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*Colonial Secretary's Office, Perth,
August 28, 1837.*

HIS Excellency the Governor directs the undermentioned Copy of a Despatch from the Secretary of State, in reply to a Memorial of the Inhabitants of the Colony, to be published for general information.

*By His Excellency's command,
PETER BROWN,
Colonial Secretary.*

Downing-street, March 7, 1837.

SIR,—In the month of June last I had the honor of receiving your Despatch No. 79, of the 15th of October, 1835, enclosing a Copy of a Memorial setting forth various grievances under which the Colonists of Western Australia are alleged to labour. This Document, I perceive, purports to be the Memorial of the Inhabitants of the Colony in public meeting assembled, on the 16th February, 1835; and, according to your estimate, the signatures attached to it are those of about one-third of the adult male population of the Settlement, who represent, also, about one-third of its property in land and capital. Mr. W. Tanner has also presented himself at this Department as the Agent for the Colony, deputed to represent the condition of the Settlers. I have, however, not felt myself justified in acknowledging him in the character of a Colonial Agent, although he has been informed of my readiness to receive any statement, and to listen to any suggestion, which he might have to offer. The daily expectation of receiving from you that information on the present condition and future prospect of the Colony which you had been earnestly enjoined to send home, led me to defer an answer to your Despatch, and to the Memorial which accompanied it. I have now, however, received your Despatch No. 127, of the 12th of July last, which has served to facilitate the considera-

tion of the various points pressed on my attention.

The Memorial now under my consideration is, I observe, in many respects, similar in effect to those which were transmitted with your Despatches Nos. 10 and 17, of 1832, and which, having been brought under the consideration of His Majesty's Government while you were in this Country, were fully answered by Lord Ripon's Despatch No. 21, of the 8th of March, 1833. His Majesty's Government then extended every practicable measure of relief to the Colonists; and I now enter upon the consideration of their alleged grievances, with an anxious desire to further their objects as far as lies in my power.

The first subject which is brought forward in the Memorial has reference to the Grants of Land. I will not attempt to deny the difficulty which I experience in dealing with this subject, owing to the embarrassments created by the erroneous system under which the Colony was settled, and particularly from the improvident manner in which land was then granted to individual settlers. The evils resulting from these causes will, I fear, continue to operate as an obstacle to the advancement of the Colony; and the remedy appears to me to be rather within the reach of the Settlers themselves, than of His Majesty's Government. I feel myself, however, imperatively called on to adopt such measures, alone, as are best calculated to counteract those evils, and to make no concession, which, although conducive to individual interests, would be prejudicial to the Colony at large.

The Memorialists complain of having been, in many cases, compelled to take their land in separate portions, whereby they necessarily expended as much capital on the allotment on which they first fixed themselves as would have sufficed, under the general regulations, to have entitled them to the Fee Simple of the whole Grant, had it been in one continuous lot: and they therefore request that

the several portions of land be considered component parts of one grant, and that all expenditure and location duties performed on the one portion may be taken into account with reference to the whole grant. The Surveyor-General, in the explanatory Report which accompanies your Despatch, adverts to various other points in connection with this subject, which were brought forward at the Public Meeting.

I do not consider myself called on to enter generally into those matters which the Memorialists have not embodied in their representation. There is, however, one point connected with the subject of Grants which has been urged on my attention by Mr. Tanner, and which I have been led here to consider from the individual applications which I have recently received through you. I advert to the desire shewn by the Colonists to exchange their grants for others differently situated and suited to their agricultural operations. To permit an exchange of unprofitable tracts of land for others of equal extent, which I perceive to be frequently solicited, would be but to continue an evil which I am convinced operates, more than any other cause, to retard the progress of the Colony. As long as the Settlers possess extensive grants of land, the occupation of which is unprofitable to them, and which they can bring into the market at a reduced price, it will be vain to expect that any considerable fund will be raised by the Government from the sales of land, even at the minimum price fixed throughout the Australian Colonies; while, on the other hand, the mere desire of possessing land in large quantities, which is found so commonly to prevail everywhere, will induce the Settler to retain his land, however valueless, unless he has some inducement to part with it.

In considering this question, I must most distinctly express my dissent from the principle, that the Settler has any title to expect that the Government should allow him, after having fixed upon his land, to exchange it, because he may subsequently discover that he has made an injudicious selection. Such a claim would have been obviously inadmissible, even if the system of free grants had remained in operation; I am, however, ready to admit, that those persons who proceeded to the Colony when the real character of the country was unknown, and who suffered severe privations and losses at the outset, are entitled to the favorable consideration of the Government: and I have anxiously sought a means of meliorating their condition without infringing the present Land Regulations, to the strict observance of which the Government are pledged; and which, had they been originally introduced into the Settlement, would have obviated the serious inconveniences now affecting its progress.

I would therefore propose to adopt the following arrangement:—

Any Settler who arrived in the Colony previous to July, 1831, should be allowed to surrender the whole, or such portion of his land as he might be willing to resign. He should then purchase at the public sales, under the terms of the existing regulations, whatever land he might desire: and on the payment of the purchase-money, there should be remitted to him for every acre so surrendered, the sum of one shilling and sixpence. By this arrangement the Settler would obtain (supposing the

land to sell for only 5s. an acre) thirty acres of land, suitable to his purpose, in exchange for one hundred acres of what he now considers as valueless.

In estimating the sum of 1s. 6d. per acre as the consideration for the land to be given up, I have been guided by the circumstance, that such was the proportion of capital which qualified the large majority of the Settlers to receive their grants. I am aware that, by the Regulations of 1830, the proportion was raised to an acre for every three shillings capital; but I have thought it best to fix one uniform price, in order to avoid the disputes and the difficulties which might otherwise arise.

I observe that, on a general review of the Memorial, you are led to express your opinion, that it will be advisable to confer full titles to their lands on all bonâ fide Settlers. This, you observe, would be received as an important boon; and you argue, that although it would involve an abandonment of right on the part of the Crown to resume unimproved lands, and to levy a fine on those which are only partially improved, it would be extremely difficult, if not impossible, to enforce those rights.

I cannot concur with you as to the expediency of such an arrangement. The effect would be to grant a premium to those who had neglected to fulfil their engagements, and to place them in the same position with those who had adhered to the conditions under which they had received their lands. I would, however, extend to them, as nearly as possible, the plan which I have proposed with reference to those persons who may desire to effect exchanges: and you will make it known to those who have failed to improve their lands, that on their surrendering to the Government two-thirds of their unimproved grants, they will receive the title in full to the remaining portion.

The same rule will apply to those who have received their grants in separate allotments. They also may, on their resigning two-thirds of their unimproved lands, receive the title to the remaining portion, as if it had been in one entire block. This is the only mode which I can suggest for securing to the Settlers a certain tenure of a reasonable quantity of land, and of breaking up those large grants which are held, as it obviously appears, with detriment to the Colony at large, and without benefit to the individuals. The lands so surrendered, in common with other Crown lands in the Settlement, will only be disposed of by sale at public auction, at a fixed minimum price, and, as in the older Australian Colonies, will assume a higher value than hitherto. From this source a fund may be raised applicable to the importation of Emigrants, and an impulse given to the development of the resources of the Colony, which, I apprehend, without some arrangement of this nature, cannot reasonably be anticipated. Having stated this principle, I leave it to yourself and your Council to determine the period within which Settlers should be allowed to avail themselves of the proposed terms. There is another arrangement which might be advantageous to the Settler, and at the same time prove a source of Revenue to the Colony. In the Colonies of New South Wales and Van Diemen's Land, the sheep-farmers are allowed the privilege, on payment of a moderate rent, of pasturing their flocks on Crown lands, until appli-

cation is made to the Government for their sale. The same course might be pursued in the Colony under your Government; and I leave it to yourself and to your Council to fix the amount of such rent. Agreements of this nature must not, however, be allowed to interfere with the sale of the lands, whenever purchasers may be desirous of acquiring them on the usual terms.

While upon the subject of Grants, I must advert to the Return, which accompanies your Despatch No. 79, of Lands reserved for individuals on special conditions to the 28th September, 1835.

Without referring specially to the various cases comprised in this Return, I must direct, that in every instance in which the conditions have not been fulfilled, the Reserves may be forthwith cancelled, unless there should appear in any case to be a special reason to the contrary; which reason you will report to me by the earliest opportunity.

The Memorialists next urge, "that the Taxation in the Colony is nearly equal to that in England, and that they ought not to be taxed further until they are represented."

"That the contemplated Expenditure exceeds, to a large amount, the resources of the Colony: and such Expenditure can only be met by additional Taxation, which they are not in a condition to bear."

"That the proposed system of Government nominating certain Members to represent the interests of the Colony in the Legislative Council, is inefficient for that purpose, and is not in accordance with the spirit of the British Constitution, and not suited to the circumstances of a free and taxed population, and that the Colonists themselves, under proper qualifications, do exercise the constitutional right of returning their own Delegates; and further, that the Government be requested to suspend the Act empowering the Local Government to call Members from the Colonists to the Legislative Council, until the Government shall deem it fit to grant them the right of returning Representatives by suffrage."

I perceive that this subject was also pressed upon the attention of His Majesty's Government by the Settlers in their former Petitions, to which I have already referred, and that Lord Ripon shewed every disposition to adopt your suggestion for enlarging the Legislative Council.

It was then proposed to add at once to that body two Colonists, whom you might consider most eligible for the office, and two more Members, if it should have been considered that such further addition was desirable. It is scarcely necessary to observe, that, under the Provisions of the Act of Parliament, His Majesty is not empowered to delegate to the Local Government of Western Australia the selection of persons to fill the office of Members of Council. I shall, however, be quite prepared to advise His Majesty to give effect to the arrangement proposed by Lord Ripon, on receiving from you a list of the names of such persons as you may consider best fitted to represent the interests of the Colonists in the Legislative Council. I cannot, however, conceive, that in its present state, the Colony is fitted to receive, with advantage, a more popular form of Government: much less that the Colonists can, with any degree of reason, advance a claim to an Elective Legislature.

Exercising, as the Legislative Council now do, the free and independent discharge of their duties; and possessing, as the Colonists appear to do, a full cognizance of the proceedings of that body; I cannot contemplate, as the result of their deliberations, either an undue expenditure of the Public Money exceeding the resources of the Colony, or the imposition of Taxes which the Colonists are not in a condition to bear.

The Memorialists next observe, that the Military Force ordered for the service of Western Australia renders the maintenance of a Police Corps unnecessary, and burthensome on the resources of the Colony, which are required for, and ought to be applied to, more beneficial objects.

I regret to observe, that the Colonists should be induced to entertain the opinion, that a Military Force ought to be made use of as a substitution for a Civil Police. The Legislative Council considerably diminished the vote which, with the sanction of His Majesty's Government, you proposed, on your return to the Colony, for the maintenance of the Corps of Mounted Police: and I readily yield to the judgment which their local knowledge and experience enabled them to form as to the amount of the Police Force necessary for the services of the Colony; but the Settlers must not be led to depend on a Military Force for internal protection. It is the desire of His Majesty's Government to encourage the establishment of local Corps in the different Colonies, and to induce the Colonists, as much as possible, to provide for their own defence. In cases where it is unfortunately necessary to adopt active measures for restraining the aggressions of the Natives, Military aid may be indispensable in support of the Civil Force, but the latter ought to be the principal means on which reliance is habitually to be placed for internal security.

I have read, with much interest, the statements contained in your Despatch No. 127, of the 12th of July last, and also the Statistical Report of the Committee of Correspondence on the state of the Settlement, which was transmitted with your Despatch No. 128, of the 13th of July. You will convey to the Committee of Correspondence my thanks for the important and interesting contribution which they have made to the statistical information respecting Western Australia. I earnestly hope that they will pursue these very useful labours. I shall receive with great pleasure, and weigh with attention, any further reports of the same kind which it may be in their power to transmit to this Country: and you will not fail to render all the assistance in your power to the Society, to enable them to obtain information, with a view to the accuracy and completeness of their statements. It is by the publication of such information, tending to shew the resources of the Colony, that the public will be led to regard it as an object of national importance, and as a point to which the tide of Emigration may be well directed.

It affords me great satisfaction to observe the progress which the Colony is making, and which gives every reason to hope that, by the aid of measures calculated to remove the causes of its past difficulties, ultimate success will reward the individuals who have struggled against those difficulties, and

that the prosperity of the Settlement will steadily and rapidly advance.

I have the honor to be, Sir,
Your most obedient, humble Servant,
GLENELG.

*Colonial Secretary's Office, Perth,
August 28, 1837.*

HIS Excellency the Governor has been pleased to direct the following Copy of a Despatch from Lord Glenelg, relative to the extension to Retired Officers of the Indian Navy the advantages conceded some time back by His Majesty's Government to Retired Officers of the Company's Army settling in the Australian Colonies, to be published for general information.

By His Excellency's command,
PETER BROWN,
Colonial Secretary.

Downing street, March 29, 1837.

TO GOVERNOR SIR JAMES STIRLING, &c., &c.

SIR,—With reference to my Despatch No. 13, of the 25th of May, 1836, I have the honor to transmit to you, for your information and guidance, the Copy of a Letter from the Secretary to the Commissioners for the Affairs of India, with a Copy of a Communication from the Court of Directors of the East India Company, expressing the desire of the Court, that the advantages which have already been conceded by His Majesty's Government to retired Officers of the Company's Army settling in the Australian Colonies, may be extended to retired Officers of the Indian Navy.

As His Majesty's Government deem it expedient to adopt this arrangement, you are authorised to extend to retired Officers of the East India Company's Navy, who may be provided with the proper certificates of their rank and the length of their services from competent Authorities, the same benefit which would be granted to Officers of the same rank and standing in the Royal Navy.

I have the honor to be, &c., &c., &c.,
GLENELG.

India Board, March 17, 1837.

SIR,—With reference to your Letter of the 27th of June, 1836, relative to the admission of Officers of the Indian Navy to the advantages held out to those in His Majesty's Service, in settling in the Australian Colonies, I am directed by the Commissioners for the Affairs of India to transmit to you, for the information of Lord Glenelg, a Copy of a Letter received from the Court of Directors of the East India Company.

I am desired further to request, that Lord Glenelg will have the goodness to inform the Board when the requisite directions shall have been issued to the Australian Colonies for carrying the proposed object into effect, in order that the necessary Communication may be made to the Indian Government.

I am, &c.,
(Signed) GORDON.
To James Stephens, Esq.

East India Board, March 14, 1837.

SIR,—I am commanded by the Court of Directors of the East India Company to request that you

will submit to the Board of Commissioners for the Affairs of India the desire of the Court, that the advantages conceded last year by His Majesty's Government to retired Officers of the Company's Army who feel disposed to settle in Australia and Van Diemen's Land, may also be extended to retired Officers of the Indian Navy, viz. :—

The Remission of part of the Purchase-Money, according to rank, of the Land they may buy of the Government on settling in those Colonies.

Should the Board of Commissioners concur in the Court's view of the subject, I am further to request that they will be pleased to make the necessary Communication to the Right Honorable the Colonial Secretary to obtain for the retired Officers of the Indian Navy the privilege desired.

I am, &c.,
(Signed) JAMES C. MELVILLE.

*Colonial Secretary's Office, Perth,
August 28, 1837.*

HIS Excellency the Governor directs it to be notified, that His Majesty has been graciously pleased to allow and confirm the following Acts of the Colonial Legislature, passed on the 11th of April, 1836 :—

- 1.—An Act to amend an Act intituled "An Act for establishing a Court of Civil Judicature."
- 2.—An Act for the recovery of small Debts in a summary way in Districts remote from Perth.
- 3.—An Act for attaching Debts, Money, Goods, or Effects, in the hands of third Parties.
- 4.—An Act for adopting and applying certain Acts of Parliament passed in the first, the first and second, the second, the second and third, and the third and fourth years of the Reign of His present Majesty, respectively, in the Administration of Justice in the Colony of Western Australia, in like manner as other Laws of England are applied therein.

By His Excellency's command,
PETER BROWN,
Colonial Secretary.

GOVERNMENT NOTICE.

*Colonial Secretary's Office, Perth,
August 31, 1837.*

SALE OF CROWN LANDS.

IN Friday the 29th day of September next, the Collector of Revenue will offer the undermentioned Portion of LAND for Sale by Public Auction, subject to the general Regulations and Conditions, viz. :—

(1400) Fourteen Hundred Acres of Land, situate on Lake "Joondallup" and Boor-arribup, inclusive of an island in the said Lake, containing about 50 acres. Applied for by R. Wells.

For further particulars, reference to be made to the Offices of the Surveyor-General and Collector of Revenue.

By His Excellency's command,
PETER BROWN, *Colonial Secretary.*

*Commissariat Office, Perth,
August 24, 1837.*

SEALD Tenders in Triplicate will be received at this Office on Wednesday, the 20th September, at Twelve

o'clock, from such Person or Persons as may be willing to contract for the Conveyance of Provisions, and other Stores, to the Williams' River and Kojennup.

The Contract to be entered into for One Year certain, commencing on the 1st October, 1837.

The Price per Cwt. to be stated in figures and words at length. Two Sureties, whose names must be inserted in the Tender, will be required for the due performance of the Contract.

Any further information may be obtained on application at this Office.

JOHN LEWIS,
Deputy Assistant Commissary General.

*Commissariat Office, Perth,
August 24, 1837.*

SEALD Tenders in Triplicate will be received at this Office on Wednesday, the 20th September, 1837, at 12 o'clock, from such Person or Persons as may be willing to supply His Majesty's Troops at the following Stations,

THE WILLIAMS' RIVER,

KOJENNUP,

with the following Rations, viz. :—

(1) One Pound of Flour, and (1) One Pound of Fresh Meat, daily, for a Year certain ;—and such Quantities of Fresh Meat & flour only, as may be required at

YORK,

PERTH,

COULSTON,

KELMSCOTT,

MURRAY RIVER, and

PINJARRA, for 3 Months certain.

The Prices per Pound to be stated in figures and words at length. The Contract to commence on the 1st of October next. Two Sureties, whose names must be inserted in the Tender, will be required for the due performance of the Contract.

Any further information may be obtained on application at this Office.

JOHN LEWIS,
Deputy Assistant Commissary General.

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