwards of three hundred and eighty thousand acres, at a total yearly payment of only eighty pounds) as having a fee-simple in the lands so held, it is obvious to me, that a decided stand must be made, and that *in limine* against pretensions so unwarrantable; pretensions which would at once transfer to the first occupier hundreds of thousands of acres of the Districts most accessible and most valuable for settlement, without even the expenditure of labor and capital, which are required in America, to make occupation profitable, but still are not allowed to give a title to the Squatters.

I am well aware, that the language used by Mr. Boyd, cannot justly be assumed as that of all those whom he represents; but it is not only by the expressions used by him that I have been startled; I am equally so, by the general arguments which have been adopted, and the grounds upon which the opposition to your measures are based.

280.  
 Resolution of  
 9 April, 1844.  
 Protest, 16th  
 May, 1844.

You are charged, not only in speeches, but, in deliberate resolutions, passed at Meetings of most respectable and influential Colonists, with imposing taxes by your own authority, as the effect of the additional demand made by you for the Squatting Licenses, or more correctly, of the limitations you have imposed on the use of them.

I cannot suppose that such a charge would be made by Gentlemen of the talent and station of those who have advanced it, without grounding it on some foundation; but unless it is intended to be denied by them, that the right of property in the land occupied by them is vested in the Crown, I am at a loss to conceive by what reasoning it can be established, that an increase on the license for occupying it, constitutes the imposition of a tax; I know, in fact, but of one explanation of the charge, namely, that the absolute right of property is vested in the occupier of the land, and that every payment demanded of him in respect of it, is in the nature of a land tax. I need scarcely say it is my duty to resist, most peremptorily, the establishment of such a doctrine, whether put forward directly, as done by the Chairman of the Pastoral Association, or impliedly, as done by the Resolutions of the Meeting of the 9th April, 1844, and by the Protest of the Pastoral Association of the 16th of May.

If the objection be good against a right to charge a rent for unsold land of the Crown, it must equally prevail against the sale of it, wherever a Licence to occupy has been granted, and the immediate result must be the passing the right of property in enormous tracts of country, for a return almost nominal, from the public to private individuals.



I will, therefore, no longer dwell upon the question of right, which I consider too clear to admit of debate, and which, I think, on further examination, will scarcely be denied by the parties themselves; and I pass to the second question, videlicet, whether the issue of the Regulations enclosed by you, in your Despatch, No. 75, of the 3rd of April, 1844, is a reasonable and proper exercise of that right; and first, I take those fixing the mere terms for the annual occupation of the lands. That these Regulations are just in one respect, namely, in apportioning the payment to be made by occupiers of Crown Lands, according to the amount of benefit to be derived by them, appears to me scarcely to admit of denial. It is true that Mr. Wentworth, who moved the first Resolution, at the Meeting of April 9th, 1844, complained that the effect of the Regulations would be, that, as he held fifteen stations he would be required to pay £150 a year, instead of only £20, which payment now covers the whole fifteen runs; and I perceive further, that Mr. Boyd, the Chairman of the Pastoral Association, as he is the holder of twenty-one stations, but pays only for eight Licences, will have an increased charge thrown upon him of £130 per annum; but as you justly observe, the real question is, whether the sum charged for one Licence is exorbitant or not, for, if not, the existence of the anomalies which you point out, in your Despatches, No. 84, of the 16th of April, and No. 107, of the 17th of May, 1844, far from furnishing any argument against a change, calls loudly for a remedy. It is manifestly unjust, that, as in the instance which you cite, one party should pay £10 per annum, for the exclusive possession of a tract of country on which he maintains three thousand cattle, and thirteen thousand sheep; and another the same sum for twelve thousand eight hundred acres, on which he keeps one hundred head of cattle, No. 9.  
Lord Stanley,  
to Sir G. Gipps,  
30th January,  
1844.

I proceed, therefore, to that which I consider to be the only question really open to discussion on this branch of your measures, namely, whether the terms which you propose to demand in future, as the condition of granting Licences to occupy unsold Crown Lands, are reasonable or not. And adverting to the information before me, I find it is impossible to come to any other conclusion, than that they are reasonable. I might, in fact, almost assume such to be the case, from the remarkable circumstance to which you advert, in your Despatch, No. 84, that even at the Meeting of the 9th of April, at which such strong language was held on the subject of these Regulations, no one "was bold enough to assert, that £10 per annum, for the use of twelve thousand eight hundred acres of land, or for the depasturing of four thousand sheep is an excessive charge,"—but when I perceive, from the calculations with which I have been furnished, that the rate of charge is actually one-tenth of the quit rent, which, even under the old system of Free Grants, would have been payable annually for the enjoyment of the same extent of land, under a Free Grant, and little more than one-tenth of the interest, on the lowest price ever contemplated for Crown Lands, it is impossible not to feel, that if any interests are unfavourably dealt with by you, they are the interests of the public, and not those of the Squatters. £150.  
£20.  
£130.  
£10.

It still remains for me, however, to advert to the very important arrangements which you propose as an accompaniment of this Regulation of the charges for Licences, for the purpose of enabling occupiers under such Licences to obtain fixed interests in portions of the land occupied.

My attention has been repeatedly drawn to the question, and neither its importance nor its difficulties are new to me. You enter so fully into the history and description of the existing system of occupation beyond the boundaries, in your Despatch, No. 75, that I need not here recapitulate its features, and content myself with expressing my full concurrence in the view you take of the importance of remedying the evils it gives rise to.

The difficulties in dealing with the question are, as stated by you, in your Despatch, No. 54, of the 18th of April, 1843, to combine the double object of acknowledging any right in the occupier to the benefit of his improvements with that of maintaining the absolute right in the Crown to deal with the land as it thinks fit.

I perceive by the protest of the Pastoral Association, of 16th May, 1844, that an absolute right of pre-emption is demanded by them. The effect of such an absolute right would be as you justly observe in your Despatch before alluded to, to give to the occupier an absolute right of occupation up to the time when such right of pre-emption would commence, and it would give him also the power, in fact, of effectually defeating all competition in the purchase of land, by the means it would afford him of selecting and appropriating whatever spots he might think most for his interest to possess.

I think however, you have judged rightly, at the same time that you are seeking to give facilities to the occupier to obtain the localities he has improved, in confining this provision in his favor to a reimbursement of the fair value of those improvements, and I concur, therefore, in the principle of these regulations. I assent also to the major part of the details by which you propose to work it out, although I have to draw your attention to the observation of the Land and Emigration Commissioners, respecting some of them, in their report of the 30th September, and

No. 9.  
 Lord Stanley,  
 to Sir G. Gipps,  
 30th January,  
 1844.

and I agree with them in thinking it might be advisable to adopt the amendment they have proposed on the 7th of your regulations, subject to the contingent additional payment specified by them; still it is not my wish to fetter your discretion by any positive instruction as to the adoption of it. Even had I not had previous proofs of your judgment and firmness, those qualities as displayed by you in conducting the difficult questions, now under discussion, would indispose me from interfering with your freedom of action on such a point. The object which I know you to have at heart, is to combine a due regard and allowance for the interests of the Licensed occupier of Crown Lands, with that consideration which your duty demands from you for the interests of the Colony, and of the Empire at large; that object is the one at which I aim, as well as yourself; and believing, as I do, that the regulations you propose, afford as equitable a solution as can be devised of the difficulties which these conflicting claims give rise to, I have felt no hesitation in submitting to Her Majesty, for Her approbation, the course you have pursued, and have now the honor to be the medium of signifying that approbation to you.

I have, &c.,

(Signed)

STANLEY.

To His EXCELLENCY SIR GEORGE GIPPS,  
 &c., &c., &c.

[Enclosure No. 1.]

(1212) Colonial Land and Emigration Office,  
 30th September, 1844.

SIR,

We have the honor to acknowledge your Letter of the 23rd ultimo, accompanied by Sir George Gipps' Despatch, No. 75, of the 3rd of April last, respecting the regulation of lands depastured under license in New South Wales. We beg likewise to acknowledge your letter of the 25th instant, enclosing a further Despatch from Sir George Gipps, in which he transmits a Memorandum from himself, explanatory of the Regulations he had recently issued on this subject, and forwards two Minutes in Council by the Bishop of Australia, and by the Commander of the Forces.

From these Minutes it appears that the Bishop of Australia concurs in the main, in the Governor's measures, and that the Commander of the Forces also thinks that the occupants of land beyond the Boundaries should contribute, in proportion to what they hold towards the exigencies of the State, but that he doubts whether the change should not be suspended beyond the proposed date of June, 1845, if the times should not in the meanwhile become more prosperous.

Sir George Gipps' Despatch, No. 75, affords a general outline of all his views respecting the Territory beyond the Boundaries. He begins by describing its extent and present condition. Next he proposes a scheme for enabling Squatters in this Territory to acquire a right to the soil, an object which we may observe, has often been sought on their behalf as a boon. Next he alludes to the Regulations he had recently issued with the advice of his Council, respecting the lands which are still held under license; and he states in conclusion the further Rules which he thinks would be necessary to render the system complete. Considering the importance of the subject, we propose to present a brief Abstract of the information supplied by the Despatch, under each of the foregoing heads, introducing as we proceed, such remarks as we have to offer on the several questions for consideration.

Within the Boundaries land has hitherto been either sold or let on lease; beyond the Boundaries it is neither sold nor leased, but occupied on license. The lease within the Boundaries is for a definite quantity of land, generally a square mile; the license beyond the Boundaries has hitherto been for no definite quantity of land whatever, and the only limit has been the moderation of the parties, or the mutual pressure of the neighbouring Squatters. From Harvey's Bay on the north, to Wilson's Promontory the Country occupied on such singular terms extends through fourteen degrees of latitude along the east coast; or from the same Bay to the mouth of the Glenelg, on the confines of South Australia, the diagonal line is eleven hundred English miles. This Territory comprises

Population, (nearly)...	10,000
Horses ...	15,000
Cattle...	570,000
Sheep...	3,000,000

The practice of depasturing to this extent at remote stations appears to have grown up so rapidly, as to have outrun all provision for the general welfare of the people. No places of Worship, no Schools, scarcely a Minister of Religion \* can be found within this vast region; women are beginning to follow into the bush, and before long a race of Englishmen will

\* Four in all are mentioned as itinerating among the stations beyond the boundaries.

will be springing up in a state approaching to barbarism. Yet it is well worthy of remark, and is one satisfactory feature in the case, that amongst those who have gone forth into this wilderness are young men, not only of good family, but of high education received in Europe, and also that the recent misfortunes of the Colony have at least had this good effect, that they have led into the bush many estimable persons with their wives and families. Every motive therefore seems to concur in fixing this as a proper time to attempt to give the Squatters as they are called, some permanent interest in the lands they occupy, not merely for the sake of the development of wealth, but also for the higher object of preserving habits of civilization, and securing the interests of Morality and Religion.

Such is the picture presented by Sir George Gipps of the present state of the territory, beyond the boundaries, and of the reasons for endeavouring to place it on a more satisfactory footing. The chief difficulty, we may observe, hitherto felt both by those who advocated the interests of the licensed occupiers of land, and by the Government, has been somewhat as follows:—

If no permanent or prospective rights were conferred on the Squatters, they could not be expected to make substantial buildings or improvements, but would continue to live in a wild and unsettled manner. If on the other hand a right of pre-emption were conceded, it must involve a right of undisturbed possession in the meanwhile, and thereby both divest the Crown of all further control over the land, and also remove from the Squatter all motive to buy. To meet this objection to a future right of pre-emption it was proposed to Lord Stanley by some gentlemen who addressed him on behalf of the Squatters, that they should be enabled to make an immediate purchase of such land as they required for permanent improvements, and should continue to occupy the rest subject to an annual payment as at present. This always seemed to us a fair proposal, and the same principal we find forms the basis of what the Governor recommends.

In the remainder of our Report, we shall have to consider, first, the rules under which the Governor thinks that hereafter Squatters should be enabled to buy lands beyond the boundaries; secondly, the rules which he has already published, with the advice of Council, for the better regulation of lands depastured under license beyond the boundaries; and, thirdly, the additional Rules, not yet promulgated, which he thinks will be necessary to complete the latter system.

#### *I.—Rules for Sale of Land beyond the Boundaries.*

Sir George Gipps' suggestions are as follows: Persons who have occupied a station not less than five years, and have conformed to all rules, and are not in arrear, may demand to purchase as a Homestead any part of their run, not less than three hundred and twenty acres, and the Government will comply unless some very strong objections exist, subject to the following conditions.

Firstly—Water frontage not to exceed the proportion of a mile in length for every square mile; nor ever to include both sides of a water course, unless the purchase amount to at least two square miles.

Secondly—The improvements are to be valued by three persons, viz., the Land Commissioner of the District, a person named by the occupier, and an umpire named by the Governor.

Thirdly—Their value, together with the minimum price of the land (£1 per acre,) to be the upset price.

Fourthly—The value of the improvements to be retained by the occupant if he become the purchaser, and, if not, to be paid over to him, and only the balance to be retained by the Government.

Fifthly—The right of requiring a station to be put up to Auction, is not to be absolute on the part of the occupier.

Sixthly—When stations are required for public purposes, they may be resumed without compensation of any sort to the occupier, unless as a gratuity which the Government will be entirely free to grant or withhold at its discretion.

Seventhly—By the purchase of his Homestead the occupier will acquire no new right as to the remainder of his run, but this is to remain in all respects exactly on the same footing as before.

Some explanations of detail on these rules are supplied by the Governor's separate paper to which we have already alluded, contained in his Despatch of the 1st May, 1844. On the first four of them, as they make entirely in favor of the Squatter and are designed to confer a privilege which has for some time been sought, we make no comment, because we presume they are not likely to be questioned. It may, indeed, be worth while to mention, with regard to the arbitration provided for in Regulation No. 3, that Sir George Gipps explains in his Memorandum that the Government would have no interest in a low valuation of the Squatters' improvements, and we think that considering the difficulty of meeting with any persons beyond the boundaries who are not themselves Squatters, as well as the extent of the advantages now conceded, the proposed appointment of the Umpire by the Governor should not be deemed unreasonable.

With regard to rule 5, considering the announcement in the Preamble to the set of rules, that unless some decided objections exist, the Government will always comply with applications to put up Lands to sale, it may be a necessary precaution against abuse that it should not bind itself to put up Lands absolutely and without any exception.

To shew the inconvenience of unqualified pledges Sir George Gipps mentions in his memorandum, that on the change of price from 5s. to 12s. the Government found itself under engagement to put up three hundred thousand acres of Land to sale.

The regulation No. 6, appears to us to require some explanation, probably an account of an ambiguity in the word "Resumed." The real meaning of the rule we understand to be that Licenses being granted from year to year, and not for any longer period the Government may

may at any time decline to renew a License without compensation for improvements. This appears to us correct. If indeed a Squatter had no power of purchasing any land, such a rule might be hard in practice, though quite consistent with the strict nature of the tenure. But now that Squatters are to have the power at any time of buying any part of their run which they may require for permanent purposes, it is quite fair that if they do not buy, they should not at the end of their term have a claim for the value of improvements. If, however, an occupier has actually applied to purchase, and for any reason been refused, this ought to be deemed a strong ground of claim to compensation for any improvements he might have made. We do not suppose it to be meant that any Station should be resumed during the year for which the License is current unless for breach of regulations; and perhaps it might be well to alter the wording so as to prevent any uncertainty on this point. But while agreeing substantially in all the first six regulations, the one which seems to us most open to doubt is the seventh. According to the practice contemplated in Sir George Gipps' Memorandum, the purchaser of a homestead would be secured even for eight consecutive years in the enjoyment of the adjacent run. But if this is to be the practice, there seem many reasons why it would be better to quiet the minds of the parties, and give them the desirable feeling of security, by a positive assurance to that effect. It is not without much hesitation that we differ from any of the proposals which have evidently been so well weighed by Sir George Gipps, and which must be the result of many conflicting considerations, nor as will presently appear, shall we have occasion to dissent from any of his other suggestions. But in the present instance we feel bound to raise the question for Lord Stanley's consideration, whether the purchaser of any lot beyond the boundaries, should not thereupon become entitled to a License for eight years which would enable him to depasture the adjacent run. Except as to its duration this License should be subject to all the same conditions as the existing annual one, and should equally be paid for at the rate of £10 per annum, to which we think it would be necessary to add a condition that while the Assessment by the Legislature on depasturing stock continues at its present amount, no other payment is to be made to the Crown on that account, but that if at any time that assessment should cease, or be diminished, the holder of the run is to make a corresponding increase in his payment to the Crown, as a rent for the use of the pastures.

We do not propose a longer term than eight years, because it would hardly seem fit to alienate such an enormous extent of Territory for any length of time which could interfere with any future advance of population and civilization beyond the borders, and the Government should, for the public interest, secure sufficiently, frequent opportunities of revision.

Having now completed our examination of the proposals, for enabling the Squatters to purchase land for their improvements, we turn next to the Regulations for defining the extent of runs.

*II.—New Rules published 2nd April, 1844, on Licenses to use lands for pasturage beyond the boundaries.*

The following is an Abstract of these Regulations:—

Firstly—Stations in separate Districts, although they may be contiguous, must each be paid for separately.

Secondly—From the 1st July, 1845, separate stations even in the same District, must each be paid for separately.

Thirdly—No one station is, after that date, to consist of more than twenty square miles of area.

Fourthly—But if the party desire more, and a Commissioner certify it to be required, in reference to his quantity of stock, and otherwise unobjectionable, an additional License may be taken out, which must be paid for separately.

Fifth.—Every station further than seven miles from any other occupied by the same party will be deemed a separate station, even though the joint area may not exceed twenty square miles; and no one License will cover a station capable of depasturing more than five hundred cattle or four thousand sheep.

Sixthly.—No Station, or part of a Station, previously occupied under a separate License, will be added to the Station of any Licensed person, unless he pay for it the price of another fresh License.

All these Regulations, except the first, are made not to take effect until after the 1st of July, 1845, in order to give time for receiving the instructions of the Secretary of State. In considering them, we have not failed to refer to the Public Meetings which they have produced in the Colony; but we find, on examination, that the proceedings at those Meetings do not any where touch on the merit of the regulations. They complain that any limit at all should be put to the runs enjoyed by occupants, and give such a measure the name of a tax. In fact, they virtually deny the right of the Crown to exercise any rights of ownership over the Land; but against the details of the Rules they enter into no argument. We examine more fully, in a separate paper, the proceedings of these Meetings; in the meanwhile, we would merely say, that if there are to be any Regulations at all, beyond the boundaries, we do not see how they could be better shaped, or be more just and fair, than those which have been issued by the Governor and Council; and we feel no doubt, that if they meet with Lord Stanley's approval they will receive that cordial support, which appears necessary, in order to vindicate, not only the rights of the Crown in the Colony, but a just sense of the general rights of property, and of the evils of that anarchy and confusion which must ensue, if the limits of occupants beyond the borders were left to be determined by chance, or by physical force.

*III.—Proposed additional Rules on pasture Licenses beyond the boundaries.*

The additions now proposed by Sir George Gipps are as follows:—

Firstly—No run is to extend more, in any direction, than seven miles, nor to have more than seven miles of water frontage, unless a Commissioner certify that the run is not greater

greater than required for the maximum quantity of stock (above) allowed under a single License.

Secondly—If that quantity ever be exceeded under the same License, an additional fee will be charged at the rate of £1 for every one thousand sheep, or one hundred and twenty-five cattle; this fee, however, not to be payable in advance, but added to the price of the next year's License.

Thirdly—A fee or fine of £5 chargeable on a transfer of Licenses.

Fourthly—No transfer allowed until all arrears are paid up.

Fifthly—No new station to be occupied or old one transferred without written leave from a Commissioner.

Sixthly—The License will not be renewed of any person who shall bring an Action against the Commissioner for any official Act, without giving two months notice to the Government, or seeking from it redress for his alleged injury.

Sir George Gipps concludes by remarking, that the whole of these proposals can be carried into effect by the Governor alone, and that it is only on account of the importance of the subject that he considers he should not act on it without the previous authority of Her Majesty's Government. He states that the suggestions do not proceed from himself and the Council un-animously, but that separate papers will shortly follow from the Members of that Board, shewing the extent to which each may differ from the foregoing recommendations. Those papers from the Bishop and the Commander of the Forces have since arrived, and have shewn, as we remarked, no difference of substance from the Governor. Unwilling therefore to delay our report longer, we have the honor to state, that we see no objection to the proposed additional Regulations, and would recommend that they be approved.

We trust, that when accompanied by the proposed concession as to purchasing homesteads, and to even granting an eight years License for the adjacent runs, which proposals had not come before the public when the late agitation occurred, these several Regulations may be viewed with more calmness, and may be perceived to be no more than is necessary for the protection of the weak against the strong, and for the security of those wide possessions in which the whole community is interested, against usurpation and monopoly by unauthorised persons.

We have, &c.,

(Signed)

F. FREDERICK ELLIOT.  
C. ALEXANDER WOOD.

[Enclosure No. 2.]

(No. 12-13.)

Colonial Land and Emigration Office,  
30th September, 1845.

Sir,

We have the honor to acknowledge your letter of the 17th instant, accompanied by three Despatches, from Sir George Gipps, on the subject of the excitement which had been produced by the publication of the new rules on the occupation, under License, of the waste lands of the Crown beyond the boundaries of location.

These rules themselves have been stated and examined by us in another report of this day's date. We merely propose to notice here the principal topics which have been used at the public Meetings in the Colony. With regard to the complaints which have been made against the new rules as creating a tax, and being unconstitutional, it is obvious, that the annual payment which the Crown may think fit to demand for the use of any of its land, is not to be confounded with a tax. There can be no possible reason why the public should be debarred from exercising those inalienable rights of ownership which belong to every private proprietor. Such rights should, it is admitted, be exercised by the Crown, with a view to the general welfare. And whether any particular payment demanded for Crown Lands be excessive or impolitic, is a fair subject of argument to which we shall advert again. But to call a rent a tax is a mere abuse of language, nor, we apprehend can it be necessary for us to examine further any reasoning which rests exclusively on that misnomer.

The sum of £10, however, has always been paid for a License; the only novelty in Sir George Gipps' plan is, that whereas hitherto this License has been practically made use of for entirely indefinite quantities of land, he now provides a limit. By his Despatch No. 84, it appears, that of the Gentlemen who called the public meeting at Sydney, the three largest occupiers of Crown Lands held collectively three hundred and five thousand nine hundred and twenty acres, and the three smallest occupiers, thirteen thousand four hundred and forty acres; the complaint, therefore, is this—that parties who hold an average extent of one hundred thousand acres each, should be required to pay any more than those who hold an average of less than four thousand five hundred acres each. This comparison is drawn only from the Requisitionists; the Governor states, that were it taken from the whole body of Squatters, much greater inequalities would be exposed; he mentions one Squatter who holds one thousand square miles as a single Run.

The want of fairness, however, in such inequalities, is far from being the greatest evil involved in such a system; this particular injustice is confined to the Squatters amongst themselves. But a further effect is, that although the holders of such large tracts may require only a small portion for their own purposes, they prevent occupation of any of the remainder by others, and that thus an immense Territory has gradually fallen into the hands of the first chance occupants, to the unjust exclusion of the whole of the rest of the community.

Neither

Neither we apprehend, can the consequences have been perceived of some other doctrines which were broached at the public Meeting: The speakers virtually condemned the exercise of any rights of property at all by the Crown, over the land beyond the boundaries. Supposing for a moment that such a view could be adopted, it does not appear what rule was looked to for determining between the wishes of different individuals to use the same tracts, or whether the appropriation of all the lands beyond the boundaries was to be left to chance or physical force.

But it must be unnecessary to multiply arguments in order to shew the justice of parties paying for land in proportion to the quantity they enjoy; and the only serious question, we apprehend, must be the one to which we adverted at the outset, namely:—whether the amount of payment which the new rules will involve is excessive. On this point we beg leave to present one or two very simple calculations. Even at the time when lands in New South Wales were disposed of by what was termed free grant, an annual quit-rent of 2d. per acre was reserved upon them. The extent of the proposed runs being twelve thousand eight hundred acres, only the quit-rent upon them, had they been free grants, would have been more than £100 per annum. By Sir George Gipps' plan, the payment will be £10 per annum. Again, the very lowest of the prices of land contemplated by the late Committee of Council, was 2s. 6d. per acre. Supposing that one of the runs were sold at this price, and that the purchaser had the further indulgence of being allowed instead of ready money, to pay interest on his purchase money, at six per cent., the sum would be £96 per annum. Sir George Gipps, as we have already said, requires £10. In fact, the runs will, under his rules, be enjoyed for less than one-tenth of what would have been payable on them, if obtained under the system of free grants, and also for little more than one-tenth of the interest payable on them if sold on credit at the very lowest price contemplated by the recent Committee of Council, which has been the chief advocate of small prices of land in New South Wales.

We think that it must be superfluous to add to this statement any reasoning in support of the extreme moderation and liberality of the measure recently adopted by Sir George Gipps and his Council. And we cannot help hoping, as observed in another of our reports, that when the new advantages which it is proposed to confer upon Squatters shall be known, more dispassionate views will be taken of the whole of this question, and that the public will not suffer itself to be led by the struggle which is made on behalf of very partial and temporary interests, not resting on any established right, to overlook the general claims of the community, or the lasting prospects of the Colony itself.

We have, &c.,

(Signed)

F. FREDERICK ELLIOT.

C. ALEXANDER WOOD.