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EMIGRATION COMMISSION.

TWENTY-SECOND GENERAL REPORT

OF THE

EMIGRATION COMMISSIONERS,

1862.

Presented to both Houses of Parliament by Command of Her Majesty.



LONDON:

PRINTED BY GEORGE E. EYRE AND WILLIAM SPOTTISWOODE,
PRINTERS TO THE QUEEN'S MOST EXCELLENT MAJESTY,
FOR HER MAJESTY'S STATIONERY OFFICE.

1862.

Price 1s. 2d.]

EMIGRATION COMMISSION.

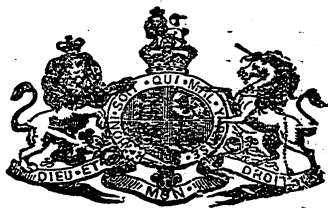
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TWENTY-SECOND GENERAL REPORT

OF THE

EMIGRATION COMMISSIONERS.

MY LORD DUKE,

2nd May 1862.

WE have the honour to submit to your Grace here-with our General Report for the year 1861.

General Emi-
gration.
Appendices,
Nos. 1 to 6.

In submitting former similar Reports to the Secretary of State, the chief fact to which for many years we had to call attention was the rapid increase in the number of emigrants who annually left the United Kingdom. That number attained its maximum in 1852, when the emigration amounted to no less than 368,754 souls. In the eight years between 1st January 1847 and 1st January 1855, 2,444,802 emigrants quitted the United Kingdom.

The great majority of these emigrants were from Ireland, and they proceeded principally to the United States, attracted thither by the large field offered for employment, and by the numbers of their countrymen who had preceded them and who assisted their emigration by liberal remittances. Those remittances in the 14 years ending 31st December 1861 amounted to upwards of 12 millions sterling.

In 1855 emigration began to fall off, partly, no doubt, from the demand for labour created by the Russian war, and partly also from the improved state of Ireland, and the exhaustion of the class from which emigrants were drawn. It revived to a slight extent in 1857, but since then has again fallen off. In the year 1861 the number who left the United Kingdom was only 91,770, being the smallest emigration in any year since 1844, and a reduction, as compared with 1860, of 36,699, and as compared with 1852 of 256,984.

The great reduction was of course in the emigration to the United States, which fell from 87,500 in 1860 to 49,764 in 1861. The decrease to Australia was only from 24,302

Decrease since
1855.

to 23,758, while to British America there was an increase from 9,786 to 12,707. And, as might be expected, the principal diminution was in Irish emigration, which fell from 60,835 to 36,322, being a decrease of 24,513, or more than two-thirds of the whole reduction.

Even if civil war had not broken out in the United States, it is probable that the emigration to that country would never have recovered its former proportions. As it consisted almost entirely of Irish, the depletion of Ireland by the excessive emigration of recent years must, under any circumstances, have brought it down to moderate proportions. Between 1841 and 1851 the population of Ireland fell from 8,175,124 to 6,515,794, or a decrease of 1,659,330; but during the same period the Irish emigration amounted, to at least 1,289,000 souls, or more than three-fourths of the decrease. Between 1851 and 1861 the population of Ireland fell from 6,515,794 to 5,764,543, or a decrease of 751,251. But during the same period the Irish emigration was upwards of 1,210,000 souls. Even therefore after making allowance for Irish settled in England before 1851, who may be included in the return of Irish emigrants, there remains a large margin to be accounted for only by the excess of births over deaths in Ireland.

Remittances
from America.
Appendix,
No. 27.

The amount of remittances from settlers in America to their friends in the United Kingdom in 1861 was, as far as we have been able to ascertain, 426,285*l*. We have, however, no return from London houses. The above amount, assuming, as is probable, that the great bulk of it was sent from and to Irish, would have been more than double what was necessary to pay the whole expense of Irish emigration.

Mortality on
passage to
North America
and Australia.
Appendices,
Nos. 31 and 32.

The emigration has again been very healthy. The mortality in ships proceeding to the United States (for returns of which we are obliged to depend on the shipowners) has been only .05 per cent. In ships proceeding to the St. Lawrence it was .04 per cent, and in our own ships to Australia it was 1.11 per cent. We have not received from Australia any return of the mortality in private ships, but, judging from former years, it may be assumed to have been inconsiderable.

Wrecks.
Appendix
No. 30.

We are happy also to be able to state that during 1861 no accident attended with loss of life occurred to any passenger ship. Of 307 ships which sailed from the United Kingdom, one, the "United States," was wrecked at the entrance of the St. Lawrence, but the crew and passengers were saved. No other casualty occurred.

The emigration to Australia was distributed as follows:— Australian Emigration. Appendices No. 2 and 7 to 12.

	Unassisted.	Assisted.	Total.
To New South Wales - - -	761	865	1,626
To Queensland - - - - -	1,352	1,128	2,480
To Victoria - - - - -	12,949	1,307	14,256
To South Australia - - -	418	4	422
To Western Australia - - -	73	68	141
Total - - - - -	15,553	3,372	18,925

The particulars of this emigration we have placed under the heads of the respective colonies.

Besides the emigration to Australia, we despatched four ships to the Cape of Good Hope, with 1,035 emigrants, selected by Mr. Saunders, the Acting Emigration Agent for that colony. We also sent out in three ships 339 emigrants to Natal, under the Assisted Regulations of 30th Oct. 1857. Assisted Emigration to Cape of Good Hope and Natal. Appendices No. 14 and 15.

PASSENGERS' ACT.

No alteration has been made in the Passengers' Act since last year. The Act appears to work satisfactorily and sufficiently to protect passengers, without pressing with unnecessary severity on those engaged in the passenger trade. Passengers' Act.

The following were the only prosecutions under it in this country during the year 1861. Prosecutions under the Act in the United Kingdom.

Place.	Party Prosecuted.	Nature of Offence.	Result of Prosecution.
Liverpool	James Baines and Co. -	Breaches of 35th, 62nd, and 102nd sections.	Fined 5 <i>l.</i> and costs.
	Christopher Maguire -	Breach of 28th and 75th section.	Fined 2 <i>l.</i> and costs.
Glasgow	William Dallas - - -	Breach of 48th section -	Passage money to be returned, with 5 <i>l.</i> compensation and costs -3 <i>l.</i> 18 <i>s.</i> 8 <i>d.</i> - Imprisoned till paid.

Two prosecutions have also been reported to us as In Victoria. having been instituted in the colony of Victoria.

Party Prosecuted.	Nature of Offence.	Result of Prosecution.
Master of the "Aloe" -	Breach of 16th section.	Fined 5 <i>l.</i> and costs.
Master of "Dunburgh" -	Breach of 29th section: Breach of 16th section.	Ditto. Ditto.

The master of the American barque "Evangeline," from New York, was prosecuted by the immigration officer at Williamstown, Victoria, for breaches of the Colonial Passengers' Act, 19 Vict. No. 7, namely, not having sufficient space for the passengers, &c. He was fined 77*l.* 10*s.* and costs.

Amounts recovered by emigration officers.

The amounts recovered for emigrants through the intervention of the emigration officers were as follows, viz. :—

	£	s.	d.
London	97	19	10
Liverpool	299	17	11
Glasgow	246	9	6
Cork	212	1	0
Galway	405	19	9
Limerick	7	18	0
Londonderry	45	0	0
Tralee	2	18	0
	<u>£1,318</u>	<u>4</u>	<u>0</u>

NEW SOUTH WALES.

Land sales.

The subjoined return of land sales in the colony of New South Wales for the year ending 31st Dec. 1860 has been received from the Governor of that colony.

—	No. of Lots or Runs.	Total Acreage.			Amount realized.			Average Price per Acre.		
		A.	R.	P.	£	s.	d.	£	s.	d.
Sold by Auction:										
Town Lands	1,690	785	2	5½	24,630	8	8	31	7	1
Suburban Lands	511	1,681	3	5	9,369	15	4	5	11	6
Special Country Lands	156	1,903	1	16	5,467	8	7	2	17	6
Country Lands	1,077	57,041	1	9	70,632	6	2	1	4	9
Total sold by Auction	3,434	61,411	3	35½	*110,099	18	9	—	—	—
Alienated under pre-emptive Right										
Alienated by Selection or otherwise	69	19,010	1	28	19,438	7	0	1	0	5
Total Alienations	576	23,794	1	10	29,515	12	7	1	0	6
Total Alienations	645	47,804	2	38	48,953	19	7	—	—	—
Proceeds of Pastoral Licences	2,510	—	—	—	50,869	13	6	—	—	—
Fines for non-payment of pre-emptive purchases within the prescribed time										
Forfeited Deposits	—	—	—	—	33	6	0	—	—	—
Total Receipts on account of the Land Revenue	—	—	—	—	1,625	14	4	—	—	—
					£					
					211,582	12	2			

* Inclusive of £39 15*s.* Remission.

The land revenue amounted in 1860 to 312,868*l.* 11*s.* 5*d.*; Land revenue. and in 1861 to 384,331*l.* 4*s.* 5*d.* showing an increase of 71,462*l.* 13*s.* It was derived from the following sources:—

	1860.			1861.		
	£	s.	d.	£	s.	d.
Proceeds of land sales	155,316	14	8	222,594	2	2
Rents of land for pastoral purposes	63,704	17	7	69,019	18	7
Assessments on runs	91,289	19	0	90,020	4	0
Quit rents and redemption	854	0	2	392	14	8
Survey of land	154	0	0	579	5	0
Licences to cut timber, &c. on Crown lands.	1,549	0	0	1,240	0	0
Mineral leases	-	-	-	485	0	0
Total	£312,868	11	5	£384,331	4	5

The revenue derived from gold was 55,876*l.* 18*s.* 8*d.* in Gold revenue. 1860, and 65,350*l.* 18*s.* 7*d.* in 1861. The last-named sum is made up as follows:—

	£	s.	d.
Duty on gold	51,837	2	8
Fees for escort and conveyance of gold, &c.	1,523	15	11
Leases to work auriferous lands	970	0	0
Miners' rights	7,828	0	0
Business licences	3,192	0	0
Total	65,350	18	7

The population of New South Wales, according to the Population. census of 7th April 1861, was—

Males*	198,488
Females	152,372
Total	350,860

In the Statistical Register of New South Wales for the year Immigration. 1860, it is stated that the immigration during the same year (exclusive of 6,958 Chinese immigrants) was as follows:—

	Males.	Females.	Total.
At the public expense	1,596	1,493	3,089
Unassisted	10,409	2,575	12,984
Totals	12,005	4,068	16,073

* Including 12,986 Chinese.

Proportion of females.

It appears from the above figures that in the unassisted immigration, the proportion of females is a little under 25 per cent.

Assisted.

Of the immigrants at the public expense there were, from—

England and Wales	-	-	-	-	966
Scotland	-	-	-	-	311
Ireland	-	-	-	-	1,780
Other countries	-	-	-	-	32
					<hr/>
Total	-	-	-	-	3,089
					<hr/> <hr/>

Of the whole European immigration (unassisted and assisted), 14,435 were adults, and 1,638 or 11.34 per cent., were children.

Renewal of Government emigration, new regulations for the conduct of.

The assisted emigration from this country to New South Wales, which had been temporarily suspended in 1860, was renewed in the course of 1861 under a new set of regulations, which did not materially differ from the former remittance rules. The emigrants proceeding under these regulations are not selected in this country, but are "nominated" by their friends in the colony on payment of a sum, varying from 2*l.* to 12*l.* for each person, according to age and sex. The money so paid is returnable to the depositor, subject to certain conditions, if the persons nominated do not proceed. On the other hand, the depositor is under an obligation to provide for his nominees on their landing. In the course of the year we provided passages for 865 persons nominated under these or the previous remittance regulations.

Immigration Loan Act.

In order to defray the cost of this emigration as well as to encourage unassisted emigration, an Act was passed by the Provincial Legislature in May 1861, to authorize the Government to raise a loan of 55,000*l.* on debentures bearing interest at 5 per cent., of which 50,000*l.* was to be applied if wanted to assisted emigration, and the remaining 5,000*l.* to provide for the salaries and travelling expenses of emigration agents and lecturers in Great Britain and Ireland, and for circulating information in a cheap and popular form throughout the United Kingdom. Mr. Parkes, who had occupied a seat in the Legislative Assembly for several years, and Mr. W. Bede Dalley, who had also held a seat in the Assembly, and been Solicitor-General and a member of the Government, were appointed to be emigration agents to carry out these measures. They arrived in this country in the course of the summer.

Appointment of colonial emigration agents in this country.

The unassisted emigration during the last year from the United Kingdom amounted to 761.

Unassisted emigration from United Kingdom.

An Act (No. 3) was passed in 1861 by the Colonial Legislature to regulate and restrict the immigration of Chinese. It imposes, as had been previously done in Victoria, a tax of 10*l.* on each male native of China, arriving in the colony whether by sea or land. Chinese already in the colony are exempted from the tax, on obtaining a certificate from the nearest Clerk of Petty Sessions or Gold Commissioner on or before 28th February 1862. It also provides that no ship shall bring Chinese into the colony in a greater proportion than one person to every ten tons of the ships tonnage, and that certificates of naturalization shall not in future be issued to Chinese. The Act has been left to its operation; but as the strong objections felt by the Australian colonies to this immigration arise in great measure from its exclusively male character, it has been suggested that some modifications might be made in its provisions where the immigrants are accompanied by a proportion of women.

Chinese Immigration Act.

We place in the Appendix copies of two Acts relating to the alienation and occupation of Crown lands in New South Wales, together with the regulations issued by the Colonial Government for carrying them into effect.

Appendices Nos. 33 to 35.

Land Acts and Regulations.

25 Vict. No. 1.

25 Vict. No. 2.

By the first of these Acts Crown lands are divided into four classes, viz. :—“Town Lands,” being those in or set apart as a site for any city, town, or village; “Suburban Lands” (declared in the Gazette to be such); “First-class Settled Districts;” and “Second-class Districts.”

Crown Lands and Alienation Act.

Town lands and suburban lands without improvements are to be sold by public auction only at upset prices of not less than 8*l.* per acre for the former, and 2*l.* for the latter. The upset price of other Crown lands intended to be sold without conditions of residence and improvement is not to be less than 1*l.* per acre. If no sale is effected at the first auction, the lands may be again put up to auction, and, with the exception of town and suburban lands, may in the interim be purchased at the upset price if not previously withdrawn from sale by the Government. (Secs. 23, 24, 25.)

One-fourth of the purchase money is to be paid at the time of sale, and the remainder within three months. (Sec. 26.)

By the plan of “conditional sale,” any one may, on certain notified days, make to the land agent of the district a written application for the conditional purchase of not less than 40 nor more than 320 acres, accompanied by a deposit of one-fourth of the purchase money at the rate of

17. an acre. He will then be declared the conditional purchaser, unless there be more than one application for the same land, or any part of it, in which case the successful candidate is to be determined by lot. The lands to be selected under this system must, however, not be town or suburban lands, nor within a proclaimed gold field, unless unoccupied for gold mining purposes, and must not be within certain distances of towns or villages, varying from ten to two miles, according to the population of the place, nor reserved for town sites or other public purposes. (Secs. 13 and 14.)

At the expiration of three years and three months, the purchaser has the option of paying the balance of the purchase money, and receiving a conveyance in fee, or of deferring the payment indefinitely by paying interest at the rate of 5 per cent. on the amount within three months after the 1st of January, in each year. The purchaser, however, must in either case prove to the satisfaction of the Minister of Public Lands that he has made improvements to the extent and value required by the Act, that he has *bonâ fide* resided continuously either by himself or his alienees on the land, and that he has not alienated it until after at least one year's *bonâ fide* residence thereon.

There are some other minor provisions for effecting conditional purchases under mining conditions (other than gold mining) where the price is to be 40s. an acre, and for determining values and matters in dispute by appraisement and arbitration.

Crown Lands
Occupation
Act.

The Crown Lands Occupation Act divides Crown lands for the purposes of the Act into three classes, viz. : first-class settled districts, second-class settled districts, and unsettled districts. It repeals the Acts of Council 11 Vic. No. 61. and 16 Vic. No. 29, and the Orders in Council and regulations issued under the Imperial Act 9 & 10 Vic. cap. 104, saving all rights already acquired under them. It empowers the Governor, with the advice of the Executive Council, to proclaim any part of the unsettled districts to be within the second-class settled districts, but so as not to affect existing leases. (Sec. 3.)

It prohibits the renewal of existing leases, except under the provisions of the Act, and enables the Government to withdraw from any runs lands required for town or village sites, for internal communications, or for any public purpose whatever. (Secs. 4 and 5.)

It then provides that Crown lands not comprised within "old runs," (that is, runs under leases or licences granted or

contracted to be granted before the 22nd of February 1858, in the second-class settled or unsettled districts,) or not comprised within certain distances of towns or villages, and not being public reserves, may be leased, subject to the provisions of the Gold Fields Act, and without competition, for pastoral purposes, for one year if in the first-class settled districts, and for five years if within the second-class settled districts or the unsettled districts, or if required for ferries, bridges, wharves, machinery for saw mills, &c., and for 14 years, if for mineral purposes other than gold mining. (Sec. 10.)

Leases of runs in the first-class settled districts are to contain not less than one square mile, and are all to expire on the 31st of December, with the right, however, of renewal annually by payment of a rent for the ensuing year, at the rate of 2*l.* per square mile, or such higher rate as the lessee may then be paying, subject, nevertheless, to the right of the Government to withdraw the lands for sale or for any public purpose. Existing leases, under the regulations of the 29th of March 1848, are not to be renewed under those regulations, but may be converted into leases under the Act, if advantage be taken of the option within two months of the publication of the "Gazette" notice to that effect. The holders of land in fee simple may also acquire, without competition, at the rent of 2*l.* per square mile, leases of adjoining land to the extent of three times their purchased land. Competitors for the same tract of land are to have it divided between them by arbitration. Crown lands not previously under lease, or subject to a pre-empted right of lease, are to be sold by auction after one month's notice of sale in the "Gazette," at an upset price of 1*l.* per square mile, or of 10*s.* if half the current year should have expired, and the whole of the purchase money is to be paid at the time of sale. If not sold at auction, the land may be afterwards purchased by private contract at the upset price. But the sale by the Government of any portion of the land under lease is to cancel so much of the lease as relates to the land sold, and to three times the adjoining area. (Secs. 11 and 12.)

With regard to lands in the "Second-class Settled Districts," or in the "Unsettled Districts," the Governor, with the advice of the Executive Council, may grant leases, subject to the following conditions:—

1. Existing leases of runs may be converted into leases for five years under the Act, by payment, within two

- months of the "Gazette" notice of a rent to be determined by appraisal, of the fair annual value (exclusive of improvements) of the lands for pastoral purposes; and on such conversion the runs cease to be liable to assessment under the Act 22 Vic. No. 17.
2. Leases of "old runs" may on their expiration be in like manner converted into leases for five years.
 3. After the first year the rent is to be payable on the 31st Dec., with a fine of 8 per cent. if in arrear not more than three months, and of 10 per cent. if more than three months; and if in arrear six months, the lease to be forfeited.
 4. These leases are not to confer any right to purchase by pre-emption.
 5. The Crown may resume without compensation (except a return of a proportionate part of the rent) any of the lands under lease required for town or village sites, or for any public purpose whatever; but the lessee has then the option of surrendering the lease if he thinks fit, and obtaining a refund of the full balance of the rent. (Sec. 13.)

The Governor, with the advice of the Executive Council, may proclaim pastoral districts, in the second-class settled or in the unsettled districts, to be open for the formation of runs; the area of these runs not in ordinary cases to exceed 25 square miles, unless that extent be insufficient in average seasons to depasture 4,000 sheep or 800 cattle. In such case the area may be enlarged to not exceeding 100 square miles. The runs are to be tendered for in writing, and, in case of competition, leased to the highest bidder. If the run be not stocked with not less than 200 head of cattle or 1,000 sheep within six months, or where water is to be provided by artificial means within eighteen months, the run is to be forfeited, and may then be leased by auction. A receipt from the Colonial Treasurer, showing the deposit of 25 per cent. of the rent offered, must accompany each tender; and the money is to be retained or returned, according as the tender is accepted or rejected. Pending appraisal of the fair annual value of land for pastoral purposes, runs may be held from year to year subject to a rent of 10% per annum, and to assessment under the Act 22 Vic. No. 17. (Sec. 14.)

If a lessee, by artificial means, increases to a certain extent the permanent depasturing capacity of the land, he will be entitled to an extension of his lease to 10 years. (Sec. 15.)

The owners in fee simple of lands within the unsettled and second-class settled districts have the same right to pre-empted leases of adjoining Crown lands as are granted to fee-simple proprietors of lands in the first-class settled districts; and, as in the case of lands in those districts, a sale cancels a lease as regards the land sold and three times the adjoining area. (Secs. 16 and 18.)

A limited right of depasturing stock, travelling over leased lands, and also the right to duly authorized persons to cut timber or to search for minerals, is reserved. (Secs. 19 and 21.)

The Government may grant mining leases (except for gold) not exceeding 320 acres for coal, nor exceeding 80 acres for other minerals, for a period not exceeding 14 years, with the right of renewal for another 14 years, subject to a rent of 5s. per acre, payable annually in advance, and to the condition of expending at the rate of 5*l.* per acre on the lot within the first three years. The lessee may determine the lease on giving three months' notice, but is not entitled to any refund of the rent. To renew the lease the lessee must give notice in writing to the Government during the thirteenth year; and the fine to be paid on renewal is to be determined by appraisement, but is in no case to be less than 2*l.* 10s. per acre. (Sec. 22.)

There are certain other minor and formal provisions in the Act, including those for regulating the appointment and duties of appraisers and arbitrators; but the foregoing abstract embraces the leading features of the measure.

An Act has also been passed, No. 4 of 1861, to amend the laws relating to the gold fields. A copy of this Act is printed in the Appendix.

Gold Fields Act, 1861.

Appendix No. 36.

Since our last report a gratifying account has been received of the Pitcairn Islanders in Norfolk Island, which was visited in August last by H.M.S. "Pelorus," Commander J. Beauchamp Seymour. The people are represented as happy and contented, and fully sensible of the liberality and kindness with which they have been treated by Her Majesty's Government. Their number was diminished about two years ago by the return to Pitcairn's Island of two families, descendants of Young, the midshipman of the "Bounty," but this loss has been more than made up by the increase of births, which, since July 1856, have amounted to 68; the deaths in the same period did not exceed 10, and were chiefly among infants. The only residents of Norfolk Island, exclusive of those who came from Pitcairn, are three English families and one American family; the former consist of the schoolmaster, Mr.

Condition of the Pitcairn Islanders in Norfolk Island.

Rosseter, a storekeeper, and a miller; the latter is a stonemason.

During the short stay which the "Pelorus" made in Cascade Bay, she was supplied with excellent beef at 4*d.* per pound, and mutton and mixed vegetables of superior quality at 2½*d.* per pound. Water, spars, and poultry can be procured at a reasonable rate; and besides the products of the island, there is an increasing trade in whale oil.

QUEENSLAND.

Land sales.

The total quantity of land, including town lots, sold in Queensland in the year 1860 is stated in the report of the Registrar-General to have been 23,587 A. 1 R. 21 P., and it realized at auction the sum of 37,978*l.* 15*s.* 3*d.*, or at the rate of 1*l.* 12*s.* 2½*d.* per acre. The whole quantity of land, exclusive of town lots for building, alienated from the Crown by grant up to the 1st April 1861, was 102,031 A. 3 R. 2½ P., of which there was at that time under cultivation 3,353 A. 1 R. The area of the colony is roughly estimated at 559,000 square miles, or about three times the size of Spain, whilst the area of that portion already occupied is about the same as that of Great Britain and Ireland, *i. e.*, 119,370 square miles.

Population,
1859, 1860 ;

On the 31st December 1859 the white population was estimated at 25,020, and on the same day 1860 at 28,056, showing an increase in the year of 3,036. The proportion of this increase arising from the excess of births over deaths was 758, or 3.03 per cent. Immigration from Europe, paid for or partly paid for by Government, contributed 479, or 1.91 per cent., and the excess of arrivals over departures from the neighbouring colonies supplied the balance of 1,799 persons, or 7.19 per cent.

and 1861.

The population according to the census taken on the 7th April 1861, was 30,059, *viz.* 18,121 males and 11,938 females.

Immigration
from United
Kingdom.

The number of emigrants from the United Kingdom to Queensland in 1861 was 2,480; of these, 1,128 proceeded in ships chartered by this Board.

Immigration
regulations.

In our last report we explained the nature of the regulations under which emigration to this colony is encouraged by means of grants of land in proportion to the cost of the passage. In pursuance of these regulations reserves have been marked out and surveyed in different parts of the colony, and the Governor states, "that above 200,000 acres of land are now (27th March 1861) open for free selection at the fixed price of 1*l.* per acre." Mr. Henry Jordan, who

was a member of the first Legislative Assembly, has been appointed by the Colonial Government to be Emigration Agent for Queensland in this country, for the purpose of diffusing information respecting the colony by lectures or otherwise. A statement of the amount of land deposits under these regulations during the year 1861 is printed in the Appendix.

An emigration agency has likewise been established in Germany, and Mr. Christian Henssler, a German settler

Appendix No. 29.

who was returning to his native country temporarily, has been appointed agent, with authority to select emigrants.

Immigration from Germany

There are, it is stated, already some thousand Germans naturalized in Queensland, and regulations were issued by the Colonial Government in February 1860, to enable any naturalized foreigner to bring out any friend or relative by paying a small sum, varying from 2*l.* to 8*l.*, according to the age of the immigrant. The regulations on this subject are taken from and are substantially the same as the remittance regulations in New South Wales. There are similar regulations for enabling British subjects to obtain passages for their friends in this country. The payments in these cases are 4*l.* for each person over 12, and 2*l.* for each person between 1 and 12 years of age. A return of the sums paid in the last year on this account will be found in the Appendix.

Appendix No. 28.

Cotton.

On more than one occasion since the beginning of 1860

Sir George Bowen has pointed out the peculiar fitness of Queensland, both from its climate and soil, for the growth of the finer description of cotton. To encourage its cultivation the Land Act passed in that year contains a clause (section 21) empowering the Governor in Council to issue land orders during the three years next after the passing of the Act to the extent of 10*l.*, and during the two following years to the extent of 5*l.*, for every bale weighing 300 lbs. of good clean sea island cotton, not damaged or discoloured, grown in the colony and exported to Great Britain. One half of these premiums are to be given for the common description of cotton.

Despatch, 6th January 1860 (No. 11), and 16th April, 1861 (No. 20). See Par. Pap., August 1861, presented by command.

In addition to the premiums above mentioned, persons may obtain grants of land for the growth of cotton under more recent regulations, printed in the Appendix, which came into operation on the 10th August 1861. The following are the principal conditions:—Each person's land must be comprised

Land Regulations for cotton cultivation.

within one block of not less than 320 nor more than 1,280 acres, and 2*s.* per acre must be paid down when the land is applied for. If within two years from the date of the authority to occupy the occupant shall produce satisfactory evidence that at least one-tenth part of the land has been planted with cotton, and that a sum in the pro-

Appendix, No. 37.

portion of at least 5,000*l.* to 640 acres has been *bonâ fide* expended on the land in improvements connected with its production, the deposit of 2*s.* per acre will be returned, and a grant in fee will be issued to the occupant. But, on the other hand, should the occupant fail to produce satisfactory evidence of the above expenditure and cultivation within the prescribed term of two years, then the amount of deposit will be forfeited, and the land, with its improvements, will revert to Government. If, however, not less than one-half of the required expenditure and cultivation has been made, the occupant shall be at liberty to retain possession of the land by paying 1*l.* per acre for every acre not duly covered by such expenditure.

Sir George Bowen reports (4th September 1861), that three cotton companies have already been formed in Queensland, and that several private planters have also commenced the cultivation.

Immigration
from India;

In connexion with the cultivation of cotton, the Government were disposed to view favourably an application from this colony to be allowed to obtain a supply of labour from India, under the same conditions and restrictions as the West Indies and Mauritius. Copies of the laws regulating the emigration in those colonies were transmitted to Sir G. Bowen in your Grace's despatch of the 26th April 1861, and the nature of the enactments to be passed in Queensland was described. On the receipt of those documents, the two Houses of the Legislature passed resolutions affirming the competency of the Governor to frame regulations in conformity with the directions conveyed in your Grace's despatch, but did not enact any law on the subject. A copy of the proclamation and regulations issued by the Governor, in conformity with the resolutions of the Legislature, has since been received. But as, in the absence of an Act of the Legislature, those regulations would not have any validity in a Court of Law; and as the regulations necessary for the protection of the immigrants after their arrival in the colony had been entirely omitted, the proposed emigration will not for the present be sanctioned. The Legislature of Queensland will, no doubt, shortly pass the Acts necessary to supply these defects.

and from
China.

The question of obtaining labour from China without the aid of public funds, has also been brought under consideration, but as the scheme submitted by the Governor for that purpose would have left the immigration without any supervision of Government, and the immigrant without any adequate protection after his arrival, it could not be carried on under the sanction of Government.

VICTORIA.

The returns of land sales in Victoria come down to the end of the year 1860. In that year there were sold 492,247 A. 2 R. 7 $\frac{1}{8}$ P., which realized 663,238*l.* 8*s.* 2*d.* The average price per acre was *l.* 6*s.* 11*d.* The entire quantity of land alienated up to the 31st December is stated to be 3,993,843 A. 3 R. 4 $\frac{1}{8}$ P., and the extent of land unalienated at the same time to be 51,649,193 A. 3 R. 6 P.

During that year 2,008,843 oz. 5 dwts. of gold were brought down by Government escort, and the quantity exported was 2,156,660 oz. 12 dwts.

The population of Victoria on 7th April 1861, when the last census was taken, was 540,322 persons, of whom 328,651 were males, and 211,671 were females. This is an increase of 129,556 persons since the last census was taken on the 29th March 1857, when the numbers were 264,334 males, and 146,432 females. The first enumeration of the population of the district which now forms the colony of Victoria was made on the 26th May 1836, just 25 years before the last census was taken. At that time the population consisted of 142 males and 35 females, making in all but 177 souls. So rapid has been the progress of the colony in a quarter of a century.

It is stated by the Registrar-General, that "prior to the gold discoveries, 60,000 out of 80,000, or three-fourths of the total population, were grouped in the sea-board counties of Bourke, Grant, Normanby, and Villiers, but in 1861 there were resident in those parts less than half, or about 250,000 persons only out of 540,000, the remaining 290,000 being settled in other parts of the colony."

The number of immigrants who arrived in Victoria in 1860 was 29,037, and the number that left the colony during the same period was 21,681, the net increase, therefore, by immigration during the year was 7,348. The particulars of the arrivals and departures are given in the following table :—

	Immigrants.	Emigrants.
The United Kingdom-	- 13,470	- 5,727
New South Wales -	- 4,719	- 5,909
South and Western Australia-	5,000	- 2,229
Tasmania -	- 3,727	- 2,516
New Zealand and South Seas-	507	- 1,438
Foreign Ports -	- 1,614	- 3,870
Totals	- 29,037	21,689

Assisted emigration.

Until last year the assisted emigration from this country to Victoria was carried on exclusively in ships engaged by this Board, and the emigrants were either selected by us, or were nominated under the Remittance Regulations by persons residing in the colony. The emigrants now proceeding in our ships are, by the recent regulations of 30th July 1861, confined to single females, with the exception of a few married persons with their families, who are put on board for the protection of the single women. The other and larger portion of assisted emigration to Victoria is conducted in private ships by means of passage warrants, which may be obtained in the colony for small sums varying in amount according to the age and sex of the emigrant. The payments required for male emigrants are 3*l.* 10*s.* each if under 12 years of age, 7*l.* if between the ages of 12 and 40, and 8*l.* if above 40. The payments for females of corresponding ages are respectively 2*l.* 10*s.*, 3*l.*, and 4*l.* For every adult proceeding under these warrants, and landed in the colony, the owner of the ship in which the emigrant sailed is entitled to receive from the Colonial Government the sum of 14*l.*, and for every child under 12 years of age 7*l.* These sums, less the amount paid for the passage warrant are consequently the whole expense incurred by the colony for the emigrant, and if the price of the passage should happen to exceed 14*l.* for an adult, or 7*l.* for a child, the difference must be paid by the emigrants themselves. In no case does the Government undertake to refund the deposits paid for warrants, but those documents may be transferred by endorsement to other hands with the consent of this Board, and in the event of the death of the nominee the warrant may be exchanged upon application to the Immigration Agent at Melbourne.

By Passage warrants.

Payments required to be made in colony.

Immigration funds.

The sum voted for immigration in 1861 was 79,000*l.*, of which 14,000*l.* was set apart for female emigration, and 59,000*l.* for emigration by passage warrants. A sum of 4,000*l.* was voted for the introduction of vine-dressers, and others skilled in the manufacture of wine, oil, &c., and the remaining 2,000*l.* went to defray general expenses.

Discontinuance of privileges to naval and military settlers.

By a recent Colonial Act (No. 117), for regulating the sale of Crown lands, the privileges hitherto granted to military and naval settlers, in the acquisition of land in Victoria, have been withdrawn.

SOUTH AUSTRALIA.

Land sales.

The total quantity of land sold in South Australia during the year 1860, is stated in a return furnished by the

Surveyor-General, and printed in the Blue Book for that year, to have been 129,262 A. S. R. 37 P., and the sum realized for it to have been 149,755*l.* 8*s.* The total amount of rent for pastoral leases in the same year was 20,076*l.*, and the area under lease 1,707 square miles. It may be proper to mention, that the figures in these returns do not altogether correspond with "the land sales" in the Treasury statements. The land sales in 1861 appear from a recent return to have been 147,661½ acres, realizing 189,361*l.* 7*s.* The average price per acre was 1*l.* 5*s.* 7*d.*

In April 1861, the Governor visited the extensive mines of copper ore, discovered near Walleroo in the preceding year. These mineral deposits are found under a level surface, whose general characteristics afford, as it is stated, little indication of such wealth below. It would seem that the more level the character of the surface, the more regular and extensive the mineral lodes are likely to prove.

At the time of the Governor's visit, there were no fewer than 457 mineral sections claimed, comprising 37,927 acres, on which, including both surveyed and unsurveyed sections, 7,323*l.* had been received by Government, either as rent or in 5*l.* deposits for each claim sent in. A sum of upwards of 10,000*l.* had also been realized from the sale of little more than 400 acres in the townships of Walleroo and Kadina, in the neighbourhood of which places a population of 1,200 was already located.

The renewal of free and assisted emigration to South Australia, which was entirely suspended during the year 1861, has now been decided upon by the Colonial Government, and we have been advised that a sum of 10,000*l.* will shortly be remitted to England for that purpose. A portion of the emigrants are to be selected in England by Mr. G. S. Walters, the emigration agent for South Australia in London, and will be provided with free passages in ships to be chartered and fitted by us. But persons in the colony may also nominate emigrants, who will be provided with passages, subject to the approval of the emigration agent in London, by paying a sum of 4*l.* for each male, and 3*l.* for each female, and half those sums for children under 14 years of age. These deposits will not be refunded in any case; but the passage certificate furnished to the depositor will have twelve months' currency, and will be transferable to persons of the same nationality. The emigrants, whether selected for free passages in England, or nominated in the colony, will be required to sign an undertaking previously to embarkation, binding themselves in the sum of 20*l.* not to leave

Copper discoveries.

Renewal of Government Emigration.

Nominee Emigration Regulation.

the colony before the expiration of two years after their arrival.

It is also proposed that persons who have resided in South Australia for at least one year, if they should introduce any emigrants at their own cost from the United Kingdom, who would have been eligible for passages under the preceding regulations, shall be allowed credit in the purchase of Crown land for an amount equal to the cost that might have been incurred by Government for the passages of those emigrants, computed upon the average contract rate of passage by the three Government emigrant vessels last reported as chartered. Before, however, any person can receive the benefit of this regulation, he must show that the emigrants whom he introduced have constantly resided in the colony for the space of two years, and have not been recipients of public relief.

WESTERN AUSTRALIA.

Land sales.

The following table shows the amount of land sold, and of land revenue realized, in the colony of Western Australia in the year 1861:—

	No. of Lots or Runs.	Total Acreage.	Amount realized.	Average Price per acre.
Sold by Auction:—			£ s. d.	£ s. d.
Town lands	56	—	746 1 0	—
Suburban lands	16	—	411 13 11	—
Special country lots	—	—	—	—
Country lots	4	435	1,246 15 0	2 17 4
Total sold by Auction	76	435	2,404 9 11	—
Alienated under pre-emptive right	40	5,957½	2,978 17 6	0 10 0
Alienated by selection or other- wise, fixed price	96	6,761*	3,355 5 6	0 10 0½
Total alienation	136	12,718½	6,334 3 0	—
Proceeds of Pastoral Leases or Licences	Class A 469 " B 97 " T 131	2,000,550 821,500 16,870	1,919 12 4 4,540 18 8 1,515 9 3	— — —
Total	697	2,838,920	7,976 0 3	—
Miscellaneous Receipts:—				
Timber Licences			321 5 0	—
Forfeited Deposits			6 0 0	—
Total Receipts on account of Land Revenue			17,041 18 2	

* Exclusive of 70 acres remission.

In consequence of the numerous frauds committed under the system of licences to cut timber in this colony, it has been considered expedient to substitute for the licence fee an export duty on sandal wood for licence to

hitherto in force, an export duty to be levied on all sandal wood cut on the waste lands of the Crown. Sandal wood cut on private land is to be exempt from duty; but to establish this exemption the owner is required to produce a certificate from the resident magistrate that the wood has been cut on private lands, and the magistrate, in order to satisfy himself as to the fact, may require proof by affidavit, oral testimony, or in any other way he may think necessary. The regulations on this subject are contained in an Ordinance, No. 6, of 1861, entitled "An Ordinance to impose a duty on sandal wood."

An Ordinance, No. 8, has also been passed for the protection of pastoral lessees or licensees against actions for trespass by persons who may have purchased lands within their leases or licences,—for the prevention of illicit occupation of Crown lands,—and for other purposes.

By the new land regulations any person may purchase within a pastoral lease any quantity of land not being less than 40 acres, and may leave such land unfenced. The lessee was consequently liable to be constantly harassed by vexatious proceedings for trespass in consequence of the impossibility of preventing his stock grazing over purchased land within the boundaries of his lease. The Ordinance, No. 8, was passed to protect the lessee from this annoyance, and with that view it provides that the owners of purchased land within leases or licences shall not recover from the lessee or licensee damages for the trespass of his cattle, unless such purchased land be properly fenced.

By other clauses of the Act persons occupying or using Crown lands in any way without proper authority, are subjected to a penalty not exceeding 100*l.* nor less than 5*l.* The owners of horses, cattle, &c., who shall knowingly allow them to be tethered in or to roam about any part of a town site are liable to a fine not exceeding 5*l.*

The number of emigrants, exclusive of convict families, provided with passages to Western Australia at the public expense during the year 1861 was 55. All of these persons had been nominated beforehand in the colony. The convict families sent out in the course of the year consisted of 13 persons.

We also despatched in the beginning of the present year a ship containing 262 persons, of whom 150 were single women. Of these persons, 232 were selected in this country.

The population of Western Australia on the 31st December 1861, was 15,555, of whom 9,658 were males, and 5,897 were females.

cut timber on
Crown lands.

Ordinance for
the protection
of pastoral
lessees against
action for
trespass.

Government
emigration.

Population.

TASMANIA.

Appendix,
No. 38.Waste Land
Act.Land in private
hands.Lands sold
since 1858.

We place in the Appendix an abstract of the principal clauses of the Waste Land Act of Tasmania, prepared by the Surveyor-General of the colony.

The entire quantity of land in private hands, including the possessions of the Van Dieman's Land Company, at the close of 1857, was estimated at 3,350,000 acres, or 5,234 square miles. The amount of land sold since the Waste Land Act came into operation in 1858 has been as follows :—

	A.	R.	P.
In 1858 - - -	41,393	0	33
In 1859 - - -	74,045	1	15
In 1860 - - -	88,469	0	29 $\frac{1}{4}$
Total - - -	203,907	2	37 $\frac{1}{4}$

Land revenue.

The quantity of land under rental in 1860 was 1,829,611 acres, and the land revenue from all sources amounted in that year to 83,179*l.* 11*s.* 9*d.*

Act to amend
Unsettled
Lands Act.

An Act was passed by the Legislature of Tasmania in 1861, entitled "An Act to amend the Unsettled Lands Act."

Under the Unsettled Lands Act, the Government, as well as the lessee, had power to determine a lease at any time after the expiration of the first two years by giving six months' notice. The insecurity thus introduced having been found injurious, the power is withdrawn from the Government, except in the case of lands discovered to be auriferous, but is left to the lessee.

Population.

By the last census, taken on 7th April 1861, the population of Tasmania consisted of 49,593 males, and 40,384 females, making together 89,977 persons.

NEW ZEALAND.

Land sales.

The following is a return of land sold in New Zealand during the year 1860, exclusive of lands dealt with by the general Government under the "Native Reserves Act, 1856,"

"Waste Lands Act, 1858," and "Auckland Reserves Act, 1858."

	Number of Acres.											
	Town.			Suburban.			Country.			Grants without purchase; Free Grants; Old Land Claims.		
	A.	R.	P.	A.	R.	P.	A.	R.	P.	A.	R.	P.
Auckland - - -	59	0	3	3,092	0	18	57,682	3	39	46,083	0	0
Taranaki - - -	-	-	-	-	-	-	390	0	0	-	-	-
Hawke's Bay - - -	73	2	2	6,637	1	7	90,552	3	22	-	-	-
Wellington - - -	5	0	0	-	-	-	56,350	2	0	-	-	-
Nelson - - -	6	2	18	338	2	12	30,008	0	6	-	-	-
Canterbury - - -	8	2	4	-	-	-	25,759	1	14	340	0	0
Otago - - -	143	1	0	-	-	-	89,142	0	12	-	-	-
Totals - - -	295	3	27	10,067	3	37	349,885	3	13	46,423	0	0

The lands referred to in the preceding tables were paid for partly in cash, and the remainder in the manner explained below.

The cash payments amounted to 178,937*l.* 8*s.* The amount paid for by Government scrip and New Zealand Company's land orders was 5,988*l.* 17*s.* 6*d.*, and of Provincial Government scrip and land orders was 3,228*l.* 10*s.* The sum of 1,344*l.* was in remission certificates to retired officers, and 46,423 acres were free grants (old claims) as stated above.

The quantity and value of gold exported from New Zealand from 1st April 1857 to 30th September 1861 was as follows:—

Port.	During the Quarter ended 30th Sept. 1861.						Exported from 1st April 1857 to 30th June 1861.		Total Exports.	
	To Sydney.		To Melbourne.		Total.		ozs.	£	ozs.	£
Auckland - - -	-	-	-	-	-	-	354	1,372	354	1,372
Wellington - - -	15	58	-	-	15	58	5,109	19,798	5,124	19,856
Nelson - - -	1,747	6,770	-	-	1,747	6,770	34,704	134,478	36,451	141,248
Dunedin - - -	4,270	16,546	18,908	73,268	23,178	89,814	-	-	23,178	89,814
Totals - - -	6,032	23,374	18,908	73,268	24,940	96,642	40,187	155,648	65,107	252,290

A question having been raised as to the validity of the Act passed by the Provincial Legislature in 1858 to provide for the establishment of new provinces in New Zealand, an Act of Parliament was passed during the last session which establishes the validity of the Local Act and all that had been done under it. At the same time it gives power to the Local Legislature to constitute new provinces in future.

Among the Acts passed by the General Assembly of New Zealand is one entitled "An Act to amend the Regulation Act for the disposal of land in Nelson. New Provinces Act, 1858."

Act for issuing land certificates to immigrants by "Breadalbane."

"for the Sale or Disposal of Crown Lands in the Province of Nelson," and another "An Act to enable the Superintendent of the Province of Auckland to issue Certificates by way of Land Orders to certain Persons."

The first of these Acts authorizes the Waste Land Board of Nelson to reserve lands and prepare them for settlement, adding to the upset price the cost of such preparation. It also provides for the grant of compensation by remittance certificates for land taken for public purposes and for public works executed by individuals. In the latter case the land is to be selected by the individuals and reserved for them from public sale, but the reservation is not to last more than two years, and the quantity so to be reserved and granted is limited to 150*l.* worth to one individual, and to 2,000*l.* worth in the whole in any year. The Act further makes new regulations for the grant of mining licences, imposing a rent of 6*d.* an acre for each of the two first years, and 1*s.* an acre for subsequent years, on all land comprised in the lease, with a royalty of not less than 1-50th nor more than 1-25th of the minerals raised, the rent to be reduced as the royalty rises. Land under lease is not to be sold, and the lessee, if he has fulfilled the conditions of his lease, is to be entitled to a renewal on the same terms; but no land fitted for agricultural purposes is to be included in a mineral lease. Holders of mineral leases under previous regulations may obtain new leases under these, and may be required to do so by the Waste Land Board. The above provisions do not apply to auriferous land.

The second Act authorizes the Superintendent of Auckland to grant to certain persons who arrived in that province from Nova Scotia in the bark "Breadalbane," certificates to enable them to select land in the same way as if the Auckland Waste Lands Act, 1858, had been still in force at the time of their arrival. The object was to save from disappointment persons who proceeded to Auckland on the faith of the Act of 1858, but who would be precluded by its disallowance, previous to their arrival, from obtaining the advantage which it offered.

The estimated European population of New Zealand in 1860 consisted of 45,341 males, and 34,284 females, making together 79,625 persons.

European population in 1856.

CANADA.

Immigration.

We learn from the report of Mr. Buchanan, the chief agent for emigration to Canada, that the number of persons

landed at Quebec during the year 1861, was 19,923, of whom 9,305 embarked from ports in the United Kingdom, and 10,618 from the continent of Europe. As compared with the year 1860 there was an increase in the entire emigration of 113 cabin, and 9,660 steerage passengers. The increase was chiefly in the emigration from Germany and Norway, amounting in the former to 1,318, and in the latter to 6,879.

The emigration from the United Kingdom was effected, as in 1860, with very little loss of life. The deaths on the passage consisted of one female adult and three children, two of whom were infants. This small mortality is doubtless to be attributed principally to the greater use of steam ships, which has reduced the passage to an average of 12½ days; but Mr. Buchanan also bears testimony to the general kindness which has been shown of late years by masters of sailing vessels to the passengers intrusted to their care. Of the 9,305 persons embarked from the United Kingdom, no fewer than 7,535 went out by steamers, 1,173 proceeded in eight sailing vessels which came within the Passengers' Act, and the remaining 597 passengers were distributed in 50 vessels, which were exempt from the operations of the law.

Mortality on the voyage from the United Kingdom;

The emigration from foreign ports was not so healthy as that from Great Britain. Among the Germans there were 39 deaths on the passage, and 14 in the Quarantine Hospital; and among the Norwegians the mortality was 175 at sea, and 11 in hospital, making in each case an average mortality of more than 2 per cent. on a voyage of 50 days duration. Mr. Buchanan attributes this large mortality partly to the fact that the ships from foreign ports are not subject to medical inspection before sailing, like those from the United Kingdom, and partly to the fact that many of the Norwegian ships were overcrowded. As he has drawn the attention of the Norwegian Consul at Quebec to these points, it may be hoped that some measures will be adopted for the greater protection of these emigrants in future.

from foreign ports.

A large proportion of the emigrants from the United Kingdom were persons possessing means, who went out with the intention of occupying the free grant lots offered by Government, and Mr. Buchanan estimates that about four-fifths have remained in Canada. It would appear from returns, that 114 families have taken up free grant lots, while many others have either purchased improved farms or Crown lands.

Of the Germans, more than one-half settled in the province, chiefly in the Ottawa country. Of the Norwegians, numbering 8,722, not more than about 800 have settled within the province. About 400 of these have located themselves at Gaspé. 250 have gone to the Ottawa districts, and the rest to the Eastern townships.

The following is an approximate statement of the arrivals and distribution of the emigrants within the province during the past year:—

Landed at Quebec	-	-	-	19,923
Arrived in Canada through other ports,	}	-	-	4,664
<i>via</i> United States				
				24,587

Of the arrivals at Quebec there proceeded to the United States 10,700, leaving an estimated addition to the Canadian population of 13,887, which were distributed as follows:—

In Western Canada	-	-	-	9,500
Ottawa District	-	-	-	1,544
Eastern Canada	-	-	-	1,500
Gaspé	-	-	-	400
Unknown	-	-	-	943
				13,887

The number of persons aided in their emigration from the United Kingdom was 210, of whom 167 were from England, 32 (all females) from Ireland, and 2 families (7 persons) from Scotland. Those from England consisted of 66 boys and 24 girls from the Reformatory and Industrial Schools in different parts of the country, and 16 families and 7 single men—in all 77 souls—sent out from Bedworth, near Coventry, Warwickshire. These all found immediate employment. The 66 boys were at once satisfactorily disposed of in the Eastern townships, and having been carefully trained their services were eagerly sought for. Many were engaged at wages from 12*l.* 10*s.* to 15*l.* per annum. The girls went out under the charge of a matron, who accompanied them up the country and placed them all in situations.

The 32 females from Ireland, 24 of whom were sent out by the Clonnel Union, and 8 by private persons, received 1*l.* sterling each on landing, and were all engaged as domestic servants within a few hours.

The two families from Scotland, who were provided with the requisite means by the proprietor of the estate from

Number of arrivals.

Distribution of the emigrants.

Number of assisted emigrants.

which they went, proceeded to Western Canada, where some of their countrymen had previously settled.

With regard to the year's emigration generally, Mr. Buchanan speaks in the following terms :

“ Nearly all the emigrants who arrived here readily found employment at fair wages, and in the early part of the season great inconvenience was felt in many sections of the provinces from the scarcity of hands, and the difficulty of obtaining labour. Female servants have been, and are still, very much sought after in all directions, and from the daily applications received at the inland agencies, I should think that several thousands of this class might have been provided for. The registered applications at this office alone were upwards of 600, very few of which could be supplied, and the agents at Montreal and throughout Western Canada experienced a similar difficulty. As a general rule the year's emigrants have been of the better class, and chiefly in good bodily condition. Most of them came out to join their friends and relations already settled in the country, many to purchase and settle upon land ; consequently the labour market has not been afforded much relief. This, however, applies exclusively to the agricultural class.”

Emigrants on arrival readily found employment.

Demand for female servants.

With regard to the prospects of emigrants for the present year, it is estimated that the following classes of persons are required in various parts of the country :—

Prospects of emigrants.

Farm labourers	-	-	-	-	4,916
Female servants,	-	-	-	-	3,342
Boys over 13 years	-	-	-	-	2,486
Girls over 13 years	-	-	-	-	2,259
Mechanics -	-	-	-	-	2,610
Total					<u>15,613</u>

NEW BRUNSWICK.

The emigration from the United Kingdom to New Brunswick in 1861 amounted to 545 persons, as shown in the Appendix No. 2. The number which went the year before was 294.

Immigration.

During the session of 1861 an Act, No. 2,805. Cap. IV., was passed by the Legislature of New Brunswick to protect the Local Government against the burden of supporting impotent passengers.

Act to protect Local Government against burden of supporting impotent passengers.

The Act repeals a previous Act (Cap. 21. Title 3.) passed for the same object, and it provides that the master of every

passenger ship arriving at Saint John shall give a bond to the Crown, with two sureties in the sum of \$300 to indemnify the Province against loss during three years for each lunatic, idiot, maimed, deaf and dumb, or infirm person not belonging to any emigrant's family, and likely to become a permanent public charge. Provision is also made for securing the property of emigrants who die on the voyage, and for enabling passengers to recover by summary process, compensation not exceeding 5*l.* from the master or owner of the vessel, for deficient issue of provisions.

The chief differences between the present and the former law are, that by the present Act the master of the vessel is required to give a list on oath of impotent passengers likely to become chargeable; that the emigration officer, instead of a physician, is to inspect the ship and passengers; and that the expense of maintaining any passenger who may become chargeable, may in the first instance be paid out of the general revenue. The capitation tax of 2*s.* 6*d.* per head under the former Act is not reimposed, and a provision for apprenticing out orphan or deserted children of immigrants is also omitted, that object being provided for in another law.

Abolition of
capitation tax
on immigrants.

NOVA SCOTIA.

Land sales.

The following table shows the quantity of public lands alienated and remaining for alienation in Nova Scotia and Cape Breton in 1860 :—

	Amount Alienated.	Estimated Amount remaining for Alienation.	Estimated Amount available for Settlement.	Lands surveyed and open for Settlement.
	Acres.	Acres.	Acres.	Acres.
Nova Scotia -	4,935,349½	4,113,384½	556,664½	3,412,384½
Cape Breton -	813,543¾	1,207,438¼	356,676¼	777,438¼
Total -	5,748,893¼	5,320,822¾	913,340¾	4,189,822¾

Population.

The population, according to the census taken on the 7th April 1861, was 330,857, being an increase of 54,740 as compared with that taken in 1851.

Gold disco-
veries.

The recent discoveries of gold in Nova Scotia are daily assuming increased importance, and form the subject of several interesting reports from the Governor and Provincial Secretary of the colony. In this place we merely propose to recapitulate very shortly some of the leading facts contained in those reports.

The place where gold was first found in any quantity is situated close to Tangier Harbour, about half a mile from the shore, and about 40 or 50 miles to the eastward of Halifax. The Lieut.-Governor visited the spot in May 1861 (about three months after its discovery), when he gave directions for making a road from the mines to the shore, reducing at the same time the price of a claim, which had been previously fixed at 40 dollars (10% currency), to half that sum. When he next visited the mines in June a great change had taken place in the appearance of the place; the road to the harbour was nearly completed, and a number of wooden houses had been erected, while the number of diggers had increased from about 100 men to 600, but no good crushing machine had yet been erected, so that the gold which had been found was chiefly obtained by breaking the quartz with a hammer. The country in the neighbourhood had been surveyed by the direction of the Governor, and the quartz had been traced to the mouth of Ship Harbour, in a westerly direction. Good specimens of gold had also been found in Lawrencetown, about 14 miles from Halifax. It was the opinion of the Governor that the same lode of quartz may be found through the whole of that district, a distance of about 40 miles.

The Tangier mines are thus described in the Provincial Secretary's report of the 4th Sept. :—"The lowest depth yet reached is 45 feet, and the largest nugget found is valued at \$300. The gold is got in quartz veins, running through slate or earth resting upon granite, in the form of scales, jagged and torn bits, like shot or bullets fired against a wall. It is sometimes globular, but seldom completely round. The veins run east and west. It is found in the soil immediately around the veins, but placer washing has not been very profitable at Tangier, or perhaps has not been attempted on a scale sufficiently extensive to command a fair return."

The number of lots taken up had reached on the 4th Sept. 95, for which 475% currency had been paid. In a subsequent despatch, dated a month later, the Governor reports that the diggings were then extending in all directions, and that in the large claims deep shafts were being sunk with a view of mining underground, which would enable the men to work during the winter. A road from the harbour had been completed to Pope's Harbour, passing through the centre of the diggings, and another was in the course of construction in the direction of Ship Harbour, which would furnish a direct line of communication with Halifax in the winter, when

the navigation is closed. A complete town had sprung up, and all the necessaries of life could be obtained in the shops nearly if not quite as cheap as at Halifax. The conduct of the people is stated to have been exemplary.

In June gold was discovered in the county of Lunenburg, about 60 miles to the westward of Halifax. The gold at Lunenburg is found not only in the quartz rocks, as at Tangier, but also on the sea-shore, deposited in the crevices of the slate rock. This rock "is much cracked and open on " the surface, and the strata are nearly vertical, and it is by " pushing away this, and carefully collecting the sand and " small particles of the rock and washing them, that the " gold is obtained." Numerous small veins of auriferous quartz may also be traced running in various directions through the rock, but the lodes appear to be much more broken and irregular than at Tangier.

The shore washings, it is stated, have proved very rich. Mr. Campbell, by whom they were first discovered, together with two other gentlemen, took four shore claims which formed the frontage of some 70 upland lots, and the rights of these gentlemen have since been sold to a larger company for 1,200*l*. All the sea-shore claims, 82 in number, were taken up before October, for prices varying from 5 to 20 dollars. And the company which purchased the four shore claims formerly owned by Mr. Campbell, sold two-twelfths of them for 500*l*. Other shore claims have been sold for 35*l*. The upland claims have also been in demand, no fewer than 360 had been applied for before the end of October.

" About the same time that public attention was attracted " to the auriferous deposits at Lunenburg, gold was dis- " covered in several other places, at Dartmouth, at Sheet " Harbour, and at Lawrencetown."

At the latter place a company has been formed, under the name of the Nova Scotia Gold Company, to which a farm has been leased on condition that the company shall buy up any pre-existing claims, shall employ at least 50 men upon the works, and shall place upon them adequate plant and machinery, paying such royalty, not to exceed 5 per cent., as shall be imposed by the Legislature.

The next place where gold was found is a farm on Lake Thomas, about 10 miles north from the harbour of Halifax. The specimens of gold here are stated to be quite as rich as any that have been found at Lunenburg or Tangier.

In October the Governor reports the discovery of four new gold fields. These fields are at Wine Harbour, Isaac's

Harbour, St. Mary's River, and at Laidlaw's Farm, on the eastern side of Lake Thomas.

The number of claims applied for at Wine Harbour was 30, and the number of people employed about 200. At Isaac's Harbour 23 applications had been made, and there were about 70 persons employed. Both these fields are on the south side of the province, where the metamorphic rocks exist. The geological structure is similar to that near Lunenburg. Quartz veins run in from the sea through the upland, with a general direction from east to west, and at various dips and angles. The gold is found in these quartz veins or in the overlapping soil. At Laidlaw's Farm the saddle-back formation prevails, the gold-bearing quartz being found in successive layers of barrel-shaped rocks covering large areas. At this place 16 claims had been taken, and about 50 persons were employed. At St. Mary's a similar number were employed, and about 36 claims had been applied for.

We place in the Appendix the papers containing the regulations which have been framed by the Lieutenant-Governor in Council for the working of the gold-fields.

Gold field regulations. Appendices, Nos. 39, 40, and 41.

PRINCE EDWARD ISLAND.

The Commissioners appointed in June 1860 to inquire into and adjust the differences existing in Prince Edward Island, between the proprietors of land and their tenants, made their report on the 18th July 1861, and the question is at present under consideration.

Difference between landlord and tenant.

BRITISH COLUMBIA.

The despatches received from Governor Douglas during the year 1861, on the recent gold discoveries in British Columbia, and the general progress of the colony, have been already laid before Parliament. Of the gold discoveries the most remarkable are the gold-fields in the Quesnel and Caribou country, discovered by a young man of the name of McDonnell, a native of the island of Cape Breton. They are said to be equal to the best parts of California, and to be distributed over a far more extensive area. Some idea of the richness of these mines may be formed from the following extract of Governor Douglas' despatch of the 24th October 1861, written from Vancouver's

Gold discovered in the Quesnel and Caribou country.

Richness of the mines.

Island:—"The accounts from Caribou are more than ever satisfactory, and the numbers of returning miners, with their rapidly acquired stores of gold, and the extraordinary fact, unusual, I believe, in gold countries, that they have all been eminently successful, offer the strongest confirmation of the almost fabulous wealth of that gold-field. I have not, indeed, up to the present time, met with a single unfortunate miner from that quarter. Of those whom I had occasion to interrogate during my recent visit to British Columbia, I ascertained that none who held mining claims had less than 2,000, and that others had cleared as much as 10,000 dollars during their summer's sojourn at the mines." In these sums the large strikes of the season are not included. The amount of gold taken out of a claim on Lightning Creek, belonging to a man named Ned Campbell, is stated in the Monthly Report of Mr. Ball, Assistant Gold Commissioner for the Lytton district, to have been the first day, 900 ounces; second day, 500 ounces; and third day, 300 ounces, making 1,700 ounces in three days.

Other cases are mentioned, in which 80, 90, and 100 ounces a day were ordinary returns.

Want of circulating medium.

The want of a circulating medium of fixed and recognized value, equal to the business and demands of the country, has been more or less felt since the formation of the colony, and latterly had been the cause of much inconvenience and loss. Almost all the business of the country has been transacted in gold dust, of uncertain value; and gold dust not being received for Custom duties, the importers of goods have frequently been obliged to borrow money at exorbitant interest to make those payments. To remedy this state of things, Governor Douglas has announced his intention, in his despatch of the 14th November last, to take steps for the manufacture of gold pieces equal in value to the 10 and 20 dollar American coins, and to bring them into general use as a circulating medium in British Columbia and Vancouver's Island.

Proposed issue of 10 and 20 dollar gold pieces.

Pre-emption consolidation Act. Appendix, No. 42.

We place in the Appendix a copy of a proclamation issued on the 27th August last, entitled "The Pre-emption Consolidation Act, 1861." The Act, as its title imports, is little more than a consolidation of three existing Acts relating to the pre-emption of unsurveyed lands. The principal alteration consists in allowing the holder of 160 acre claims to take possession of any contiguous land on payment of an instalment at the rate of 2s. 1d. per acre, as security that the land is held for the purpose of immediate

settlement. The payment of the remainder of the purchase money is deferred until the land is surveyed.

The long outstanding claims of the Hudson's Bay Company to land in British Columbia have been again brought under your Grace's consideration, and an arrangement has been agreed to which we trust will form the basis of a permanent settlement of the question. A short review of the facts will explain the nature of the proposed arrangement.

Settlement of
claims of
Hudson's Bay
Company.

Before British Columbia was constituted a colony, the Hudson's Bay Company had occupied many tracts of land for the erection of forts or trading establishments, as well as for purposes of cultivation. To this land they had no title, beyond that of occupation, confirmed (as they conceived) by the stipulations in the Oregon treaty of 1846, nor was there any definition of their boundaries. So long as the country was uninhabited no inconvenience was felt from the uncertainty of their tenure, but after the erection of the colony, and the resort to it of settlers, it became important that the extent of their claims should be ascertained, and their validity recognized. Considerable correspondence ensued, and several reports on the subject were received from the colonial authorities. Eventually, in May of last year, Governor Douglas suggested, as a basis of settlement, that the places occupied by the Company as existing forts or posts, which are necessary for carrying on their business, should be transferred to them in fee, together with any fields or gardens actually enclosed by fences and under cultivation, provided that no such grant should exceed 100 acres of country land at any one place, except at New Langley and Kamloops, where the Company have a number of cattle and horses. In those places the grants he suggested might be increased to 500 acres. In the towns Governor Douglas proposed that the grants should be restricted to building lots actually occupied by the Company's business houses. These proposals, with some modifications, suggested by Mr. Dallas, on behalf of the Company, form the basis of the arrangement which has now been agreed upon.

Under the proposed arrangement the whole quantity of land to be conveyed in fee to the Company in satisfaction of all their claims will not exceed 2,913 acres; but the Company are to have the liberty of purchasing, within six months, at the farm near New Langley, but not in any other locality, an additional quantity of country land not exceeding 1,500 acres, at 4s. 2d. per acre, the minimum upset price of lands in the colony. It is further proposed

What land to
be conveyed
to Company.

that in case of any differences as to the site, shape of blocks boundaries, quantities, or value of land, or as to what are to be deemed improvements, enclosures, or occupation, or matters otherwise connected with the present arrangement, such differences are to be determined by two arbitrators appointed beforehand, one by the Government and the other by the Company, with an umpire, to be chosen also beforehand by the arbitrators. The decision of these arbitrators is in all cases to be final and binding.

Wheresituated. The following is a list of the places in which the lands to be conveyed to the Company are situated, and the number of acres which they are to receive in each locality:—

Langley Fort	- -	not exceeding	200	acres.
Do. Farm	- -	"	500	"
Fort Hope	- -	"	5	"
Do. Suburban Lot	- -	"	5	"
Fort Yale	- -	"	1	"
Old Langley	- -	"	2	"
Kamloops	- -	"	600	"
Fort Dallas	- -	"	50	"
Fort Berens	- -	"	50	"
Fort Shepherd	- -	"	100	"
Fort Simpson	- -	"	100	"
Fort Alexandria and 12 other Forts in the north, not exceeding	- -	-	1,300	"
Total	- -	-	<u>2,913</u>	

VANCOUVER'S ISLAND.

Settlement of
Hudson's Bay
Company's
land claims.

Appendix, No.
43.

Upset price of
country lands.

We are also glad to be able to state that in the last few months a settlement has been effected of the Hudson's Bay Company's land claims in Vancouver's Island, which the events of the last few years had rendered not a little complicated. We place in the Appendix a copy of the agreement on this point concluded with the Company under your Grace's direction and authority.

By two proclamations issued by Governor Douglas in February 1861, the upset price of country land is fixed at 4s. 2d. per acre, as in British Columbia, and settlers are allowed, under certain restrictions, and as a provisional arrangement pending the legal difficulties which at present impede the issue of Crown grants, to occupy country lands before survey with a right of pre-emption. This measure, Governor Douglas states, has given great satisfaction in the colony.

MAURITIUS.

We learn from the report of the Protector of Emigrants at Mauritius, that the total number of emigrants introduced into the colony in 1861 was 13,985, of whom 7,184 were from Calcutta, 4,996 from Madras, and 1,805 from Bombay. The proportion of females was 36.6 per cent. The rate of mortality on the passage, it is satisfactory to observe, was under the usual average. In the Calcutta ships it was 2.20 per cent., forming a favourable contrast with that in the previous year, when it amounted to 4.14 per cent. The improvement in last year's immigration is attributed by the Protector of Emigrants, probably with good reason, to the sanitary measures taken by the Mauritius Government. The deaths in the Madras and Bombay ships were as usual few. In the former the ratio was 0.83 and in the latter 0.66 per cent. The following is a return of the per-centage of deaths at sea in each of the last five years' emigration from all ports.

Immigration, 1861.
Proportion of females.
Mortality on the voyage.
Comparison of mortality at sea from 1857 to 1861.

In 1857	-	-	-	-	2.96 per cent.
1858	-	-	-	-	1.64 "
1859	-	-	-	-	1.74 "
1860	-	-	-	-	2.53 "
1861	-	-	-	-	1.52 "

Of the 44 ships that arrived with immigrants in 1861 only five were placed in quarantine, two on account of cholera, and the others on account of other diseases, but none on account of small-pox. It may therefore, as Mr. Beyts observes, be fairly inferred that the present rules regarding the vaccination of emigrants in India are good and carefully carried out.

The departures from Mauritius in 1861 and in the three preceding years are stated to have been as follows,

In 1858	-	-	-	-	8,165
1859	-	-	-	-	5,118
1860	-	-	-	-	2,833
1861	-	-	-	-	2,257

Only about one fourth of the emigrants who left the colony last year embarked at Government expense, the others not being entitled to free return passages, paid for their own expenses. The per-centage of females to males among the return emigrants last year was 26.37.

Early in February 1861, Mr. Beyts, the Immigration Agent, proceeded to India on a special mission, the object of which was to ascertain by personal inquiry the working of the system on which emigration from India to Mauritius is conducted, and whether any improvements could be

Proportion of females.
Mr. Beyts' report on the conduct of emigration from India to Mauritius.

made in it. Having completed this service in a manner which appears to have given entire satisfaction to the Colonial Government, he returned to Mauritius on the 23rd July.

Mr. Beyts' report contains an interesting and useful description of the conduct of emigration from India from its commencement to the present time, showing the laws by which it is governed, and describing the mode in which the emigrants are collected, the depôts in which those for Mauritius are lodged, the rules for securing their sanitary treatment, as well as those for regulating their diet, both at the depôt and on board ship.

The following are the principal recommendations made by Mr. Beyts :—

Summary of suggestions.

Consolidation of Indian emigration laws.

British colonies to receive same advantage as foreign countries.

Regulations for the government of recruiters.

1st. It is suggested that the Indian law, which is now contained in 16 Acts, extending from 1839 to 1860 inclusive, should be consolidated. In this suggestion the Secretary of State for India has expressed his concurrence, and it will rest with the Indian Government to give effect to it.

2nd. Mr. Beyts adverts to the difference existing between the law as applied to British and French colonies, to the prejudice of the former. This has arisen from the more recent date of the law regulating emigration to French colonies, which embraces all the relaxations of the system which experience has shown to be admissible. The Secretary of State for India has directed the Government of India not to deny to the British colonies any advantages granted to French colonies; but to carry this instruction out would require the passing of a new Act. No occasion for assimilating the law in all cases could be more opportune than the proposed consolidation of the Acts.

3rd. A set of regulations for the government of recruiters is recommended, which, with some modifications, has been approved. The general purport of the proposed regulations is, that in future recruiters should be required to be licensed, registered, and badged; that they should act only for one depôt, and should give notice to the magistrate of any district in which they proceed to recruit; that the emigrants when engaged should be attested before the district magistrate; that the recruiters should be bound to accompany them to the magistrate's office, and that the emigrants should be examined by the Protector separately, and without the presence of any of those interested in the emigration.

The Governor-General in Council has decided that in future every cooly shall be taken in the first instance to

the Protector's office, and be furnished by the Protector with a pass to the proper depôt; the Emigration Agent being absolutely prohibited from receiving any cooly without such pass from the Protector.

Sign boards are also to be placed over the entrance of each depôt.

4th. It is proposed to establish a sub-agency for Mauritius at Raneegunge, and if it should be found necessary, a sub-protector. Raneegunge is the place at which it is said fraudulent recruiters waylay emigrants on their way to Calcutta, and induce them to change their destination. It is to counteract these practices that a sub-agency at that place is recommended. It is calculated that it will cost 360*l.* per annum, but if the new regulations for the control of the recruiters should prove effectual, it will not then be needed. Establishment of sub-agency at Raneegunge.

It would appear from Mr. Beyts' report that the Mauritius depôts in Calcutta are in a satisfactory condition. The mortality on 7,890 persons admitted between the 1st May 1860 and 30th April 1861, was 177, being at the rate of 2.22 per cent. The annual mortality in the gaols of Bengal from 1855 to 1859 is said to have ranged between 10.55 and 13.52 per cent. Even, therefore, after making allowance for the natural inferiority of prisoners, the result in the Mauritius depôts must be considered satisfactory. The relative mortality of the several castes could not be ascertained because the registers of the depôt had not been kept with the view of exhibiting this result. But the following figures illustrate strongly the excess of mortality among the hill coolies. Satisfactory state of depôts in Calcutta. Mortality in.

Admitted between 1st May 1860 and 30th April 1861.

		Total.	Died.	Ratio.
From Pooroolca	} Hill Districts {	484 424 377	1,285	11.8
" Rancee				
" Hazarcebaugh				
All other Districts together	- - -	6,695	66	1.0

Unfortunately the coolies from the plains are inferior as labourers to those from the hill districts.

At Madras the depôt appears to have been badly situated and ill constructed, and its removal having been recommended by the medical officers, Mr. Beyts selected an eligible piece of ground which he hired as a site for a new depôt. Madras depôt. New site purchased.

Temporary
depôt hired at
Bombay.
Retirement of
Mr. Caird
from the office
of emigration
agent.

At Bombay, where no depôt had previously existed, Mr. Beyts hired a temporary depôt.

Before we conclude the subject of Mauritius immigration, it may not be out of place to mention the retirement of Mr. Caird, after 27 years' service, during the last 19 years of which he has acted in Calcutta as Emigration Agent for Mauritius, and has always maintained the character of a zealous and intelligent officer.

Immigration
into the Sey-
chelles.

The question of sending a limited body of emigrants to Seychelles, where the want of labour is considerable, has been under the consideration of the Mauritius Government during the last year. The importation of 1,000 coolies into those islands was first suggested in a memorandum by Mr. McLeod, Her Majesty's Consul at Mozambique, which was transmitted in a despatch from Sir E. B. Lytton, of the 4th February 1859, to Governor Stevenson, who considered that the appointment of Mr. Beyts offered a favourable opportunity of communicating with the Indian Government on the subject. It is proposed to introduce in the first instance 200 or 300 only, as an experimental measure, and to assign them to the islands near the seat of Government, the more distant islands being comparatively beyond the reach of the resident magistrate. To induce the planters to engage their services, the Governor proposes to require the first employer to pay only three-fifths of the cost of their introduction, leaving the remaining two-fifths chargeable on the second engagement; but he intends to restrict these favourable terms to the first 1,000. It is proposed to extend the immigration laws of Mauritius to the Seychelles, by a short Ordinance to be passed for that purpose; and a Sub-protectorate will be appointed there, responsible to the Protectorate at Port Louis.

Liberated
Africans taken
to Seychelles
in 1861 and
1862.

In the summer of 1861, 202 African slaves, captured out of native vessels by H.M. ship "Lyra," were taken to Seychelles as the nearest port. Applications were immediately sent in by planters for their services, and eventually all that were capable (193 in number) were apprenticed out with the approval of the Governor of Mauritius. The expenses incurred for these Africans in Seychelles was 217*l.* 2*s.* 5½*d.*; the amount recovered from the planters on their indentures was 233*l.* 12*s.* 2½*d.*, leaving a balance in the hands of the Local Government of 16*l.* 9*s.* 9*d.* Out of this balance Governor Stevenson proposed to pay a salary of 2*l.* a month to an interpreter, whom it was found necessary to attach temporarily to the Stipendiary Magistrate's

Court. A further body of 56 Africans has since been taken in by H.M. ship "Gorgon," all of whom were eagerly applied for by the planters.

WEST INDIES.

During the season of 1860-61 the following vessels were despatched to the West Indies :—

FROM CALCUTTA.

Colony.	No. of Ships.	Adults.		Children.	Total.	Deaths on the Voyage.	Per-centage of Deaths.
		M.	F.				
To Jamaica - - -	5	965	400	353	1,718	202	11·7
To British Guiana - - -	12	2,387	1,237	662	4,286	348	8·1
To Trinidad - - -	6	1,413	430	242	2,085	144	6·9
To St. Kitts - - -	1	192	113	56	361	No return.	
Total - - -	24	4,957	2,180	1,313	8,450		

Coolie Emigration. Number of ships and coolies despatched in 1860-61.

Mortality on the voyage.

Appendix No. 19.

FROM MADRAS.

Colony.	No. of Ships.	Adults.		Children.	Total.	Deaths on the Voyage.	Per-centage of Deaths.
		M.	F.				
To British Guiana - - -	2	467	166	110	743	14	1·8
To Trinidad - - -	1	165	62	14	241	5	2·0
To St. Vincent - - -	1	160	62	36	258	—	—
Total - - -	4	792	290	160	1,242	19	1·5

The mortality in the Calcutta ships, excluding the ship to St. Kitts, for which we have not yet received any returns, though smaller by 3·5 per cent. than in the preceding season, was, as usual, far greater than in the Madras ships. In the five Calcutta vessels to Jamaica it averaged 11·7 per cent., and, with the exception of the "Wentworth," the smallest mortality in any one ship was over 10 per cent. In the 12 vessels to British Guiana the average mortality was 8·1 per cent., being about the same mortality as in the 11 ships which proceeded to Jamaica and Trinidad. In four of the British Guiana vessels, the "Ulysses," "Vittoria," "Collingwood," and "Telegraph," where there were many cases of cholera on board, the deaths averaged 12·7 per cent., and in the remaining eight vessels 5·7 per cent. In the six ships which sailed to Trinidad the mortality was 6·9 per cent., although in one of the ships it amounted

In Calcutta vessels.

(chiefly from cholera) to 17·0 per cent. The per-centage of deaths in the five other ships was 5·1.

In Madras vessels.

In the four vessels from Madras the mortality did not exceed 1·6 per cent.

Difficulty of procuring surgeons at Calcutta for coolie ships.

In October 1860 the Government of Bengal appointed a committee to inquire into the mortality in coolie ships. Many of the recommendations in their report had been already anticipated, either wholly or in part. One, not the least important, was intended to remedy the inconvenience which arose from the difficulty of procuring the services of competent and respectable surgeons at Calcutta. To obviate this inconvenience we had already obtained your Grace's sanction to the transfer to the coolie emigration of a number of our Australian surgeons. The measure, though entailing some considerable additional expense, has been agreed to by the West Indian colonies, except that, in the case of Jamaica, the Executive Committee suggest that medical men of the Australian service should be employed only when medical men who have already had care of Indian emigrants from the East to the West Indies, and have discharged their duties satisfactorily, cannot be procured. The Governor also expressed an opinion that whenever Australian surgeons are appointed, the least expensive among the fully competent should be preferred. The plan could not be brought into operation in sufficient time to send out more than five surgeons with a prospect of employment during the season of 1861-62, but we hope to supply as many experienced surgeons as may be required for the ensuing season of 1862-63.

Employment of Australian surgeons in this service.

Coolies ordered for the West Indies for 1861-2.

The number of coolies ordered for the West Indies for the season of 1861-62, and the number despatched, were as follows:—

	Colony.	Ordered.	Despatched.	
			Ships.	Emigrants.
Numbers despatched. Appendix, No. 20.	For British Guiana	5,000	14	5,400
	Trinidad	2,000	5	2,032
	Jamaica	2,000	6	2,164
	St. Vincent	276	1	316
	Grenada	1,000	3	1,122
	St. Lucia	1 ship	1	336

Five of the ships for British Guiana were chartered by us in this country. The remainder of the shipping has been engaged in India.

The present year's emigration, so far as it is known, has been more successful than the emigration of the preceding

season of 1860-61, as will be seen from the following return of the Calcutta ships whose arrival in the West Indies has been reported up to the present date. Until, however, we have received reports of the arrival in the West Indies of the other ships which have been despatched from Calcutta it would be premature to pronounce a decided opinion on the subject :—

Colony.	No. of Ships.	No. embarked.	No. of Deaths.	Mortality per Cent.	Numbers arrived. Mortality on the voyage.
British Guiana	8	3,152	128	4.0	
Trinidad	5	2,032	71	3.4	
Jamaica	3	1,057	131	12.3	
St. Vincent	1	308	10	3.2	
Grenada	2	802	22	2.7	
St. Lucia	1	336	17	5.0	

We have received advice of the arrival at Calcutta of the "Brechin Castle," on the 21st February in the present year, with 286 return coolies. There were 303 souls on board when the ship left Trinidad, but the number was reduced by 19 deaths on the passage. The amount of savings deposited in the colonial chest by these people was 2,692*l.* A further sum of 1,384*l.* 11*s.* 8*d.* was intrusted by them to the care of the surgeon.

Arrival of return coolies from Trinidad.
Mortality on the voyage.
Appendix, No. 21.

This is the only vessel which has been chartered for return coolies from the West Indies during the past year.

In the session of 1861 an Act was passed by the Legislature of Jamaica to make further provision for immigration into that island. It contained a clause extending from 6 to 20 years the period for the redemption of bonds issued under the Immigration Loan Act of 1858. It appeared to your Grace objectionable that a loan contracted for an object so temporary as emigration should be devolved on futurity, and the decision on the Act was accordingly suspended, in order that the Colonial Legislature might have the opportunity of amending it in this and some other points. An Act has been since passed, which amends the law in accordance with the views entertained by your Grace, and we have placed in the Appendix this, as well as the original Act. It is now provided, that the bonds and debentures issued under the Act of 1858 shall be made redeemable, one-third at the end of five years, another third at the end of 10 years, and the remainder at the end of 15 years.

Amendment of Jamaica Further Immigration Act of 1861.

Act relating to contracts made in China by Chinese immigrants. Appendices, Nos. 44 and 45.

Mr. MacGregor having resigned his appointment as Emigration Agent in India for Jamaica, the Colonial

Appointment of Mr. Anderson in India

as emigration
agent for
Jamaica.

Government have appointed Mr. W. M. Anderson, to succeed him. The agency for the smaller West Indian colonies has been conducted during the last season by Mr. Fryer, who was selected temporarily for the service by Mr. Caird. The question as to how the duties should be performed in future is now under the consideration of those Governments.

Ordinance to
amend the
laws respecting
the apprenticeship
of children
in British
Guiana.

In British Guiana an Ordinance has been passed (No. 24 of 1861), to amend the laws respecting the apprenticeship of children. The former law (No. 3 of 1854), applied only to resident apprenticeship, and was nearly nugatory from the unwillingness of masters to incur the expense of clothing, lodging, and maintenance for their apprentices. The present Ordinance provides that all children who have arrived at the age of 10 years may be apprenticed as non-resident apprentices to useful trades, by their parents or guardians for not more than seven years. The indentures cease to be binding as soon as the apprentice shall attain the age of 21 years, or if a girl, as soon as she shall be legally married.

Ordinance for
the care and
superintendence
of Crown
lands, rivers,
&c., in British
Guiana.

An Ordinance (No. 14 of 1861) has also been passed, to make better provision for the care and superintendence of the rivers, creeks, Crown lands, and forests in British Guiana.

The Ordinance repeals two former Ordinances, No. 6 of 1838, and No. 16 of 1857, and also the land regulations of 21st November 1835 and 28th May 1839, except so far as they relate to plantations in cultivation. The provisions of the new law are framed with some modifications on the model of certain regulations, on which a report was furnished by this Board in 1858, but which were not then carried into effect. By the recent Ordinance Crown lands are to be sold at the fixed price of \$10 an acre, after three advertisements of the intended sale, provided no well-founded opposition is offered thereto. The smallest quantity of land which can be sold is 200 acres. The purchaser is to have the option of paying down at the time of the sale only half of the purchase money, and the remainder by two annual instalments, with interest at six per cent. The issue of the deed of grant is in that case to be withheld until the whole of the purchase money has been paid, the purchaser being allowed to occupy the land in the meanwhile, under a provisional licence. The duration of wood-cutting licences is fixed by the recent Ordinance at five years, and the extent of land over which a licence extends is to be not less than 300 nor more than 1,000 acres. The annual rental is fixed at 30 cents. (1s. 3d.) per acre.

The despatches from the Governor of the Windward Islands in the early part of 1861 showed that there had been an excessive mortality among the Indian immigrants in St. Lucia, especially on three estates, Roseau, Mont d'Or, and Peru. The number of coolies in the colony on the 31st December 1860 was 1,076, of which 1,024 were on estates. During the first half-year of 1861 the deaths were 53, or at the rate of about 10 per cent. per annum. Under these circumstances your Grace decided not to sanction the despatch of any more immigrants to St. Lucia, beyond the one shipment already ordered, until the system was amended. This has led to the passing of an Ordinance, which, among other things, provides for the establishment, support, and regulation of three public hospitals—for compelling sick emigrants to enter them—and for securing their frequent and regular inspection by the Stipendiary Magistrates and Immigration Agent. Governor Hincks states that he had made arrangements which would bring hospital accommodation within a short distance of all the estates, which receive coolies, except three, and make it far from inaccessible to those. He proposed to assign to the medical practitioners in the three districts allowances varying from 5*l.* to 10*l.* a month for attendance and medicines, in consideration of which they were to be bound to attend such immigrants, not only in the hospitals but on the estates. Part of the expense thus incurred would be defrayed by a payment of 10*s.* a head per annum on immigrant labourers, which the Ordinance imposes on employers, and partly from the public Treasury.

Suspension of coolie emigration to St. Lucia.

Ordinances regulating immigration of coolies. Appendix, No. 46.

On the 15th February in the present year the "Ulysses" arrived at St. Lucia with 336 Indian immigrants, and on the following day the "Damietta" brought to the colony 117 Africans from St. Helena. There was considerable difficulty in assigning the immigrants by these vessels, especially those from India. When the Immigration Agent made his report, a fortnight after the arrival of the "Ulysses," 30 of the coolies remained unassigned. The Agent expected to be able to assign them at an early date, and in the meantime they were supported at the public expense. Under these circumstances the Immigration Agent and the Administrator of the Government both recommend, apart from other considerations, that immigration into St. Lucia should be suspended for the present.

Difficulty in assigning coolies per "Ulysses," and Africans per "Damietta."

CHINESE EMIGRATION.

In our last Report we mentioned that 10 ships had been chartered, five in England and five in China, for Chinese emigration.

emigration during the season of 1860-61. Mr. Austin found considerable difficulty in obtaining emigrants for these vessels, owing to the ill-will produced among the Chinese by the war, and the opposition of the mandarins. He, nevertheless, succeeded in sending away between the 23rd December and 9th April all the 10 ships, with 3,496 emigrants, consisting of 2,955 male and 499 female adults, 26 boys, 7 girls, and 9 infants. The women, it will be observed, amounted to nearly 14½ per cent. of the whole number of adults. A return of the ships is placed in the Appendix.

Numbers despatched to the West Indies 1860-61.

Appendix, No. 22.

Mortality on the voyage.

There were 126 deaths on the voyage, being at the rate of 3.60 per cent. on the number embarked. This is considerably higher than in the six Chinese ships despatched in the preceding season, in which the rate of mortality was only 1.16 per cent. The greatest mortality occurred in the three last ships, which sailed after the middle of March, at which time in the previous year the season had closed. Whether this had anything to do with the result we are unable to say.

Numbers ordered and despatched, 1861-62. Appendix, No. 23. Mortality.

For the present season 3,200 Chinese were ordered for British Guiana, and 500 for Trinidad. We have received intelligence of the arrival of two British Guiana ships, the "Agra" and "Earl of Windsor." The former conveyed 287 emigrants, and, with the exception of one infant, there was no death on the passage. The surgeon of this ship was a native of China. In the "Earl of Windsor," however, the number of deaths was unusually great, amounting to 23½ adults. Three other ships have sailed, the "Persia" and "Sir George Seymour," for British Guiana with 853 souls, and the "Maggie Miller" for Trinidad, with 549 souls, but there has not yet been time to hear of their arrival.

LIBERATED AFRICAN EMIGRATION.

Since the date of our last Report the following liberated Africans have been sent to the West Indies from St. Helena and Sierra Leone :—

Liberated African Emigration. Number of Africans despatched from St. Helena and Sierra Leone since date of last report. Appendices, Nos. 24, 25, and 26.

	From St. Helena.	From Sierra Leone.
To British Guiana - - - -	186	—
To Jamaica - - - - -	598	395
To St. Lucia - - - - -	180	—
To St. Vincent - - - - -	14	—
To Grenada - - - - -	60	—
To Tobago - - - - -	225	—
	1,263	395

In February 1858 it was decided that any available liberated Africans should be distributed among the West India colonies, as far as might be practicable, in the following proportion; viz., British Guiana 8, Jamaica 5, Trinidad 4, St. Vincent 2, Grenada, St. Lucia, and Tobago 1 each. Antigua and St. Kitts have recently been added to the scale, and are to receive the same proportion of Africans as St. Lucia and Tobago. The number actually received since the beginning of 1858 up to the present date has been 3,750. Of these 3,134 have proceeded from St. Helena, and 616 from Sierra Leone, and have been distributed as follows:—

Colonies entitled to receive them.

	From St. Helena.	From Sierra Leone.	Total.	Numbers received into West Indies since 1858.
British Guiana - - -	1,088	—	1,088	
Jamaica - - - - -	640	390	1,030	
Trinidad - - - - -	504	236	730	
St. Lucia - - - - -	179	—	179	
St. Vincent - - - - -	227	—	227	
Grenada - - - - -	271	—	271	
Tobago - - - - -	*225	—	225	

Hitherto the whole expense of deporting liberated Africans from St. Helena and Sierra Leone to the West Indies has been defrayed out of imperial funds. This course was adopted when the colonies had been suffering under a severe depression, occasioned to a certain extent by imperial legislation. Subsequently when the colonies were in a position to import labour for themselves, the comparatively insignificant number of captures for some years past, and other reasons connected with the state of the West Indies, operated to keep the consideration of the question in abeyance.

The number of Africans taken into Sierra Leone and St. Helena during the eight years from 1852 to 1859 did not exceed 3,525. The number in 1860, and the first six months in 1861, was 3,137, being nearly five times the annual average number of the preceding eight years. It appeared, therefore, to your Grace, that the time had arrived for making a change. It is proposed for the future that the expenses actually incurred in the removal of liberated Africans from the place at which they may have been originally landed shall be charged to the receiving colony, leaving all the expenses incurred before embarka-

Numbers taken into St. Helena and Sierra Leone since 1852.

Expenses of transport to be charged to importing colony.

* These are the numbers embarked.

tion to be defrayed as heretofore by the Home Government. The new arrangement came into operation on the 1st April last.

EMIGRATION FROM INDIA TO FRENCH COLONIES.

The convention respecting the emigration of labourers from India to the French colonies, which had been for some time previously under negotiation with the French Government, was signed at Paris on the 1st July 1861. A copy of this important document we place in the Appendix. By the 2nd article an Agent is to be appointed by the French Government to direct the operation of emigration to the French colonies, and by the 3rd and 4th articles all the facilities afforded to the recruiting agents for British colonies are extended to the French agent, who on the other hand is required to conform to the regulations which now exist, or may hereafter be established for the recruitment of labourers for British colonies. The convention embodies generally the Regulations established by the Government of India for the protection of coolies leaving India, and the Indian Government have been informed, that any relaxation of the rules which it sanctions, should apply equally to emigration to British colonies.

Convention with French Government relative to Indian emigration to French colonies. Appendix, No. 47.

TURKS ISLANDS.

The salt ponds in the Turks Islands are held under leases, generally for 21 years, with a right of renewal for ten years more. For some time past the lessees have been endeavouring to obtain a commutation of their leasehold tenure into freehold, but as the applications which they made from time to time were opposed by a large number of the residents on the island who were not lessees, the Secretary of State declined to entertain them. In the autumn of 1859, however, the question was again brought under the consideration of your Grace, and as on that occasion the opposition of the other residents was not renewed, and as the conversion of the similar tenure in the Bahamas had altered the position of the question in the Turks Islands, it was considered that the circumstances were sufficiently different to allow of its being entertained. Accordingly, your Grace approved of a scheme for carrying out the conversion of the tenures, the principal features of which were a revaluation of the salt ponds, and their sale at a certain number of years' purchase of the rent so revalued. The

Salt ponds. Conversion of leasehold into freehold tenure.

reevaluation of the ponds was made, and a commutation was offered at the rate of 20 years' purchase of the revalued rents, the purchase money to be payable in four annual instalments, with interest at 5 per cent. on the unpaid instalments. The lessees, however, have declined to purchase on these terms, and have applied for a commutation of their leasehold tenure into freehold in consideration of the grant in perpetuity of an extra duty on salt exported. This question has been under your Grace's consideration, but no final decision on it has, we believe, been yet adopted.

BAHAMAS.

As opening up a new source of employment which can be profitably pursued by persons with little or no capital, your Grace has approved of the Governor's acceding to an application made in the autumn of last year by some of the inhabitants of Rum Cay for permission to cultivate cotton on certain reserved lands on that island. At the suggestion of the Surveyor-General it is proposed that the land in question should be let on the share system on leases of 3 or 5 years, in lots not exceeding 3 acres, one fifth of the produce to constitute the rent to be paid by the lessee, the Government finding the seed. Although no great results as regards this country can be expected at present from the limited cultivation of the Bahamas, it is not impossible, looking to the peculiar character of the islands, that the experiment may be so far successful as to encourage capitalists to assist in the development of the cultivation hereafter.

Cultivation of cotton.

CAPE OF GOOD HOPE AND NATAL.

As has been already mentioned, the number of assisted emigrants sent from this country during the year 1861, to the Cape of Good Hope was 1,035, and to Natal 339. Besides the above numbers, 368 persons were dispatched to Natal from Madras in the course of the year, of whom 267 were men and 71 were women. The remaining number was made up of 14 boys, 10 girls, and 6 infants.

Government emigration to the Cape of Good Hope and Natal.

A law has been passed, No. 8 of 1861, for the better collection of quit-rents and other land-rents. By the terms of most of the grants in the colony, the land-rents or quit-rents are directed to be paid into the colonial treasury, and

Collection of quit-rents in Natal.

magistrates are also authorized to receive them; but from the absence of direct responsibility their collection has been troublesome. To remedy this defect, the present law provides that all such rents should be payable to the Surveyor-General, and he is authorized to sue for the recovery of such as are not paid.

Conversion of
quit-rent
into freehold
tenure in
Natal.

A law has also been passed, No. 17 of 1861, for the conversion of quitrent tenures into freehold. In forwarding this law, Mr. Scott explained that about three millions and a quarter of acres, called land commission grants, are held under a quitrent of about one-sixth of a penny per acre, without any other condition; that 27 grants in the most northern part of the colony, containing 107,366 acres, are held by Dutch Boers on nearly the same conditions; and that the remaining grants, about 497, containing a total area of about 944,391 acres, are subject to quitrents varying from one farthing to $2\frac{1}{2}d.$ per acre, and to the further condition of occupation, or, in case of non-occupation, to a fine of four times the amount of the quitrent, in addition to the rent. A Government notice was formerly in force permitting the redemption of the quitrents at 15 years' purchase, but this being found inconsistent with the terms of the deeds of grant which make the quitrent perpetual, the present law has been passed to enable the Government to carry out the measure. It authorizes the Surveyor-General to issue a new deed in freehold, on payment of a sum equal to 15 years' quitrent, and in those cases where occupation is a condition of the grant, on a further payment of seven years' purchase of the fine imposed for non-occupation, being equivalent, as the Governor states, to 20 years' additional quitrent. In this class of grants, therefore, the redemption price will be equal to 43 years' quitrent. It further appears from the Governor's statement that the redemption money for the commission land grants would be 28,168*l.*, which, added to 18,779*l.* already received for quitrents, makes a total of 46,947*l.* The purchase money, therefore, which would ultimately be paid to the Government for the lands in these grants would be about $3\frac{1}{2}d.$ per acre. On a similar basis of calculation, the purchase money for 27 grants to the Dutch Boers would be a fraction above $2d.$, and on the 497 most recent grants 1*s.* $4\frac{1}{2}d.$ per acre.

As by the terms of the law no redemption can take place of any land until all registered mortgages thereon have been paid off, the process of conversion will probably not be very rapid.

In the last year there has been a good deal of discussion between the Lieutenant-Governor and the Legislative Council on the subject of a measure proposed by the Lieutenant-Governor for granting to the natives tribal titles to land. Grant to natives of tribal titles to land.

Mr. Scott was of opinion that it would not be desirable at once to give the natives individual titles, but he recommended that the lands should be conveyed to trustees, of whom the chief should be one, to be appointed on behalf of each tribe or branch of a tribe, with power to divide them into smaller holdings to be assigned to sections of tribes or even families. Such a measure he expected would, in time, lead to the formation of villages, in which each family would have a small plot of land, held by a legal and independent title, with the right of commonage on a limited area of surrounding land. To this scheme, which had received your Grace's approval, the Legislative Council object that it will prevent the amalgamation of the natives with the general population, and postpone the grant to them of unfettered individual titles. All parties, apparently, are agreed that titles of some kind should at once be given to the natives, and the question is whether their permanent interests will be best secured by postponing the issue of individual titles until they are more alive to their value, or by issuing them at once, with the risk of their being inconsiderately parted with. It is unnecessary to go into the argument on the subject in this place, but your Grace has, we believe, expressed your concurrence with the Lieutenant-Governor's views, which are more in accordance with the practice and experience of other colonies than those of the Legislative Council.

In the beginning of the present year two Acts, which had passed the local legislature for establishing colleges at Pieter-Maritzburg and D'Urban, reached this country. Establishment of colleges at Pietermaritzburg and D'Urban. Each of those colleges it is proposed to endow with 11,000*l.* worth of land, of which 6,000*l.* worth is to be given by the local government, and 5,000*l.* worth or its equivalent by the corporations of Pieter-Maritzburg and D'Urban respectively. Assuming that the corporations give land and not money, the whole extent assigned to each college, at the Government upset price of land, would be 55,000 acres or about 86 square miles. The land is to be vested in trustees named in the Act, whose duty it will of course be to manage it in whatever manner may be most profitable to the colleges; which will necessarily be by retaining it until the increase of settlers and cultivation shall give it additional value.

Lands thus held are a great impediment to the progress of the neighbourhood, and a serious evil to the settlers, and it would therefore have been better if some other means of endowing the colleges had been adopted. But upon the whole it has been decided to leave the Acts for the present to their operation, although the attention of the Lieutenant-Governor has been called to the objections to which they are open.

CEYLON.

Repeal of
Immigration
Ordinances,
No. 15 of
1858 and 10
of 1859.

In previous reports we have explained the measures adopted by the Colonial Government for promoting and protecting immigration into Ceylon from India. Those measures, at least so far as they had reference to the first of these objects, have proved, to a great extent, inoperative, and consequently burthensome. In order, therefore, to relieve the planters from a heavy expenditure, from which they derived no commensurate benefit, an Ordinance has been passed to repeal the Immigration Ordinance No. 15 of 1858, and No. 10 of 1859. The effect of this measure will be to discontinue the employment of Government agents in India, for the collection of coolies, and to leave the supply of labour to be obtained by spontaneous immigration or the operations of private agents. The repeal of the Immigration Ordinances has necessitated the adoption of other measures for the protection of immigrants on their journey. A permanent ferry has been established at Manaar. It is proposed to improve the line of communication on the Central road of the island, by the repair of sheds and the sinking a well, and to abandon the Coast road, which is said not to be used by immigrants. Two medical supervisors have been appointed to take charge of the hospitals on the road. New hospitals have been built where required, and the staff of hospital attendants has been increased. The Governor had also placed the steamer "Pearl" at the disposal of the Immigrant Labour Commissioners for the period when she is not required at the Pearl banks, and had chartered three small vessels for the maintenance of a packet service for the conveyance of immigrants between the main land and Ceylon, under the supervision of a Government officer, who will see that the immigrants are properly treated, and will furnish them with any information they may require after their arrival in the island.

Measures
adopted for
the protection
of immigrants.

HONG KONG.

The Governor has reported the result of four sales of Land sales government land in 1861, held on the 28th and 29th June, and on 1st and 2nd July. The following is a return of the prices realized on each day's sale:—

	Rent.	Premium.
1st day's sale - -	\$7,481.34c.	\$52,008
2nd " - -	986.31	84,805
3rd " - -	8,285.74	34,250
4th " - -	414.00	9,835
Total - -	<u>\$17,167.39</u>	<u>\$180,898</u>

At two later sales held on the 7th and 8th January in the present year, a further sum of \$76,496 was realized as premium, in addition to an annual rental of \$4,384.10%. This result is considered by the Governor to be very satisfactory, as the lots in question were mostly at some distance from the centre of business, and were nevertheless eagerly sought after.

A sum of \$50,000 was subscribed in 1861 by the mercantile community of Hong Kong towards the erection of a Sailors' Home, an institution which it is stated is much needed. The committee appointed to carry out the undertaking having applied to the Governor for a grant of a piece of ground for a site, he has consented to give a lease of the ground required for this purpose, about an acre and three-quarters in extent, to the trustees of the proposed institution, at a nominal rent, subject to the usual reservations, that the land shall not be used for the purposes of endowment, and that it shall revert to the colony in the event of its ceasing to be used at any time as a Sailors' Home. As in such case it was considered that the colony would have no equitable claim to the improvements which will have been effected by private funds, it has been further agreed that if the ground should revert to the colony, it shall be sold by auction, subject to the same rent as that now placed on the neighbouring lots, and that whatever premium shall be realized over \$10,000 shall be paid over to the trustees of the Home as the value of their buildings and other improvements. The sum of \$10,000 has been fixed as the estimated premium which a lease of the ground in its present unimproved state would have fetched at the recent land sales.

Erection of a
Sailors' Home
at Hong Kong.

KOORIA MOORIA.

Messrs. Ord
and Co.'s li-
cence revoked.
Grant of
licence to
Messrs. Dixon
to export
Guano.
Appendix,
No. 48.

The licence granted to Messrs. Ord, Hindson, and Hayes, to export guano from the Kooria Moorria islands having been cancelled, under the circumstances explained in our last Report, permission has been granted to Messrs. Dixon and Co. of Liverpool, to import during the next three years, 20,000 tons of guano crusts from those islands, on payment of a royalty at the rate of three shillings per ton. A copy of the agreement is placed in the Appendix.

FALKLAND ISLANDS.

Regulations
relative to the
leasing of
grazing lands,
and the cap-
ture of wild
cattle.
Appendices,
Nos. 49 and 50.

We place in the Appendix a copy of a set of amended regulations issued by the Governor on the 4th April 1861, relative to the leasing of grazing lands, and the disposal of wild cattle in the Falkland Islands. By these regulations a fee of 5*l.* is imposed on a grazing licence, which is to be issued for one year only. The licence may on application before the end of the term be converted into a lease for 10 years. The lessee is to be bound to keep up his stock and to purchase a homestead within five years, and no lessee is to be entitled as of right to a renewal of his lease. Lands are not to be leased within six miles of Stanley, or any township which may hereafter be proclaimed. In regard to the definition of the boundaries of leases, which in other colonies has been the cause of much difficulty, it is provided that boundaries shall be run with reference to the nautical chart of the Islands, and the Governor observes that from their configuration natural boundaries will be largely available. The new regulations also contain a provision that no person shall obtain under them a licence for pasture lands who holds any unoccupied district, under a proclamation for the sale of land dated 31st July 1849. The Falkland Islands Company, who hold several such districts acquired in 1860, have complained of this and certain other provisions, which they consider injurious to their interests. We believe that your Grace proposes that the whole of the questions raised by the Company should wait until the new Governor of the Falkland Islands shall have an opportunity of reporting on them. In the meanwhile the regulations are reported to be working satisfactorily. In a despatch, dated 4th November last, the Governor mentions that three stations had already been taken by independent colonists, two of which have been

built upon and stocked and are occupied. A fourth station has also been applied for under the new regulation for the capture and slaughter of wild cattle. About 2,000 wild bulls have been killed off for their hides, by which the wild herds get greater range of pasturage, and the difficulty of capturing and taming cows is diminished.

An application has been made to the Governor by Mr. Dean, a merchant and agent for Lloyds, who has been resident in the colony upwards of 20 years, for the purchase of Pebble Island, an island at present unoccupied, situated at the northern extremity of West Falkland, together with some of the adjacent islets, with the intention of importing sheep from Buenos Ayres and England and cattle from the adjacent islands, and establishing a dairy farm. It would be impossible for him to effect his object if he were required to buy the land at the established price of eight shillings per acre. The Governor would have preferred that Mr. Dean should take the land he wants under the new regulations for the lease of pasture land, but as those regulations authorize a lease of 10 years only, with the option of a renewal for five years more, which is too short a period for the profitable working of his scheme, the Governor has proposed to grant Mr. Dean a lease of the islands in question for 20 years, with the right at the end of that time of buying the land for 20 years' purchase, or 400*l.*, on condition of his importing 1,000 sheep before the end of 1862, and occupying the islands during the whole term of the lease in the manner required by the pasturage regulations. The lease and right of purchase is to be transferable, but the Governor is to have the right of reserving a block of 100 acres for the use of the Government (but not for sale to others) in case of its being required at some future time.

Application of Mr. Dean to purchase Pebble Island.

Before concluding this report, it will be interesting to notice the number of emigrants who returned to this country during the year 1861. The number in the three previous years had been :—

Immigration into the United Kingdom during the years 1858, 1859, 1860, and 1861.

—	From America.	From Australia and New Zealand.	From all other Places.	Total.
1858	18,841	4,863	- - -	23,704
1859	14,742	5,057	114	19,913
1860	18,896	5,360	178	24,434

In 1861 the numbers were, —

From America.	From Australia and New Zealand.	From all other Places.	Total.
26,487	5,469	47	32,003

As was to be expected, the increase was in the numbers who returned from America, and was equal to more than two-fifths of the whole number who returned from America in 1860. The number would, no doubt, have been much larger but for the high pay and other temptations offered for enlistment in the armies now in the field in the United States.

We have, &c.

T. W. C. MURDOCH.

S. WALCOTT.

His Grace the Duke of Newcastle,

&c.

&c.

&c.

CONTENTS.

APPENDIX.

APPENDIX No. 1.

EMIGRATION from the UNITED KINGDOM during the Forty-seven
Years from 1815 to 1861 inclusive.

Years.	North American Colonies.	United States.	Australian Colonies and New Zealand.	All other Places.	Total.
1815	680	1,209	*	192	2,081
1816	3,370	9,022	*	118	12,510
1817	9,797	10,280	*	557	20,634
1818	15,136	12,429	*	222	27,787
1819	23,534	10,674	*	579	34,787
1820	17,921	6,745	*	1,063	25,729
1821	12,955	4,958	*	384	18,297
1822	16,013	4,137	*	279	20,429
1823	11,355	5,032	*	163	16,550
1824	8,774	5,152	*	99	14,025
1825	8,741	5,551	485	114	14,891
1826	12,818	7,063	903	116	20,900
1827	12,648	14,526	715	114	28,003
1828	12,084	12,817	1,056	135	26,092
1829	13,307	15,678	2,016	197	31,198
1830	30,574	24,887	1,242	204	56,907
1831	58,067	23,418	1,561	114	83,160
1832	66,339	32,872	3,733	196	103,140
1833	28,808	29,109	4,093	517	62,527
1834	40,060	33,074	2,800	288	76,222
1835	15,573	26,720	1,860	325	44,478
1836	34,226	37,774	3,124	293	75,417
1837	29,884	36,770	5,054	326	72,034
1838	4,577	14,332	14,021	292	33,222
1839	12,658	33,536	15,786	227	62,207
1840	32,293	40,642	15,850	1,958	90,743
1841	38,164	45,017	32,625	2,786	118,592

* The Customs returns do not record any emigration to Australia during these 10 years, but it appears from other sources that there went out in 1821, 320; in 1822, 875; in 1823, 543; in 1824, 780; and in 1825, 458 persons. These numbers have not been included in the totals of this table.

Years.	North American Colonies.	United States.	Australian Colonies and New Zealand.	All other Places.	Total.
1842	54,128	63,852	8,534	1,835	128,344
1843	23,518	28,335	3,478	1,881	57,212
1844	22,924	43,660	2,229	1,873	70,686
1845	31,803	58,538	830	2,330	93,501
1846	43,439	82,239	2,347	1,826	129,851
1847	109,680	142,154	4,949	1,487	258,270
1848	31,065	188,233	23,904	4,887	248,089
1849	41,367	219,450	32,191	6,490	299,498
1850	32,961	223,078	16,037	8,773	280,849
1851	42,605	267,357	21,532	4,472	335,966
1852	32,873	244,261	87,881	3,749	368,764
1853	31,522	230,835	61,401	3,129	329,937
1854	43,761	193,065	83,237	3,366	323,429
1855	17,966	103,414	52,309	3,118	176,807
1856	16,378	111,837	44,584	3,755	176,554
1857	21,001	126,905	61,248	3,721	212,875
1858	9,704	59,716	39,295	5,257	113,972
1859	6,689	70,303	31,013	12,427	120,432
1860	9,786	87,500	24,302	6,881	128,469
1861	12,707	49,764	23,738	5,561	91,770
Total	1,209,228	3,097,970	731,963	98,676	5,137,837

Average annual emigration } From 1815 to 1861 - - 109,315
 from the United Kingdom } For the 10 years ending 1861 - 204,300

Government Emigration Board,
 8, Park Street, Westminster, May 2, 1862.

S. WALCOTT.

APPENDIX No. 2.

A RETURN of the EMIGRANTS who embarked from the several Ports in the UNITED KINGDOM Officers and Office

PORT OF EMBARKATION.	United States.		North American Colonies.							West Indies.					East Indies.		
	Central & South America.	Canada.	New Brunswick.	Nova Scotia and Cape Breton.	Newfoundland.	Prince Edward's Island.	British Columbia.	Vancouver's Island.	Total.	Jamaica.	British Guiana.	Trinidad.	Other Islands.	Total.			
Bristol	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Cardiff	-	7	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Fowey	-	-	10	-	-	-	-	-	10	-	-	-	-	-	-	-	-
Liverpool	35,867	385	7,535	51	8	7	-	-	7,601	28	33	22	35	111	46	-	-
London	2,152	34	4	-	5	14	-	-	122	113	38	22	212	385	1,144	-	-
Maryport	-	-	3	-	-	-	-	-	3	-	-	-	1	1	-	-	-
Newport	-	2	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Plymouth	-	-	122	-	-	-	-	-	122	-	-	-	-	-	-	-	-
Southampton	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Swansea	-	47	-	-	-	-	-	-	-	-	-	-	59	59	-	-	-
Total, England	38,019	475	7,681	51	13	21	7	56	7,865	151	76	22	307	556	1,190	-	-
Aberdeen	-	-	38	-	-	-	-	-	38	-	-	-	-	-	-	-	-
Glasgow	208	38	1,081	-	9	-	-	-	1,090	5	45	7	10	67	49	-	-
Greenock	-	-	141	-	12	-	-	-	153	1	6	3	10	10	10	-	-
Leith	-	-	3	-	-	-	-	-	3	-	-	-	-	-	-	-	-
Port Glasgow	-	-	6	-	-	-	-	-	6	-	-	-	-	-	-	-	-
Total, Scotland	208	38	1,128	141	9	12	-	-	1,290	5	46	13	13	77	59	-	-
Belfast	47	-	78	-	-	-	-	-	125	-	-	-	-	-	-	-	-
Cork	74,20	-	-	217	-	-	-	-	217	-	-	-	-	-	-	-	-
Dublin	153	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Galway	2,474	-	187	-	103	-	-	-	290	-	-	-	-	-	-	-	-
Limerick	-	-	162	-	-	-	-	-	162	-	-	-	-	-	-	-	-
Londonderry	1,479	-	2,504	106	-	-	-	-	2,670	-	-	-	-	-	-	-	-
New Ross	-	-	195	-	-	-	-	-	195	-	-	-	-	-	-	-	-
Tralce	117	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Total, Ireland	11,537	158	2,879	353	217	103	-	-	3,522	-	-	-	-	-	-	-	-
Grand Total, United Kingdom	49,764	671	11,688	545	239	136	7	56	12,707	156	122	35	320	633	1,249	-	-

Government Emigration Board,
8, Park Street, Westminster, May 2, 1862.

APPENDIX No. 2.

during the Year ended December 31, 1861, framed from Statements furnished by the Emigration Officers and Office of Customs.

Hong Kong.	Mauritius.	Western Africa, St. Helena, Madeira, Malta, &c.	Cape of Good Hope.	Natal.	Falkland Islands.	Australian Colonies.							Grand Total.			
						New South Wales.	Queensland.	Victoria.	South Australia.	Western Australia.	Tasmania.	New Zealand.		Total.		
-	-	-	-	-	-	-	-	102	-	-	-	-	148	245	-	-
10	-	-	-	-	-	562	-	9,999	29	-	-	-	-	10,560	55	-
29	3	387	6	4	5	617	1,240	2,648	314	141	258	3,102	8,320	13,6	-	
-	-	57	502	756	-	-	-	-	-	-	-	-	-	-	-	-
-	-	-	1,056	-	-	447	1,202	734	75	-	-	19	2,477	2,2	-	
-	-	-	-	-	-	-	-	668	-	-	-	-	668	1,77	-	
-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
90	102	444	1,564	760	5	1,626	2,442	14,151	418	141	258	3,264	22,300	73	-	
-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
12	-	5	10	8	-	-	38	-	2	-	-	1,281	1,321	2,6	-	
-	-	-	2	6	-	-	-	94	-	-	-	10	104	27	-	
-	-	-	-	-	-	-	-	11	2	-	-	-	13	-	-	
12	-	5	12	14	-	-	38	105	4	-	-	1,291	1,488	3,15	-	
-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
102	102	449	1,576	774	5	1,626	2,480	14,255	422	141	258	4,555	23,738	91,77	-	

S. WALCOTT.

APPENDIX No. 3.

ANALYTICAL RETURN of the EMIGRATION from

Destination.	FROM ENGLAND.			FROM SCOTLAND.		
	Male.	Female.	Total.	Male.	Female.	Total.
United States - -	21,257	16,762	38,019	129	79	208
Central and South } America - - - }	367	108	475	30	8	38
North American Colo- nies:—						
Canada - - -	4,844	2,337	7,681	603	525	1,128
New Brunswick -	27	24	51	81	60	141
Nova Scotia and } Cape Breton - }	11	2	13	8	1	9
Newfoundland -	21	-	21	9	3	12
Prince Edward's } Island - - - }	7	-	7	-	-	-
British Columbia -	56	-	56	-	-	-
Vancouver's Island	36	-	36	-	-	-
West Indies:—						
Jamaica - - -	143	8	151	2	3	5
British Guiana -	67	9	76	36	10	46
Trinidad - - -	22	-	22	7	6	13
Other Islands -	301	6	307	9	4	13
East Indies - - -	1,183	7	1,190	29	30	59
Hong Kong - - -	90	-	90	8	4	12
Mauritius - - -	102	-	102	-	-	-
Western Africa, St. } Helena, Madeira, } Malta, &c. - - }	348	96	444	3	2	5
Cape of Good Hope -	956	608	1,564	10	2	12
Natal - - - - -	485	275	760	11	3	14
Falkland Islands -	4	1	5	-	-	-
Australian Colonies:—						
New South Wales	983	643	1,626	-	-	-
Queensland - - -	1,227	1,215	2,442	22	16	38
Victoria - - - -	5,977	3,174	14,151	58	47	105
South Australia -	269	149	418	1	3	4
Western Australia	69	72	141	-	-	-
Tasmania - - - -	42	216	258	-	-	-
New Zealand - - -	1,965	1,299	3,264	751	540	1,291
Total - - - - -	40,359	32,511	73,870	1,807	1,346	3,153

Government Emigration Board,
8, Park Street, Westminster, May 2, 1862.

APPENDIX No. 3.

the UNITED KINGDOM during the Year 1861.

FROM IRELAND.			TOTAL EMIGRATION FROM UNITED KINGDOM.		
Male.	Female.	Total.	Male.	Female.	Total.
5,994	5,543	11,537	27,380	22,384	49,764
117	41	158	514	157	671
1,673	1,206	2,879	7,120	4,568	11,688
141	212	353	249	296	545
169	48	217	188	51	239
72	31	103	102	34	136
-	-	-	7	-	7
-	-	-	56	-	56
-	-	-	36	-	36
-	-	-	145	11	156
-	-	-	103	19	122
-	-	-	29	6	35
-	-	-	310	10	320
-	-	-	1,212	37	1,249
-	-	-	98	4	102
-	-	-	102	-	102
-	-	-	351	93	449
-	-	-	966	610	1,576
-	-	-	496	278	774
-	-	-	4	1	5
-	-	-	983	643	1,626
-	-	-	1,249	1,231	2,480
-	-	-	6,035	3,221	14,256
-	-	-	270	152	422
-	-	-	69	72	141
-	-	-	42	216	258
-	-	-	2,716	1,839	4,555
8,166	7,081	15,247	50,832	40,938	91,770

S. WALCOTT.

APPENDIX No. 4.

RETURN of the EMIGRATION in 1861 from each of the PORTS of the UNITED KINGDOM at which there are Emigration Officers, and from all other Ports.

Port of Embarkation.	Destination.	Age, Sex, &c. of Emigrants.						Native Country of Emigrants.									
		Adults.			Children from 1 to 12 years.			Not distinguished.	TOTAL.	English.	Scotch.	Irish.	Foreigners.	Not distinguished.			
		Married.		Single.		M.	F.								M.	F.	Infants.
		M.	F.	M.	F.	M.	F.										
LIVERPOOL.	United States	3,023	3,813	10,706	7,705	1,938	1,875	1,073	35,887	7,522	1,040	18,340	1,898	7,058			
	British North America	187	250	4,470	2,220	177	147	70	7,601	1,081	76	609	31	6,904			
	Australasia	853	1,201	4,917	2,157	613	584	237	10,500	4,401	1,000	5,857	524	5,290			
	All other Places	20	19	118	34	13	11	6	731	632	8	180	2	762			
	Total	4,083	5,286	10,307	10,116	2,741	2,617	1,386	55,010	12,804	2,232	22,063	2,458	14,568			
LONDON.	United States	183	182	846	419	233	189	91	2,152	1,102	149	149	800	41			
	British North America	994	1,293	2,700	1,191	703	670	247	8,350	6,088	700	892	100	1,300			
	Australasia	134	137	341	118	102	78	20	2,182	715	42	26	3	2,270			
	All other Places	1,311	1,522	3,887	1,723	1,038	937	358	13,656	6,905	832	1,007	1,023	3,820			
	Total	3,622	4,934	13,774	13,431	5,176	4,974	1,724	34,244	15,310	2,091	2,974	2,926	18,390			
PLYMOUTH.	British North America	18	19	48	11	17	14	7	190	127	300	609	5	510			
	Australasia	206	468	676	622	180	163	67	2,477	954	800	609	5	521			
	All other Places	314	487	719	633	197	177	74	5	2,000	1,081	800	5	521			
	Total	538	954	1,443	1,366	394	354	148	4,662	2,061	1,081	1,409	10	1,032			
SOUTHAMPTON.	Australasia	53	54	4	491	95	36	5	638	324	258	80	80	6			
	All other Places	143	143	304	217	110	102	37	1,655	537	259	230	21	21			
	Total	196	197	308	708	205	138	42	2,293	861	497	339	101	27			

ALL OTHER PLACES	British North America		Australasia		All other Places		Total	British North America	Australasia	All other Places	Total	British North America	Australasia	All other Places	Total	British North America	Australasia	All other Places	Total
	M.	F.	M.	F.	M.	F.													
GLASGOW AND GREENOCK.	17	27	100	3	2	3	2	18	116	11	158	20	13	2	13	20	11	11	2
	131	178	408	77	43	19	10	245	110	65	1,070	105	11	6	11	105	37	1	6
ALL OTHER PLACES	206	214	487	48	1	1	1	1,423	200	63	1,305	3	0	3	3	3	0	0	3
	10	34	100	128	45	23	21	374	241	34	90	90	3	3	3	3	0	0	3
	373	463	1,051	485	208	310	109	3,085	144	2,720	171	81	10	10	171	81	10	10	10
	6,005	7,533	21,340	13,230	4,184	3,800	1,870	15,354	73,370	21,802	3,895	25,164	3,480	18,680	3,480	25,164	3,480	18,680	3,480
GLASGOW AND GREENOCK.	17	27	100	3	2	3	2	18	116	11	158	20	13	2	13	20	11	11	2
	131	178	408	77	43	19	10	245	110	65	1,070	105	11	6	11	105	37	1	6
ALL OTHER PLACES	206	214	487	48	1	1	1	1,423	200	63	1,305	3	0	3	3	3	0	0	3
	10	34	100	128	45	23	21	374	241	34	90	90	3	3	3	3	0	0	3
	373	463	1,051	485	208	310	109	3,085	144	2,720	171	81	10	10	171	81	10	10	10
	6,005	7,533	21,340	13,230	4,184	3,800	1,870	15,354	73,370	21,802	3,895	25,164	3,480	18,680	3,480	25,164	3,480	18,680	3,480
BELFAST.	7	0	10	8	4	4	4	47	18	47	18	47	18	47	18	47	18	47	18
	2	4	2	8	4	4	3	18	65	65	65	65	65	65	65	65	65	65	65
CORK.	9	13	12	11	8	8	8	65	65	65	65	65	65	65	65	65	65	65	65
	700	778	2,074	2,108	281	333	147	212	7,430	89	89	7,085	7	7,085	7	7,085	7	7,085	7
	709	778	2,078	2,108	281	334	147	422	7,687	80	80	7,002	81	7,002	81	7,002	81	7,002	81

(continued.)

APPENDIX No. 4.—continued.

Port of Embarkation.	Destination.	Age, Sex, &c. of Emigrants.						Native Country of Emigrants.							
		Adults.			Children, from 1 to 12 years.			Totals.	English.	Scotch.	Irish.	Foreigners.	Not distinguished.		
		Married.		Single.		M.								F.	
		M.	F.	M.	F.	M.	F.							M.	F.
GALWAY	United States British North America	77	151	741	807	82	102	36	418	17	-	1,592	58	607	
		16	21	77	99	18	12	8	39	-	-	228	-	62	
	Total	93	172	818	906	100	114	44	457	17	-	2,120	58	669	
LIMERICK	British North America	7	6	64	68	5	6	4	2	-	-	102	-	-	
	Total	7	6	64	68	5	6	4	2	-	-	102	-	-	
LONDONDERRY	United States British North America	28	49	158	241	39	29	19	916	-	-	553	7	916	
		51	64	195	134	53	57	21	2,095	3	36	524	-	2,107	
	Total	79	113	353	375	92	86	40	3,011	3	39	1,077	7	3,023	
TRALEE	British North America	7	10	34	50	3	4	1	2	-	-	117	-	-	
	Total	7	10	34	50	3	4	1	2	-	-	117	-	-	
ALL OTHER PLACES	British North America All other Places	7	7	85	77	11	7	1	-	-	-	105	-	-	
		6	6	107	33	4	2	-	-	-	-	158	-	-	
	Total	13	13	192	110	15	9	1	-	-	-	353	-	-	
	Total, Ireland	1,007	1,105	4,151	3,784	504	561	241	3,804	109	39	10,086	90	4,014	
Grand Total, United Kingdom		7,393	9,106	20,580	17,500	4,941	4,772	2,224	19,248	22,145	6,730	36,322	3,010	22,954	

S. WALCOTT.

Government Emigration Board,
8, Park Street, Westminster, May 2, 1862.

SUMMARY of the EMIGRATION from the UNITED KINGDOM during the Year 1864.

DESTINATION.	Age, Sex, &c. of Emigrants embarked.										Native Country of Emigrants.					
	Married.			Single.			Children, from 1 to 12 Years.		Infants.	Not distinguished.	Total.	English.	Scotch.	Irish.	Foreigners.	Not distinguished.
	M.	F.		M.	F.		M.	F.								
To the United States—From ports at which there are Government emigration officers	4,141	5,019		15,359	11,527		2,589	2,551	1,377	7,201	40,704	8,741	1,210	28,200	2,570	8,784
Other ports	4,141	5,019		15,359	11,527		2,589	2,551	1,377	7,201	40,704	8,741	28,200	2,570	8,784	
Total																
To British North America—From ports at which there are Government emigration officers	412	542		1,260	707		398	372	150	8,542	12,452	800	1,182	1,050	45	8,700
Other ports	14	14		109	83		18	13	4		255	13	47	105		
Total	426	556		1,378	880		416	385	154	8,542	12,707	879	1,220	1,345	45	8,700
To Australasia—From ports at which there are Government emigration officers	2,402	3,143		8,784	4,057		1,072	1,611	619	642	23,480	10,984	8,812	5,545	600	2,440
Other ports	39	43		82	46		10	19	10		288	116	43	97	2	
Total	2,441	3,186		8,816	4,703		1,091	1,630	629	642	23,738	11,100	3,855	5,642	602	2,440
To all other places—From ports at which there are Government emigration officers	316	333		869	393		239	203	63	2,803	5,270	1,313	425	468	11	3,002
Other ports	69	12		158	83		6	3	1		282	112	11	168	1	
Total	385	345		1,027	426		245	200	64	2,863	5,551	1,425	436	636	12	3,002
Summary—From ports at which there are Government emigration officers	7,271	9,037		26,231	17,344		4,898	4,737	2,209	10,248	90,975	21,004	6,620	35,872	3,016	22,054
Other ports	122	69		349	102		48	55	15		705	241	101	450	3	
Grand Total	7,393	9,106		26,580	17,506		4,941	4,772	2,224	10,248	91,770	22,145	6,730	36,322	3,019	25,054

S. WALCOTT,

Government Emigration Board,
8, Park Street, Westminster, May 2, 1862.

APPENDIX No. 6.

RETURN of the EMIGRATION from the UNITED KINGDOM to all Parts of the World during the Year 1861, distinguishing Adults, Children, and Infants, also the Sexes; and showing the Trade, Occupation, or Profession of the Adults, so far as can be ascertained from the Passenger Lists furnished by the Custom House Authorities.

Destination.	Description of Emigrants embarked.										Native Country of Emigrants.				
	Adults.				Children, 1 to 12 Years.		Infants.	Not disting- uished.	Total.	English.	Scotch.	Irish.	Fo- reigners.	Not disting- uished.	
	Married.		Single.		Male.	Female.									
	M.	F.	M.	F.	M.	F.									
United States -	4,141	5,010	15,350	11,527	2,589	2,551	1,377	7,201	49,704	8,741	1,210	28,209	2,870	8,784	
British North } America }	426	556	1,378	850	416	385	164	8,542	12,707	870	1,220	1,845	45	8,700	
Australasia -	2,441	3,186	8,816	4,703	1,691	1,680	620	642	23,788	11,100	3,855	5,642	692	2,440	
All other places	385	345	1,027	426	245	206	64	2,863	5,561	1,425	436	620	12	3,062	
Total - -	7,393	9,108	26,580	17,806	4,941	4,772	2,224	19,248	91,770	22,145	6,780	36,822	3,619	22,954	

(continued)

APPENDIX No. 6—continued.

OCCUPATIONS, &c. of EMIGRANTS.

Occupation.	United States.	British North America.	Australasia.	All other Places.	Total.
ADULT MALES.					
Agricultural Labourers, Gardeners, Carters, &c.	57	81	997	154	1,289
Bakers	94	4	34	5	137
Blacksmiths and Farriers	21	15	36	24	96
Bookbinders and Stationers	4	1	3	1	9
Boot and Shoe Makers	106	15	42	16	179
Braziers, Tinsmiths, Whitesmiths, &c.	17	4	1	4	26
Brick and Tile Makers, Potters, &c.	4	1	2	5	12
Bricklayers, Masons, Plasterers, Slaters, &c.	267	16	48	32	363
Builders	6	1	8	1	16
Butchers, Poulterers, &c.	21	3	38	6	68
Cabinet Makers and Upholsterers	13	1	10	10	34
Carpenters and Joiners	345	34	149	98	626
Carvers and Gilders	3	1	2	—	6
Clerks	268	25	101	64	458
Clock and Watch Makers	10	61	5	2	78
Coach Makers and Trimmers	4	—	1	3	8
Coal Miners	21	—	48	—	69
Coopers	16	1	9	2	28
Cutlers	5	1	—	—	6
Domestic Servants	19	1	22	12	54
Dyers	2	—	2	—	4
Engravers	4	2	1	2	9
Engineers	49	12	22	12	95
Farmers	2,263	224	652	68	3,207
Gentlemen, Professional Men, Merchants, &c.	296	64	463	65	888
Jewellers and Silversmiths	18	—	4	2	24
Labourers, General	11,058	651	5,879	325	17,913
Locksmiths, Gunsmiths, &c.	—	—	1	—	1
Millers, Maltsters, &c.	9	5	9	3	26
Millwrights	3	1	4	1	9
Miners and Quarrymen	1,164	41	187	101	1,493
Painters, Paperhangers, Plumbers, and Glaziers	174	12	24	10	220
Pensioners	1	1	7	1	10
Printers	24	7	16	4	51
Rope Makers	2	1	—	1	4
Saddlers and Harness Makers	3	—	5	2	10
Sail Makers	—	—	—	—	—
Sawyers	8	7	14	11	40
Seamen	187	19	35	4	245
Shipwrights	5	2	4	2	13
Shopkeepers	504	35	583	24	1,146

APPENDIX No. 6—continued.

Occupation.	United Statcs.	British North America.	Austral- asia.	All other Placcs.	Total.
Smiths, General - - -	48	5	18	12	83
Spinners and Weavers - - -	93	25	4	1	123
Sugar Bakers, Boilers, &c. - - -	16	—	—	—	16
Surveyors - - - -	5	—	8	1	14
Tailors - - - -	177	21	20	14	232
Tallow Chandlers and Soap Makers -	—	1	2	1	4
Tanners and Curriers - - -	2	3	12	4	21
Turners - - - -	2	2	1	5	10
Wheelwrights - - - -	3	2	11	5	21
Woolcombers and Sorters - - -	1	—	4	7	12
Other Mechanics not before specified	467	17	42	11	537
Not distinguished - - - -	1,611	378	1,667	274	3,930
ADULT FEMALES.					
Domestic and Farm Servants, Nurses, &c. - - - -	2,290	71	2,127	174	4,662
Gentlewomen and Governesses - -	36	2	21	5	64
Milliners, Dressmakers, and Needle- women - - - -	106	10	29	24	169
Married Women - - - -	5,019	556	3,186	345	9,106
Shopwomen - - - -	2	—	2	1	5
Mechanics not before specified - -	29	2	6	1	38
Not distinguished - - - -	9,064	765	2,518	221	12,568
CHILDREN.					
Male Children, 1 to 12 years - -	2,589	416	1,691	245	4,941
Female do. do. - - - -	2,551	385	1,630	206	4,772
Infants - - - -	1,377	154	629	64	2,224
Not distinguished as to age or sex -	7,201	8,542	642	2,863	19,248
GRAND TOTAL - - - -	49,764	12,707	23,738	5,561	91,770

Government Emigration Board,
8, Park Street, Westminster, May 2, 1862.

S. WALCOTT.

RETURN showing the Details of the EMIGRATION to the AUSTRALIAN COLONIES, the CAPE OF GOOD HOPE, &c., conducted by the Emigration Commissioners during the Year 1861.

Number of Ships.	Tonnage.	COLONY.	Description of Emigrants.	NUMBER OF EMIGRANTS ENDEARED.													REMARKS.	
				Adults.			Children between 1 and 12 years.			Infants.			Total Souls.	Statute Adults.	English.	Scotch.		Irish.
				Married.		Single.		M.	F.	M.	F.	M.						
				M.	F.	M.	F.						M.	F.				
				M.	F.	M.	F.	M.	F.	M.	F.	M.	F.	M.	F.			
2	1,834	New South Wales.	Remittance General	07	08	332	283	55	47	5	5	801	283	83	546	(a) 178 conveyed in private vessels.		
			Total	08	09	332	284	55	47	5	5	804	284	33	548			
3	3,551	Queensland	Remittance General	44	45	186	138	43	28	10	8	502	95	44	363			
			Total	90	90	129	215	41	40	10	11	625	310	273	37			
4	3,034	Victoria	Remittance General	2	5	173	173	6	14	1	1	201	68	12	121			
			Total	110	107	7	780	33	49	4	4	1,106	577	359	170			
		South Australia	Remittance, Total	1	1	2	002	39	63	7	5	1,307	645	371	201	(b) Conveyed in private vessels.		
		Western Australia	Nominees, Total	3	0	19	20	4	8	2	2	(c) 08	60	27	38	(c) Conveyed in private vessels.		

(continued)

APPENDIX No. 7—continued.

RETURN showing the Details of the EMIGRATION to the AUSTRALIAN COLONIES, the CAPE OF GOOD HOPE, &c.—cont.

Number of Ships.	Tonnage.	COLONY.	Description of Emigrants.	NUMBER OF EMIGRANTS EMBARKED.												REMARKS.	
				Adults.			Children between 1 and 12 years.			Infants.		Total Souls.	Statute Adults.	English.	Scotch.		Irish.
				Married.		Single.		M.	F.	M.	F.						
				M.	F.	M.	F.	M.	F.	M.	F.	(d)	10	0	—		—
—	—	Tasmania	Nominees, Total	—	1	2	5	2	—	—	—	—	—	—	—	—	(d) Conveyed in private vessels.
3	2,132	Algon Bay	General	100	109	210	165	83	76	13	12	12	430	137	210		
1	921	Table Bay	General	31	31	87	50	24	24	7	4	4	107	102	49		
4	3,053		Total	140	140	297	215	107	100	20	10	10	805½	239	259		
8	1,123	Natal	Nominees General	39	39	55	47	28	32	1	8	8	210	32	20	(d) 41 conveyed in private vessels.	
			Total	14	14	29	11	14	6	2	—	—	(f) 90	78	3	(f) 19 do.	
				53	53	84	58	42	38	3	8	8	288	275	23		
—	—	Falklands	Nominees	1	1	2	—	1	—	—	—	—	(d) 5	5	—	(d) Conveyed in a private vessel.	
—	—	Grand Total	Remittance and Nominees General	157	166	598	672	159	129	16	24	24	1,727	677	1,093		
			Total	355	352	402	1,281	195	195	39	31	31	2,800	1,609	471		
16	13,195		Total	512	518	1,060	1,003	334	324	55	55	55	4,322	2,180	1,569		

NEW SOUTH WALES.

RETURN OF SHIPS and EMIGRANTS despatched by Public Funds to NEW SOUTH WALES in 1860, 1861, and up to 31 March 1862.

Name of Vessel.	Tonnage.	Contract Price per Statute Adult.	Date of Departure.	Date of Arrival.	No. of Days on the Voyage.	Name of Surgeon Superintendent.	Number of Emigrants.						Number of Deaths on the Voyage.					
							Adults.		Children under 12.		Total Souls.		Adults.		Children under 12.		Total Souls.	
							M.	F.	M.	F.	Total	M.	F.	M.	F.	Total	M.	F.
Hannah Moore	1,130	10 9 0	1860. 12 Feb.	1860. 6 May	84	H. Rickards	162	135	38	37	372	—	—	—	3	8		
Chance	972	15 19 6	3 April	13 July	101	J. C. Sanger, M.D.	165	133	28	34	368	—	—	—	—	1		
Tutor	1,786	16 8 9	9 May	17 Aug.	100	F. N. Greene	164	172	37	25	398	—	—	—	1	2		
Telegraph	1,148	15 9 9	8 July	15 Oct.	99	J. S. Hughes, M.D.	169	168	23	26	371	—	—	—	—	—		
Lady Macdonald	678	15 6 6	21 Aug. 1861.	14 Dec. 1861.	115	W. G. Gun	124	113	9	10	262	—	—	—	—	—		
British Trident	1,340	15 6 3	10 Oct.	7 Jan.	89	T. Slator	201	163	25	42	431	2	—	—	3	10		
Hofspur	1,670	15 9 11	3 Dec.	24 Feb.	83	D. B. North	206	167	14	29	442	—	—	—	4	10		
Queen Bee	726	15 17 6	28 Dec.	31 March	93	J. P. Hill	170	94	14	18	286	—	—	—	—	—		
						Total	1,351	1,140	212	227	2,930	2	—	—	3	26		
Nile	716	16 12 6	1861. 29 Jan.	14 May	105	W. Holman	197	119	16	8	270	—	—	—	—	—		
Annie Wilson	1,118	11 18 10	30 Dec.			J. S. Hughes, M.D.	172	175	37	38	422	—	—	—	—	—		
						Total	101	59	7	6	*173	—	—	—	—	—		
Abyssinian	1,072	12 13 8	1862. 4 Feb.			Thomas Slator	400	353	60	52	865	—	—	—	—	—		
Lady Milton	903	12 11 10	18 March			Arthur Goulet	189	171	23	21	404	—	—	—	—	—		
						Total	132	163	16	30	331	—	—	—	—	—		

* Conveyed in private vessels.

ANALYSIS OF THE MORTALITY IN SHIPS despatched to NEW SOUTH WALES during the last 7 years.

Year.	Numbers embarked.	Total Deaths.	Number and Ages of the Emigrants embarked who Died on the Voyage.												No. of Children who were Born and Died on the Voyage.	
			Under 1 year.						60 and upwards.						Born.	Died.
			1 and under 4.	4 and under 7.	7 and under 10.	10 and under 20.	20 and under 30.	30 and under 40.	40 and under 50.	50 and under 60.	60 and upwards.					
1855	11,600	132	33	43	7	2	10	26	5	5	4	—	—	2	168	8
1856	8,686	121	40	54	6	2	7	7	2	2	2	—	—	—	107	4
1857	8,919	95	31	30	5	6	6	0	4	5	1	3	—	—	108	13
1858	6,400	90	20	35	4	8	14	7	5	5	5	—	—	—	63	9
1859	4,838	73	24	26	4	5	5	7	5	5	2	—	—	—	64	8
1860	2,930	20	8	12	1	—	—	2	—	—	—	—	—	—	16	1
1861	443	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—

Government Emigration Board, 8, Park Street, Westminster, May 2, 1862.

APPENDIX No. 9.

QUEENSLAND.

RETURN of SHIPS and EMIGRANTS despatched by Public Funds to QUEENSLAND in 1860, 1861, and up to 31 March 1862.

Name of Vessel.	Tonnage.	Contract Price per Statute Adult.	Date of Departure.	Date of Arrival.	No. of Days on the Voyage.	Name of Surgeon Superintendent.	Number of Emigrants.						Number of Deaths on the Voyage.					
							Adults.		Children under 12.		Total Souls.		Adults.		Children under 12.		Total Souls.	
							M.	F.	M.	F.	Total	M.	F.	M.	F.	Total		
Montmorency	668	£ s. d. 17 17 0	1860. 7 July	1860. 10 Oct.	101	W. Donaldson	-	137	117	17	20	300	1	2	-	-	3	
Mangerton	993	15 12 3	1861. 15 April	1861. 7 Aug.	114	Total	-	163	160	34	23	370	2	1	5	2	10	
Persia	1,484	15 14 11	6 Aug.	*10 Nov. 1862.	102	C. Chapman	-	190	172	49	43	454	4	3	7	6	20	
Jessie Munn	874	12 18 5	26 Oct.	29 Jan.	95	A. Nowbold, M.D.	-	96	166	21	21	364	No death.				8	30
						Total	-	449	488	104	87	1,128	6	4	12	8		

* This Vessel arrived at Port Curtis on the 16th November, and at Moreton Bay on the 3rd December.

ANALYSIS of the MORTALITY in Ships despatched to QUEENSLAND during the years 1860 and 1861.

Year.	Number and Ages of the Emigrants embarked who Died on the Voyage.										No. of Children who were Born and Died on the Voyage.			
	Numbers embarked.	Total Deaths.	Under 1 Year.	1 and under 4.	4 and under 7.	7 and under 10.	10 and under 20.	20 and under 30.	30 and under 40.	40 and under 50.	50 and under 60.	60 and upwards.	Born.	Died.
1860	300	3	-	-	-	-	-	2	1	-	-	-	1	-
1861	1,128	30	7	11	1	1	3	4	1	-	-	2	10	1

Government Emigration Board, 8, Park Street, Westminster, May 2, 1862.

S. WALCOTT.

VICTORIA.

RETURN OF SHIPS AND EMIGRANTS despatched by Public Funds to Victoria, in 1860, 1861, and up to 31 March 1862.

Name of Vessel.	Tonnage.	Contract Price per Substito Adult.	Date of Departure.	Date of Arrival.	No. of Days on the Voyage.	Name of Surgeon Superintendent.	Number of Emigrants.						Number of Deaths on the Voyage.			
							Adults.		Children under 12.		Total Souls.	Adults.		Children under 12.		Total Souls.
							M.	F.	M.	F.		M.	F.	M.	F.	
Atalanta	930	£ 6.	1860.	1860.	86	J. S. Ireland, M.D.	28	297	9	11	345	1	—	1		
Ocean Home	596	15 14 7	30 Mar.	30 Mar.	112	W. Holman	20	229	6	6	231	—	—	2		
Wanata	1,287	14 9 3	30 April	20 Aug.	106	A. Newbold, M.D.	30	322	15	18	385	1	—	1		
Merrin	937	15 18 7	14 June	23 Sept.	84	G. Motley	20	287	8	0	321	No death.				
Shackamaxon	989	14 17 3	1 Aug.	1861.	83	J. T. S. Jolley	31	283	13	19	340	1	—	2		
Ascendant	517	15 17 5	7 Nov.	20 Jan.	89	J. O'Brien	23	164	11	17	215	—	—	1		
			25 Dec.	24 Mar.		Total	152	1,582	62	77	1,873	2	3	7		
Utopia	949	15 17 0	1861.		91	C. H. Graham, M.D.	39	239	7	15	300	1	—	1		
Asalanta	930	13 14 0	24 Mar.	23 June	82	D. J. Williams, M.D.	29	311	14	14	368	No death.				
Oithoua	769	13 18 0	9 June	30 Aug.	97	J. C. Sanger, M.D.	20	232	15	21	294	—	—	1		
Shackamaxon	930	11 14 5	1 Sept.	7 Dec.	84	W. G. Gun	25	292	10	18	345	No death.				
			22 Dec.	16 Mar.		Total	119	1,074	40	68	1,307	1	1	2		
Beanorges	1,287	13 12 10	18	18		J. T. S. Jolley	50	322	20	38	445	—	—	—		

ANALYSIS of the MORTALITY in Ships despatched to VICTORIA during the last 7 years.

Year.	Numbers embarked.	Total Deaths.	Number and Ages of the Emigrants embarked who Died on the Voyage.												No. of Children who were Born and Died on the Voyage.	
			Number and Ages of the Emigrants embarked who Died on the Voyage.												Born.	Died.
			Under 1 Year.	1 and under 4.	4 and under 7.	7 and under 10.	10 and under 20.	20 and under 30.	30 and under 40.	40 and under 50.	50 and under 60.	60 and upwards.				
1855	6,418	64	11	16	3	4	5	18	3	4	—	—	—	—	84	8
1856	7,683	68	24	26	1	4	9	14	—	1	—	—	—	—	84	10
1857	12,929	100	24	39	6	5	7	14	6	3	2	—	—	—	144	13
1858	5,504	42	7	17	3	5	6	5	3	—	—	—	—	—	31	3
1859	2,034	8	3	—	1	—	—	2	2	—	—	—	—	—	10	4
1860	1,878	7	—	—	—	1	—	4	—	—	—	—	—	—	18	1
1861	1,307.	2	—	—	—	—	—	1	—	—	—	—	—	—	16	1

Government Emigration Board, 8, Park Street, Westminster, May 2, 1862.

S. WALCOTT.

APPENDIX No. 11.

SOUTH AUSTRALIA.
RETURN OF SHIPS and EMIGRANTS despatched by Public Funds to SOUTH AUSTRALIA in 1860, 1861, and up to 31 March 1862.

Name of Vessel.	Tonnage.	Contract Price per Statute Adult.	Date of Departure.	Date of Arrival.	No. of Days on the Voyage.	Name of Surgeon Superintendent.	Number of Emigrants.						Number of Deaths on the Voyage.				
							Adults.		Children under 12.		Total Souls.		Adults.		Children under 12.		Total Souls.
							M.	F.	M.	F.	M.	F.	M.	F.	M.	F.	Total
Grand Trianon	1,049	£ s. d. 15 17 5	1860. 10 Jan.	1860. 23 April	104	A. E. Davies	155	133	30	33	300	—	1	1	2	3	
Ramillies	740	15 7 6	8 Aug.	11 Nov.	95	R. Robertson	103	117	31	30	287	—	2	1	—	3	
Schah Jehan	757	15 16 6	23 Aug.	1 Dec.	100	W. Rutter	112	117	43	47	319	—	No death.	—	2	2	
						Total	305	372	122	114	1,003	—	3	1	2	6	
† Mary E. Ray	459	18 18 0	7 Jan.	May	—	—	1	—	—	—	1	—	—	—	—	—	
† Orient	1,032	18 0 0	25 May	20 Aug.	87	—	2	1	—	—	3	—	—	—	—	—	
						Total	3	1	—	—	4	—	—	—	—	—	

† Private vessels.

* Despatched in private vessels—2 lost in wreck of "Blervie Castle."

ANALYSIS of the MORTALITY in Ships despatched to SOUTH AUSTRALIA during the last 7 Years.

Year.	Numbers embarked.	Total Deaths.	Number and Ages of the Emigrants embarked who Died on the Voyage:										No. of Children who were Born and Died on the Voyage.			
			Under 1 Year.	1 and under 4.	4 and under 7.	7 and under 10.	10 and under 20.	20 and under 30.	30 and under 40.	40 and under 50.	50 and under 60.	60 and upwards.	Born.	Died.		
			33	31	4	2	7	11	6	6	12	1	1	112	14	
1855	9,947	107	31	—	—	—	—	—	—	—	—	—	—	—	—	—
1856	4,174	46	9	24	2	1	8	1	1	—	—	—	—	—	—	—
1857	5,240	29	13	7	—	—	6	—	—	—	—	—	—	—	—	—
1858	3,712	62	22	25	1	6	4	—	—	—	—	—	—	—	—	—
1859	1,316	9	7	—	—	—	1	—	—	—	—	—	—	—	—	—
1860	1,003	6	1	—	—	—	—	—	—	—	—	—	—	—	—	—
1861	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—

S. WALCOTT.

APPENDIX No. 12.

WESTERN AUSTRALIA.

RETURN OF SHIPS and EMIGRANTS despatched by Public Funds to WESTERN AUSTRALIA in 1860, 1861, and up to 31 March 1862.

Name of Vessel.	Tonnage.	Contract Price per Statute Adult.	Date of Departure.	Date of Arrival.	No. of Days on the Voyage.	Name of Surgeon Superintendent.	Number of Emigrants.						Number of Deaths on the Voyage.					
							Adults.		Children under 12.		Total Souls.		Adults.		Children under 12.		Total Souls.	
							M.	F.	M.	F.	Total	M.	F.	M.	F.	Total	M.	F.
*Rubens Escort -	360	£ s. d. 20 0 0	1860. 20 Mar.	1860. 30 June	102	Alex. Cumming, M.D.	4	4	1	2	11	No death.						
*Dolphin -	671	14 13 5	8 Sept.	1861. 23 March	109	-	14	10	-	1	25	No death.						
	370	21 0 0	4 Dec.			Total	09	194	22	18	303	No death.						
*Hartar -	530	20 0 0	18 June	1861.	109	-	4	2	-	1	7	No death.						
*Robert Morrison	555	20 0 0	12 Sept.	1 Feb.	142	-	1	6	-	-	7	No death.						
*Strathallan -	548	18 0 0	22 Nov.	27 Feb.	97	-	17	24	4	0	54	No death.						
						Total	22	32	4	10	68	No death.						

* Private Vessels.

ANALYSIS of the MORTALITY in Ships despatched to WESTERN AUSTRALIA during the last 6 Years.

Year.	Number and Ages of the Emigrants embarked who Died on the Voyage.										No. of Children who were Born and Died on the Voyage.												
	Total Deaths.	Under 1 Year.		1 and under 4.		4 and under 7.		7 and under 10.		10 and under 20.		20 and under 30.		30 and under 40.		40 and under 50.		50 and under 60.		60 and upwards.		Born.	Died.
1866	96	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	4	-
1867	314	1	1	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	6	-
1868	168	2	1	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	3	-
1869	418	2	1	-	-	-	-	-	-	1	-	-	-	-	-	-	-	-	-	-	-	8	-
1860	278	1	1	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	8	-
1861	68	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	1	-

Government Emigration Board, 8, Park Street, Westminster, May 2, 1862.

S. WATSON.

APPENDIX No. 13.

TASMANIA.

RETURN OF SHIPS and EMIGRANTS despatched by Public Funds to TASMANIA in 1861, and up to 31 March 1862.

Name of Vessel.	Tonnage.	Contract Price per Seat to Adult.	Date of Departure.	Date of Arrival.	No. of Days on the Voyage.	Name of Surgeon Superintendent.	Number of Emigrants.					Number of Deaths on the Voyage.							
							Adults.		Children under 12.		Total Souls.	Adults.		Children under 12.		Total Souls.			
							M.	F.	M.	P.		M.	F.	M.	F.				
*King of Algeria	1,707	£ s. d. 18 0 0	1861. 25 March	1861.	-	-	-	3	3	-	-	-	-	-	-	-	-	-	-
*Percy	919	18 0 0	5 Sept.	21 Dec.	107	-	-	2	3	2	-	-	-	-	-	-	-	-	-
						Total	-	2	0	5	-	10	-	-	-	-	-	-	-

* Private Vessels.

Government Emigration Board,
8, Park Street, Westminster, May 2, 1862.

S. WALCOTT.

APPENDIX No. 14.

RETURN OF SHIPS and EMIGRANTS despatched by Public Funds to the CAPE OF GOOD HOPE, and up to 31 March 1862.

Name of Vessel.	Tonnage.	Contract Price.	Date of Departure.	Date of Arrival.	No. of Days on the Voyage.	Name of Surgeon Superintendent.	Number of Emigrants.						Number of Deaths on the Voyage.				
							Adults.		Children under 12.		Total Souls.		Adults.		Children under 12.		Total Souls.
							M.	F.	M.	F.	Total	M.	F.	M.	F.	Total	
Rajasthan	700	£ s. d. 11 2 0	1861. 27 Mar.	1861. 29 June	94	Samuel Smith	102	99	30	33	264	No death.		2			
Sedgemoor	921	10 17 0	18 May	23 July	66	S. P. Chinnell	118	81	31	28	258	No death.		2			
Coldstream	755	10 2 2	15 July	27 Sept	74	J. E. Dyer	100	90	27	21	244	No death.		2			
Matilda Atheling	670	0 4 0	24 Nov.	5 Feb.	73	Henry Rickards	111	85	39	34	269	1	1	4			
						Total	437	355	127	116	1,035	3	1	4			
John Yanner	726	9 14 6	1862. 4 Jan.	1862. 10 Mar.	65	W. D. Stone	113	94	16	16	239	1	—	1			
Adelaide	820	10 10 0	1 Mar.			F. O. Roberts	111	90	31	20	261	—	—	—			

ANALYSIS of the MORTALITY in Ships despatched to the CAPE during the last 5 Years.

Year.	Number and Ages of the Emigrants embarked who Died on the Voyage.										No. of Children who were Born and Died on the Voyage.			
	Numbers embarked.	Total Deaths.	Under 1 year.	1 and under 4.	4 and under 7.	7 and under 10.	10 and under 20.	20 and under 30.	30 and under 40.	40 and under 50.	50 and under 60.	60 and upwards.	Born.	Died.
1857	231	—	—	—	—	—	—	—	—	—	—	—	2	1
1858	2,034	42	21	21	3	1	1	—	—	—	—	23	2	
1859	4,031	46	24	24	6	1	1	1	2	—	—	37	2	
1860	1,384	13	5	5	1	—	—	—	—	—	—	8	1	
1861	1,036	4	2	2	—	—	—	—	—	—	—	0	1	

S. WALCOTT.

Government Emigration Board,
8, Park Street, Westminster, May 2, 1862.

APPENDIX No. 15.

NATAL.

RETURNS OF SHIPS AND EMIGRANTS DESPATCHED BY PUBLIC FUNDS TO NATAL IN 1860, 1861, AND UP TO 31 MARCH 1862.

Name of Vessel.	Tonnage.	Contract Price per Statute Adult.	Date of Departure.	Date of Arrival.	No. of Days on the Voyage.	Name of Surgeon Superintendent.	Number of Emigrants.						Number of Deaths on the Voyage.						
							Adults.		Children under 12.		Total Souls.		Adults.		Children under 12.		Total Souls.		
							M.	F.	M.	F.	Total	M.	F.	M.	F.	Total			
		£ s. d.	1860.																
Lady of the Lake	329	15 15 0	31 Jan.	1860.		-	-	30	33	15	17	95					No death.		
Triscilla	244	17 0 0	9 June	15 Sept.	98	-	-	27	26	28	23	102					No death.		
Leila	267	14 19 10	24 Nov.	8 Mar.	104	-	-	33	44	23	33	133					No death.		
*Lady of the Lake	329	14 19 10	11 Dec.	Mar.	-	-	-	15	16	3	1	35					No death.		
								105	110	67	74	305							
Barbadoes	279	17 0 0	26 Feb.	1861.		-	-	32	20	15	3	78					No death.		
*Aries	233	17 0 0	20 Apr.	17 June	-110	-	-	2	5	3	1	11					No death.		
Cataraqui	552	14 14 0	4 Aug.	3 Nov.	91	-	-	43	43	9	21	116					No death.		
D'Urban	392	14 0 0	29 Oct.	1862.	72	-	-	41	28	10	6	85			1				
*Cathorino	423	1 6 6	1 Nov.	9 Jan.	-	-	-	19	15	10	5	49			-				
								137	111	45	46	339							
Nonisquit	364	13 17 6	25 Jan.	-	-	-	-	47	39	22	19	127							
Dudbrook	601	13 17 6	28 Mar.	-	-	-	-	66	40	21	19	146							

* Private vessels.

S. WALCOTT.

Government Emigration Board,
8, Park Street, Westminster, May 2, 1862.

APPENDIX No. 16.

MAURITIUS.

SUMMARY of the NUMBER of IMMIGRANTS introduced into MAURITIUS in each Year since the IMMIGRATION from INDIA was re-opened, distinguishing those arriving under the Bounty System from those introduced under the Plan of collecting and despatching the People from India by Government Officers alone.

Year.	Nature of System.	No. of Ships.	Adults.		Children.	Total.
			Male.	Female.		
1843	Bounty System - - - -	157	26,888	3,373	997	31,258
1844	Jan. 1 to March 31, Bounty System	43	7,451	1,157	452	9,060
		20	4,045	646	401	5,092
	April 1 to Dec. 31, Emigration conducted by Government Officers alone	63	11,496	1,803	853	14,152
1845	Emigration conducted by Government Officers alone - - -	44	7,677	1,462	1,146	10,285
1846	Ditto - - - - -	27	4,847	1,150	792	6,789
1847	Ditto - - - - -	26	4,845	562	322	5,729
1848	Ditto - - - - -	21	4,445	564	294	5,303
1849	Ditto - - - - -	30	5,937	886	459	7,282
1850	Ditto - - - - -	38	7,793	1,344	686	9,823
1851	Ditto - - - - -	37	7,743	1,468	560	9,771*
1852	Ditto - - - - -	61	12,318	2,926	1,552	16,796
1853	Ditto - - - - -	40	9,131	1,729	1,284	12,144
1854	Ditto - - - - -	61	13,797	2,527	2,192	18,516
1855	Ditto - - - - -	43	8,529	2,460	1,926	12,915
1856	Ditto - - - - -	42	7,953	2,773	1,927	12,653†
1857	Ditto - - - - -	38	7,314	3,109	2,302	12,725
1858	Ditto - - - - -	87	18,224	6,898	4,524	29,646
1859	Ditto - - - - -	120	27,560	9,573	7,264	44,397
1860	Ditto - - - - -	40	8,026	3,345	1,915	13,286†
1861	Ditto - - - - -	44	9,311	2,960	1,714	13,985‡
	Chinese and others introduced in 1843 and 1845 - - - -	-	843	-	-	843
	TOTAL	1,019	204,677	50,912	33,009	288,598

* Forty-eight of these came from Madagascar, and five from Muscat.

† Besides these, there were introduced by Private Individuals—

	Adults.		Children.		Infants.	Total Souls.
	Males.	Females.	Males.	Females.		
From Aden - -	503	89	7	-	33	632
„ Bombay - -	172	22	4	1	2	201
„ Ibo - -	314	11	-	-	-	325
Total - -	989	122	11	1	35	1,153

‡ In addition to these, 730 Africans (638 males and 92 females) were landed direct from a captured slaver.

§ In addition to these, 364 Africans (253 males and 111 females) were landed direct from a captured slaver, 202 captured Africans were also landed in the Seychelles.

APPENDIX No. 17.

MAURITIUS.

STATEMENT showing the Number of EMIGRANTS who have embarked for India from the 1st January 1849.

Date.	Males.	Females.	Children.	Total.
1849	3,608	445	67	4,120
1850	3,241	433	50	3,724
1851	2,785	359	39	3,183
1852	2,881	360	72	3,313
1853	1,676	181	171	2,028
1854	3,016	334	325	3,675
1855	3,498	399	370	4,267
1856	3,977	492	428	4,897
1857	3,523	576	494	4,593
1858	6,257	1,034	874	8,165
1859	3,852	681	585	5,118
1860	2,098	378	357	2,833
1861	1,639	323	295	2,257
Total	42,051	5,995	4,127	52,173

Government Emigration Board,
8, Park Street, Westminster, May 2, 1862.

S. WALCOTT.

APPENDIX No. 18.

RETURN of IMMIGRANTS and LIBERATED AFRICANS introduced into the WEST INDIA COLONIES and MAURITIUS, from the year 1843 to the end of the year 1856, and in each year since the 1st day of January 1857, to the end of the year 1861, so far as known.

Whence Emigrating.	JAMAICA.						
	1843 to 1856.	1857.	1858.	1859.	1860.	1861.	Total.
Great Britain - - - -	13	—	—	—	—	—	13
Madeira - - - - -	379	—	—	—	—	—	379
Sierra Leone - - - -	2,552	—	—	—	—	390	2,942
St. Helena - - - - -	2,632	—	—	—	47	259	2,938
East Indies - - - - -	4,550	—	—	—	598	1,523	6,671
China - - - - -	*472	—	—	—	—	—	472
Canada - - - - -	145	—	—	—	—	—	145
United States - - - -	23	—	—	—	—	—	23
British West Indies - -	382	—	—	—	—	—	382
Havannah - - - - -	347	—	—	—	—	—	347
Direct from captured Slavers	230	362	—	—	—	—	592
TOTAL - - - - -	11,725	362	—	—	645	2,172	14,904

Whence Emigrating.	BRITISH GUIANA.						
	1843 to 1856.	1857.	1858.	1859.	1860.	1861.	Total.
Great Britain - - - -	21	—	—	—	—	—	21
Madeira - - - - -	18,569	329	1,367	945	531	70	21,811
Cape de Verdes - - - -	766	—	53	—	—	—	819
Azores - - - - -	164	—	—	—	—	—	164
Sierra Leone - - - -	4,619	—	—	—	—	—	4,619
Kroo Coast - - - - -	381	—	—	—	—	—	381
St. Helena - - - - -	2,590	—	281	—	625	—	3,496
East Indies - - - - -	22,730	2,566	1,405	3,800	5,078	3,729	39,338
China - - - - -	647	—	—	699	1,942	3,365	6,653
British West Indies - -	1,187	—	56	—	—	—	1,243
Surinam - - - - -	31	—	—	—	—	—	31
Rio de Janeiro - - - -	441	—	—	—	—	—	441
Not stated - - - - -	367	—	—	—	—	—	367
TOTAL - - - - -	52,513	2,925	3,162	5,444	8,176	7,164	79,384

Whence Emigrating.	TRINIDAD.						
	1843 to 1856.	1857.	1858.	1859.	1860.	1861.	Total.
Madeira - - - - -	725	—	—	—	—	—	725
Cape de Verdes - - - -	—	172	—	—	—	—	172
Sierra Leone - - - -	2,474	—	—	—	226	—	2,700
St. Helena - - - - -	2,292	—	30	4	470	—	2,796
East Indies - - - - -	10,569	1,414	2,083	3,363	2,169	2,544	22,142
China - - - - -	988	—	—	—	—	—	988
United States - - - -	47	—	—	—	—	—	47
British West Indies - -	4,773	—	—	—	—	—	4,773
Rio de Janeiro - - - -	879	—	—	—	—	—	879
TOTAL - - - - -	22,747	1,586	2,113	3,367	2,865	2,544	35,222

Whence Emigrating.	ST. LUCIA.						
	1843 to 1856.	1857.	1858.	1859.	1860.	1861.	Total.
Sierra Leone - - - -	551	—	—	—	—	—	551
St. Helena - - - - -	568	—	—	—	—	—	568
East Indies - - - - -	—	—	—	555	660	—	1,215
TOTAL - - - - -	1,119	—	—	555	660	—	2,334

* This includes 205 Chinese brought from Panama.

APPENDIX No. 18—continued.

Whence Emigrating.	BAHAMAS.						Total.
	1843 to 1856.	1857.	1858.	1859.	1860.	1861.	
From wrecked Slaver - - -	—	—	—	—	389	—	389
TOTAL - - -	—	—	—	—	389	—	389

Whence Emigrating.	TOTAL TO WEST INDIES.						Total.
	1843 to 1856.	1857.	1858.	1859.	1860.	1861.	
Great Britain - - - - -	34	—	1	—	—	—	35
Madeira - - - - -	23,156	486	1,664	1,048	608	124	27,086
Cape de Verds - - - - -	961	184	53	—	—	—	1,198
Azores - - - - -	164	—	—	—	—	—	164
Sierra Leone - - - - -	11,543	—	—	—	226	390	12,159
Kroo Coast - - - - -	381	—	—	—	—	—	381
St. Helena - - - - -	9,125	—	311	4	1,328	500	11,268
East Indies - - - - -	37,849	4,293	3,850	8,017	8,505	8,393	70,907
China - - - - -	2,107	—	—	699	1,942	3,365	8,113
Canada - - - - -	145	—	—	—	—	—	145
United States - - - - -	70	—	—	—	—	—	70
British West Indies - - - - -	6,366	—	68	26	—	—	6,460
Havannah - - - - -	347	—	—	—	—	—	347
Saba - - - - -	23	—	—	—	—	—	23
Surinam - - - - -	31	—	—	—	—	—	31
Rio de Janeiro - - - - -	1,320	—	—	—	—	—	1,320
Not stated - - - - -	367	—	—	—	—	—	367
Direct from captured and wrecked Slavers.	230	362	—	—	389	—	981
TOTAL - - - - -	94,219	5,325	5,947	9,794	12,998	12,772	141,055

Whence Emigrating.	MAURITIUS.						Total.
	1843 to 1856.	1857.	1858.	1859.	1860.	1861.	
Ibo, East Coast of Africa - - - - -	325	—	—	—	—	—	325
Madagascar - - - - -	39	—	—	—	—	—	39
Aden - - - - -	632	—	—	—	—	—	632
East Indies - - - - -	173,141	12,725	29,946	44,397	13,286	13,985	287,480
China - - - - -	843	—	—	—	—	—	843
Direct from captured Slavers - - - - -	—	—	—	—	730	*568	1,298
TOTAL - - - - -	174,980	12,725	29,946	44,397	14,016	14,553	290,617

* 202 of these were landed in the Seychelles.

Government Emigration Board,
8, Park Street, Westminster, May 2, 1862.

S. WALCOTT.

APPENDIX No. 19.

APPENDIX No. 19.

RETURN of SHIPS and EMIGRANTS despatched from CALCUTTA and MADRAS to the WEST INDIES during the Season 1860-1.

Name of Ship.	Tonnage.	Contract Price.	Port of Departure.	Date of Departure.	Date of Arrival.	Number of Days on the Voyage.	Numbers embarked.					Births on the Voyage.	Deaths on the Voyage.	Number landed.	REMARKS.	
							Adults.		Children.		Infants.					Total.
							M.	F.	M.	F.						
JAMAICA.																
		£ s. d.														
*Ravensraig - - -	540	15 0 0	Calcutta	1860. 26 October	1861. 1 February	98	260	46	21	11	2	289	—	30	259	
*Good Hope - - -	1,295	15 0 0	Ditto	5 December	4 March	89	251	69	16	16	17	369	3	46	326	
*Wentworth - - -	521	14 0 0	Ditto	16 January	1 May	105	172	66	35	29	6	308	1	6	303	
*Pearl - - -	605	15 0 0	Ditto	10 February	15 May	94	169	94	29	30	5	327	—	42	285	
*Clarendon - - -	—	15 0 0	Ditto	11 March	23 June	100	164	125	62	60	14	425	3	78	350	
							965	400	163	146	44	1,718	7	202	1,523	
BRITISH GUIANA.																
*Camperdown - - -	993	13 15 0	Calcutta	1860. 13 September	1860. 16 Dec.	94	212	117	24	18	15	386	3	56	353	
*Loodianah - - -	794	13 5 0	Ditto	21 September	22 Dec.	92	175	97	22	13	11	318	2	20	300	
*Merrie England - - -	1,045	13 0 0	Ditto	3 October	18 Dec.	76	214	115	20	22	17	383	1	31	353	
*Alnwick Castle - - -	1,087	13 9 0	Ditto	6 October	29 Dec.	84	224	102	27	20	18	391	1	32	360	
*Ulysses - - -	934	13 10 0	Ditto	16 October	9 January	85	220	108	24	20	17	389	—	64	325	
*Victoria - - -	837	13 12 6	Ditto	18 November	23 February	97	183	111	22	21	18	355	1	35	321	
*Mooresfort - - -	1,050	14 0 0	Ditto	6 December	27 February	83	229	107	15	12	9	372	1	7	366	
*Fairlie - - -	756	9 10 0	Madras	12 December	11 March	89	186	104	23	30	9	367	1	7	361	
*Ocean Home - - -	596	11 19 0	Calcutta	24 December	20 March	86	200	92	23	18	15	345	2	11	339	
*Collingwood (a) - - -	682	13 10 0	Ditto	15 January	29 April	104	175	91	21	24	10	321	6	31	296	
*Jessie Munn - - -	874	11 14 6	Ditto	4 February	3 May	88	181	108	22	16	13	340	3	15	328	
*Forerunner - - -	558	14 0 0	Ditto	20 February	1 July	131	164	75	21	16	12	288	3	10	281	
*Henry Moore - - -	1,117	15 0 0	Madras	8 March	8 July	122	271	62	16	18	9	376	1	7	370	
*Telegraph - - -	1,118	12 5 0	Calcutta	14 March	12 July	120	210	114	28	23	15	390	3	56	337	
							2,854	1,403	313	271	188	5,029	28	362	4,695	
TRINIDAD.																
*David Malcolm - - -	538	11 1 6	Madras	1860. 25 September	1861. 20 January	114	165	63	5	7	2	241	—	5	236	
*Clarence - - -	1,104	14 0 0	Calcutta	3 November	21 January	79	241	84	22	25	7	379	—	25	354	
*Sydenham - - -	1,050	14 0 0	Ditto	14 December	6 March	82	277	63	11	10	2	363	—	12	351	
*Castle Howard - - -	757	13 10 0	Ditto	14 January	29 March	74	242	76	27	19	3	367	—	11	356	
*Adelaide - - -	639	12 10 0	Ditto	2 February	7 May	94	193	75	17	22	3	310	1	53	258	
*Breachin Castle - - -	537	14 0 0	Ditto	18 February	13 May	84	187	69	19	20	1	296	2	23	275	
*Nourmahal - - -	846	14 0 0	Ditto	13 March	28 June	107	273	63	14	15	5	370	—	20	350	
							1,578	492	115	118	23	2,326	3	149	2,180	
ST. VINCENT.																
*Travancore - - -	500	11 5 0	Madras	26 February	1 June	95	160	62	18	13	5	258	2	—	260	
ST. KITTS.																
*Dartmouth - - -	933	14 10 0	Calcutta	26 February	—	—	192	113	17	24	15	361	—	—	—	
Total - - -							5,749	2,470	626	572	275	9,692				

* These vessels were chartered by the Agents in India.

(a) This vessel brought also 40 Africans from St. Helena, viz., 28 men, 7 women, 4 boys, 1 girl.

S. WALCOTT.

APPENDIX No. 20.

RETURN of SHIPS and EMIGRANTS despatched from CALCUTTA

Name of Ship.	Tonnage.	Contract Price.	Port of Departure.	Date of Departure.	Date of Arrival.	Number of Days on the Voyage.
JAMAICA.						
*Gertrude	949	£ 14 2 6	Calcutta	1861. 19 September	1862. 14 January	107
*Scoresby	785	13 10 0	Ditto	11 October	19 January	100
*Empress Eugenie	875	12 0 0	Ditto	13 November	20 February	99
*Sydenham	1,049	15 5 0	Ditto	16 December	—	—
1862.						
*Marion	684	15 5 0	Ditto	18 January	—	—
*Hougomont	962	—	Ditto	19 February	—	—
BRITISH GUIANA.						
*Gitana	1,335	13 0 0	Calcutta	1861. 10 September	1861. 16 December	97
1862.						
Belvidera	684	10 10 0	Ditto	10 October	24 January	106
Prince Consort	1,235	12 17 3	Ditto	5 November	17 February	104
Truro	694	9 9 6	Madras	7 November	10 February	94
Utopia	949	12 17 3	Calcutta	30 November	20 February	32
Mariner	683	10 0 0	Madras	20 December	19 March	89
*Mooresfort	1,051	13 12 6	Calcutta	23 December	13 March	80
1862.						
Atalanta	930	12 9 5	Ditto	20 January	13 April	83
Princess Royal	1,336	12 7 9	Ditto	5 February	—	—
*Collingwood	682	14 5 0	Ditto	20 February	—	—
*Statesman	—	—	Madras	28 February	—	—
*Breechin Castle	537	13 10 0	Calcutta	8 March	—	—
*Empire of Peace	1,540	14 5 0	Ditto	11 March	—	—
*Gipsy Bride	1,458	13 10 0	Ditto	17 March	—	—
TRINIDAD.						
*Tyburnia	1,027	14 0 0	Calcutta	1861. 1 September	1861. 19 December	100
1862.						
*Daniel Rankin	1,047	11 13 0	Ditto	9 October	8 January	91
Alnwick Castle	1,087	12 18 0	Ditto	31 October	10 January	71
Clarence	1,104	12 18 0	Ditto	18 December	6 March	78
1862.						
*Colgrain	623	14 10 0	Ditto	19 January	17 April	88
ST. LUCIA.						
*Ulysses	934	12 0 0	Calcutta	1861. 16 November	15 February	92
GREENADA.						
*Accrington	1,932	13 10 0	Calcutta	1861. 14 October	1862. 9 January	78
*Athletæ	975	14 10 0	Ditto	24 December	25 March	91
1862.						
*Ganges	—	15 16 0	Ditto	21 February	—	—
ST. VINCENT.						
*Castle Howard	757	15 0 0	Calcutta	1862. 17 January	—	—

* These Vessels were chartered by the Agents in India.

Government Emigration Board,
8, Park Street, Westminster, May 2, 1862.

APPENDIX No. 20.

MADRAS to the WEST INDIES during the Season 1861-62.

Name of Surgeon.	Numbers embarked.						Births on the Voyage.	Deaths on the Voyage.	Number landed.	† Africans brought from St. Helena.	REMARKS.
	Adults.		Children.		In-fants.	Total.					
	M.	F.	M.	F.							
G. Haines Atwell	273	67	18	3	5	366	2	44	324	28	
J. R. Higgins	257	67	23	10	3	360	1	51	310	22	
T. Chennell	235	66	13	12	5	331	4	36	299	—	
R. Rivers	276	84	20	10	2	392	—	—	—	65	
J. Cullen	235	56	11	11	6	319	—	—	—	—	
J. C. Sanger	272	74	21	19	10	396	—	—	—	—	
1862.											
Charles Terry	308	76	13	18	10	425	2	22	405	—	
Charles S. Stewart, M.D.	249	64	11	13	10	347	1	11	326	—	
C. H. Graham, M.D.	357	81	26	15	15	494	—	39	455	—	
F. Cardozo	177	96	38	35	13	359	2	3	358	—	
D. Macdonald	253	67	24	10	10	369	3	24	348	—	
G. I. Russell	169	66	34	36	13	318	1	11	308	—	
S. P. Chennell	261	86	16	11	12	386	1	10	387	—	
J. G. Winstone	338	80	15	13	8	454	—	8	446	—	
H. Lannigan	356	81	24	11	6	478	—	—	—	—	
W. Donaldson	221	61	9	4	11	306	—	—	—	—	
J. L. V. Gregory	204	85	25	27	18	359	—	—	—	—	
A. Cumming	199	67	9	8	11	294	—	—	—	—	
J. S. Ireland	285	62	9	8	8	372	—	—	—	—	
1862.											
Henry Cayley	320	55	14	10	2	401	—	37	364	—	
William Evans	324	72	9	2	3	410	—	18	392	—	
W. H. Pearse, M.D.	340	87	32	11	8	478	3	5	476	—	
F. W. Johnson	364	76	12	8	2	462	1	6	457	—	
C. Kitching	208	50	12	5	6	281	2	5	278	—	
1862.											
J. O. Taylor	1,556	340	79	36	21	2,032	6	71	1,967	—	
1862.											
J. A. Green, M.D.	291	87	23	13	11	425	3	15	413	—	
H. A. Kidd	266	71	13	14	13	377	—	7	370	57	
S. L. Crane	237	53	14	7	9	320	—	—	—	57	
1862.											
W. J. Thompson	241	49	8	12	6	316	1	10	307	14	

† Vide Appendix No. 24.

‡ 1 man missing.

S. WALCOTT.

APPENDIX No. 21.

RETURN of SHIPS and COOLIES (entitled to back Passages) despatched from the WEST to the EAST INDIES, from 1850.

Colony and Ship.	Date of Sailing.	Numbers embarked.						Deaths during the Voyage.	Number landed.
		Adults.		Children.		Infants.	Total.		
		M.	F.	M.	F.				
JAMAICA :									
* Ostrich - - -	1853. Apr. 1	128	36	11	10	13	198	5	193
*† Harkaway - - -	Apr. 10	264	73	20	14	19	390	2	388
† Edward - - -	Apr. 10	192	83	16	8	5	304	15	289
*† William Jardine - - -	Apr. 15	228	26	6	10	5	275	18	257
*† Gloriana - - -	1854. Jan. 21	280	68	23	24	34	429	13	416
* Sir George Pollock	1858. Apr. 13	55	26	24	16	5	126	1	127
Total - - -	- - -	1,147	312	100	82	81	1,722	54	1,670
BRITISH GUIANA:									
* Lucknow - - -	1850. Nov. 19	188	35	9	12	3	247	10	237
*† Zenobia - - -	1851. June 26	213	54	25	13	-	305	22	283
† Lord Elgin - - -	Oct. 6	96	33	6	11	-	146	3	143
† Hemptyke - - -	Nov. 1	118	27	11	9	-	165	11	154
* Glentanner - - -	Nov. 15	241	37	23	10	-	311	83	228
*† Lucknow - - -	1852. Mar. 9	193	41	36	15	-	290	8	282
* Thetis - - -	Oct. 18	192	24	3	-	10	229	13	216
† Sandford - - -	1853. Aug. 9	143	44	15	6	3	211	15	196
* Sandford - - -	1854. Nov. 16	213	24	5	3	6	251	8	243
† Empress Eugenie - - -	1856. Oct. 17	156	67	15	13	9	260	8	259
* Blue Jacket - - -	1857. Mar. 24	213	52	22	17	14	318	5	318
* Hamilla Mitchell - - -	Sept. 24	209	40	10	10	8	277	8	269
* White Eagle - - -	1858. May 13	256	42	8	10	7	323	8	316
* Queen of the East - - -	1859. Oct. 2	220	59	16	13	12	309	15	376
† Henry Moore - - -	Nov. 22	224	110	24	24	25	407	83	330
Total - - -	- - -	2,950	689	228	166	97	4,130	300	3,850
TRINIDAD:									
* Eliza Stewart - - -	1851. May 31	17	2	1	2	-	22	nil.	22
* Eliza - - -	Sept. 6	271	49	16	18	-	354	30	324
*† Clarendon - - -	1852. Mar. 12	182	41	12	6	-	241	16	225
* Bucephalus - - -	1853. Aug. 3	288	19	-	4	3	314	12	302
*† Shand - - -	Aug. 19	222	33	10	11	11	287	4	283
*† Scindian§ - - -	1855. June 1	108	29	19	18	3	177	13	164
*† Arabia - - -	1856. Oct. 18	177	48	26	24	5	280	9	288
*† Eveline - - -	1857. Oct. 17	266	33	18	22	4	343	9	339
* Morayshire† - - -	1858. Dec. 10	243	54	32	23	7	359	14	346
* Brechin Castle - - -	1861. Oct. 23	236	34	10	17	6	303	19	285
Total - - -	- - -	2,010	342	144	145	39	2,680	126	2,578

The difference between the number of coolies reported to have been embarked in the West Indies, and the number reported to have been landed at Calcutta, is in some cases materially less than the reported number of deaths. This arises partly from births on the voyage, and partly perhaps from the embarkation at the last moment of persons not entered in the lists. It is thought best, however, to give the number as they have been reported to the Board, without attempting to reconcile the discrepancy.

Vessels marked thus * sailed for Calcutta; thus † for Madras; thus *† for both Calcutta and Madras.

§ In this vessel two Chinese were also embarked.

† In this vessel three Chinese were also embarked.

APPENDIX No. 22.

RETURN of SHIPS and EMIGRANTS despatched from CHINA to BRITISH GUIANA during the Seasons 1860-61.

Name of Ship.	Tonnage.	Contract Price.	Port of Departure.	Date of Departure.	Date of Arrival.	No. of Days on the Voyage.	Numbers embarked.						Deaths on the Voyage.	Numbers landed.	
							Adults.		Children.		In-Infants.				Total.
							M.	F.	M.	F.	M.	F.			
Sobastopol	338	£ s. d. 8 0 0	Canton	1860. 23 Dec.	1861. 28 March	95	281	45	4	1	—	—	4	327	
Claramount	654	9 0 0	Hong Kong	1861. 1 Jan.	13 April	102	190	87	3	2	—	—	2	281	
Red Riding Hood	720	*12 0 0	Whampoa	20 Jan.	13 April	83	262	49	3	—	2	—	4	313	
Saldanah	1,537	*10 10 0	Hong Kong	2 Feb.	3 May	90	429	69	1	—	—	—	11	489	
Chapman	750	11 10 0	Canton	27 Feb.	9 June	102	239	57	5	—	2	—	13	200	
Mystery	1,074	12 0 0	Hong Kong	23 Feb.	9 June	101	313	41	—	1	1	—	20	336	
Montmorenci	660	10 10 0	Hong Kong	12 March	27 June	107	271	18	1	—	—	—	7	4283	
Sea Park	835	10 10 0	Canton	19 March	8 July	111	236	52	4	1	—	—	20	4263	
Lancashire Witch	1,386	10 0 0	Hong Kong	26 March	5 Aug.	132	427	23	4	—	2	—	24	5433	
Whirlwind	977	10 10 0	Hong Kong	9 April	31 July	113	307	53	1	2	2	—	12	1350	
Total							—	2,955	499	26	7	9	2,466	126	3,305

* Exclusive of provisions, but inclusive of water-casks and fittings.

† 1 man unaccounted for.

‡ 1 ditto.

§ 5 ditto.

|| 1 ditto, and 2 swam ashore at Hong Kong.

Government Emigration Board,
8, Park Street Westminster, May 2, 1862.

S. WALCOTT.

APPENDIX No. 23.

RETURN of SHIPS and EMIGRANTS despatched from CHINA to BRITISH GUIANA and TRINIDAD during the Season 1861-62.

Name of Ship.	Tonnage.	Contract Price.	Port of Departure.	Date of Departure.	Date of Arrival.	No. of Days on the Voyage.	Numbers Embarked.						Deaths on the Voyage.	Births on the Voyage.	Numbers Landed.	
							Adults.		Children.		Infants.	Total.				
							M.	F.	M.	F.						
BRITISH GUIANA.																
Agra - - - - -	714	£ s. d. 14 0 0	Canton	1861. 20 Nov.	1862. 17 Feb.	83	249	36	2	--	--	--	1	287	287	
Earl of Windsor - -	738	14 15 0	Hong Kong	4 Dec.	17 Mar.	103	178	141	2	3	1	--	1	325	*303	
1862.																
Red Biding Hood - -	720	14 17 6	Canton	19 Jan.	11 April	82	272	47	7	1	--	--	--	327	--	
Persia - - - - -	-	-	Ditto	19 Mar.	-	-	405	112	9	5	-	-	-	531	-	
Sir George Seymour -	-	-	Ditto	1 April	-	-	279	38	5	-	-	-	-	322	-	
Total -							-	-	-	-	-	-	-	-	-	-
TRINIDAD.																
Magge Miller - - -	1,332	13 10 0	Hong Kong	12 Feb.	-	-	364	170	10	4	1	-	-	549	-	
Grand Total							-	-	-	-	-	-	-	-	-	-

* 1 man missing—supposed to have jumped overboard.

APPENDIX No. 24.

RETURN showing the number of LIBERATED AFRICANS despatched from St. HELENA to the WEST INDIES during the year 1861.

Name of Vessel.	Tonnage.	Contract Price.	Destination.	Date of Departure.	Date of Arrival.	No. of Days on the Voyage.	Numbers embarked.						Deaths on the Voyage.	Numbers landed.
							Adults.		Children.		Infants.	Total.		
							M.	F.	M.	F.				
Maida - - -	510	£ s. d. 0 10 0	Jamaica	1861. 23 July	1861. 29 Aug.	37	205	54	1	1	1	—	2	250
*Gertrudo - - -	940	0 5 0	Ditto	30 N 0 12 Dec.	1862. 4 Jan.	35	28	—	—	—	—	—	—	28
Clarendon - - -	408	0 10 0	Ditto	21 Dec.	5 Jan.	24	163	35	18	5	—	—	2	210
*Scoresby - - -	785	0 5 0	Ditto	21 Dec.	10 Jan.	20	23	—	—	—	—	—	1	22
						Total -	410	80	19	6	—	—	5	528
†Collingwood - - -	682	0 0 0	British Guiana	2 Apr.	1861. 29 Apr.	27	28	7	4	1	—	—	—	40
Hilda - - -	294	0 0 0	Ditto	21 Dec.	1862. 12 Jan.	22	146	—	—	—	—	—	—	146
						Total -	174	7	4	1	—	—	—	186
						Total 1861 - - -	593	98	23	7	—	—	5	714

* These were coolie ships on their way to the West Indies with coolies, which touched at St. Helena and took the Africans on board.
 Government Emigration Board,
 8, Park Street, Westminster, May 2, 1862.

S. WALCOTT.

APPENDIX No. 25.

RETURN OF LIBERATED AFRICANS despatched from SIERRA LEONE to the West Indies during the Year 1861.

Name of Ship.	Tonnage.	Contract Price.	Destination.	Date of Departure.	Date of Arrival.	Number of Days on the Voyage.	Numbers embarked.						Deaths on the Voyage.	Number landed.
							Adults.		Children.		In-fants.	Total.		
							M.	F.	M.	F.				
Patterson	974	£ s. d. 7 3 9	Jamaica	1861. 28 Nov.	1861. 28 Dec.	30	202	59	62	42	—	395	5	390

S. WALCOTT.

Government Emigration Board,
8, Park Street, Westminster, May 2, 1862.

APPENDIX No. 26.

RETURN OF AFRICANS (entitled to back passages) despatched from JAMAICA to SIERRA LEONE during the Year 1861.

Name of Ship.	Tonnage.	Contract Price.	Destination.	Date of Departure.	Date of Arrival.	Number of Days on the Voyage.	Numbers embarked.						Deaths on the Voyage.	Number landed.
							Adults.		Children.		In-fants.	Total.		
							M.	F.	M.	F.				
Clarendon	851	£ s. d. 0 10 0	Sierra Leone	1861. 13 Aug.	1861.	—	38	23	5	3	—	74	—	—

S. WALCOTT.

Government Emigration Board,
8, Park Street, Westminster, May 2, 1862.

APPENDIX No. 27.

RETURN showing Amounts of Money remitted by Settlers in North America to their Friends in the United Kingdom from 1848 (the first Year in which we have any Information) to 1861, both inclusive.

Year.	Amount.
	£
1848	460,000
1849	540,000
1850	957,000
1851	990,000
1852	1,404,000
1853	1,439,000
1854	1,730,000
1855	873,000
1856	951,000
1857	593,165
1858	472,610
1859	*621,176
1860	†643,645
1861	‡504,380

* 45,798*l.* of this sum remitted from Australia.

† 66,713*l.* do. do.

‡ 78,095*l.* do. do.

Government Emigration Board,
8, Park Street, Westminster, May 2, 1862.

S. WALCOTT.

APPENDIX No. 28.

RETURN showing the Amounts paid in New South Wales, and Queensland, under the Remittance Regulations, since the Commencement of the System in 1848; and also the Number of Persons who have emigrated under those Regulations.

NEW SOUTH WALES.

Year.	Amount paid in the Colony for				Total.	Number of Persons nominated.	Number of Persons despatched.	
	Passage.		Outfit.					
	£	s.	d.	£	s.	d.		
1848	45	0	0	-	-	-	3	Nil
1849	496	0	0	67	10	0	72	9
1850	337	0	0	42	0	0	40	32
1851	499	0	0	45	0	0	56	15
1852	3,196	0	0	611	0	0	816	24
1853	9,413	0	0	1,768	1	0	2,345	851
1854	13,895	0	0	2,912	16	0	2,717	1,697
1855	12,302	0	0	1,734	11	0	2,213	1,878
1856	11,509	0	0	2,009	5	0	2,305	1,864
1857	14,559	0	0	2,284	5	10	3,516	2,627
1858	19,229	0	0	1,940	1	0	4,770	3,368
1859	15,050	0	0	1,730	16	1	3,871	3,895
*1860	9,274	0	0	844	19	0	2,328	2,705
*1861	11,308	0	0	835	0	0	2,712	862
TOTAL	121,112	0	0	16,825	4	11	27,764	19,827

* Regulations suspended from 1st July 1860 to 30th June 1861.

QUEENSLAND.

The Remittances from Queensland previous to the Year 1860 are included in the sums paid in New South Wales, of which this Colony then formed a part.

Year.	Amount paid in the Colony for				Total.	Number of Persons nominated.	Number of Persons despatched.	
	Passage.		Outfit.					
	£	s.	d.	£	s.	d.		
1860	2,442	0	0	133	16	0	618	54
1861	654	0	0	65	0	0	181	502*

* This number includes a few nominees of land depositors.

APPENDIX No. 29.

QUEENSLAND.

RETURN showing the Sums deposited for Land under the Immigration Regulations, 3rd November 1860, and the Number of Persons nominated for Passages during the Year 1861.

Amount deposited.	Number of Persons nominated.
£12,987	722

APPENDIX No. 30.

RETURN of the Number of PASSENGER SHIPS and EMIGRANTS despatched in 1861 from the UNITED KINGDOM; showing the Number of such Ships Wrecked or Destroyed at Sea, and the Number of Lives so Lost, so far as at present known.

SHIPS chartered by the Emigration Commissioners.

PORTS.	No. of Ships.	No. of Pas-sengers.	No. of Crew.	Total Crew and Pas-sengers.	No. of Ships lost.	No. of Lives lost.	Remarks.
London - -	3	* 402	58	460	—	—	
Liverpool - -	3	1,067	116	1,183	—	—	
Plymouth - -	4	† 1,403	157	1,560	—	—	
Southampton - -	6	† 1,724	195	1,919	—	—	
TOTAL -	16	4,596	526	5,122	—	—	

PRIVATE PASSENGER SHIPS from Ports under the Superintendence of Government Emigration Officers.

PORTS.	No. of Ships.	No. of Pas-sengers.	No. of Crew.	Total Crew and Pas-sengers.	No. of Ships lost.	No. of Lives lost.	Remarks.
London - -	78	8,542	3,044	11,586	—	—	The "United States" sailed for Quebec on 13th April with 87 passengers and 52 crew. Was totally wrecked on 25th April on Bird Island, at the entrance of the St. Lawrence. Passengers and crew saved.
Liverpool - -	176	37,812	10,429	48,241	—	—	
Plymouth - -	§ 1	875	23	898	—	—	
Glasgow - -	15	2,443	706	3,149	1	—	
Greenock - -	1	141	17	158	—	—	
Belfast - -	1	47	14	61	—	—	
Cork - - -	—	¶ 7,226	—	7,226	—	—	
Galway - -	7	2,343	612	2,955	—	—	
Limerick - -	2	164	23	187	—	—	
Londonderry - -	4	** 1,108	104	1,212	—	—	
Tralee - - -	1	117	23	140	—	—	
TOTAL -	286	60,818	14,995	75,813	1	—	

* 123 of these were not Commissioners' Emigrants.

† 5 do. do.

‡ 27 do. do.

§ Exclusive of the Ships and their Crews from London calling to take in Passengers.

|| Inclusive of 767 embarked on board Ships which had previously cleared at London.

¶ These had embarked on board Ships which had previously cleared at Liverpool.

** 409 do. do. do. do.

APPENDIX No. 30—*continued.*

PRIVATE PASSENGER SHIPS from Ports not under the Superintendence of Government Emigration Officers.

PORTS.	No. of Ships.	No. of Passengers.	No. of Ships lost.	No. of Lives lost.	REMARKS.
Bristol - - - -	2	226	—	—	
Aberdeen - - - -	1	39	—	—	
Dublin - - - -	1	158	—	—	
New Ross - - - -	1	195	—	—	
TOTAL - - - -	5	618	—	—	

SUMMARY.

—	SHIPS.			PASSENGERS AND CREW.		
	No. despatched.	No. wrecked.	Per-centage.	No. embarked.	No. of Lives lost.	Per-centage.
Ships chartered by the Emigration Commissioners - - - -	16	—	—	5,122	—	—
Ships despatched from Ports under the superintendence of Government Emigration Officers - - - -	286	1	*34	75,813	—	—
Ships despatched from Ports not under the superintendence of Government Emigration Officers - - - -	5	—	—	618	—	—
TOTAL - - - -	307	1	*32	81,553	—	—

APPENDIX No. 31.

MORTALITY in Passenger Ships that cleared from Liverpool for New York during the Year 1861 (so far as reports have been received.)

Date of clearance.	Name of Ships.	Ships reported.		Date of clearance.	Name of Ships.	Ships reported.	
		Nos. sailed.	Nos. died.			Nos. sailed.	Nos. died.
Jan. 2	Edinburgh - -	38	1	May 23	Brought forward -	16,819	10
8	Manhattan - -	122	..	23	Invincible - -	142	..
9	City of Washington	55	..	27	Benjamin Adams -	302	..
14	Victory - -	205	..	28	Compromise - -	99	..
16	Etna - -	41	..	28	Glasgow - -	70	..
23	Columbia - -	200	..	29	Belle Wood - -	281	..
23	Vigo - -	42	..	29	Webster - -	185	..
30	Excelsior - -	207	..	31	City of Baltimore -	118	..
30	City of Baltimore -	59	..	June 5	Great Western - -	166	..
Feb. 6	Kangaroo - -	57	..	6	Excelsior - -	60	..
9	Great Western - -	357	..	8	Thornton - -	155	..
11	American Union -	66	..	10	Victory - -	111	..
13	Edinburgh - -	65	1	11	Kangaroo - -	93	..
16	Aurora - -	216	..	12	R. L. Lane - -	52	..
16	Thornton - -	169	1	15	James Foster, jun. -	101	1
20	City of Manchester	81	..	19	Etna - -	93	..
23	James Foster, jun. -	214	..	19	Edinburgh - -	76	..
27	Etna - -	93	..	26	Adelaide - -	144	..
27	Cultivator - -	219	..	29	City of Washington	69	..
28	R. L. Lane - -	165	..	July 3	Harvest Queen - -	153	..
March 4	Alexander Marshall	162	..	7	Glasgow - -	63	..
13	Adelaide - -	255	..	15	Yorkshire - -	60	..
13	City of Baltimore -	114	1	17	City of Baltimore -	95	..
13	Henry Clay - -	158	..	18	Dreadnought - -	136	..
14	Harvest Queen - -	213	1	23	Alexander Marshall	133	..
16	Constellation - -	238	..	24	Kangaroo - -	62	..
18	Guy Mannering - -	216	..	31	Etna - -	78	..
19	Ellen Austin - -	52	..	Aug. 6	Neptune - -	241	..
20	Kangaroo - -	94	..	7	Edinburgh - -	86	..
23	Yorkshire - -	179	1	10	Constellation - -	97	..
25	Resolute - -	388	..	11	Resolute - -	101	..
27	Edinburgh - -	83	..	14	City of Washington	103	..
27	Jeremiah Thompson	178	..	19	Isaac Webb - -	85	..
27	Escort - -	227	..	20	Glasgow - -	70	..
30	Dreadnought - -	549	1	27	William Tapscott -	52	..
April 3	Glasgow - -	92	1	28	City of Manchester	92	..
3	Neptune - -	682	..	Sept. 3	Fidelia - -	102	..
8	Sir Robert Peel - -	355	..	10	City of New York -	66	..
8	Australia - -	695	..	16	Columbia - -	107	1
10	City of Washington	160	1	18	Edinburgh - -	61	..
15	Calhoun - -	830	..	21	Benjamin Adams -	58	..
15	New World - -	543	..	25	City of Washington	71	..
15	Manchester - -	371	..	28	Belle Wood - -	61	..
16	Isaac Webb - -	665	..	Oct. 2	Glasgow - -	80	..
17	City of Manchester	104	..	7	Great Western - -	95	..
20	Fidelia - -	366	..	9	Etna - -	94	..
22	Underwriter - -	619	..	10	Adelaide - -	76	..
24	John Bright - -	706	..	16	City of Baltimore -	52	..
24	City of Baltimore -	133	..	21	James Foster, jun. -	142	..
26	William Tapscott -	722	..	23	City of New York -	77	..
26	South Shore - -	342	..	30	Edinburgh - -	188	..
27	Lucy Thompson - -	659	..	Nov. 4	Harvest Queen - -	75	..
May 1	Kangaroo - -	140	1	6	City of Manchester	73	..
4	F. Nightingale - -	400	..	13	Etna - -	70	..
4	S. Crowell - -	319	..	18	Alexander Marshall	146	1
8	Edinburgh - -	146	..	20	City of Baltimore -	45	..
9	Manhattan - -	616	..	27	Glasgow - -	35	..
10	Constitution - -	412	..	Dec. 4	City of Washington	54	..
13	Southampton - -	402	..	4	Neptune - -	59	..
15	Etna - -	117	..	11	Edinburgh - -	126	..
20	Columbia - -	351	..	14	R. L. Lane - -	95	..
22	City of Washington	95	..	18	Etna - -	35	..
	Carried forward -	16,819	10		TOTAL -	22,984	13

APPENDIX No. 31—*continued.*

MORTALITY in Passenger Ships from Liverpool to Portland.				MORTALITY in Passenger Ships from Liverpool to Boston.			
Date of clearance.	Name of Ships.	Ships reported.		Date of clearance.	Name of Ships.	Ships reported.	
		Nos. sailed.	Nos. died.			Nos. sailed.	Nos. died.
1861. Dec. 5	Jura - - -	44	..	1861. April 3	Eagle - - -	361	..
				17	City of Boston -	287	..
				26	E. Creighton -	327	..
				17	Valentia - - -	194	..
				20	Leucothea - - -	107	..
					TOTAL -	1,276	..
MORTALITY in Passenger Ships from Liverpool to Philadelphia.				MORTALITY in Passenger Ships from Liverpool to Canada.			
Date of clearance.	Name of Ships.	Ships reported.		Date of clearance.	Name of Ships.	Ships reported.	
		Nos. sailed.	Nos. died.			Nos. sailed.	Nos. died.
1861. Jan. 16	Wyoming - -	39	..	1861. April 11	Jura - - -	91	..
Feb. 25	Tonawanda -	49	..	24	Menapia - - -	143	..
March 14	Tuscarora -	94	..	May 6	Senator - - -	258	1
April 15	Saranak - -	344	..	June 6	Jura - - -	95	..
May 14	Wyoming - -	166	..	12	Culloden - - -	300	..
Sept. 13	Saranak - -	45	..	Sept. 12	Jura - - -	73	..
				Oct. 20	Jura - - -	45	1
	TOTAL - -	737	..		TOTAL -	1,005	2

SUMMARY.

Ships cleared out for	Nos. embarked.	No. of Deaths.	Per-centage of Deaths.
New York - - -	22,934	13	'05
Portland - - -	44
Boston - - -	1,276
Philadelphia - - -	737
Canada - - -	1,005	2	'19
TOTAL - - -	26,046	15	'05

APPENDIX No. 32.

MORTALITY in Passenger Ships that cleared from the Clyde during the Year 1861
(so far as reports have been received).

Date of clearanc.	Name of Ships.	Ships reported.	
		Nos. sailed.	Nos. died.
1861.	For Canada.		
March 2	John Bell - - -	36	..
" 23	United Kingdom - - -	63	..
April 13	United States - - -	87	..
May 25	United Kingdom - - -	327	..
June 22	John Bell - - -	190	..
July 20	United Kingdom - - -	112	..
Aug. 17.	John Bell - - -	95	..
Sept. 14	United Kingdom - - -	90	..
" 28	St. Andrew - - -	55	..
Oct. 12	John Bell - - -	78	..
	Total - - -	1,138	..
	New Brunswick.		
May 8	Irvine - - -	139	4
	Otago, New Zealand.		
1860.			
July 26	Silistria - - -	312	9
Oct. 12	Lady Egidia - - -	447	32
1861.			
May 2	Storm Cloud - - -	326	5
June 1	Pladda - - -	370	2
July 11	Robert Henderson - - -	277	1
Oct. 4	Silistria - - -	292	6
	Total - - -	2,024	55

SUMMARY.

Ships cleared out for	Nos. embarked.	No. of Deaths.	Per-centage of Deaths.
Canada - - -	1,138
New Brunswick - - -	139	4	2·87
New Zealand - - -	2,024	55	2·71
TOTAL - - -	3,301	59	1·78

N.B.—New Zealand includes two ships which sailed in 1860.

Government Emigration Board,
8, Park Street, Westminster, May 2, 1862.

S. WALCOTT.

APPENDIX No. 33.

NEW SOUTH WALES.

No. I.—An ACT for regulating the Alienation of CROWN LANDS.
[Assented to 18th October 1861.]

Preamble.

WHEREAS it is expedient to make better provision for the alienation of Crown lands : Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales, in Parliament assembled, and by the authority of the same, as follows :

Interpretation.

1. The following terms within inverted commas shall for the purposes of this Act, unless the context otherwise indicate, bear the meanings set against them respectively—

“Crown Lands”—All lands vested in Her Majesty which have not been dedicated to any public purpose, or which have not been granted or lawfully contracted to be granted in fee simple :

“Town Lands”—Crown lands in any city, town, or village, or set apart as a site for the same :

“Suburban Lands”—Crown lands declared in the “Gazette” to be suburban by the Governor and Executive Council :

“First-class Settled Districts”—Lands declared to be of the settled class by the Queen's Orders in Council :

“Second-class Settled Districts”—Lands converted into the settled class by the Act twenty-three Victoria, number four, or that may be hereafter so converted under the Crown Lands Occupation Act of 1861 :

“Orders in Council”—The Orders in Council and regulations from time to time issued under the Imperial Act fifth and sixth Victoria, chapter thirty-six, and ninth and tenth Victoria, chapter one hundred and four :

“Minister”—The Minister for the time being charged with the administration of the public lands :

“Land Agent”—Any person duly appointed to sell Crown lands :

“Land Office Days”—Days notified in the “Gazette” upon which land agents shall attend at the land offices of their districts respectively :

“Appraisement”—Settlement of price, value, or damage by appraisers appointed in manner prescribed by this Act :

“Arbitration”—Settlement of boundaries by arbitrators appointed in manner prescribed by this Act :

“Improvements”—Improvements on Crown lands or lands conditionally sold to the value to be determined by appraisement, if disputed, in town and suburban lands of not less than twice the upset price of the allotment or portion

on which the improvements may stand, and in other lands of not less than the unimproved value of the lands, to be in like manner determined, not being less than one pound per acre :

“Frontage”—Frontage to any road, river, stream, or water-course which, according to the practice of the Survey Department, ought to form a boundary between different sections or lots of land.

2. On and after the passing of this Act the Orders in Council shall be repealed : Provided that nothing herein shall prejudice or affect anything already lawfully done or commenced, or contracted to be done thereunder respectively, or to prevent the several provisions of the said Orders in Council from being carried into effect with respect to lands under lease or promise of lease made previously to the twenty-second day of February, one thousand eight hundred and fifty-eight, during the currency of such leases as fully as if the same had not been hereby repealed.

Repeal of Orders in Council, &c.

3. Any Crown lands may lawfully be granted in fee simple or dedicated to any public purpose under and subject to the provisions of this Act, but not otherwise, and the Governor, with the advice of the Executive Council, is hereby authorized in the name and on the behalf of Her Majesty, so to grant or dedicate any Crown lands.

Alienation of Crown Lands.

4. The Governor, with the advice of the Executive Council, may, by notice in the “Gazette,” declare what portions of Crown lands shall be set apart as the sites of new cities, towns, or villages, and define the limits of the suburban lands to be attached thereto, and to any existing city, town, or village, and also the portions of town lands or suburban lands to be dedicated to public purposes, and what lands shall be reserved from sale until surveyed for the preservation of water supply or other public purpose, and upon any such notice being published in the “Gazette,” such lands shall become and be set apart, attached, dedicated, or reserved accordingly: Provided that within one month, should Parliament be then in session, and otherwise, within one month after the commencement of the next ensuing session of Parliament, there shall be laid before both Houses of Parliament an abstract of all such declarations.

Publication of notice of sites of cities, towns, suburban lands, reserves, &c.

5. The Governor, with the advice aforesaid, may, by notice in the “Gazette,” reserve or dedicate, in such manner as may seem best for the public interest, any Crown lands for any railway or railway station—any public road, canal, or other internal communication—any public quay or landing-place—any public reservoir, aqueduct, or watercourse—or for the preservation of water supply—or for any purpose of defence—or as the site for any place of public worship, any hospital, asylum, or infirmary, any public market or slaughter-house, any college, school, mechanics’ institute, public library, museum, or other institution for public instruction or amusement—or for any pasturage common—or for public health, recreation, convenience, or enjoyment—or for the interment of the dead—or for any other public purpose. And upon any such notice being published in the “Gazette,”

Dedication of Crown lands to public purposes.

such lands shall become and be reserved or dedicated accordingly, and may at any time thereafter be granted for such purposes in fee-simple. Provided that an abstract of any intended reservation or dedication shall be laid before both Houses of Parliament one calendar month before such reservation or dedication is made.

Abstract to be laid before Parliament.

Temporary reservations.

6. After any land shall have been temporarily reserved from sale the same shall not be sold or otherwise disposed of until such reservation shall be revoked by the Governor with the advice aforesaid, and the notice of such revocation published in the "Gazette." And all lands which have hitherto been or shall hereafter be permanently reserved for any of the purposes aforesaid shall be deemed to be set apart, attached, and dedicated accordingly, and every conveyance or alienation thereof, except for the purpose for which such reservation shall have been made, shall be absolutely void, as well against Her Majesty as all other persons whomsoever.

Permanent reservations.

Exception from sale of certain lands.

7. Crown lands held under lease or promise of lease issued or made previously to the twenty-second day of February, one thousand eight hundred and fifty-eight, shall, during the currency of such lease, be exempt from sale under this Act, unless where such lands have been lawfully withdrawn from the holding of the lessee, in accordance with the Orders in Council, or may hereafter be lawfully withdrawn from such holding. Provided that the lessee may be permitted to exercise a pre-emptive right of purchase over one portion, and no more, of an area not exceeding six hundred and forty acres out of each block of twenty-five square miles, and at a value to be determined by appraisement, not being less than one pound per acre. Provided nevertheless, that any land purchased under the Orders in Council previously to the passing of this Act shall be estimated in the six hundred and forty acres aforesaid. And provided that such appraisement shall not include any value for improvements. And provided that every application for the purchase of land under these conditions shall be advertised in the "Government Gazette" for the period of one calendar month before the sale is completed.

Limitation of pre-emptive right of purchase.

Sales in consideration of improvements.

8. Upon application made within twelve months after the passing of this Act by any person or his alienee who may prior thereto have made improvements on any Crown lands, or upon application, within twelve months after the notification in the "Gazette" of any reserve from lease or promise of lease under the Orders in Council, within which improvements may be situated, or upon application by the holder of any lease or promise of lease of Crown lands containing improvements made previously to the expiration of such lease, or upon application by the improver or his alienee, made at any period for the sale of improved lands in proclaimed gold fields, the Governor may, with the like advice, sell and grant such lands to the owner of such improvements, without competition in fee-simple, at a price to be fixed by appraisement, not being less than the minimum upset price of the class of land, as set forth in section twenty-three of

this Act, and in no case less than one pound per acre ; but such appraisement shall not include any value for improvements. Provided that nothing herein contained shall be held to require the sale of any land which may contain auriferous deposits. Provided also that such sales shall be made in accordance with the general sub-division of the land, whether town, suburban, or other lands, and shall embrace only allotments or portions on which improvements may stand, and that the area shall not for each improvement exceed half an acre for town land, two acres for suburban land and land on gold fields, and three hundred and twenty acres for other lands.

9. The Governor, with the like advice, may authorize any proprietor of land having frontage to any harbour or river, to fill in and reclaim any land adjoining thereto and lying beyond or below high-water mark, or to erect a wharf or jetty upon or over the same, and on payment of an adequate money consideration, to be determined by appraisement for the unimproved value of the land, such land or any land which may already have been reclaimed shall become vested in fee-simple in such proprietor, and may be granted to him accordingly. Provided always, that no such reclamation shall be authorized which shall be calculated in any way to interrupt or interfere with the navigation of such harbour or river, or with the rights or interests of adjoining proprietors ; and provided also, that the intention to grant such land shall have been previously announced in the "Gazette" for four consecutive weeks before such land is granted in fee-simple.

Reclamation of lands by proprietor of adjoining lands.

Not to interfere with navigation nor with adjoining proprietors.

10. Whenever the owner or owners of any lands adjoining a road which has been reserved for access to such lands only, and is not otherwise required for public use or convenience, shall make application to the Minister to close such road, or whenever any road which shall have been proclaimed through any land shall have rendered unnecessary a reserved or other road bounding or traversing such or neighbouring land, it shall be lawful for the Governor, with the advice aforesaid, to notify in the "Gazette" and in the local newspapers, if any, that such reserved or boundary road will be closed, and at any period not less than three months after the first publication of such notice a grant or grants of the site of the road so closed may issue to the owner or owners of adjoining lands in fair proportion, or in accordance with agreement among such owners. Provided that an adequate money consideration, to be determined by appraisement, shall be paid for the same.

Closing and alienation of unnecessary roads.

11. In cases in which no way of access to any portion of Crown land may exist or may be attainable, or in which any such portion may be insufficient in area for sale conditional or by auction, or in which a portion of Crown land may lie between land already granted and a street or road which forms or should form the way of approach to such granted land, or in which buildings erected on lands already granted may have extended over Crown land, or in any other cases of a like kind, the Governor may, with the advice aforesaid, sell and grant such

Sales without competition in special cases.

lands to the holder or holders of adjacent lands, without competition and at a price to be determined by appraisement, being not less than the minimum upset price per acre of the class of land as set forth in section twenty-three of this Act.

Rescission of reservation of water frontage.

12. The Governor may, with the like advice, rescind any reservation of water frontage on the sea coast, or any bay, inlet, harbour, or navigable river or land adjoining such frontage contained in any Crown grant, either wholly or to such extent, and subject to such conditions or restrictions, as shall be deemed advisable, and the land being the subject of such rescission shall on payment of an adequate money consideration, to be determined by appraisement, being not less than the minimum upset price per acre of the class of land as set forth in section twenty-three of this Act, be granted to the owner of the land conveyed in the original Crown grant accordingly. Provided that nothing in this clause contained shall empower the Governor to grant any land below high-water mark, or to interfere with any land used as a public thoroughfare, or with any land set apart and dedicated for any public purpose. Provided also, that for four consecutive weeks notice shall be given in the "Gazette" previous to issuing such grant.

Conditional sale of unimproved lands without competition.

13. On and from the first day of January, one thousand eight hundred and sixty-two, Crown lands other than town lands or suburban lands, and not being within a proclaimed gold field, nor under lease for mining purposes to any person, other than the applicant for purchase, and not being within areas bounded by lines bearing north, east, south, and west, and distant ten miles from the outside boundary of any city or town containing, according to the then last census, ten thousand inhabitants, or five miles to the outside boundary of any town containing, according to the then last census, five thousand inhabitants, or three miles from the outside boundary of any town containing, according to the then last census, one thousand inhabitants, or two miles from the outside boundary of any town or village containing, according to the then last census, one hundred inhabitants, and not reserved for the site of any town or village, or for the supply of water, or from sale for any public purpose, and not containing improvements, and not excepted from sale under section seven of this Act, shall be open for conditional sale by selection in the manner following, that is to say :—Any person may upon any land office day tender to the land agent for the district a written application for the conditional purchase of any such lands not less than forty acres, nor more than three hundred and twenty acres, at the price of twenty shillings per acre, and may pay to such land agent a deposit of twenty-five per centum of the purchase-money thereof; and if no other like application and deposit for the same land be tendered at the same time, such person shall be declared the conditional purchaser thereof at the price aforesaid. Provided that if more than one such application and deposit for the same land or any part thereof shall be tendered at the same time to such land agent, he shall, unless all such applications but one be immediately withdrawn, forthwith proceed to determine

by lot in such manner as may be prescribed by regulations made under this Act which of the applicants shall become the purchaser.

14. Crown lands within proclaimed gold fields, and not within areas excluded by special proclamation, and not occupied for gold mining purposes, shall be open for conditional sale, subject to all the provisions applicable to sales under the thirteenth section of this Act. Provided that at any period persons specially authorized by the minister shall be at liberty to dig and search for gold within the lands selected, and that, should the land be found to contain auriferous deposits, it shall be in the power of the Governor and Executive Council to annul the sale, and thereupon the conditional purchaser shall be entitled to compensation for the value other than auriferous of the lands and improvements, such value to be determined by appraisalment.

Conditional sale of Gold Fields.

15. Every land agent shall duly enter at the time in a book to be provided for the purpose the particulars of every application for conditional purchase lodged with him under the provisions of sections thirteen and fourteen of this Act, and shall transmit to the proper officer of the Government on Monday in each week a true extract therefrom, showing the particulars of all such applications for the week preceding.

Record by Land Agent.

16. If at the time of conditional purchase of any Crown land under sections thirteen and fourteen of this Act, such land shall not have been surveyed by the Government, temporary boundaries thereof shall be determined by the conditional purchaser, who shall within one month after such time of purchase occupy the land. And any dispute between such purchaser and any other person other than a holder in fee or his alienee claiming any interest therein respecting such boundaries shall be settled by arbitration. Provided, that if such land shall not be surveyed by the Government within twelve months from the date of application it shall be lawful for the conditional purchaser, by notice in writing to the land agent for the district, to withdraw his application, and thereupon he shall be entitled to demand and recover back any deposit paid by him, or the purchaser shall have the option of having the land surveyed by a duly qualified licensed surveyor, and the expense of such survey shall be allowed to such purchaser as part payment of his purchase-money, such expense to be allowed in accordance with the scale of charges fixed or to be fixed by the Surveyor-General.

Temporary boundaries of land until surveyed by Government.

17. Crown lands conditionally purchased under this Act shall, if measured by the authority of the Government previously to such purchase, be taken in portions as measured, if not exceeding three hundred and twenty acres, and if unmeasured, and having frontage to any river, creek, road, or intended road, shall, if within the first-class settled districts, have a depth of not less than twenty chains, and otherwise shall have a depth of not less than sixty chains, and shall have their boundaries other than the frontages directed to the cardinal points by compass, and if having no frontages as aforesaid, shall be measured in square blocks, and with boundaries directed to such cardinal points.

Form of measurement of portions selected and reservation of roads and water.

Provided, that should it seem to the Minister to be expedient, the boundaries of portions having frontages may be made approximately at right angles with the frontage, and otherwise modified, and the boundaries of portions having no frontages may be modified, and necessary roadways and water reserves excluded from such measurement.

Conditions of residence and improvement, and payment of purchase money.

18. At the expiration of three years from the date of conditional purchase of any such land as aforesaid, or within three months thereafter, the balance of the purchase money shall be tendered at the office of the Colonial Treasurer, together with a declaration by the conditional purchaser or his alienee, or some other person in the opinion of the Minister competent in that behalf under the Act ninth Victoria, number nine, to the effect that improvements as herein-before defined have been made upon such land, specifying the nature, extent, and value of such improvements, and that such land has been from the date of occupation the *bonâ fide* residence, either continuously of the original purchaser, or of some alienee or successive alienees of his whole estate and interest therein, and that no such alienation has been made by any holder thereof until after the *bonâ fide* residence thereon of such holder for one whole year at the least. And upon the Minister being satisfied by such declaration, and the certificate of the land agent for the district or other proper officer of the facts aforesaid, the Colonial Treasurer shall receive and acknowledge the remaining purchase money and a grant of the fee simple, but with reservation of any minerals which the land may contain, shall be made to the then rightful owner. Provided, that should such lands have been occupied and improved as aforesaid, and should interest at the rate of five per centum per annum on the balance of the purchase money be paid within the said three months to the Colonial Treasurer, the payment of such balance may be deferred to a period within three months after the first day of January then next ensuing, and may be so deferred from year to year by payment of such interest during the first quarter of each year. But on default of a compliance with the requirements of this section the land shall revert to Her Majesty and be liable to be sold at auction, and the deposit shall be forfeited.

Purchases under mining conditions.

19. Crown lands may be conditionally selected for the purposes of mining, other than gold mining, under section thirteen of this Act, except that in such case the price shall be forty shillings per acre, and except that in such case, instead of the conditions applicable to other cases in regard to the declaration and certificate required, a declaration shall be required only of the fact that not less than an average sum of two pounds per acre has been expended in mining operations, other than gold mining on the land. And upon such conditions being satisfied as hereby altered, and on payment of the balance of purchase money, a grant in fee simple shall be made without reservation of minerals other than gold, and the same may be made on satisfaction of such conditions and payment of such balance, notwithstanding the period of three years required in other cases shall

not have expired. And a grant may be made in like manner of any portion (not being less than forty acres) of a larger portion originally selected for purchase, upon a declaration showing an expenditure in such mining operations as aforesaid of an average sum of not less than five pounds per acre on the land so to be granted. And in that case the purchase of the remainder of the land selected shall be rescinded, and any deposit paid thereon applied in or towards satisfying the balance of purchase money of the land granted. Provided further, that if the Minister shall be dissatisfied with any such declaration as aforesaid, he may cause the fact of the expenditure required to authorize a grant to be referred to arbitration under this Act, and the issue of a grant shall in that case be dependent on the award thereon.

20. Crown lands conditionally purchased under sections thirteen and fourteen of this Act, and proved to the satisfaction of the Governor and Executive Council to have been abandoned by the purchaser thereof or his legal alienee before the expiration of three years from the date of purchase, shall be declared forfeited by notice in the "Government Gazette," and may then be sold at auction.

Sale by auction of lands abandoned by selectors.

21. Conditional purchasers of portions of Crown lands under sections thirteen and fourteen of this Act not exceeding two hundred and eighty acres, or their legal alienees, may make additional selection of lands adjoining to the first selection or to each other, but not otherwise, and not exceeding in the whole three hundred and twenty acres, and subject to all the conditions applicable to the original purchase except residence; provided that in the measurement of such additional selection of lands the frontage shall not exceed the extent which would be allowed to an original selection of three hundred and twenty acres; provided also that nothing herein contained shall prevent the sale of the adjoining lands to any other person before such further conditional purchase shall have been made.

Additional selection of adjoining lands.

Proviso.

22. Holders in fee simple of lands granted by the Crown in areas not exceeding two hundred and eighty acres who may reside on such lands may make conditional purchases adjoining such lands, the areas of which shall not, with that of the lands held in fee simple, exceed three hundred and twenty acres, and which shall not be subject to the condition of residence applicable to conditional purchases in other cases; provided that nothing herein contained shall prevent the sale of the adjoining lands to any other person before such further conditional purchase shall have been made.

Additional selection of lands adjoining land already granted.

23. Crown lands intended to be sold without conditions for residence and improvement shall be put up for public auction in lots not exceeding three hundred and twenty acres each, at such places in the police district in which the lands are situated, and at such times as the minister shall direct to be notified by advertisement in the "Gazette," not less than one month nor more than three months before the day of sale. And the upset prices per acre shall not be lower than for town lands eight pounds—suburban lands

Sale by auction of other lands.

Upset prices.

two pounds—other lands one pound ; provided that the upset prices may be respectively fixed at any higher amounts.

Sale by auction of town and suburban lands. As to lands put up and not sold.

24. Town lands and suburban lands without improvements shall be sold by public auction only.

25. Any Crown lands put up for sale by public auction and not sold, may be again put up in like manner ; provided that all lands other than town or suburban so put up and not sold shall be open for sale at the upset price, or in case of a higher price having been offered for the same, then at such higher price, less in either case the deposit, if any, paid thereon ; provided also, that the Minister may withdraw any such lands from selection and again submit them to public auction.

Payment of purchase moneys.

26. A deposit of twenty-five per centum of the purchase money for all lands sold by auction under any provision of this Act shall be paid by the purchaser at the time of sale, and unless the remainder of such purchase money be paid within three months thereafter, the sale and contract shall be void and the deposit shall be forfeited. Should the purchaser fail to pay the deposit, the land shall be forthwith again put up by the agent, and who shall not accept any bid by the person so failing to pay.

Record by land agent.

27. Every land agent shall duly enter in a book to be provided for the purpose, the particulars of all sales made by him under this Act.

Mode of appraisal or arbitration.

28. Whenever it shall become necessary or desirable to fix or ascertain any price, value, or sum of money, which by this Act it is provided, may be fixed or ascertained by appraisalment in case of dispute, as to the amount of any compensation to be made under the provisions of this Act, and in case of any matter which by this Act is authorized or directed to be settled by arbitration, the appraiser or appraisers, arbitrator or arbitrators, and umpire, shall be appointed, and the appraisalment or arbitration shall be conducted in manner herein-after mentioned, that is to say :—

Appointment of appraisers or arbitrators.

(1.) The Minister, or an Officer authorized by him in that behalf, and the claimant in matters herein-before directed or authorized to be settled by appraisalment, or the parties interested in any dispute, which by the provisions of this Act may be left to arbitration, may concur in the appointment of a single appraiser or arbitrator, or failing such appointment each party, on the request of the other, shall appoint an appraiser or arbitrator, as the case may require, to whom the matter shall be referred. And every such appointment shall be made by the Minister or Officer and the claimant, or by the parties to the matter in dispute, under their hands in writing, or if such party be a corporation aggregate under its common seal, and such appointment shall be delivered to the appraisers or arbitrators, and attached to the award when made, and shall be deemed a submission to appraisalment or to arbitration, as the case may be, by the parties making the same.

Appointment not to be revoked.

(2.) After the making of any such appointment the same shall not be revoked without the consent of both parties,

nor shall the death of either party operate as a revocation.

- (3.) If for the space of sixty days after any such dispute or matter shall have arisen, and notice in writing by one party, who has himself duly appointed an appraiser or arbitrator to the other party, stating the dispute or matter to be referred, and accompanied by a copy of such appointment, the party to whom notice is given fail to appoint an appraiser or arbitrator, the appraiser or arbitrator appointed by the party giving the notice shall be deemed to be appointed by, and shall act on behalf of, both parties. Single appraiser or arbitrator to act in certain cases.
- (4.) The award of any appraiser or appraisers, arbitrator or arbitrators, appointed in pursuance of this Act, shall be binding, final and conclusive, upon all persons and to all intents and purposes whatsoever. Award to be binding.
- (5.) If before the determination of any matter so referred any appraiser or arbitrator die, or become incapable to act, the party by whom such arbitrator was appointed may appoint in writing another person in his stead, and if he fail so to do for the space of sixty days after notice in writing from the other party in that behalf, the remaining appraiser or arbitrator may proceed *ex parte*, and every appraiser or arbitrator so appointed shall have the same powers and authorities as were vested in the appraiser or arbitrator in whose stead the appointment is made. In case of death of or failure to act by appraiser or arbitrator.
- (6.) In case a single arbitrator die or become incapable to act before the making of his award, or fail to make his award within sixty days after his appointment, or within such extended time, if any, not exceeding thirty days, as shall have been duly appointed by him for that purpose, the matters referred to him shall be again referred to appraisement or arbitration under the provisions of this Act, as if no former reference had been made. In case of death of or failure to act by a single appraiser or arbitrator.
- (7.) In case there be more than one appraiser or arbitrator, the appraisers or arbitrators shall, before they enter upon the reference, appoint by writing under their hands an umpire; and if the person appointed to be umpire die or become incapable to act, the appraisers or arbitrators shall forthwith appoint another person in his stead, and in case the appraisers or arbitrators neglect or refuse to appoint an umpire within thirty days after being requested so to do, by any party to the appraisement or arbitration, the Minister may appoint an umpire, and he is hereby empowered so to do, and the award of the umpire shall be binding, final, and conclusive upon all persons, and to all intents and purposes whatsoever. Appraisers or arbitrators to appoint an umpire.
- (8.) In case appraisers or arbitrators fail to make their award within sixty days after the day on which the last of them was appointed, or within such extended time, if any, not exceeding thirty days as shall have been duly appointed by them for that purpose, the matters referred Determination by umpire in certain cases.

shall be determined by the umpire, and the provisions of this Act with respect to the time for making an appraisal or award, and with respect to extending the same in the case of a single arbitrator, shall apply to any umpirage.

Production of documents.

(9.) Any appraiser, arbitrator, or umpire appointed by virtue of this Act may require the production of such documents in the possession or power of either party as he may think necessary for determining the matters referred, and may examine the parties as witnesses on oath.

Determination of costs.

(10.) All costs of and consequent upon the reference shall be in the discretion of the appraiser or appraisers, arbitrator or arbitrators, or of the umpire in case the matters referred are determined by an umpire.

Arbitration subject to Rule of Supreme Court.

(11.) Any submission to arbitration under the provisions of this Act may be made a Rule of the Supreme Court of the said colony, on the application of any party thereto.

Declaration by appraiser, arbitrator, or umpire.

(12.) Before any appraiser, arbitrator, or umpire shall enter upon the consideration of any matter referred to him as aforesaid, he shall make out and subscribe a declaration in the form following before a justice of the peace; that is to say,—

‘I, *A.B.*, do solemnly and sincerely declare that I am
 ‘ not directly or indirectly interested in the matter
 ‘ referred to me, and that I will faithfully, honestly,
 ‘ and to the best of my skill and ability hear and
 ‘ determine the matters referred to me under the
 ‘ Crown Lands Alienation Act of 1861.’

Declaration to be annexed to appraisalment.

(13.) And such declaration shall be annexed to the appraisalment or award when made, and if any appraiser, arbitrator, or umpire shall wilfully act contrary to such declaration, he shall be guilty of a misdemeanor.

Appraisalment to be transmitted to Surveyor General.

(14.) Every appraisalment or award shall be in writing, and shall be transmitted to the Surveyor-General, and deposited in his office.

Instruments under Act to be evidence.

29. Any instrument of sale or conveyance made and issued under this Act may be proved in all legal proceedings by the production of a certified copy thereof, signed by the officer to be authorized for that purpose, under any regulation made as herein-after enacted.

Governor in Council to make and proclaim regulations.

30. The Governor, with the advice aforesaid, may make regulations for carrying this Act into full effect so as to provide for all proceedings, forms of grants, and other instruments, and all other matters and things arising under and consistent with this Act, and not herein expressly provided for; and all such regulations shall, upon being published in the “Gazette” be valid in law: Provided that a copy of every such regulation shall be laid before both Houses of Parliament within one month from the issue thereof, if Parliament be then in session, or otherwise within one month after the commencement of the next ensuing session.

Short Title.

31. This Act shall be styled and may be cited as the “Crown Lands Alienation Act of 1861.”

APPENDIX No. 34.

NEW SOUTH WALES.

No. II.—An ACT for regulating the Occupation of CROWN LANDS.
[Assented to, 18th October 1861.]

WHEREAS it is expedient to make better provision for the Preamble. occupation of the Crown lands : Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows :—

1. The following terms within inverted commas whenever used, Interpretation. herein, shall, unless the context otherwise indicate, bear the meanings set against them respectively :—

“Crown Lands”—All lands vested in Her Majesty which have not been dedicated to any public purpose, or which have not been granted or lawfully contracted to be granted to any person in fee simple :

“First class Settled Districts”—The lands declared to be of the settled class under the Orders in Council :

“Second class Settled Districts”—The lands converted into the settled class by the Act twenty-third Victoria, number four, or that may be hereafter so converted under this Act :

“Unsettled Districts”—All other Crown lands :

“Orders in Council”—The Orders in Council and regulations from time to time issued under the Imperial Act, ninth and tenth Victoria, chapter one hundred and four :

“Old Run”—Any portion of Crown lands within the second-class settled or the unsettled districts comprised in any unexpired lease or licence granted or lawfully contracted to be granted before the twenty-second day of February, one thousand eight hundred and fifty-eight :

“Run”—Any portion of Crown lands comprised in any lease or licence granted or lawfully contracted to be granted on or after the twenty-second day of February, one thousand eight hundred and fifty-eight :

“Minister”—The Minister for the time being charged with the administration of the Crown lands :

“Land Agent”—Any person duly appointed to sell Crown lands :

“Appraisement”—Settlement of rent or value by appraisers appointed in manner prescribed by this Act :

“Arbitration”—Settlement of boundaries by arbitrators appointed in manner prescribed by this Act :

2. On and after the passing of this Act, the Acts of Council, eleventh Victoria, number sixty-one, and sixteenth Victoria, Partial Repeal of Acts, Orders in Council, and Regulations.

number twenty-nine, and the Orders in Council, shall be repealed: Provided that nothing herein shall prejudice or affect anything already lawfully done or commenced, or contracted to be done thereunder respectively, or prevent the several provisions of the said Orders in Council from being carried into effect with respect to lands under lease or promise of lease made previously to the twenty-second day of February, one thousand eight hundred and fifty-eight, during the currency of such leases, as fully as if the same had not been hereby repealed.

Extension of
Second-class
Settled Districts.

3. The Governor with the advice of the Executive Council, may, by proclamation in the "Gazette," declare any unsettled district, or portion of such district to be of the class of second-class settled districts, and such district or portion of district shall, on such proclamation, become and be of the second-class settled districts under this Act ; provided that such proclamation shall in no case affect existing leases.

Conversion of
existing leases.

4. Existing leases of Crown lands shall not be renewed except under the provisions of this Act.

Withdrawal of
land from lease.

5. The Governor with the advice of the Executive Council may by notice in the "Gazette" withdraw from any old run or run any lands which may be required for the site of any city, town, or village, or for any roadway for general traffic, or for passage of stock, or for access to back runs, or for sale as containing improvements belonging to any person other than the lessee of such run or otherwise, for sale or for temporary commonage for the use of any such city, town, or village, or for the working of any mines of gold or other minerals, or for any public purpose whatsoever.

Conflicting
claims to leases.

6. In cases in which two or more persons entitled to leases under the Orders in Council or under this Act may claim the same land, the lease shall be granted to the person whose right thereto may have been or may be established after due inquiry to the satisfaction of the Governor or the Minister, and in any such case in which the right of either claimant to a lease of the land in dispute shall not have been so established, it shall be lawful for the Minister to require such right to be inquired into and determined by arbitration, and the lease may be granted in accordance with the award of such arbitration.

When valuations
under Orders in
Council neg-
lected.

7. In any case in which the rent of an old run or any other matter required by the Orders in Council to be determined by valuers appointed in the manner therein prescribed shall not have been so determined, it shall be lawful for the Minister to direct that such rent or other matter shall be determined by appraisal under the provisions of this Act, and the valuation thus arrived at shall be as effectual as if made under the provisions of the Orders in Council.

Lessee not to
obstruct autho-
rized persons.

8. It shall not be lawful for any holder of any old run or run to obstruct any Government surveyor or other authorized officer in entering on such run whenever such officer may require to do so, nor to obstruct or prevent any person authorized by the minister or by such officer, as he may empower in that behalf from entering upon such run, searching for, and removing gold and other minerals, or cutting and removing therefrom indigenous

timber, or digging and removing gravel, stone, brick earth, or other material.

9. It shall be lawful for any officer duly authorized by the Minister to mark on the ground the boundaries, whether undisputed or determined after dispute by decision of the Governor, or otherwise by competent authority of any old run or run of which no lease from the Crown shall be in force, and the boundaries so marked shall be and be held to be the boundaries of such old run or run. Marking of boundaries.

10. Any Crown lands not being comprised within an old run may be demised, or let upon lease under and subject to the provisions of this Act, or under the provisions of the Gold Fields Act, twentieth Victoria, number twenty-nine, or any other Act which may be passed for the management of the gold fields, but not otherwise; and the Governor, with the advice of the Executive Council, is hereby authorized in the name and on behalf of Her Majesty to demise or lease any such Crown lands as herein-after enacted. Leasing of lands.

11. Crown Lands may be demised by lease for any terms not exceeding the following:— Duration of leases.

For pastoral purposes in the first-class settled districts, one year.

For pastoral purposes in the second-class settled districts or the unsettled districts, five years.

For ferries, bridges, wharfs, quarries, and for the erection of machinery for saw mills, brickmaking, and other objects of a like nature, five years.

For mineral purposes other than gold mining, fourteen years. Provided that lands within areas bounded by lines bearing north, east, south, and west, and distant ten miles from the outside boundary of any city or town containing, according to the then last census, ten thousand inhabitants, or five miles from the outside boundary of any town containing, according to the then last census, five thousand inhabitants, or two miles from the outside boundary of any town or village having, according to the last census, for the time being one hundred inhabitants, or lands set apart for sites of towns or villages, or for sale for agricultural purposes, or otherwise for the use or accommodation of the public, shall not be open for lease for pastoral purposes. Reservations from lease.

12. Leases of runs within the first-class settled districts may be granted subject to the next following conditions, and to the general provisions of this Act:— Leases of runs in first-class settled districts.

(1.) Lands shall not be let in portions of less than six hundred and forty acres or one square mile, except in special cases herein-after provided for. Size of portions to be leased.

(2.) Every such lease shall be for the then current year, and shall expire on the thirty-first day of December. Period of leases.

(3.) Leases may be renewed annually by payment between the first and the thirtieth day of September, to the land agent of the district, or to the Colonial Treasurer, of rent for the ensuing year, at the rate of two pounds per square mile, or such higher rate as the lessee may pay for the current year, unless the lands be required for sale or Renewal of leases.

for any public purpose, or for the satisfaction of any pre-emptive lease claims in right of new purchases, and leases not so renewed may be brought to sale by public auction.

Conversion of existing leases into leases under this Act.

- (4.) Leases under the regulations of twenty-ninth March, one thousand eight hundred and forty-eight, shall not be renewed under those regulations, but may be converted into leases under this Act by payment to the Colonial Treasurer in Sydney, or to the land agent of the district, not later than two months from the publication in the "Gazette" of a notice to that effect, of rent for the ensuing year, at the rate of two pounds per square mile, or such higher rate as the lessee may now pay, unless the land be required for sale or for any public purpose, or for the satisfaction of any pre-emptive lease claims which may arise under this Act.

Pre-emptive leases to holders of land in fee simple.

- (5.) The holders in fee simple of any lands may be allowed leases of Crown lands adjoining to their respective properties, without competition, at the rate of two pounds per section of six hundred and forty acres, and to the extent of three times their own purchased or granted lands, if there be so much vacant Crown lands available; provided that such Crown lands shall be taken in a block of rectangular form, in which the external lines shall be directed to the cardinal points, and if the country has been divided into sections of square miles, then according to the general subdivisions of the land as delineated upon the public maps in the Surveyor General's Office, and subject also to the exclusion of water necessary to the beneficial occupation of adjoining lands: Provided further that the rent to be charged for land so leased to parties not having the right to take six hundred and forty acres shall in no case be less than one pound.

Determination of conflicting claims by arbitration.

- (6.) If there be two or more claimants under the last preceding condition of the same land, the division of the land amongst them may be settled by arbitration; provided that if such land be of less extent than six hundred and forty acres, it may on an award being made be forthwith occupied in accordance therewith, and without further formal apportionment, provided also that if at the expiration of three months from the date of a notice in the *Gazette* announcing to the several claimants of portions not less than six hundred and forty acres, the names of their competitors, an award shall not have been arrived at, and duly communicated to the proper officer, the leases of the lands so circumstanced may be offered for sale by auction.

Notification of pre-emptive leases.

- (7.) All leases granted under pre-emptive right shall be notified in the *Gazette*, and if within two months from the date of such notification the rent for the same shall not have been paid to the Colonial Treasurer, or to the Land Agent of the district, leases of the land shall be submitted for sale by auction.

- (8.) Crown lands not previously under lease, over which no pre-emptive right of lease shall have been exercised within one year from the passing of this Act, may be put up to lease at auction at the land office of the district, either on application, or otherwise, but no such sale of leases shall take place without one month's notice thereof having been given in the *Gazette*. Leases at auction.
- (9.) The upset price of each lot shall be at the rate of one pound per section of six hundred and forty acres, or of ten shillings, if half of the current year shall have expired before the day of sale, and the full price bid for each lot shall be paid at the time of sale. Upset price of lots.
- (10.) Any lease bid for, but the price of which may not be forthwith paid, shall thereupon be again offered for sale at auction. Leases bid for, but not paid for.
- (11.) The lease of any land which may have been offered for sale at auction, and not bid for, may be obtained on payment of the upset price to the land agent of the district. Selection of leases not bid for.
- (12.) The sale, conditional or otherwise, of any portion of land under lease, shall cancel so much of the lease as relates to the land so sold, and to three times the area thereof adjoining thereto. Leases may also be cancelled by the minister for other sufficient reason, and the balance of rent from the date of such cancellation shall in either case be returned to the lessee: Provided, that the lessee of the lands from which such sale shall be made, shall be at liberty either to retain the remaining portion thereof, paying however the same amount of rent as for the whole section, or surrender the same. Cancellation of leases.
13. The Governor, with the advice of the Executive Council, may grant leases of Crown lands in the second-class settled districts, or in the unsettled districts, subject to the following conditions, and to the general provisions of this Act:—
- (1.) Leases of runs shall be converted into leases for five years under this Act, by payment to the Colonial Treasurer not later than two months from the date of a notice in the "Gazette" to that effect, of rent to be determined by appraisement, of the fair annual value for pastoral purposes of the lands comprised in such runs: Provided, that in estimating such value, neither the construction of dams or reservoirs, nor the laying down of grass, nor the making of any other improvement by the occupier, shall be taken into account: Provided also, that the rent shall in no case be less than ten pounds per annum: Provided also, that upon such conversion as aforesaid, such runs shall cease to be liable to assessment, under the Act twenty-second Victoria, number seventeen. Pastoral leases in the Second-class Settled or the Unsettled Districts.
- (2.) Leases of old runs may, on their expiration, be in like manner converted into leases for the term of five years under this Act. Conversion of leases of existing runs into leases under this Act.
- (2.) Leases of old runs may, on their expiration, be in like manner converted into leases for the term of five years under this Act. and of leases of old runs.

Commencement of rent, addition of interest, and forfeiture of lease.

(3.) The rent shall be payable to the Colonial Treasurer in Sydney, for each year, after the first year, on or before the thirty-first day of December of the year preceding: Provided, that a fine shall be payable for the whole time during which any rent due shall remain unpaid after that date, at the rate of eight per centum on the amount, if not more than three months in arrear, and of ten per centum, if more than three months: And if the rent be not paid at or before the end of six months after such date, together with such fine, the lease shall then become forfeited.

No pre-emptive right of purchase.

(4.) Leases shall not confer any right to purchase by pre-emption.

Resumption of lands leased.

(5.) Crown lands may be resumed from lease for the site of any city, town, or village, or for commonage, for the same, or for any public purpose whatever, and no compensation shall be payable to the holder of such lease, for any such resumption, excepting repayment of rent to an extent proportionate to the area withdrawn, and the period unexpired: Provided also, that in any case of partial withdrawal, the holder may, if he think fit, surrender his lease, and have the full balance of rent refunded for the unexpired portion of the time for which it was paid.

Proclamation of districts for the formation of runs.

14. The Governor, with the advice of the Executive Council, may proclaim pastoral districts in the second-class settled or unsettled districts, to be open for the formation of runs, and may from time to time alter the boundaries of such pastoral districts, or of any such district now existing, and leases of such runs may be granted, subject to the next following conditions: Provided, that no district not so proclaimed shall be open for the formation of such runs:—

Area and capabilities of runs.

(1.) Runs shall in ordinary cases consist of not more than twenty-five square miles, but should that area, in the opinion of the proper officer of the Government, be insufficient in average seasons for the pasturage of four thousand sheep, or eight hundred head of cattle, a run may be enlarged to whatever area, not exceeding one hundred square miles, may be necessary for that purpose.

Tenders for runs.

(2.) Tenders for runs may be deposited in a box, to be kept for that purpose at the office of the Minister, which shall be opened periodically by a board of officers, to be appointed for that purpose by the Governor, with the advice aforesaid, and the person making the earliest tender for any run shall be entitled to a lease thereof: Provided, that should two or more tenders for any run be opened at the same time, the lease shall be granted to the person whose tender shall contain the offer of the highest premium: Provided also, that should two or more tenders embrace a portion of the same land, the common boundary may be determined by arbitration:

Provided also, that should such boundary not be so determined within three months of the date of a notice in the "Gazette," informing the parties of the conflict by their tenders, the whole of the lands tendered for may be leased by auction sale: Provided also, that should a run not be occupied and stocked with not less than two hundred head of cattle, or one thousand sheep, within six months, or in the event of its being necessary, to provide water by artificial means, within eighteen months of the notification of the acceptance of the tender, the run shall be forfeited, and may be leased by auction sale.

- (3.) The Minister may cause to be modified the boundaries proposed in any tender, so as to make the run a compact block of rectangular form, in which the external lines shall run east and west, and north and south, subject, however, to such deviations as the general features of the country and the adoption of natural boundaries may require, and subject also to the exclusion of water, necessary to the beneficial occupation of adjoining lands. Direction of boundaries in tenders.
- (4.) Tenders shall be in a form to be prescribed by the Governor, with the advice of the Executive Council, and shall contain clear descriptions of the boundaries of the runs applied for, and the marks or natural features by which such boundaries are indicated, and also estimates of the areas and pastoral capabilities of such runs. Descriptions in tenders.
- (5.) Every tender must be accompanied by a receipt, showing that a sum of money equivalent to twenty-five per centum of the rent offered in such tender, has been deposited in the Colonial Treasury, and in the event of the ultimate acceptance of the tender, the tenderer shall receive credit for the amount of the deposit in the first year's rent, and in the event of the tender being rejected, the amount shall be returned to the tenderer. Deposit on tenders.
- (6.) Runs may be held from year to year subject to a rent of ten pounds per annum payable in accordance with condition number three under section thirteen of this Act, and to assessment at the same rate and subject to the same conditions as the runs under the Act twenty-second Victoria, number seventeen, until an appraisal shall be made of the fair annual value thereof for pastoral purposes, whereupon the holdings shall be converted into leases under section thirteen of this Act, and the runs shall cease to be liable to such assessment as aforesaid. Tenure of run at fixed rent and assessment pending appraisal.

15. If in any case it shall appear that at the time of the appraisal any run in its natural state was incapable of sustaining four thousand sheep, or eight hundred head of cattle in all seasons of the year, the lessee thereof may, during the first quarter of the last year of his lease, apply for a re-appraisal thereof, and if it shall then appear that such run has by the adoption of artificial Extension of leases on account of improvements.

means been rendered capable of permanently depasturing the said number of sheep or cattle, or if it shall appear upon a like application in respect of any run of whatever capacity that such run has by adoption of artificial means been rendered capable of permanently depasturing an additional number by one-half or more beyond the number of sheep or cattle which the run in its natural state was capable of depasturing, the duration of the lease shall be extended to ten years at the same rent and on the same terms and conditions as the original lease.

Pre-emptive leases to holders in fee simple.

16. The holders of land in fee simple within the unsettled and second-class settled districts shall be allowed pre-emptive leases of Crown lands adjoining to their respective properties to the extent and in like manner and subject to the like conditions as herein-before provided in respect of holders of lands in fee simple in the first-class settled districts.

Sale at auction of leases of forfeited runs.

17. Forfeited or vacated old runs or runs may be submitted to sale by auction in leases for the term of five years at the minimum upset rent of one pound per annum for every square mile of estimated area, and the whole rental for the first year shall be paid in advance at the time of sale, and any such run, if unsold, may be again put up for sale in like manner at a reduced upset rental, not being less than ten pounds, and any such run, if still unsold, may thereafter be leased at the upset rental last mentioned to any person who may apply for the same, or may be again submitted to sale by auction.

Cancellation of leases of runs or portions thereof and pre-emptive lease to purchaser.

18. The sale conditional or otherwise of any land within any lease granted under this Act in the second-class settled districts, or in the unsettled districts for pastoral purposes, shall cancel so much of the lease as relates to the land so sold and to three times the area thereof adjoining thereto, which last mentioned area may be held by the new purchaser under pre-emptive lease, to which all conditions and liabilities attached to pre-emptive leases in the first-class settled districts shall apply.

Passage of stock.

19. Any person driving horses, cattle, or sheep along any track used or required for the purpose of travelling, may depasture the same on any Crown lands within the distance of one-half mile of such track, notwithstanding any lease of any such lands for pastoral purposes; provided that unless prevented by rain or flood such horses or cattle shall be moved at least seven miles, and such sheep at least four miles in one and the same direction within every successive period of twenty-four hours.

Use of timber or material by lessees.

20. Lessees of Crown lands for pastoral purposes, either in the settled districts or in the unsettled districts, shall be permitted to cut and use such timber and material for building and other purposes as may be required by them as tenants of their several lands.

Removal of timber and material by others than lessees.

21. Lessees of Crown lands for pastoral purposes, either in the settled districts or in the unsettled districts, shall not have power to restrict other persons duly authorized in that behalf either from cutting or removing timber or material for building or other purposes, or from searching for any metal or mineral within the land leased.

22. The Governor, with the advice aforesaid, may grant leases for purposes of mining for any metal or mineral, excepting gold, to any person, of any Crown lands not exceeding three hundred and twenty acres, for coal mining lots, and not exceeding eighty acres for other mineral lots, for any period not exceeding fourteen years, and with a right of renewal for a further period not exceeding fourteen years upon the next following conditions, on the breach of any of which, by any lessee, the lease may be cancelled by the Governor, with the advice of the Executive Council.

Leases for mining purposes other than gold mining.

(1.) Persons may, on application to the Minister, obtain authority in writing to select on Crown lands, within twelve months from the date thereof, coal or other mineral lots, and may take possession of such lots and hold them for the period mentioned in such authority, but the right shall be reserved to determine the boundaries of any such lots and to make provision for reservation of water supply; provided that applications made prior to the passing of this Act may be accepted under it, and shall take precedence in the order of their date.

Authority to select mineral lots.

(2.) The rent shall be five shillings per acre, payable annually in advance at the Colonial Treasury; the first payment to be made on application for authority to select, and thereafter within the month of September for each ensuing year, and leases shall in all cases end on the thirty-first day of December.

Payment of rent.

(3.) Lessees shall expend at the rate of five pounds sterling per acre on their lots within the first three years of the lease.

Necessary annual expenditure.

(4.) Lessees may determine their leases by giving to the Minister three months' notice of their desire to do so, but no rent shall in any such case be refunded.

Determination of leases.

(5.) Lessees may, on application to the Minister in writing during the thirteenth year of their leases, obtain a renewal of the same for a further period not exceeding fourteen years, and the fine to be paid on such renewal, not being less than two pounds ten shillings per acre, shall be determined by appraisalment, and full information of the working and returns of the mine shall be afforded to the appraisers by the lessees on pain of forfeiting their claim to renewal.

Renewal of leases.

(6.) If any lease be forfeited or not renewed, the lessee shall be at liberty, within six months from the termination of his lease, to remove or otherwise dispose of all machinery and improvements and the minerals brought to the surface during the term of his lease.

Removal of machinery.

23. Whenever it shall become necessary or desirable to fix or ascertain any rent, price, value, or sum of money which by this Act it is provided may be fixed or ascertained by appraisalment, and in case of dispute as to the amount of any compensation to be made under the provisions of this Act, and in case of any matter which by this Act is authorized or directed to be settled by arbi-

Mode of appraisalment or arbitration.

tration, the appraiser or appraiser's arbitrator or arbitrators and umpire shall be appointed, and the appraisement or arbitration shall be conducted in manner herein-after mentioned, that is to say :—

Appointment of appraisers or arbitrators.

(1.) The Minister, or an officer authorized by him in that behalf, and the claimant in matters herein-before directed or authorized to be settled by appraisement, or the parties interested in any dispute which by the provisions of this Act may be settled by arbitration, may concur in the appointment of a single appraiser or arbitrator, or failing such appointment, each party on the request of the other shall appoint an appraiser or arbitrator, as the case may require, by whom the matter shall be determined. And every such appointment shall be made by the Minister or officer and the claimant, or by the parties to the matter in dispute, under their hands in writing, or if such party be a corporation aggregate under its common seal, and such appointment shall be delivered to the appraisers or arbitrators and attached to the award when made, and shall be deemed a submission to appraisement or to arbitration, as the case may be, by the parties making the same.

Appointment not to be revoked.

(2.) After the making of any such appointment the same shall not be revoked without the consent of both parties, nor shall the death of either party operate as a revocation.

Single appraiser or arbitrator to act in certain cases.

(3.) If after any such dispute or matter shall have been referred to arbitration, and a notice in writing shall have been given by one party who has himself duly appointed an appraiser or arbitrator to the other party, stating the dispute or matter to be determined, and accompanied by a copy of such appointment, the party to whom notice is given fail to appoint an appraiser or arbitrator within the space of sixty days after such notice, the appraiser or arbitrator appointed by the party giving the notice shall be deemed to be appointed by, and shall act on behalf of, both parties; and if for the space of three calendar-months after a notice published in the "Gazette" by the Chief Commissioner of Crown Lands both parties shall fail or neglect to appoint arbitrators, the Minister may appoint an arbitrator, who shall in like manner act on behalf of both parties.

Award to be binding.

(4.) The award of any appraiser or appraisers, arbitrator or arbitrators, appointed in pursuance of this Act shall be binding, final, and conclusive upon all parties to the appraisement or arbitration for all intents and purposes whatsoever.

In case of death of, or failure to act by, appraiser or arbitrator.

(5.) If before the determination of any matter so referred, any appraiser or arbitrator die, or refuse or become incapable to act, the party by whom such arbitrator was appointed may appoint in writing another person in his stead, and if he fail so to do for the space of thirty days after notice in writing from the other party in that be-

half, the remaining appraiser or arbitrator may proceed *ex parte*, and every appraiser or arbitrator so appointed shall have the same powers and authorities as were vested in the appraiser or arbitrator in whose stead the appointment is made.

- (6.) In case a single arbitrator die or become incapable to act before the making of his award, or fail to make his award within sixty days after his appointment, or within such extended time, if any, not exceeding thirty days, as shall have been duly appointed by him for that purpose, the matters referred to him shall be again referred to appraisement or arbitration under the provisions of this Act as if no former reference had been made. In case of death, or failure to act by, a single appraiser or arbitrator.
- (7.) In case there be more than one appraiser or arbitrator, the appraisers or arbitrators shall, before they enter upon the reference, appoint by writing under their hands an umpire, and if the person appointed to be umpire die or become incapable to act, the appraisers or arbitrators shall forthwith appoint another person in his stead, and in case the appraisers or arbitrators neglect or refuse to appoint an umpire for thirty days after being requested so to do by any party to the appraisement or arbitration, the Minister may appoint an umpire, and he is hereby empowered so to do, and the award of the umpire shall be binding, final, and conclusive upon all parties concerned for all intents and purposes whatsoever. Appointment of umpire.
- (8.) In case appraisers or arbitrators fail to make their award within sixty days after the day on which the last of them was appointed, or within such extended time not exceeding thirty days, if any, as shall have been duly appointed by them for that purpose, the matters referred shall be determined by the umpire, and the provisions of this Act with respect to the time for making an appraisement or award, and with respect to extending the same in the case of a single arbitrator, shall apply to any umpirage. Determination by umpire in certain cases.
- (9.) Any appraiser, arbitrator, or umpire appointed by virtue of this Act may require the production of such documents in the possession or power of either party as he may think necessary for determining the matters referred, and may examine the parties as witnesses, on oath. Production of documents.
- (10.) All costs of and consequent upon the reference shall be in the discretion of the appraiser or appraisers, arbitrator or arbitrators, or of the umpire, in case the matters referred are determined by an umpire. Determination of costs.
- (11.) Any submission to arbitration under the provisions of this Act may be made a rule of the Supreme Court of the said colony, on the application of any party thereto. Arbitration subject to rule of Supreme Court.
- (12.) Before any appraiser, arbitrator, or umpire shall enter upon the consideration of any matter referred to him as aforesaid, he shall make out and subscribe a declaration. Declaration by appraiser, arbitrator, or umpire.

in the form following, before a justice of the peace, that is to say—

‘I, *A.B.*, do solemnly and sincerely declare that I am
 ‘not directly or indirectly interested in the matter
 ‘referred to me, and that I will faithfully, honestly,
 ‘and to the best of my skill and ability hear and
 ‘determine the same under the Crown Lands
 ‘Occupation Act of 1861.’

- (13.) And such declaration shall be annexed to the appraisement or award when made, and if any appraiser, arbitrator, or umpire shall wilfully act contrary to such declaration, he shall be guilty of a misdemeanor.
- (14.) No appointment or award shall be set aside for irregularity or error in matter of form.
- (15.) Every appraisement or award shall be in writing, and shall be transmitted by the appraiser, arbitrator, or umpire to the Chief Commissioner of Crown lands, and deposited in his office.

Marking of boundaries by arbitrators or umpire.

24. It shall be lawful for arbitrators, or the umpire who may determine under this Act the boundaries or any boundary of an old run or run, to mark on the ground such boundary, and such boundary so marked shall be held to be the boundary of such old run or run so long as no lease thereof from the Crown shall be in force.

Attestation of maps and plans.

25. It shall be lawful for any authorized officer, umpire, or arbitrators who may have marked on the ground the boundaries or any boundary of any old run or run to certify by his or their signatures duly attached to any plan representing such boundary, the accuracy of such representation, and such plan shall thenceforth become and be legal evidence of such boundary or boundaries.

Obliteration of boundary marks a misdemeanor.

26. If any person shall wilfully obliterate, remove, or deface any boundary mark which may have been made or erected by or under the direction of any authorized officer, arbitrators, or umpire as aforesaid, he shall be guilty of a misdemeanor.

Descriptions of leased lands.

27. In any lease or other instrument granted under the Orders in Council, or under the provisions of this Act, it shall be sufficient if the land thereby conveyed be defined by a general description of such land, and of the boundaries thereof, and no such lease or other instrument shall be held to be void by reason of the imperfection of any such description so long as the land shall thereby be defined with reasonable certainty.

Right of lease may be given in evidence in actions.

28. In any action or suit brought to recover possession, or to recover damages for trespass upon or otherwise in relation to any Crown lands of which no lease from the Crown shall be in force, it shall be lawful for any party thereto to plead and put in evidence any promise, engagement, or contract from or with the Crown or its agents lawfully authorized for the granting under the Orders in Council, or under this Act, for any term unexpired of a lease of such lands, and such promise, engagement, or contract shall, as between the parties in such action or suit, have the same effect as if a lease from the Crown of such lands had been

duly issued in pursuance of such promise, engagement, or contract to the party entitled thereunder to such lease.

29. The Governor, with the advice aforesaid, may proclaim and set apart temporarily any Crown lands for commonage purposes, for the use and benefit of the landholders in any city, town, or village, or other specified locality, and may make and proclaim regulations for the management of such commonage.

Commonage proclamation and regulations.

30. The Governor, with the advice aforesaid, may grant, by auction or otherwise, leases of any portion of Crown lands for wharfs, bridges, punt houses, ferries, and for the erection of machinery for saw mills, brickmaking, and other objects of a like nature, and may determine the upset price thereof if to be let at auction, or the fixed rent if to be let otherwise, and may annex such conditions to the occupation thereof as shall seem fit: Provided that an abstract of all such licences or leases, where not sold by auction, shall be from time to time published in the "Gazette."

Leases for wharfs, bridges, ferries, and other objects.

31. The Governor, with the aforesaid advice, may, subject to any regulations to be made as herein-after enacted, authorize the issue of licenses for any term not exceeding one year, to enter any Crown lands whether under lease or licence, or not, and to cut and take therefrom any timber, or to dig for and remove any gravel, stone, brick, earth, shells, or other material: Provided that the fee which the Governor, with the advice aforesaid, may fix for such licence shall be paid in advance.

Licenses to cut timber and procure other materials.

32. On information in writing preferred by any Commissioner of Crown Lands, or other person duly authorized, to any justice of the peace, setting forth that any person is in the unlawful occupation of any Crown land, or in the occupation of any Crown land in virtue or under colour of any lease or licence, although such lease or licence shall have been forfeited, or although the conditions thereof shall have been broken or unfulfilled, or although such lease or licence shall have expired, or although the term for which the same shall have been granted or made, shall have come to an end, such justice shall issue his summons for the appearance, before any two or more justices of the peace at a place and time therein specified, of the person so informed against; and at such time and place such justices, on the appearance of such person, or on due proof of the service of such summons on him, or at his usual or last place of abode or business, shall hear and inquire into the subject matter of such information, and on being satisfied of the truth thereof either by the admission of the person informed against, or on other sufficient evidence, such justices shall issue their warrant addressed to the Commissioner of Crown Lands, or to any chief or district constable, or other proper officer, requiring him forthwith to dispossess and remove such person from such land, and to take possession of the same on behalf of Her Majesty, and the person to whom such warrant is addressed shall forthwith carry the same into execution.

Removal of trespassers.

33. Any person, unless lawfully claiming under any subsisting lease or licence, or otherwise under the Orders in Council, or under this Act, or under the Act twentieth Victoria, number twenty-nine, or any other Act which may be passed for the

Penalties for trespassing.

management of the gold fields, who shall be found occupying any Crown land, or land granted, reserved, or dedicated for public purposes, either by residing or by erecting any hut or building thereon, or by clearing, digging up, enclosing, or cultivating any part thereof, or cutting timber, other than firewood, not for sale thereon, shall be liable on conviction to a penalty not exceeding five pounds for the first offence, and not exceeding ten pounds for the second offence, and not exceeding twenty pounds for the third or any subsequent offence, which penalties shall be recovered before any two or more justices of the peace, upon the information or complaint on oath of any person authorized by the Minister in that behalf: Provided that no information shall be laid for any second or subsequent offence until thirty clear days shall have elapsed from the date of the previous conviction.

Limitation of actions.

34. All actions or other proceedings against any Commissioner of Crown Lands, or other officer acting under the provisions of this Act, for anything wrongfully done under or against the provisions of this Act, shall be commenced within twelve months after the matter complained of was committed, and not otherwise; and notice in writing of any such action, and of the cause thereof, shall be given to the defendant one month at least before the commencement of the proceeding, and in every such proceeding the defendant may plead the general issue, and give this Act and the special matter in evidence at any trial to be had thereupon; and no plaintiff shall recover in any such proceeding if tender of sufficient amends shall have been made before the same was commenced, or if a sufficient sum of money shall have been paid into Court after such commencement by or on behalf of the defendant, together with costs incurred up to that time; and if a verdict shall pass for the defendant, or the plaintiff shall become nonsuit, or discontinue such proceeding, or if upon demurrer or otherwise judgment shall be given against the plaintiff, the defendant shall recover his full costs as between attorney and client, and have the like remedy for the same as any defendant has by law in other cases.

Instruments under Act to be evidence.

35. Any lease or other instrument issued under this Act may be proved in all legal proceedings by the production of a certified copy thereof, signed by the officer to be authorized for that purpose under any regulation made as herein-after enacted.

Governor in Council to make and proclaim regulations.

36. The Governor, with the advice of the Executive Council, may make and proclaim regulations for carrying this Act into full effect so as to provide for all proceedings, forms of leases and other instruments, and all other matters and things arising under and consistent with the provisions of this Act, and not herein expressly provided for, and all such regulations shall, upon publication in the "Gazette," be valid in law: Provided that a copy of every such regulation shall be laid before both houses of Parliament within one month from the issue thereof, if Parliament be then in session, or otherwise within one month after the commencement of the then next ensuing session.

Short title.

37. This Act may be styled and cited as the "Crown Lands Occupation Act of 1861."

APPENDIX No. 35.

NEW SOUTH WALES LAND REGULATIONS,
1st November 1861.

CHAPTER I.—PURCHASES WITHOUT COMPETITION.

PRE-EMPTIVE PURCHASE OF LANDS.

Applications.

1. Applications to purchase by pre-emptive right lands held under lease, or promise of lease, made previously to the 22nd February 1858, shall be addressed to the Minister for lands, and shall state the name of the run in right of which it is proposed to purchase, and the pastoral district in which it may be situated; and shall define, as clearly as may be practicable, the portion of land which it is desired to purchase.

Limitation of area.

2. The purchase must be limited to one portion of not less than 160 acres, nor more than 640 acres, out of each block of 25 square miles of the leasehold, or a proportionate quantity out of each leasehold or portion of leasehold of less than that area; but any land previously purchased by pre-emptive right under the Orders in Council shall be estimated in the area which may be purchased.

Form of measurement.

3. The land to be purchased shall be measured with its boundaries, other than rivers, creeks, or roads, directed to the cardinal points, by compass, and with an average depth from any river or creek frontage of one mile.

Transfer of right.

4. The right to purchase shall in every case pass with the transfer of the lease or promise of lease at any period previously to the completion of the purchase by the authorized payment of the price into the Treasury.

Payment of price.

5. The value of the land, exclusively of improvements, as determined by appraisement, but not being less than 1*l.* per acre, shall be paid into the Treasury within three months after the publication in the "Gazette" of a notice calling upon the applicant to do so, under the penalty of an addition to the price of 10 per centum; and should that increased price not be paid within six months of the aforesaid notice, the claim to purchase shall lapse, and the land may be sold at auction.

PURCHASE OF IMPROVED LANDS.

Applications.

6. Applications to purchase without competition lands on which improvements may exist, shall be addressed to the Surveyor General, in the form marked A., hereto appended. Application for lands improved prior to the passing of the Act must be made before the 18th October 1862; for lands withdrawn from lease or promise of lease, within twelve months of the withdrawal; for lands under lease or promise of lease, by the holder of the lease, and within its currency; and for lands in gold fields, at any period.

Value and ownership of improvements.

7. The improvements, in consideration of which it is sought to purchase without competition, must in the case of town and suburban allotments, be of a value of not less than twice the upset price of the allotment or portion on which they stand; and, in the case of other lands, of not less than the appraised value of the land, irrespective of improvements; not being less in any case than 1*l.* per acre; and the *bonâ fide* ownership of the improvements must be satisfactorily shown.

Area of portions.

8. No such purchase shall embrace on town lands more than half-an-acre, on suburban lands, more than two acres, or on other lands, more than 320 acres, for each improvement; and every such purchase shall be made in accordance with the general sub division of the lands, if there be any, or if already measured, by the authority of the Government, as so measured; or if not so measured, in the case of country lands having frontage to any river or creek, with a depth, if in the first-class settled districts, of not less than 20 chains, and in other districts of not less than 60 chains.

Payment of price.

9. The value of the land, exclusively of improvements, as determined by appraisement, but not being less than 8*l.* per acre for town lands, 2*l.* per acre for suburban lands, and 1*l.* per acre for other lands, shall be paid into the Treasury, subject to the conditions prescribed by section 5 of these regulations.

RECLAMATION OF LANDS.

Applications.

10. Applications for permission to reclaim lands beyond or below high-water mark, and in front of the applicant's property, or to erect wharfs or jetties thereon, shall be addressed to the Minister for lands, and shall be accompanied by plans showing with accuracy the position and extent of the proposed reclamation or erection, and all adjoining erections, and also the mode in

which similar and proportionate extensions in front of the adjoining properties might, if not then existing, be carried out.

Exceptions.

11. No such reclamation will be authorized which may be calculated to interrupt or injuriously interfere with the navigation of any harbour or river.

Payment of value.

12. The value of the land sought to be reclaimed, in its unimproved state, as determined by appraisalment, shall be paid into the Treasury before the reclamation will be permitted, and in the event of such payment not being made within six months after the publication in the "Gazette" of a notice calling upon the applicant to do so, the right to reclaim shall lapse.

PURCHASE OF LANDS ALREADY RECLAIMED.

Applications.

13. Applications for the purchase of lands reclaimed prior to the passing of the Act shall be addressed to the Minister for lands, and shall be accompanied by plans conveying the information required by section 10 of these regulations.

Payment of price.

14. The value of the land so reclaimed, exclusively of improvements, as determined by appraisalment, shall be paid into the Treasury, subject to the conditions prescribed by section 5 of these regulations.

CLOSING AND PURCHASE OF UNNECESSARY ROADS.

Applications.

15. Applications for the closing of roads which may have been reserved to afford access to lands the property of the applicant, or roads which may have been rendered unnecessary by the proclamation of new roads, or otherwise, shall be addressed to the Minister for lands, and shall be accompanied by sketches showing the property of the applicant, the road sought to be closed, any road newly proclaimed, or other roads passing through the property, and the portions of the road proposed to be closed which the applicant, and other adjoining proprietors, if any, desire to purchase.

Payment of price.

16. The value of the land, as determined by appraisalment, shall be paid into the Treasury within three months after the publication in the "Gazette" of a notice calling upon the applicant to do so, under a penalty of the addition to the price of ten per centum, and if the price be not paid within six months from the date at which the applicant may be called on to pay, the claim to

purchase shall lapse, and the road sought to be closed shall remain as a thoroughfare.

PURCHASE WITHOUT COMPETITION.

Applications.

17. Applications to purchase, without competition, lands to which no way of access may exist, or which may be of insufficient area for conditional or auction sale, or which may lie between lands already granted, and a street or road which forms or should form the way of access to such granted land, or Crown lands over which buildings partly erected on granted lands may have been extended, shall be addressed to the Minister for lands, and shall be accompanied by sketches showing the property of the applicant and the portion of land sought to be purchased.

Payment of price.

18. The value of the land, as determined by appraisalment, shall be paid into the Treasury subject to the conditions prescribed by section 5 of these regulations.

RESCISSION OF RESERVATION OF WATER FRONTAGE.

Applications.

19. Applications for the rescission of reservation of water frontage shall be addressed to the Minister for lands, and shall state the area and locality of the land, the date of the grant, and the name of the original grantee ; and in cases in which the rescission may be sought for a portion only of an original grant, shall be accompanied by a sketch showing the division of such grant, and the portion for which rescission may be sought.

Payment of price.

20. The value of the land, exclusively of improvements, as determined by appraisalment, shall be paid into the Treasury within three months after the publication in the "Gazette" of a notice calling upon the applicant to do so, under a penalty of the addition to the price of ten per centum ; and if the price be not paid within six months from the date at which the applicant may be called on to pay, the claim for rescission shall lapse, and the reservation of the land shall continue in force.

CHAPTER II.—CONDITIONAL PURCHASES WITHOUT COMPETITION.
CONDITIONAL PURCHASE OF UNIMPROVED LAND.

Applications.

21. Applications for conditional purchase of unimproved land shall be addressed to the land agent of the district, in the form marked B. hereto appended.

Exclusion of certain lands.

22. The following classes of lands are excluded by the Act from such conditional purchase :—Town lands ; suburban lands ; lands within proclaimed gold fields ; lands under lease for mining purposes to any person other than the applicant ; lands within areas bounded by lines bearing north, east, south, and west, and distant ten miles from the outside boundary of any city or town containing according to the then last census ten thousand inhabitants, or five miles from the outside boundary of any town containing according to the then last census five thousand inhabitants, or three miles from the outside boundary of any town containing according to the then last census one thousand inhabitants, or two miles from the outside boundary of any town or village containing according to the then last census one hundred inhabitants ; lands reserved for the site of any town or village, or for the supply of water ; or, reserved from sale for any public purpose ; lands containing improvements ; and lands held under lease or promise of lease issued or made previously to the 22nd day of February 1858.

Area of selections and tender of applications.

23. Applications shall be for not less than 40, nor more than 320 acres, and shall be tendered to the land agent for the district on such days and between such hours as may be prescribed, by notice in the "Gazette," for the attendance of such land agent at his office, together with a deposit of five shillings per acre.

Conflicting Applications.

24. Should more than one application and deposit for the same land, or any part thereof, be tendered at the same time, or should it be impossible to determine the priority, the land agent shall, unless all applications save one be withdrawn, forthwith determine, in the manner following, which application shall be accepted :—The land agent shall write on tickets of equal size the names of the several applicants, which tickets shall be placed (by the parties, should they desire to do so,) in a box to be supplied to the land agent for the purpose, and the land agent shall, without looking, and in the presence of the parties, draw one ticket from the box, and the application to be accepted shall be that of the applicant whose name may be on the ticket so drawn, and the deposits paid by the remaining applicants shall forthwith be returned.

Occupation of selections.

25. Conditional purchasers must, within one month after the time of purchase, occupy the land so purchased as his *bonâ fide* residence.

Interference by selections with each other.

26. Should it appear, subsequently to the selection, that the same land has been selected by different persons, though by

different descriptions, the applicant whose claim was first received shall be considered the purchaser, and on the identity of the land selected being proved to the satisfaction of the Minister for lands, the deposit paid by the latter applicant shall be returned.

Boundaries.

27. If, at the time of such conditional purchase, the land shall not have been surveyed by the Government, temporary boundaries thereof shall be determined by the conditional purchaser, and any dispute respecting such boundaries, between such purchaser and any other person, other than affecting the boundaries of land held in fee, shall be settled by arbitration. If such land shall not be surveyed by the Government within twelve months from the date of application, the conditional purchaser may, by notice in writing to the land agent for the district, withdraw his application, and thereupon he shall be entitled to the return of any deposit paid by him, or the purchaser shall have the option of having the land surveyed by a duly qualified licensed surveyor, and the expense of such survey shall be allowed to such purchaser as part payment of his purchase money, such expense to be allowed in accordance with the scale of charges fixed or to be fixed by the Surveyor General.

Form of measurement.

28. Crown lands conditionally purchased shall, if measured by the authority of the Government previously to such purchase, be taken in portions as measured, if not exceeding three hundred and twenty acres; and if unmeasured, and having frontage to any river, creek, road, or intended road, shall, if within the first-class settled districts, have a depth of not less than twenty chains, and otherwise shall have a depth of not less than sixty chains, and shall have their boundaries, other than the frontages, directed to the cardinal points by compass, and if having no frontages as aforesaid shall be measured in square blocks, and with boundaries directed to such cardinal points. But should it seem to the Minister for lands to be expedient, the boundaries of portions having frontages may be made approximately at right angles with the frontage, and otherwise modified, and the boundaries of portions having no frontages may be modified, and necessary roadways and water reserves excluded from such measurement.

Payment of balance.

29. At the expiration of three years from the date of such conditional purchase, or within three months thereafter, fifteen shillings, being the balance of the purchase money, may be tendered at the office of the Colonial Treasurer, together with a declaration, in the form marked E., hereto appended, and countersigned by the Minister for lands, by the conditional purchaser or his alienee, or some other person in the opinion of the Minister for lands competent in that behalf, or other authorized officer, and the Colonial Treasurer will thereupon receive and acknowledge the remaining purchase money; and a grant of the fee-

simple, but with reservation of any minerals which the land may contain, will be made to the then rightful owner.

Deferred payment of balance.

30. Should such lands have been occupied and improved as specified in form E., and should interest at the rate of five per centum per annum on the balance of the purchase money be paid within the said three months to the Colonial Treasurer, the payment of such balance may be deferred to a period within three months after the 1st day of January then next ensuing, and may be so deferred from year to year by payment of such interest during the first quarter of each year. On default of a compliance with the requirements of this section, or section 29, the land shall revert to Her Majesty, and be liable to be sold at auction, and the deposit, and all interest paid, shall be forfeited.

Limitation of purchase.

31. Excepting under sections 38 to 40 of these regulations, no holder of an uncompleted conditional purchase will be permitted to make a second conditional purchase until he shall have alienated the first purchase in accordance with the Act, and shall have notified the same to the land agent for the district.

CONDITIONAL PURCHASE IN GOLD FIELDS.

Applications.

32. Applications for conditional purchase of unimproved lands within proclaimed gold fields, and neither within areas excepted by special proclamation, nor occupied for gold mining purposes, shall be addressed to the land agent of the district in the form marked B., hereto appended.

Conditions.

33. The purchase shall be subject to the conditions set forth in sections 22 to 31 inclusively of these regulations.

Special Condition.

34. Persons specially authorized by the Minister for lands shall be at liberty, at any period, to dig and search for gold within the land selected, and should it be found to contain auriferous deposits, the sale may be annulled by the Governor and Executive Council, and thereafter compensation to be determined by appraisement, for the value other than auriferous of the lands and improvements, shall be paid by the Colonial Treasurer.

CONDITIONAL PURCHASES FOR MINING PURPOSES.

Applications.

35. Applications for conditional purchase of unimproved lands, or of lands improved by the applicant as lessee for mining purposes under the Act 25 Vict. No. 2, for the purposes of mining

other than gold mining, shall be addressed to the land agent of the district in the form marked C. hereto appended.

Conditions.

36. The purchase shall be subject to all the conditions set forth in sections 22, 23, 24, 26, 27, and 28 of these regulations, but the deposit to accompany the application shall be ten shillings per acre, the full price of the land being 2*l.* per acre.

Special conditions.

37. The balance of the purchase money may be tendered at the office of the Colonial Treasurer, together with a declaration in the form marked F. hereto appended, and countersigned by the Minister for Lands or other authorized officer, by the conditional purchaser or his alienee, or some other person in the opinion of the Minister for Lands competent in that behalf. And upon such conditions being satisfied, and on payment of the balance of purchase money, a grant in fee simple will be made without reservation of minerals other than gold, and the same may be made on satisfaction of such conditions and payment of such balance, notwithstanding the period of three years required in other cases shall not have expired. A grant may also be made in like manner of any portion, not being less than forty acres, of a larger portion originally selected for purchase, upon a declaration showing an expenditure in such mining operations as aforesaid of an average sum of not less than five pounds per acre on the land so to be granted. And in that case the purchase of the remainder of the land selected shall be rescinded, and any deposit paid thereon applied towards satisfying the balance of purchase money of the land granted. But if the Minister for Lands shall be dissatisfied with any such declaration of expenditure, he will cause the fact of the expenditure required to authorize a grant to be referred to arbitration under the Act, and the issue of a grant shall in that case be dependent on the award thereon.

ADDITIONAL CONDITIONAL PURCHASES.

Applications.

38. Applications for additional conditional purchases of lands shall be addressed to the land agent of the district, in the form marked B. hereto appended, but describing the proposed additional purchase by reference to that previously made, of which the area should be stated.

Position of purchase.

39. Additional purchases must adjoin the conditional purchase, or each other, and shall be in portions of not less than forty acres, and not more than may make the total area of conditional purchase 320 acres.

Conditions.

40. Each such purchase shall be subject to all the conditions save those for occupation and residence, provided for by sections 22 to 31 inclusively of these regulations.

CONDITIONAL PURCHASES WITHOUT RESIDENCE.

Applications.

41. Applications for conditional purchases of lands adjacent to lands held in fee simple granted by the Crown, in areas not exceeding 280 acres, and resided on by the applicant, shall be addressed to the land agent of the district, in the form marked B., hereto appended, but describing the proposed conditional purchase by reference to the land in possession of the applicant.

Position of purchase.

42. The conditional purchase shall adjoin the land in possession of the applicant, and shall contain not more than may amount with that land to 320 acres.

Conditions.

43. The purchase shall be subject to all the conditions, save those for occupation and residence, provided by sections 22 to 31 inclusively of these regulations.

CHAPTER III.—AUCTION SALES.

SALE BY AUCTION AND SELECTION.

Auction sale only of certain lands.

44. Excepting under the provisions of sections 17 and 18 of these regulations, unimproved town and suburban lands will be sold by auction only.

Area of lots.

45. Lands will be brought to auction sale by Government in the police districts in which they are situated, after advertisement of not less than one, nor more than three months in the "Gazette," in lots not exceeding in any case 320 acres, and under such conditions as Government may appoint, to meet either general demand or special application.

Upset prices.

46. The upset prices of lands brought to auction sale shall be determined by the Minister for Lands, but shall not be less than— for town lands, 8*l.* ; for suburban lands, 2*l.* ; and for other lands, 1*l.* per acre.

Applications.

47. Applications for the auction sale of lands shall be addressed to the Surveyor-General, and shall define as clearly as may be practicable, the position and extent of the lands applied for.

Deposit at sale.

48. A deposit of 25 per centum of the purchase money of all lands sold by auction, shall be paid by the purchaser at the time of sale, and should such deposit not be paid, the land agent shall again forthwith put up the land, and shall not accept any bid by the person who may have so failed to pay.

Payment of balance of price.

49. The balance of the purchase money, together with the deed fee, shall be paid to the Treasurer, or to the land agent of the district, within three months of the day of sale; and should the purchaser fail so to pay, the sale shall be void, and the deposit paid shall be forfeited.

Selection of lands not bid for.

50. Lands other than town or suburban lands put up for sale by public auction, and not sold, may, if not withdrawn from selection by the Minister or authorized officer, be purchased at the upset price; or in case of a higher price having been offered for the same, then at such higher price, less in either case by the amount of any deposit paid thereon, and applications for such selection must be tendered, with the price of the land, to the land agent of the district, in the form hereto appended, marked D.

CHAPTER IV.—COMMONAGES.

DEFINITION OF COMMONERS.

51. Where commons may be granted under the Act, all freeholders and householders within boundaries which may be defined by notice in the "Gazette," shall be entitled to use the common; and such boundaries in the cases of town commons will ordinarily be those within which Crown lands are not open to lease under the Crown Lands Occupation Act of 1861.

Reservations in grants.

52. Grants of commons will reserve the right of pasturage of horses and cattle in use by travellers, teamsters, and carriers, for three days at any one time, or for such longer period as floods or other unforeseen natural causes may render unavoidable.

Trustees.

53. Where, at the time a grant of a common is made, a municipality includes the lands notified as above, the municipal council shall be the trustees of the common.

Trustees.

54. Where no municipality may exist, the trustees shall be five in number, and shall in the first instance be elected in manner provided for the election of trustees for commons, under the Act 11th Victoria, No. 31, save that the meeting shall be

convened and presided over, and the election reported, by the police magistrate of the town for which the common may be granted, or of the nearest place of petty sessions, and should there be no police magistrate of such place, then by the clerk of the bench. But should a municipality, including the land notified, come into existence, the trusteeship shall be transferred to the municipal council.

Regulations.

55. All other regulations; matters, and things in connexion with commons shall be done under and in accordance with the Act 11th Victoria, No. 31.

CHAPTER V.—MISCELLANEOUS.

APPRAISEMENT.

56. Whenever it may be necessary to determine any price or value by appraisement under the Act, or under these regulations, the necessary steps will be taken by the Government, and duly notified to the party interested.

AUTHORITY TO SURVEYOR-GENERAL.

57. The Surveyor-General is authorized to perform all matters and things not otherwise specially provided for, and which, by the Act or by these regulations, are required or permitted to be performed by an authorized officer or agent of the Crown.

INITIATION BY GOVERNMENT OF SALE WITHOUT COMPETITION.

58. In all cases in which persons who may be competent, under sections 6 to 9, 13, 14, 17, and 18 of these regulations, to apply to purchase Crown lands without competition, may fail so to apply, the Government may cause the land to be appraised, and take measures to carry out the sale, in accordance with the above quoted sections.

DEED FEES AND DELIVERY.

59. A fee of 1*l.* shall be payable on each deed of grant from the Crown, and no deed shall be delivered until the stated fee shall have been paid. Deeds will be delivered at the Surveyor-General's office, Sydney, to the grantee, or to any person holding his written order, duly attested by a notary public, commissioner of the Supreme Court, or justice of the peace, or, on the application of the grantee, will be transmitted to the land agent for delivery.

Maps.

60. Maps, affording information, as to the position of Crown lands open for sale, will be furnished to the land agents, in

duplicate, and one copy will be periodically returned to the Surveyor-General, in order that new sales may be entered thereon.

Land agents.

61. Land agents will, on land office days, afford information and assistance in filling up forms of application, and otherwise, to persons desiring to purchase.

Returns.

62. Quarterly returns of the conditional purchases in each police district will be published in the "Gazette."

Forms.

63. The various forms prescribed by these regulations will be supplied to the public at a charge of twopence for each form, at the Government printing office, Sydney, and at the various land offices throughout the Colony.

A.

Application for the purchase of improved Crown lands.

SIR, * 186 .
 HAVING erected [or become the proprietor of] the improvements detailed below, and which I estimate to be worth £ , I have the honour to apply that I may be permitted to purchase without competition, under the provisions of the Crown Lands Alienation Act of 1861, the Crown lands on which they stand, and which are described hereunder.

The improvements referred to are now in my possession.
 I have, &c.

The Honourable , A. B.
 The Minister for Lands.

Nature of improvements.

[State here whether cottage, huts, yard, gardens, or other improvements.]

DESCRIPTION OF LAND.

County of allotment parish of † section town of

* State address and nearest post town.

† Or where not in a town, state after parish of number of acres, river, creek, or road on which the land is situated, and distance and direction from nearest private property, of which state area and original purchaser or grantee, or distance and direction from nearest crossing-place of creek, or confluence of creek or river, or other determinate point.

If on land withdrawn from lease, state here name and date of proclamation of withdrawal, or if in gold field, state name of field.

B.

No. of 186 .

Application for the conditional purchase of unimproved land without competition, by of received with deposit, this of 186 , at by day o'clock

*A.B.,
Land agent for district.*

SIR, 186 .

I DESIRE to purchase, under the Crown Lands Alienation Act of 1861, without competition, the portion of unimproved Crown land hereunder described, and I tender herewith a deposit at the rate of five (5) shillings per acre on the area for which I apply.

I am, &c.

The Crown Land Agent.

C.D.

DESCRIPTION.

County of parish of acres *

* Add here the name of river, creek, or road, in which the land is situated, also its distance and direction from the nearest portion of private property, of which state the area and the original purchaser or grantee, or distance and direction from nearest crossing-place of creek, or confluence of creeks or rivers, or other determinate point.

C.

No. of 186 .

Application for the conditional purchase, for mining purposes, of unimproved land, without competition, by of received with deposit, this of 186 , at by day o'clock

*A.B.,
Land agent for district.*

SIR, 186 .

I DESIRE to purchase without competition, for mining purposes other than gold mining, under the Crown Lands Alienation Act of 1861, the under-mentioned portion of unimproved Crown land, and I tender herewith a deposit at the rate of ten (10) shillings per acre on the area for which I apply.

I am, &c.

The Crown Land Agent.

C.D.

DESCRIPTION.

County of parish of acres *

* Add here the name of river, creek, or road, in which the land is situated, also its distance and direction from the nearest portion of private property, of which state the area and the original purchaser or grantees, or distance and direction from nearest crossing-place of creek, or confluence of creeks or rivers, or other determinate point.

D.

No. of 186 .

Application by _____ *to select Crown Lands,*
received this _____ *day of* _____ *186 , with price*
of lot and deed fee, at _____ *o'clock by* _____
A.B.,
Land agent for _____ *district.*
186 .

SIR, I HEREBY tender the sum of _____ pounds,
 shillings, and _____ pence, as the price by selection (and
 deed fee) of the Crown lands hereunder described :—

Place of sale
 Date on which last proclaimed
 Date on which last offered for sale...
 Lot at last sale
 County
 Parish or place
 Number of portion
 Extent of the lot
 Price of the lot
 Fee on the deed

I am, &c.

The Crown Lands Agent.

C.D.

E.

Declaration of conditional purchaser.

I* do solemnly and sincerely declare that I am
 the lawful owner, by conditional purchase, of the land hereunder
 described ; and that improvements, consisting of † _____, and to
 the value of £ ‡ _____, have been made on such land ; and I
 declare further, that the said land has been the *bonâ fide* resi-
 dence continuously ¶ of || _____ and myself, ¶ from the
 period of selection and first occupation in § _____ to the
 present date ; ¶ and that no alienation of the land has at any
 time been made by any of the above-named holders, until after
 the *bonâ fide* residence thereon of such holder for a period of one
 whole year at the least, each alienation having been notified to
 the land agent of the district within one month of its having been
 made ¶ ; and I make this solemn declaration, conscientiously
 believing the same to be true, and by virtue of the provisions of
 the Act 9th Victoria, No. 9.

Made and subscribed before me at _____ this _____
 day of _____ 1861.

* State Christian and surname in full.

† State character of improvements.

‡ State value, not being less than 1*l.* for each acre of the conditional purchase.

§ State names in full of each holder, if any, besides the holder.

¶ State date of first selection.

¶ Omit where original selector has occupied the land from date of selection
 and occupation, and alter (the *bonâ fide*) to (*my bonâ fide*).

DESCRIPTION.

County of _____, parish of _____ acres on
 being conditional purchase No. _____, of 186 _____, in the
 district of _____.

CERTIFICATE OF LAND AGENT.

I hereby certify, that to the best of my knowledge and belief,
 the above declaration is in accordance with fact, and that the
 several alienations were duly notified to me on the following dates.

_____ A.G.,
 Land agent for _____ district.

F.

I* _____ of † _____ do solemnly and sincerely
 declare that I am the lawful owner, by conditional purchase, of
 the land hereunder described, and that an expenditure equal to
 2*l.* § per acre for the area of the land, has been made on mining
 operations other than gold mining on the land, and since the
 selection in ‡ _____, and I make this solemn declaration
 conscientiously believing the same to be true, and by virtue of
 the provisions of the Act 9th Victoria, No. 9.

DESCRIPTION.

County of _____ parish of _____ acres on
 being (part of) conditional mining purchase, No. of _____ 186 _____,
 in the district of _____

Made and subscribed before me, at _____ this
 day of _____ 186 _____.

CERTIFICATE OF LAND AGENT.

I hereby certify, that to the best of my knowledge and belief,
 the above declaration is in accordance with fact.

_____ A.G.,
 Land agent for _____ district.

* State Christian and surname in full.

† State residence.

‡ State date of conditional purchase.

§ Should it be intended to complete the purchase of a part only of the original
 selection, 5*l.* must be substituted for 2*l.*

Department of Lands, Sydney,
 November 1, 1861.

The following regulations, which have been made by his
 Excellency the Governor, with the advice of the Executive Council,
 for carrying into effect the Crown Lands Occupation Act of
 1861, are hereby published for general information.

JOHN ROBERTSON.

CHAPTER I.—ANNUAL LEASES.

(FIRST-CLASS SETTLED DISTRICTS.)

Size of portions to be leased.

1. Lands will be let in portions not less than six hundred and forty acres, or one square mile, except in special cases herein-after provided.

Period of leases.

2. Every such lease shall be for the then current year, and shall expire on the thirty-first day of December.

Renewal of leases.

3. Leases may be renewed annually by payment, between the first and thirtieth day of September, to the land agent of the district, or to the Colonial Treasurer, of rent for the ensuing year, at the rate of two pounds per square mile, or such higher rate as the lessee may pay for the current year; unless the lands be required for sale or for any public purpose, or for the satisfaction of any pre-emptive lease claims in right of new purchases, and leases not so renewed may be brought to sale by public auction.

Conversion of existing leases into leases under the Act.

4. Leases under the regulations of twenty-ninth March, one thousand eight hundred and forty-eight, shall not be renewed under those regulations, but may be converted into leases under the Act, by payment to the Colonial Treasurer in Sydney, or to the land agent of the district, not later than two months from the publication in the "Gazette" of a notice to that effect, of rent for the ensuing year at the rate of two pounds per square mile or such higher rate as the lessee may now pay, unless the land be required for sale or for any public purpose, or for the satisfaction of any pre-emptive lease claims which may arise under the Act.

Pre-emptive leases to holders of land in fee simple.

5. The holders in fee simple of any lands may be allowed leases of Crown lands adjoining to their respective properties without competition, at the rate of two pounds per section of six hundred and forty acres, and to the extent of three times their own purchased or granted lands, if there be so much vacant land available; provided that such lands shall be taken in a block of rectangular form in which the external lines shall be directed to the cardinal points by compass, and if the country has been divided into sections of square miles, then according to the general subdivisions of the land as delineated upon the public maps in the Surveyor General's office, and subject also to the exclusion of water necessary to the beneficial occupation of adjoining lands; provided further that the rent to be charged for land so leased to parties not having the right to take six hundred and forty acres shall in no case be less than one pound.

Determination of conflicting claims by arbitration.

6. If there be two or more claimants under the last preceding section of the same land, the division of the land amongst them may be settled by arbitration ; provided that if such land be of less extent than six hundred and forty acres it may, on an award being made, be forthwith occupied in accordance therewith, and without further formal apportionment ; provided also, that if at the expiration of three months from the date of a notice in the "Gazette" announcing to the several claimants of portions not less than six hundred and forty acres the name of their competitors, an award shall not have been arrived at, and duly communicated to the proper officer, the leases of the lands so circumstanced may be offered for sale by auction.

Notification of pre-emptive leases.

7. All leases granted under pre-emptive right shall be notified in the "Gazette," and if within two months from the date of such notification the rent for the same shall not have been paid to the Colonial Treasurer or to the land agent of the district, leases of the land shall be submitted for sale by auction.

Leases at auction.

8. Lands not previously under lease over which no pre-emptive right of lease shall have been exercised within one year from the passing of this Act may be put up for lease at auction, at the land office of the district, either on application or otherwise, but no such sale of leases shall take place without one month's notice thereof having been given in the "Gazette."

Upset price of lots.

9. The upset price of each lot shall be at the rate of one pound per section of six hundred and forty acres, or of ten shillings, if half of the current year shall have expired before the day of sale, and the full price bid for each lot shall be paid at the time of sale.

Leases bid for, but not paid for.

10. Any lease bid for, but the price of which may not be forthwith paid, shall thereupon be again offered for sale at auction.

Selection of leases not bid for.

11. The lease of any land which may have been offered for sale at auction, and not bid for, may be obtained on payment of the upset price to the land agent of the district.

Cancellation of leases.

12. The sale conditionally or otherwise of any portion of land under lease shall cancel so much of the lease as relates to the land so sold and to three times the area thereof adjoining thereto, unless such land shall be sold to the lessee thereof. Leases may also be cancelled by the Minister for other sufficient reason, and the balance of rent from the date of such cancellation shall in

either case be returned to the lessee ; provided that the lessee of the lands from which such cancellation may be made shall be at liberty either to retain the remaining portion thereof, paying however the same amount of rent as for the whole section, or surrender the same.

Conditional purchasers entitled to leases.

13. Holders of land conditionally sold will be entitled to the same right of leasing adjoining lands by pre-emption as other holders of land in fee simple.

Forms of application.

14. Applications for leases under the pre-emptive right pursuant to the foregoing sections, or for leases to be brought to sale by auction under section 8, must be made in the forms hereto appended, marked A. and B. respectively.

CHAPTER II.—LEASES OF RUNS.

(SECOND-CLASS SETTLED AND UNSETTLED DISTRICTS.)

Terms of leases of old runs.

15. Unexpired leases granted or promised under Her Majesty's Orders in Council, previously to the 22nd day of February, 1858, will, unless where the lands have been or may hereafter be legally withdrawn from lease, remain in force for the full terms, and subject to the conditions prescribed by former regulations, and by the Act, viz. :—

- (1.) Leases of runs of the unsettled class held under licence, or granted by tender prior to the 1st January 1852, for fourteen years from that date.
- (2.) Leases of runs in the unsettled districts, or in the second-class settled districts (formerly intermediate), taken up by tender between the 1st January 1852 and 22nd February 1858, for fourteen or eight years, respectively, from the date of the first payment of rent under the accepted tender.

On the expiration of such leases new leases will be granted for the term of five years, under the provisions of the Crown Lands Occupation Act of 1861.

Leases under the Act.

16. Leases promised subsequently to the 22nd February 1858 will have effect for the period of five years from their conversion into leases under the Act, as herein-after provided ; and in such special cases as are provided for by the 15th clause of the Act, with respect to the improvement of water supply, will be renewed for a like period.

Issue of formal leases.—Definition of boundaries.

17. Formal leases will be prepared in favour of those claimants who have furnished the Government with such descriptions of the boundaries of their runs as may, although not necessarily pre-

pared from actual survey, be found upon examination sufficiently complete to indicate the lands with certainty, and consistently with the rights of the claimants of adjoining lands. Claimants of leases must afford any explanations or assistance that may be required in defining their boundaries, to such officers as may be employed to estimate the extent and grazing capabilities or appraise the rent of the runs; and if it should appear to the satisfaction of the Government, in any case, that the claimant has refused or failed to afford such explanations, the officer will be instructed to define and, where necessary, mark the boundaries, availing himself of such information as may be within his reach.

Survey of runs.

18. Any claimant who may desire to have his run surveyed, will be at liberty to employ, at his private cost, a licensed surveyor for that purpose, who must conduct the survey under the direction and control of the Surveyor General. In every such case, before issuing a lease, the Government will require to be satisfied that the boundaries are described with due regard to the rights of the Crown and of claimants of adjoining lands.

Disputed claims.

19. Any disputed or overlapping claims to leases that may be found to exist, not already arranged or decided by competent authority, and not involving other interests than those of the respective claimants, will, unless where the Minister for Lands may be satisfied that either claimant has a clear right to the land in dispute, be referred to arbitration, pursuant to the 23rd clause of the Act.

ANNUAL RENT.

Runs under lease.

20. The rent of runs of which leases have actually been granted must be paid annually in advance, as prescribed by the terms of the respective leases.

Old licensed runs.

21. The rent of runs in the unsettled districts held under licence, and of which leases have not yet been granted, will be computed as herein-after mentioned:—

- (1.) Whenever the grazing capabilities of such runs have been regularly assessed, under Her Majesty's Orders in Council, the rental will be that appropriate to such capabilities, computed as therein provided, viz. :—For 4,000 sheep (or the prescribed equivalent of 640 cattle), 10*l.*, and for each additional 1,000 sheep, or 160 cattle, 2*l.* 10*s.*
- (2.) When the grazing capabilities have not been assessed, the rent will be regulated by the recorded extent of the runs, in the following manner, viz. :—Runs of not greater extent than 25 square miles will be charged 10*l.*, and for every additional 5 square miles over 25, an additional charge of 2*l.* will be made.

Old runs demised by tender.

22. Runs held by accepted tender, prior to the 22nd February 1858, will, where assessed, be charged rent upon the assessed capabilities as afore-mentioned, with the addition of the annual premium (if any) offered in the original tender. Where the grazing capabilities have not been valued, immediate steps will be taken for the appraisalment of such capabilities under the Act, and pending such steps the rent of such runs, in addition to the premium (if any) will be computed according to the estimates of capabilities given in the original tenders; but in the event of the rent so computed and paid in any case proving to have been less than that determined by valuation, the occupant will be required to make up the difference previously to the execution of the lease.

Rent exclusive of assessment.

23. The rent referred to in the three preceding sections (20, 21, and 22) is exclusive of the annual assessment payable under the Increased Assessment and Rent Act of 1858.

Runs coming under the Act.

24. Runs in the second-class settled districts, of which the original term of lease has expired, will, pending the conversion of the present holdings into leases under the Crown Lands Occupation Act of 1861, to which end the necessary steps will be forthwith taken, be held subject to the like conditions as to the annual rent, as those referred to in section 21; and all runs leased by tender since the 22nd February 1858 will in like manner, pending such conversion, be rented upon the same terms as those referred to in section 22; but on the fair annual value for pastoral purposes of these holdings being determined by appraisalment, the lessees will be required to take up the new leases by the payment of the rent thereunder into the Colonial Treasury within two months from the date of a notice in the "Gazette" calling upon them to do so, and they will thereafter cease to be liable to assessment under the Increased Assessment and Rent Act of 1858.

Mode of appraisalment.

25. The appraisalment will be made in manner provided by the 23rd clause of the Crown Lands Occupation Act of 1861, and the necessary steps for that purpose will be taken by the officer authorized in that behalf.

Periods of payment.

26. The rent of all runs will be payable annually, in advance, at the Colonial Treasury, in Sydney. After the year 1862 the annual payment will be for the period from 1st January to 31st December; and to admit of the adjustment of the periods, one half-year's rent, from 1st July to 31st December, must in all cases, except where the runs may be *actually under lease*, or may have been previously converted into leases under the Act, be paid on or before the 30th September 1862. For each

ensuing year the rent must be paid on or before the 31st December of the year preceding. In the case of runs held under the provisions of the Orders in Council, the failure to pay the rent will entail the forfeiture of the lease, (which may, however, be defeated by the payment within 60 days of the original rent day inclusive, of the overdue rent, with one-fourth added by way of penalty); and in the case of runs held under the Act, the like failure will subject the lessee to the addition of a fine of eight per cent. on the overdue rent, during the first three months that the payment may be in arrear, and of 10 per cent. if more than three months, and to the forfeiture of the lease if the rent should remain unpaid for six months after the rent day.

Monies will be received on account.

27. Sums of money will be received at the Treasury from holders of runs who may be desirous of lodging funds to meet payments falling due.

TRANSFERS.

Mode of application.

28. Holders of runs of which the leases have not issued may have their rights of lease transferred, by an application addressed to the Chief Commissioner of Crown Lands, and bearing the signature of the person entitled to the lease, attested by a magistrate, a notary public, or a Commissioner of the Supreme Court. On such application being recorded, the applicant will be debarred from all further claim to the lease, the right to which will thenceforth become vested in the transferee.

Runs of insolvents, or of parties absent or deceased.

29. In the event of the person entitled to the lease dying, or being declared insolvent, or being absent from the colony, the application for transfer may be made by his legal representative or the representative of his estate, but must be accompanied by a certificate from the Crown Solicitor of the applicant's power to effect the desired transfer.

Runs under lease.

30. After the issue of the leases it will be competent for the holders thereof to assign and transfer the same to such persons, and in such manner and form as they may respectively think proper; provided, however, that the operative words "transfer and assign" be used, and that no transfer shall be recognized by the Government until the same shall have been recorded in the general office for the registration of deeds in Sydney, and duly notified to the Chief Commissioner of Crown Lands.

Transfers to carry all rights of the transferer.

31. Every transfer of a run will carry with it all rights of the transferer in connexion therewith, except with respect to any land actually purchased and paid for, the ownership of which

will, of course, remain in the purchaser, notwithstanding any subsequent transfer of the run.

Separate applications.

32. A separate application must be made for the transfer of of each run.

Fees.

33. A fee of two pounds sterling must, in every case, be paid into the office of the Chief Commissioner of Crown Lands, prior to the transfer being completed.

Dues in arrears.

34. No run will be transferred in respect to which any dues of the Crown are in arrear.

SUBDIVISION OF RUNS.

Runs may be subdivided.

35. Holders of runs under promise of lease under the Orders in Council may be allowed, previously to the issue of the leases, to subdivide their runs into portions of not less extent than will be sufficient for the maintenance of 4,000 sheep or their equivalent in cattle, and to obtain separate leases for the same, subject to the following conditions :—

Measurement.

36. The measurement (where necessary) of the boundary lines shall be made at the cost of the applicant, under the direction of the Surveyor General.

Boundaries may be modified.

37. The Government will reserve to itself the right in every case of modifying the boundaries proposed for the subdivision, so far as may be necessary to render them conformable to these regulations.

Form of subdivision.

38. Every subdivision must be in a compact block of rectangular form, of which the external lines shall run east and west and north and south, subject to such deviations as the general features of the country, the adoption of natural boundaries, and the shape of the run to be divided, may require.

Water supply.

39. The subdivision must be made so as to secure to each of the reduced runs a fair and adequate share of the water necessary for the beneficial use of the pasturage.

CHAPTER III.—FORFEITED OR VACATED RUNS.

Leases by auction.

40. Leases of such runs as may have been forfeited or vacated by the previous holders will from time to time be offered for sale by auction.

Payment of rent.

41. The full rent offered will be required to be paid down at the time of sale, to be computed from the commencement of the current quarter to the 31st December ensuing.

Leases not bid for.

42. Any runs, of which the leases may remain unsold after having been twice offered for sale by auction, may be obtained on lease, by application to the Chief Commissioner of Crown Lands, at a rent of not less than 10*l.* per annum, unless in any case in which it may appear to the Minister for Lands to be expedient that the run should again be offered to lease by auction.

Notification.

43. All runs which may be offered at auction will be notified in the "Gazette" at the least one month before the time appointed for sale of the leases.

CHAPTER IV.—NEW RUNS.

Tenders for runs.

44. Sealed tenders for runs may be deposited by the tenderers or their agents in a box to be kept for that purpose at the office of the Minister for Lands, and any tenders which may be transmitted by post will, immediately on their receipt, be placed therein unopened. The tender box shall be opened by the Land Tender Board, at noon, on the first Tuesday of every month, and no tender shall be deposited on that day after that hour. All tenders found in the box shall be recorded by the Board.

Disposal of tenders.

45. If there be only one tender for any run, the tenderer shall be entitled to the lease. If there be two or more tenders for the same run opened at the same time, the lease shall be granted to the person whose tender shall contain the offer of the highest premium; but if no one tender be higher than all the others, a fresh day shall be named, on which the persons making the highest tenders shall be at liberty to send in fresh tenders, which shall be dealt with as herein-before provided. Should two or more tenders embrace a portion of the same land, the common boundary may be determined by mutual consent or by arbitration under the Act; but should such boundary not be determined within three months of the date of notice in the "Gazette" in-

forming the parties of the conflict of their tenders, the whole of the lands tendered for may be leased by auction sale.

Forms of tender.

46. Tenders shall be made in the form hereto appended (C) ; but, up to the first Tuesday in the month of January 1862, inclusive, tenders in the forms hitherto in use will be received. Such latter tenders will not however be entertained, unless the deposit herein-after mentioned is lodged in the Treasury not later than the 31st December next. Tenders must be sealed, and endorsed "TENDER FOR RUN."

Descriptions in tenders.

47. Every tender shall contain a clear description of the boundaries of the run applied for, and the marks or natural features by which such boundaries are indicated, and also an estimate of its area and pastoral capabilities.

Deposit on tenders.

48. Every tender must be accompanied, under the same envelope, by a receipt, showing that the sum of two pounds ten shillings has been deposited in the Colonial Treasury, and in the event of the ultimate acceptance of the tender, the tenderer shall receive credit for the amount of such deposit in the first year's rent ; and in the event of the tender being rejected, the amount shall be returned to the tenderer.

Separate tenders.

49. A separate tender must be made for each run.

Deposit on tenders already received but not disposed of.

50. All persons whose tenders have already been received under the Orders in Council, but not disposed of, must pay into the Colonial Treasury, on or before the 31st December 1861, a deposit of two pounds ten shillings for each tender. Any sum so paid shall, in the event of the tender being ultimately accepted, be considered as part of the first year's rent due by the tenderer, and in the event of the tender being rejected, shall be repaid. All tenders upon which no such deposit shall have been paid by the date above mentioned, shall be forthwith rejected.

Area and capabilities of runs.

51. A run shall in ordinary cases consist of not more than twenty-five square miles ; but should that area, in the opinion of the proper officer of the Government, be insufficient in average seasons for the pasturage of four thousand sheep or eight hundred cattle, the run may be enlarged to whatever area, not exceeding one hundred square miles, may be necessary for that purpose.

Direction of boundaries in tenders.

52. The Minister for Lands may cause the boundaries proposed in any tender to be modified so as to make the run a compact block of rectangular form, on which the external lines shall run east and west and north and south, subject however to such deviations as the general features of the country and the adoption of natural boundaries may require, and subject also to the exclusion of water necessary to the beneficial occupation of adjoining lands.

Tenderers must point out their boundaries.

53. Tenderers for runs must be prepared to point out, on being called upon to do so by the officer employed to report on their tenders, the runs for which they have applied, and the boundaries thereof; and any tenderer who may fail therein will render his tender liable to be summarily rejected.

Notification of acceptance.

54. Any tender which may be accepted will be notified in the "Gazette," and the tenderer will be required to pay his rent and premium (if any), computed for the period from the commencement of the current quarter to the 31st December ensuing, together with the assessment for the year, within 60 days from the date of such notification, under a penalty of the forfeiture of his deposit and of any interest in the lease, and such lease will thereupon be offered to sale by auction.

No right of occupation until rent is paid.

55. Until the first year's rent shall have been paid, the applicant will acquire no right whatever to the occupation of the land tendered for.

Runs to be occupied and stocked.

56. New runs, the tenders for which may hereafter be accepted, must be occupied and stocked with not less than 200 cattle or 1,000 sheep, within six months, or, in the event of its being necessary to provide water by artificial means, within 18 months of the notification of the acceptance of the tender, otherwise the run will be forfeited and may be leased by auction.

Tenure of runs at fixed rent and assessment, pending appraisalment.

57. The runs may be held from year to year, subject to a rent of ten pounds per annum, payable in accordance with section 26 of these regulations, and to assessment under the Increased Assessment and Rent Act of 1858, until an appraisalment shall be made of the fair annual value thereof for pastoral purposes, whereupon the holdings shall be converted into leases under the Crown Lands Acts of 1861, and the runs shall cease to be liable to such assessment as aforesaid.

CHAPTER V.—LEASES OF MINERAL LANDS.

Areas and terms.

58. Leases or portions of land not exceeding 320 nor less than 40 acres for coal mining lots, and not exceeding 80 nor less than 20 acres for other mineral lots, will be granted for purposes of mining for any metal or mineral excepting gold, for periods not exceeding 14 years, and with a right of renewal for a further period of 14 years, upon the following conditions, upon the breach of any of which in any case the lease will be liable to forfeiture :—

Authority to select mineral lots.

59. Persons may, on application to the Minister for Lands, obtain an authority—to which will be appended a form to be used in making the selection—to select, within twelve months from the date thereof, coal or other mineral lots, and may take possession of such lots and hold them for the period therein mentioned, but the right shall be reserved to determine the boundaries of any such lots, and to make provision for reservation of water supply.

Payment of rent.

60. The rent shall be five shillings per acre, payable annually in advance at the Colonial Treasury ; the first payment to be made on application for authority to select, and thereafter within the month of September for each ensuing year. Leases shall in all cases end on the thirty-first day of December.

Necessary annual expenditure.

61. Lessees shall expend at the rate of five pounds sterling per acre on their lots, within the first three years of their leases.

Determination of leases.

62. Lessees may determine their leases, by giving to the Minister for Lands three months' notice, in writing, of their desire to do so, but no rent shall in any case be refunded.

Renewal of leases.

63. Lessees may, on application, in writing, to the Minister for Lands during the thirteenth year of their leases, obtain a renewal of the same for a further period not exceeding fourteen years ; and a fine shall be paid on such renewal, not being less than two pounds ten shillings per acre, to be determined by appraisalment of the value thereof. Full information of the working and returns of the mine must be afforded to the appraisers by the lessees, on pain of forfeiting their claim to renewal.

Removal of machinery and minerals.

64. If any lease be forfeited or not renewed, the lessee shall be at liberty, within six months from the termination of his lease, to remove or otherwise dispose of all machinery and improve-

ments, and the minerals brought to the surface during the term of his lease.

Mode of application.

65. Applications for authority to select mineral lots must be addressed to the Minister for Lands, stating the area proposed to be selected, and accompanied by a receipt showing that the rent thereupon has been lodged in the Treasury.

Applications already made.

66. Such applications for leases of mineral lands as may have been made before the passing of the Act, shall be dealt with before authority to select is granted to any new applicant.

Mode of selection.

67. The authority to select, when granted, will be in force for twelve months from its date ; and after making his selection, the holder will be required immediately to report the same to the Minister for Lands, by transmitting the form appended to such authority, filled in with full particulars as to the situation and proposed limits of the lot selected, and the minerals for the working of which a lease is desired.

Reservation of right of inspection.

68. The Government will in all cases reserve to itself the right of inspecting by its officers the land leased, and any buildings, machinery, or other improvements thereupon, with a view of ensuring the due observance of the conditions of lease.

Certain lands excepted.

69. Mineral lands under proclamation or measurement for sale by auction before the promulgation of these regulations will not be open to lease thereunder.

CHAPTER VI.—TIMBER CUTTING.

Licences to be issued by land agents.

70. Licences to cut timber may be obtained on application to the various land agents.

Separate licence for each person.

71. A separate license must be taken out by every person actually employed in felling, cutting, sawing, splitting, or removing timber from Crown lands, except fuel not cut for sale. The license will be personal to the holder, and will not be transferable.

Licences.—Fees.

72. The licences shall be of two kinds—one empowering the holder to cut any kind of timber, as well cedar and pine as

hardwood, for which a fee of 6*l.* will be payable ; the other will be restricted to hardwood only, and the fee thereupon will be 2*l.*

Payment of fees.

73. The fee must in every case previously to the issue of the licence, be paid to the land agent, by whom all such collections are to be accounted for, and paid over in the same way as other public monies passing through his hands.

Operation of licence.

74. Licences will empower the holders of them to cut timber on any Crown lands, whether held under lease or otherwise, except timber within half a mile of any head station, or which may have been specially reserved with the consent of the Commissioner of the district for shade or ornament.

Licences not to extend to certain lands.

75. Licences granted under these regulations will not extend to Crown lands under advertisement for sale, or to any localities in which the cutting of timber may be, by notice in the "Gazette," specially prohibited.

Duration of licence.

76. The licences will be in force from the date of issue until the 31st December then next ensuing, but licences taken out on or after the 1st July will be charged only half the regulated fee.

Timber to be removed.

77. The timber must be removed from off the Crown lands within twelve months from the time at which it was cut, otherwise it will be liable to be seized, forfeited, and sold, on behalf of the Crown.

Cutting trees without authority ; proceedings against offenders.

78. Persons illegally cutting timber on Crown lands will be proceeded against under the 33rd clause of the Act, or otherwise as may in any case be by law directed.

Seizure of timber.

79. All timber cut by unauthorized persons, and all cut timber lying on Crown lands which there may be reason to believe has not been cut by a duly authorized person, will be seized ; but in case a right to such timber shall be asserted within 14 days after the notice to be presently mentioned, and shall be established to the satisfaction of the Police Magistrate, or Bench, its restoration to the claimant may be ordered.

To be sold after due notice.

80. Such timber, when seized, is to be marked with the broad arrow ; and after due notice of the seizure thereof, by a writing to be posted up at the principal place of petty sessions of the

district, shall, unless a claim thereto shall be made within 14 days thereafter, and duly established, be sold.

Proceeds.

81. The proceeds of the sale of timber so seized are to be accounted for and paid over like other public monies.

Crown lessees may cut timber.

82. Lessees of Crown land are at liberty to cut any timber required by them as tenants of their several lands, but not for sale.

Return of licences to be transmitted half-yearly.

83. A return of all licences issued is to be forwarded half-yearly by the respective land agents to the Chief Commissioner of Crown Lands, by whom they will be published collectively in the "Gazette."

CHAPTER VII.—LEASES FOR SPECIAL OBJECTS.

Mode of application.

84. Persons who may be desirous of leasing portions of land for any of the special purposes contemplated by the 30th clause of the Act, may make their applications to the Minister for Lands,—setting forth respectively the position and extent of the portions they are desirous of leasing, the objects for which a lease is desired, the rent offered, and such other information as may tend to facilitate the disposal of their applications.

Disposal of applications.

85. All such applications will be duly inquired into, and dealt with upon their merits, as may be deemed expedient by the Government; and in the event of any application being complied with, the applicant will be duly apprised of the conditions on which a lease will be granted, and of the rent which he will be required to pay.

Payment of rent.

86. Such rent must, for the first year, be lodged in the Treasury within three months from the publication in the "Gazette" of a notice to that effect; and for any subsequent year, on or before 31st December of the year preceding; otherwise the lease will be forfeited and may be brought to sale by auction.

CHAPTER VIII.—TEMPORARY COMMONAGE.

87. Crown lands not reserved for or dedicated to any other purpose, within the limits within which land adjacent to any town are not open to pastoral lease under the Act, will ordinarily be devoted to temporary commonage, and placed, with any lands.

already set apart for that purpose, in the charge of the trustees (if any) of the permanent common in the same locality. Temporary commonage may, wholly or in part, at any time be exempted by the Government for sale, lease, or other purposes; and shall be open to the pasturage of horses and cattle in use by travellers, teamsters, and carriers, for three days at any one time, or for such longer period as floods or other unforeseen natural causes may render unavoidable.

CHAPTER IX.—TRESPASSES ON CROWN LANDS.

Removal and penalties on conviction summarily.

88. Any person who may be found in the unauthorized occupation of any Crown land may, under the 32nd and 33rd clauses of the Act, be summarily removed therefrom, or fined, on conviction before two Justices of the Peace, on the information of any Commissioner of Crown Lands, or other person authorized by the Minister for Lands.

Manner of prosecution.

89. Whenever the land intruded upon is not under lease, or promise of lease, it will be the duty of the proper officer to prosecute the trespasser; but on its being made to appear by the lessee, or lawful holder of any land, that any portion of his holding has been intruded upon by an unauthorized person, such lessee will be empowered to prefer an information against the intruder.

Disputed boundaries.

90. In cases of disputed possession between the authorized holders of adjoining lands, the Government will not under ordinary circumstances interfere, unless the claims to leases should be found to conflict, in which case the dispute will be referred to arbitration, as herein-before provided.

CHAPTER X.—MISCELLANEOUS.

Authority to Chief Commissioner of Crown Lands.

91. The Chief Commissioner of Crown Lands is empowered and authorized to perform all matters and things not otherwise specially provided for, which, by the Crown Lands Occupation Act of 1861, or by these regulations, are required or permitted to be performed by an authorized officer or agent of the Crown.

Forms.

92. The various forms prescribed by these regulations will be supplied to the public at a charge of two pence for each form, at the Government Printing Office, Sydney, and at the various Land Offices throughout the Colony.

FORM A.

To be used in claiming to lease adjoining Lands under the pre-emptive right within the first-class settled districts.

Place

Date

SIR,

In pursuance of the conditions annexed to the 12th clause of the Crown Lands Occupation Act of 1861, I do hereby apply to be allowed to lease the sections or portion of Crown lands hereunder described, at the fixed rent of 2*l.* per section.

The land in virtue of which I claim to exercise a right of pre-emption is situated as follows, and is now in my possession, viz. :—

County of	parish of	
situated*	containing	acres
being the land†	to‡	
	I am, &c.,	

To the Honourable
the Minister for Lands, Sydney.

Description of the sections or portions applied for. §

* State general situation of the land.

† "Sold," "conditionally sold," or "granted," as the case may be.

‡ State name of purchaser or grantee.

§ State the boundaries as accurately as possible, with reference to natural features, section lines, and purchased lands in the vicinity.

FORM B.

Form of Application for a Lease of Crown Lands within the first-class settled districts to be brought to sale by auction.

Place*

Date

SIR,

In pursuance of the conditions annexed to the 12th clause of the Crown Lands Occupation Act of 1861, I have the honour to request that the leases of the portions of Crown lands hereunder described may be put up to public auction.

I am, &c.,

To the Honourable
the Minister for Lands, Sydney.

Description of lands referred to.

County of	parish of	
situated†		and
bounded &c.‡		

* State nearest post town.

† State general locality.

‡ State the boundaries as accurately as possible, with reference to natural features, section lines, and purchased lands in the vicinity.

FORM C.

*Tender for a Lease of a New Run of Crown Lands.**Second-class settled or unsettled Districts.*

In accordance with the provisions of the Crown Lands Occupation Act of 1861, and of the regulations made in pursuance thereof*

of † do hereby propose to take a lease of the Crown lands known as in the district of which lands are particularly described in the schedule annexed to this tender.

2. And in consideration of such lease ‡ willing, and hereby offer to pay yearly, in advance, the rent of the said Crown lands, as the same may be determined by appraisement under the said Act.

3. And § do agree, that in the event of this tender being accepted and of such acceptance being notified in the "Gazette" §

will, within sixty days after such notification, pay into the hands of the Colonial Treasurer, at Sydney, as and for the first year's rent of the said run, and pending such appraisement as aforesaid, the sum of ten pounds, together with the sum of twenty pounds, being the assessment payable under the Increased Assessment and Rent Act of 1858; and also, the sum of sterling, by way of premium for the said lease; that is to say:—

	£	s.	d.
Rent, pending appraisement - -	10	0	0
Assessment, do. - -	20	0	0
Additional yearly payment, offered by way of premium (if any) - -	-	-	-
Total - - - -	£		

And in default of such payments, I agree to forfeit my deposit on this tender.

Given under hand, this day of A.D. 18 .

(*Signature of Applicant.*)

To the Honourable
the Minister for Lands, Sydney.

* "I," or "We," as the case may be. Insert names at full length.

† State residence and nearest post town.

‡ "I am," or "We are," as the case may be.

§ "I," or "We," as the case may be.

SCHEDULE REFERRED TO IN THE FOREGOING TENDER.

Pastoral District and General Locality.	Name of Run.	Estimated Area in Square Miles.	Estimated Pas- toral Capability.		Description of the boundaries of the run and of the marks or natural features by which such boundaries are indi- cated. (N.B.—This descrip- tion must be clear, detailed, and specific.)
			Cattle.	Sheep.	
			(Alone.)	(Alone.)	
			or		
			Cattle (and)	Sheep.	

DEPOSIT CERTIFICATE.

I certify that the sum of two pounds ten shillings sterling,
has this day been paid into the Colonial Treasury, by or on
behalf of _____ as the deposit on a
tender for a run.

Colonial Treasury, Sydney,
186 .

APPENDIX No. 36.

NEW SOUTH WALES.

No. IV.—AN ACT to amend the LAWS relating to the GOLD FIELDS.
[Assented to, 22nd November 1861.]

WHEREAS it is expedient to amend the laws relating to the Gold Preamble.
Fields: Be it therefore enacted by the Queen's most Excellent
Majesty, by and with the advice and consent of the Legislative
Council and Legislative Assembly of New South Wales in Par-
liament assembled, and by the authority of the same, as follows:—

1. From and after the commencement of this Act, the Act Repeal of 20 Vict.
twentieth Victoria, number twenty-nine, shall be repealed, except No. 29.
in so far as the same relates to or affects persons who shall mine Proviso.
or employ any person to mine for gold in any land belonging to a
private individual without the consent of the owner thereof or
his duly authorized agent.

2. In the construction of this Act, the following terms in Interpretation.
inverted commas shall have the meanings set against them respec-
tively, unless the context otherwise indicate:—

"Mine."—Any mode or method of working whatsoever, whereby the soil or earth, or any rock or stone, may be disturbed, removed, carted, carried, washed, sifted, smelted, refined, crushed, or otherwise dealt with for the purpose of obtaining gold, whether the same may have been previously disturbed or not, as well as the appropriation of such gold by the finder thereof to his own use.

"Gold."—As well any gold as any earth, clay, quartz, stone, mineral, or other substance containing gold, or having gold mixed therein, or set apart for the purpose of extracting gold therefrom.

"Gold Fields."—Those parts of the Crown lands of New South Wales which may be proclaimed as gold fields in the "Gazette."

"Claim."—The portion of land which each person or company shall be entitled to occupy, or to occupy and mine in, by virtue of any miner's right, licence, or lease issued under the provisions of this Act, and every holding whatsoever occupied by virtue of this Act.

"Business."—Any profession, trade, calling, or occupation, except mining, and any vending or disposing of any goods, wares, merchandise, or chattels, whether by hawking or in any other manner, except the hawking of milk, butter, vegetables, or other farm or garden produce.

"Authorized persons."—All Commissioners for the Gold Fields and Justices of the Peace; all holders of any licence or lease for pastoral purposes; all ministers of religion and schoolmasters, and any clerk, trooper, constable, or other person employed exclusively in the Government service, and the servants, clerks, or agents of such persons respectively there residing with, and in the actual employment of any of them, and all females and all children under fourteen years of age, who shall only reside and not mine for gold upon any gold field, or any person to whom the resident Commissioner shall think fit to grant a temporary exemption on account of sickness or other accident.

"Commissioner."—Any Commissioner, Assistant Commissioner, or Sub-Commissioner for the Gold Fields.

"Trespass."—Unlawful interference in any way whatever with any water right or other right or easement lawfully enjoyed under this Act.

"Alien."—Any person not being a British subject or a naturalized subject of Her Majesty.

"Chinese."—Any male native of China or its dependencies, or of any island in the Chinese seas, not born of British parents, or any male person born of Chinese parents.

Proclamation of gold fields.

3. The Governor may, with the advice of the Executive Council, declare by proclamation in the "Gazette" any Crown lands to be gold fields within the meaning and for the purposes of this Act.

Miner's right.

4. The Governor, with the advice aforesaid, shall, subject to

the provisions of this Act and the regulations to be made hereunder, cause a "miner's right" to be granted to any person applying for the same between the first of January and the thirtieth of June upon payment of a fee of ten shillings, and after the last-mentioned day in any year, upon payment of a fee of five shillings.

5. Every such "miner's right" shall be in force from the date thereof to the thirty-first day of December then next, and shall, during the said period, authorize the holder to mine for gold upon any Crown lands, and to occupy (except as against Her Majesty) for the purpose of residence in connexion with the object of mining, so much land as may be prescribed under the regulations aforesaid, and every such holder shall, during the continuance of such miner's right, be deemed in law to be the owner of the claim which shall be occupied by virtue of such miner's right, and during such continuance as aforesaid, all gold then being in and upon the said claim shall be deemed in law to be the absolute personal property of such holder: Provided always, it shall be lawful for the Governor, with the advice of the Executive Council, by proclamation, to order and declare that such miner's right shall authorize aliens described in such proclamation to mine for gold upon such gold fields, or at such places only as shall be named in such proclamation.

Duration and effect of miner's right.

6. The Governor, with the advice aforesaid, may, subject to the provisions of this Act and the regulations aforesaid, cause a licence to be granted to any person applying for the same between the two first-mentioned days aforesaid, on payment of a fee of one pound, and after the last-mentioned day on payment of a fee of ten shillings, which licence shall be in force till the then next thirty-first day of December, and shall authorize the holder to occupy lands for the purpose of carrying on business upon any gold field during such period.

Business licences.

7. The Governor, with the advice aforesaid, may, subject to and in accordance with the laws in force for the time being respecting Crown lands of the colony, and the provisions of this Act, and the regulations aforesaid, grant leases for mining purposes of portions of auriferous lands, and fix the amount to be paid by way of rent, whether as a royalty or otherwise.

Leases of auriferous lands.

8. Every alien, not being an authorized person, who shall mine for gold, or become resident on any gold field without a miner's right as aforesaid, shall be liable, on conviction before a Justice of the Peace, to a penalty not exceeding five pounds for the first such offence, and not exceeding ten nor less than five pounds for the second and subsequent offences; and any Justice of the Peace or police constable may arrest any alien who shall be so found upon any gold field, and forthwith take him before some Justice to be dealt with.

Aliens not authorized liable to penalty.

9. Any person not holding a miner's right, lease, or licence under this Act, shall not mine for gold, or possess any claim on any gold field, and shall not work for any other person, whether or not the lawful possessor of any such claim, or as partner with any such person, and every such lawful possessor by whom he

Unauthorized persons prohibited.

shall be employed as partner, or with whom he shall so work, shall absolutely forfeit his claim, unless such claim shall be held by virtue of a business licence, or by a lease, in which last-mentioned case the Governor may, with the advice aforesaid, remit such forfeiture.

Penalty for carrying on business without licence, &c.

10. Any person not holding a business licence who shall occupy any Crown land on any gold field for the purposes of business, or shall carry on business thereon, and any person, whether lawfully so occupying or not, who shall employ an unauthorized person in such business, shall, on conviction before a Justice of the Peace, be liable to a penalty not exceeding five pounds for the first such offence, and not exceeding ten pounds nor less than five pounds for the second or any subsequent such offence.

Partial suspension of pastoral leases extending over gold fields.

11. When any gold mine or gold field shall have been discovered upon any Crown lands then under lease or licence for pastoral purposes, the Governor, with the advice aforesaid, shall suspend such lease or licence, so far as may be necessary for the accommodation of the horses, cattle, and sheep required for the subsistence and convenience of any persons holding miner's rights, leases, or licences, and for the supply of water and otherwise for effectually working the said gold mine or gold field, and shall thereupon return or remit to the lessee such portion of the rent of such lands as may be reasonable and just.

Passage of water through freehold property.

12. The Governor, with the advice aforesaid, may authorize the passage of any water for gold mining purposes through any freehold lands, and also the passage of any water or liquid discharge from gold mining operations through any such lands : Provided that the possessor of any such lands shall be entitled to full compensation for any loss thereby sustained by him.

Commissioners to be appointed.

13. The Governor, with the advice aforesaid, may appoint Commissioners, who shall have power and authority, subject to the provisions of this Act and the regulations to be made hereunder, to determine the extent and position of the claim to which each person or company is entitled under any miner's right, lease, or licence issued under the provisions of this Act, and to mark such extent, and to do all other acts, matters, and things required of him by this Act or by the regulations aforesaid.

Regulations may be made.

14. The Governor, with the advice aforesaid, may from time to time make such regulations, not being contrary to the provisions of this Act, as shall appear necessary for regulating the form of miner's rights, leases, and licences to be issued under this Act, the mode, times, dates, and places of the issues thereof, the conditions on which the same shall be issued, the mode of transferring or assigning the same, and of prohibiting any such transfer or assignment, and generally for the purpose of carrying the provisions of this Act into execution, and may by such regulations repeal or alter any existing rules or regulations ; and any person being duly convicted before a Justice of the Peace of a breach of any such regulation, or of any order made by a Commissioner in virtue thereof, shall forfeit and pay for the first offence a penalty not exceeding five pounds, and for the second and subsequent offences not more than ten pounds, and any such penalty shall be

irrespective of any forfeiture of claim as may be therein provided ; and all such regulations, when published in the "Gazette," shall have the force of law : Provided that all rules and regulations heretofore lawfully made and subsisting at the commencement of this Act, and not inconsistent herewith, shall have the force of law until repealed, altered, or superseded by any regulations made and published as aforesaid : Provided also, that all regulations to be so made shall be laid before both Houses of Parliament within fourteen days after their publication if Parliament be in session, and if otherwise within a like period after the opening of the then next session.

15. Any Justice of the Peace, being a Commissioner, upon the complaint of any person holding a miner's right, lease, or licence under this Act, that any other person has encroached or trespassed upon his claim, may proceed forthwith to the spot to investigate the matter of such complaint, or otherwise inquire into the case, and may on his own view, or the oath of any witness, determine the same in a summary way, and if it shall appear to such Justice that the person complained against has so encroached or trespassed by occupying, mining, or undermining such claim, or in any other way whatsoever, or that the person complaining has so encroached or trespassed upon the claim of the person complained against, such Justice may cause the person so found to have encroached, his servants, implements, goods, and chattels, to be removed from the claim so encroached upon, or direct the discontinuance of such trespass, or may, if he shall see fit at any time after the complaint made, prohibit the working of such claim by any or either party until the dispute shall be finally decided ; and any such Justice of the Peace shall have like power to summon and compel the attendance of witnesses for the hearing of any such complaint as is exercised by a Justice according to the Act eleventh and twelfth Victoria, chapter forty-three.

Remedy for encroachment before Justice.

16. Any such complainant, or person complained of, or such Justice, previous to the hearing of any such complaint, may require that two persons holding the miner's right or a lease under this Act shall assist such Justice as assessors, and thereupon such Justice shall summon four persons duly qualified as aforesaid, and shall select by ballot two from amongst those who may attend at the time appointed, and shall administer to such persons as may be selected an oath to the effect that such persons severally will well and truly inquire into the matter of the complaint then submitted, and a true finding and decision give according to the evidence, and such persons so sworn shall be and act as assessors, and such Justice and assessors shall hear and determine such complaint of encroachment or trespass, and shall also find whether any and what gold has been unlawfully or improperly removed from such claim, and whether any and what damage has been sustained by such encroachment or trespass, and the decision of the majority shall be binding.

And assessors.

17. Such Justice and assessors, upon the hearing of any complaint as aforesaid, and upon proof of any gold having been removed as aforesaid (of which any finding as aforesaid shall be sufficient

Compensation for encroachments or trespass.

evidence) may cause any such gold taken or removed from such claim to be summarily seized and delivered to the person encroached upon, and may also cause the whole or any part of the damages ascertained as aforesaid, to an amount not exceeding one hundred pounds, to be paid by the person so having encroached or trespassed, to be recovered by distress and sale of the goods and chattels of such person in manner prescribed by law for the recovery of any sum adjudged by Justices of the Peace as a pecuniary penalty or compensation: Provided that no person shall be imprisoned for default in payment of such damages for a longer period than three months: Provided also, that nothing herein contained shall prejudice the right of any person to resort to any remedy which he may already have at law or in equity.

If assessors do not attend Justice may adjourn or proceed alone.

18. In the event of the non-attendance of the requisite number of assessors at the appointed time, the Justice present shall, if required by either party, adjourn the hearing of the complaint; and if at the time to which the same shall have been adjourned there shall not be a sufficient number of assessors in attendance after due summons, such Justice may proceed to hear and decide with one such assessor, if one shall be in attendance, or without any assessor, if none be present; and the acts and decision of such Justice and assessor, or of such Justice alone, if no assessor be in attendance, shall be as valid and effectual as if the regular number had been in attendance and had acted with such Justice.

Fees may be demanded.

19. Previously to the hearing of any complaint as aforesaid, if assessors be required, the Justice shall demand and receive from the complainant the fee of twenty shillings, and may refuse to attend to any such complaint until such fee shall have been paid: Provided that if the decision shall be against the person complained against, such person may be ordered to repay such fee to the complainant, and the determination by whom the fee is to be paid shall in every case form part of the decision of such Justice and assessors, and such fee may be recovered in manner herein directed in regard to any compensation awarded to any complainant.

Penalty for non-attendance, &c. as assessor.

20. If any person holding the miner's right, or a lease issued under the provisions of this Act, having been duly summoned, shall disobey such summons, and fail to attend at such time and place as may be named therein, or to be sworn as aforesaid, such Justice, upon proof that such person was duly summoned, or having been summoned, that he refused to be sworn, unless some reasonable cause for non-attendance or refusal of such person be made to appear to such Justice, may impose a fine not exceeding five pounds, which fine may be levied and appropriated in like manner as other fines imposed by virtue of this Act; and every person who shall attend in obedience to any such summons, and be sworn to act as assessor, shall be entitled to demand and receive the sum of ten shillings for the hearing of such complaint out of the fee to be paid by section twenty of this Act.

Penalty for resisting officers, &c., and renewed encroachment.

21. Every person who shall assault or resist any Commissioner or Justice of the Peace, or any assessor, or any person duly authorized, whilst in the execution of any duty under this Act,

or who after the hearing and determining of any complaint as aforesaid, and having had the boundaries of his claim or his mode of operation pointed out by any such Justice of the Peace, being a Commissioner, shall again encroach or trespass as aforesaid, or who shall work or attempt to work any claim or ground, or pursue any operation, the working or pursuit of which shall have been duly enjoined or suspended under this Act, shall, upon conviction before any two Justices of the Peace, be liable to a penalty not exceeding twenty-five pounds, or at the discretion of the adjudicating Justices be imprisoned, with or without hard labour, for any period not exceeding three months.

22. It shall be lawful for the Governor at any time, on the recommendation of one Gold Commissioner and of one Justice of the Peace other than such Commissioner, to direct that a publican's licence for any place on a gold field be issued to the person so recommended, upon his entering into the recognizances and paying the duty required by the Licensed Publicans' Act, and in such cases it shall be in the discretion of such Commissioner and Justice to exempt, during the six months next after the issuing of such licence, the licensed person from providing the whole or such part as they shall think fit of the accommodation required by law to be provided for the public convenience in ordinary licensed public houses.

Establishment and control of licensed public houses on the gold fields.

23. Upon petition of not less than one hundred persons holding miners' rights or leases under this Act on any gold field, the Governor, with the advice aforesaid, may by proclamation declare such gold field to be a district for the purpose of forming a local court, with the powers and authority herein-after described, and may declare the name of such district and define the limits thereof; and after the publication of any such proclamation, the locality so described shall be and become such district: Provided that no such court shall be established if within sixty days of the notification in the "Gazette" of any such petition, a counter petition, bearing the signatures of a larger number of persons, duly qualified as above, shall have reached the office of the Minister for Lands: Provided also, that the Governor may, with advice aforesaid, abolish such court on a petition bearing the signatures of qualified persons in number three times greater than originally petitioned for the same.

District may be proclaimed for purpose of local court.

24. Every such court shall consist of eight persons holding respectively a miner's right or a lease under this Act, and who shall be elected as herein-after provided.

Constitution of local court.

25. The eight persons so elected as aforesaid shall at their first meeting proceed to elect one of their number to be chairman, and shall continue members of such court for twelve months from the date of such election, unless they shall sooner retire or cease to be members, as herein-after provided, and five of such members shall form a quorum, and the acts of such quorum shall be deemed to be the acts of the whole court, and in all proceedings the decision of the majority shall be the decision of such court, and in case of an equality of votes the chairman shall have an additional or casting vote.

Members of court.

Proceedings to
be taken by
Commissioner.

26. The Commissioner shall name a place and time by public notification, in such manner as may seem to him most desirable (the place being some convenient locality within the limits of the gold fields' district for which he shall be Commissioner, and the time being some day not less than seven nor more than fourteen days from the date of the first publication of such notice) when and where a public meeting will be held of persons residing within such district and holding the miner's right or a lease under this Act, for the purpose of electing eight persons holding such miner's right or a lease under this Act as are to be members of the local court. And at such time and place the said Commissioner shall attend and preside at such meeting, and any or every person present thereat being so qualified as aforesaid may propose any other person so qualified to be a member of such court, and if not more than eight such persons be so proposed, then the Commissioner shall declare such eight persons duly elected as members of such court, and they shall constitute such court accordingly. Provided that if more than eight such persons be so proposed, the said Commissioner shall proceed by the best means available to him to ascertain the actual number of votes in favour of each name proposed in the order in which they were proposed, and the eight persons receiving the largest number shall be declared elected. Provided also, that in case of any question arising as to the right of any person present to propose another, or to be proposed himself, or to vote, such Commissioner, or any person qualified as aforesaid, may demand the production by such person of his miner's right or lease under this Act, and if such person cannot produce either of such documents his vote or voice shall not be received or permitted. And in the event of the votes for any two candidates being equal, the Commissioner shall determine such election by giving a casting vote.

Local Courts
may frame rules.

27. Local Courts may appoint a clerk, and may frame rules for regulating the sittings and proceedings of such Courts, and may also frame rules not inconsistent with this Act for the better management of all local matters relating to mining within the district for which the members are elected, such rules to have effect only when they have received the assent of the Governor, with the advice aforesaid, and been published in the "Gazette," and such rules shall then have the like force as the regulations aforesaid.

Vacancies how
caused and how
filled.

28. Any member of such Court who shall absent himself from four consecutive meetings thereof, or shall send in his resignation in writing addressed to the Chairman, or shall in any way become incapacitated from attending such Court, shall cease to be a member of such Court, and the Chairman shall call a public meeting of persons qualified as aforesaid, for the purpose of electing some person to fill the vacancy thus caused, and at such meeting the same proceedings as nearly as may be shall be had and taken as at the first election of members; provided that so long as there is a quorum any vacancy or deficiency in the number of members of such Court shall not affect the proceedings thereof.

29. Fourteen days before the expiration of the twelve months Yearly Election. for which the members of such Court shall have been elected, the Chairman shall publicly notify a time and place for a public meeting to elect eight persons qualified as aforesaid to serve as members of the local Court, and at such meeting such Chairman shall preside, and the same proceedings shall be had and the same rules shall apply as at the first election of members, and the like proceedings shall be had at the end of every succeeding twelve months ; provided that any member then retiring shall, if otherwise qualified, be eligible to be re-elected ; provided also, that the omission to convene or hold any such meeting at the particular time herein-before directed shall not prevent such Chairman from convening such meeting at a later period, or such later meeting from proceeding to such election.

30. For any gold field or gold fields a Court of Appeal shall be established, and shall consist of a Chairman and two other persons Court of Appeal established. who have held miners' rights for six months, to be appointed by the Governor, with the advice aforesaid ; provided that if any member of such Court be concerned in any decision to be appealed against to any such Court of Appeal, or be absent, the Governor may appoint any other person to act in his stead ; and every member of such Court of Appeal shall be entitled to remuneration at the rate of one pound for every day of his actually sitting therein.

31. Every such Court of Appeal shall have power, on the application of any person holding a miner's right, lease, or licence, and on payment of a fee of three pounds, to entertain any appeal against any decision, order, or award made under this Act by any justice of the peace being a Commissioner or justice, and assessors relating to any encroachment or trespass, and to revise or to reverse the same, and to make order for the repayment of the fee to the appellant, and to award reasonable costs ; and, pending the hearing of any such appeal, the chairman shall have power to suspend the operation of any decision, order, or award of any such justice, and to prohibit all working by any person concerned during such suspension ; and such Court shall be entitled to administer an oath, and to compel the attendance of witnesses, and to regulate its mode of procedure in like manner as justices in petty sessions ; and to fix its time and place of sitting, and the decision of the majority shall be deemed to be the decision of such Court : and no proceedings of such Court shall be quashed for want of form, or be removed by *certiorari*, and any lawful decision, order, or award of such Court, or any order of the chairman thereof, shall be enforced as by this Act provided for enforcing the decision of a justice of the peace being a Commissioner, or as by law now provided for enforcing any order or award of justices in their summary jurisdiction. Powers of Court of Appeal.

32. Any justice of the peace, being also a Commissioner, Justices may entertain partnership questions. may, upon complaint made by the holder of any miner's right, lease, or licence under this Act, who is or has been while such holder engaged in a mining partnership, touching any dispute or question regarding such partnership, may issue process to procure

or compel the appearance before him of the members of such partnership as shall appear necessary, and upon such appearance, or in default thereof, after due service of such process, or in the absence of such members as shall not appear to be necessary parties to such case, he may inquire into and hear such complaint or application, and may make such order relating to the mode of working any claim or the due division thereof as to him shall seem meet.

Assessors may also be summoned in other cases.

33. The foregoing provisions relating to assessors as applied to cases of encroachment or trespass, may, at the instance of the complainant, or the person complained against, or of the justice himself, be applied to the case of any other complaint or information under this Act.

Punishment for forgery and personation.

34. Any person who shall forge any miner's right, licence, or lease issued or purporting to be issued under the authority of this Act, or fraudulently use, utter, or exhibit any such forged miner's right, licence, or lease, knowing the same to be forged, or fraudulently personate the holder of any such miner's right, lease, or licence, or falsely and fraudulently represent that any servant or other person is an authorized person within the meaning of this Act, or fraudulently use or exhibit as his own any miner's right, licence, or lease belonging or granted to any other person, or use or exhibit as a valid miner's right, lease, or licence, any miner's right, licence, or lease which shall have expired, shall be deemed guilty of a misdemeanor.

Punishment for fraud.

35. Any holder of a lease issued under the provisions of this Act who shall by any fraudulent device or contrivance defraud or attempt to defraud Her Majesty, or any person authorized to receive the same, of any money or gold payable or reserved by such lease, or conceal, or make a false statement as to the amount of any gold procured by him, or falsify any account with a fraudulent intent, shall be deemed guilty of a misdemeanor; and all officers and servants of such holder and other persons whosoever who shall knowingly be concerned in any such fraud or attempted fraud, whether with or without the knowledge or concurrence of such holder, shall in like manner be deemed guilty of a misdemeanor.

Royal prerogative not interfered with.

36. Nothing in this Act shall, except so far as herein expressly enacted, be deemed to abridge or control the prerogative rights and powers of Her Majesty the Queen, her heirs and successors, in respect of the gold mines and gold fields of the colony.

Summary proceeding.

37. All proceedings for any infringement of any of the provisions of this Act, or of any of the regulations or rules lawfully established as aforesaid, and the hearing and determining of which is not herein otherwise specially provided for, shall be had and taken by and before any two justices of the peace in a summary way, and no such proceedings shall be removed by *certiorari* into the Supreme Court.

Appeal against Fines to District Court.

38. Any person ordered or adjudged to forfeit or pay any fine, penalty, or sum of money amounting to ten pounds or upwards, who shall feel himself aggrieved by the order or conviction of any justice or justices and assessors, may appeal from any such

order or conviction to the next district court which shall be held nearest to the place where such order or conviction shall have been given or made, upon his complying with the provisions of the law in force for the time being in reference to appeals.

39. All fees or other moneys levied under this Act, unless otherwise expressly appropriated, shall be paid over to the Colonial Treasurer, and become a part of the consolidated revenue fund of the colony. Appropriation of fees.

40. This Act shall be styled, and may be cited, as "The Gold Fields Act of 1861." Short Title.

APPENDIX No. 37.

CONDITIONAL GRANTS OF LAND FOR COTTON CULTIVATION.

Colonial Secretary's Office,
Brisbane, 1st August 1861.

His Excellency the Governor, with the advice of the Executive Council, and in accordance with resolutions of the Legislature, is pleased to declare that the following regulations for the granting of suitable portions of land to persons or companies, undertaking the cultivation of cotton, shall have the force of law from and after the 10th day of August 1861.

By his Excellency's command,
ROBERT G. W. HERBERT.

REGULATIONS.

1. The land to be held by any one person or company under these regulations, must be comprised within one block of not less than 320, nor more than 1,280 acres.
2. The situation and general boundaries of the land applied for must, in the first instance, be notified to the Surveyor-General; and the Government reserve the power of refusing to grant such land as for public reasons it may be deemed unadvisable to alienate in the manner herein provided.
3. On the approval of an application, the applicant must deposit in the Treasury, in Brisbane, the amount of two shillings for every acre applied for; and on such amount being duly deposited, an authority to occupy the land will be issued, subject to the conditions herein-after mentioned.
4. Should the land not already have been surveyed for sale, the application will only be approved of conditionally, until the survey has been duly completed, in accordance with the rules of the survey department, and by a Surveyor, to be approved by the Surveyor-General, and such survey shall be at the sole cost of the party applying.
5. If within two years from the date of the authority to occupy, the occupant shall produce to the Commissioner of Crown Lands

for the district, or such other officer as the Governor may appoint, satisfactory evidence that at least one-tenth part of the land has been planted with cotton, and that a sum in the proportion of at least 5,000*l.* to 640 acres, has been *bonâ fide* expended in clearing, fencing, cultivation, or improvements connected with the production of cotton on the land, the deposit of two shillings per acre will be returned, and a deed of grant in fee issued to the occupant.

6. But if at the expiration of two years from the date of the authority to occupy, the occupant fail to produce satisfactory evidence of said expenditure and cultivation, the amount of deposit will be forfeited, and the land, together with all improvements thereon, revert to the Government; provided, that in the event of the sum expended, and the land under cotton crop, being not less than one-half the amount required by the aforesaid regulations, the occupant may defeat the forfeiture of the land by paying the amount of *1*l.** for every acre not duly covered by such expenditure as aforesaid, but the deposit of two shillings per acre will be absolutely forfeited.

7. No applications to occupy under these regulations will be received after the 10th day of August 1863, unless by special notice in the "Government Gazette," extending the period for the receipt of such applications.

APPENDIX No. 38.

TASMANIA.

ABSTRACT of the Principal Clauses of the Waste Lands Act of Tasmania, prepared by J. E. Calder, Esq., Surveyor-General and Commissioner of Crown Lands.

Classification of Lands.

Clause 7 divides the waste lands into three classes; namely, the first class or town lands, to comprise all lands that lie within the limits of any existing town or village, or which may exist hereafter; as also all lands that lie within five miles of the nearest boundary of either Hobart Town or Launceston. The second class or agricultural lands, to comprise all lands which the Governor in Council shall proclaim to be "agricultural divisions," or which the Commissioner may consider suitable for cultivation. The third class or pastoral lands, to comprise all lands that are suitable for pasture only.

Lowest Upset Price.

Clause 9 fixes the lowest upset price that shall be charged for waste lands at 10 and 20 shillings per acre, namely, 10 shillings

for any waste lands that have never been held under a grazing licence; and 20 shillings for all other waste lands, excepting town lands. But when any waste lands have been offered for sale by auction, and not sold, and have afterwards been exposed to sale for six months by private contract, and are still unsold, the Commissioner may then lower the upset price.

Sale by Auction.

Clause 10 directs that all waste lands may be sold by auction.

(This does not, of course, apply to lands held under the "quiet enjoyment" clause of the Regulations of 1851, about 665,000 acres.)

Clause 11 directs that all town lands shall be sold by auction only.

Clause 12 forbids the sale of any unsurveyed land.

Clause 13 fixes the maximum area of auction lots as follows:—

Agricultural lands	-	-	-	160 acres.
Pastoral lands	-	-	-	1,280 acres.

Clause 14 directs the Commissioner to advertise in the Gazette the time and place of all Government land sales, and to describe every lot to be sold, and to state its upset price also; these to be continued (in the Gazette) from one to three months.

Clause 15. Commissioner to fix the upset price of all lands to be sold by auction; and in the cases of lands that have been offered for sale, but which were not then sold, he may alter the upset prices of them at any future sale, either increasing or lowering them according to circumstances; but he is never to fix the prices below those named in clause 9, viz., 10 and 20 shillings the acre.

Clause 16. No lands shall be sold by auction below the upset price.

Sale by Private Contract.

Clause 17. Land may be sold by private contract.

Clause 18. Within 21 days after every auction sale of waste lands of the 2nd and 3rd classes, the Commissioner shall make out a list of the lands unsold at such sales, with also their upset prices, and shall publish the same in the Gazette, prefixing a notice that after fourteen days the same will be open to sale by private contract to any person whatever at the upset price, and that they will continue thus open to private offer for one year after the auction, unless again advertized for sale by auction. But if more than one applicant offer at the same time for the same lot, it will not then be sold to either of them, (privately at least), but will be put up to auction again as soon as possible.

Clause 19. The Commissioner (after the receipt of the survey-fee and the completion of the survey) may sell, by private contract, one plot of land to any person whatever for one pound the acre; no such plot, however, to exceed 320 acres.

Town lands, lands required for irrigation or other public purposes, lands that were held under a grazing or occupation licence

on the 1st December 1857, and lands under advertisement for sale by auction, are exempt from the operation of this clause.

No person who has once selected to the extent of 320 acres privately under the 19th section can do so again.

(This clause, which has worked so favourably, has done so, nevertheless, under very adverse circumstances, as its operation is confined to so small a section of the territory, the following classes of lands not being reached by it:—

	Acres.
In private possession before 1858, about	- 2,879,448
Held under the "quiet enjoyment" right	- 655,000
Other ordinary land under lease on the 1st December 1857	- 1,143,157
Islands in Bass's Straits under lease at the same date, about	- 1,000,000
Towns and Government reserves, about	- 274,000
Unsettled waste lands districts, about	- 5,000,000)

Clause 21. The grant-deed not to be issued nor possession to be given of selected land until it has been surveyed, and until the purchase-money has been paid, except where credit has been taken, when possession may be had on payment of deposit.

Conditions of Payment of Purchase-money.

Clause 23 allows credit to purchasers by auction, if demanded at time of sale. If, however, credit be not required, the terms of payment are then as follows:—That one-fifth of the purchase-money be paid down at the time of sale and the remainder in one month, otherwise both the land and the deposit paid on it will be forfeited.

Clause 24 directs that purchasers of land by private contract may either pay cash at the time of signing the contract, or, at their option, take credit on the terms hereafter mentioned.

Clause 25 publishes the terms of credit allowed to purchasers of town lands; namely, a sum equal to one-tenth of the sale price of the land having been added to that price, the whole shall constitute the cost thereof; the purchaser shall then deposit one-fourth part of the whole at the time of sale, and shall contract to pay, and shall pay, the remainder in three equal annual instalments; the first of which three shall be paid at the expiration of one year after the sale.

(Example.—Where the sale price amounts to (say) 100*l.*—

<i>Town Lands.</i>	£	s.	d.
Sale price	100	0	0
One-tenth added for credit (100 <i>l.</i> + 10)	110	0	0
Deposit at sale one-fourth of the whole: one-fourth of 110 <i>l.</i>	27	10	0
Balance by three instalments	82	10	0
Amount of each instalment	27	10	0)

Clause 26 publishes the terms of credit to be allowed for agricultural or pastoral lands; namely, a sum equal to one-fifth

of the sale price of the land being added to that price, the whole shall constitute the cost thereof; the purchaser shall then deposit one-fifth part of the whole at the time of purchase, and shall contract to pay, and shall pay, the remainder in eight equal annual instalments; the first of which must be paid at the expiration of one year from the time of sale or signing the contract.

(Example.—Where the sale price amounts to say 100*l.*—

Agricultural and Pastoral Lands.

	£	s.	d.
Sale price - - - - -	100	0	0
One-fifth added for credit, 100 <i>l.</i> + 20 - - - - -	120	0	0
Deposit at sale one-fifth of the whole : one-fifth of 120 <i>l.</i> - - - - -	24	0	0
Balance by eight instalments - - - - -	96	0	0
Amount of each instalment - - - - -	12	0	0

Clause 27. In default of the payment of any instalment, the land and all previous payments shall be forfeited where the delay has reached sixty days.

Clause 28. In default of payment, the Commissioner to advertise that the land is to be sold by auction.

The Commissioner to buy in the land at a price not exceeding the unpaid balance and the deposit.

If, however, the land should sell for more than the unpaid balance and the deposit, the surplus will then be paid over to the original purchaser on the warrant of the Governor.

If the land be bought in, it shall then become ordinary waste land, and shall be dealt with as though it had never been sold.

Clause 29 allows a credit purchaser to pay off the purchase-money at any time he pleases during the term allowed for payment, where there has been no default in the payment of any instalment.

Clause 30 disallows credit on any purchase where the price is under forty pounds.

(Every lot for which credit is claimed must have cost 40*l.* It cannot be demanded for two or more lots whose united value makes up the required sum.)

Clause 31 forbids the transfer of any lot so long as any of the purchase-money remains unpaid, unless the Commissioner gives his consent in writing.

A purchaser of waste land becoming insolvent before completing a purchase, to forfeit the land and all preceding payments made on it. The forfeited land to be dealt with as ordinary waste land.

(The Waste Lands Act comprises 52 clauses; but those that are omitted from this abstract are of trivial interest to the immigrant, and have therefore been unnoticed).

APPENDIX No. 39.

NOVA SCOTIA.

Regulations for the Leasing of Mines established by his Excellency the Lieutenant-Governor in Council.

1. The Governor in Council will, upon application through the Crown Land Office, and upon payment of the sum of twenty dollars currency into the office of the Receiver General, grant licence to enter upon any lands in this province, and to dig and explore for such minerals as the Crown holds for the benefit of this province, a bond being first given by the applicant or applicants to the Commissioner of Crown Lands, with sufficient sureties, to be approved by the Governor in Council, that in the event of entry being made upon private lands, recompence shall be made for damages, in pursuance of the Act to amend chap. 27 of the revised Statutes to regulate the mines of the province; the said licence not to exceed the period of one year, and shall contain a description of the locality and its boundaries and extent over an area not more than five square miles, nor with a less breadth than two miles. The applicant to have the privilege of selecting such portion thereof under the restriction mentioned in the next regulation as may be necessary and convenient for the purpose of working the mines and minerals therein. The search is to be faithfully made, free of all expense to Government, and a report of the result transmitted with all convenient speed to the Commissioner of Crown Lands for his Excellency's information.

2. The selection being made, the applicant shall communicate the same to the Commissioner of Crown Lands, with a petition for a licence to work the mine within the limits selected, and shall pay the sum of fifty dollars into the office of the Receiver General, whereupon an order of survey shall issue to the principal deputy surveyor for the county to lay out, at the cost of the applicant, the portion selected, which shall not exceed one square mile, and shall be in one block, as near the form of an oblong square as possible, the length of which shall not exceed two and a half miles, who shall report the same to the Commissioner of Crown Lands; and, upon such report being approved by the Lieutenant-Governor in Council, a licence to work the mines and minerals within the limits of the said survey shall forthwith be granted to the applicant; and if effective operations be made in opening a mine and working minerals therein, within two years from the date of the licence, and if the applicant, or those representing him, within the same period, shall renew the application in writing, a lease to terminate in the year 1886 shall be given him of the mines and minerals within the said area. If effective operations be not commenced within the said period of two years, or shall not afterwards be continued, the licence in the one case

and the lease in the other shall determine, and the property revert to the Crown.

3. Any person applying to the Governor in Council for a licence of occupation to work mines and minerals when no licence of search shall previously have been applied for, on filing for the approval of the Lieutenant-Governor in Council in the office of the Commissioner of Crown Lands a description of the area applied for, in conformity with the instructions in Regulation No. 2, shall, on his Excellency's approval of the area applied for, be entitled to a licence of occupation, and subsequently to a lease, in the manner and on the terms defined in Regulation No. 2.

4. All licences and leases of mines and minerals shall be subject to a royalty to the Crown for the use of the province on the produce thereof, after it has been brought into marketable condition, yearly from such time as shall be determined, as follows, that is to say: of five per cent. of all ores and minerals, except iron and coal, of fivepence currency on every ton of iron, and of sixpence currency on every ton of 2,240 lbs. of coal, with such guards for ensuring adequate working as may be deemed necessary.

5. There shall be a map of the province kept in the office of the Commissioner of Crown Lands, with all the mineral grounds marked thereon, which shall be opened to the inspection of the public.

6. In the granting of licences or leases, there shall be reserved a space of fifty yards in width between the lines of the respective grantees. But, on the application of both parties interested, the Governor in Council may by special order license the working of such reservation on such terms and in such manner as may be just and reasonable.

APPENDIX No. 40.

NOVA SCOTIA.

RULES AND REGULATIONS to be observed respecting claims for working the Gold Fields in the several localities, where they have been discovered.

1st. With respect to the privilege of prospecting for gold or any other minerals over private property, liberty must first be obtained from the Commissioner of Crown Lands, the deputy on the spot, or the proprietor; the mines and minerals being vested in the Government: the right of entry to work these can be enforced if the proprietor refuses his consent.

2nd. Adopting the practice of other countries, all lots will be laid out in a rectangular shape, and marked at the four corners by four stakes firmly fixed in the ground, or by holes drilled in

the solid rock; each lot to have the number marked on one or more of the pegs, or affixed in some other substantial manner.

3rd. All measurements of area to be made horizontal, and the miner in following the vein or seam and its spurs or dips, should not work beyond the limits of his licence, which are to be fixed by lines drawn vertically from the surface boundaries.

4th. The size of the lots may be either three-quarters of an acre, or 250 by 140 feet, as applicants may require; one hundred and forty feet with the lead, and two hundred and fifty feet across; the lot of three-quarters of an acre to be laid out in the same proportion. Lots may also be laid out if required 33 by 30 feet.

5th. Applicants are required to pay for the larger lots one hundred and sixty dollars, which is to be taken for the first year's rent: the first instalment of forty dollars to be paid down, and the remainder one hundred and twenty dollars in ninety days. For the smaller lots, the annual rent will be twenty dollars, five dollars down, and the balance in ninety days.

6th. The survey of each area to be made at the expense of the Government, and one-fifth of the rent received to be paid to the proprietor of the land, provided he gives his assent to the working of the mines within the licensed area.

7th. A minute of every licence to be entered in a book to be kept by the Local Commissioners, the licence to be signed by the applicant, and by the Commissioner of Crown Lands, and no licence shall be assignable without the assent of the Commissioner of Crown Lands.

8th. A printed form will be prepared for applications, and as a general rule they will be granted in the order in which they are presented, containing proper reservations for roads and right of way, and liberty to the Government at the expiration of the first year to substitute a royalty of five per cent. for the right reserved.

SAMUEL P. FAIRBANKS,
Commissioner of Crown Lands.

Department of Crown Lands,
30th September 1861.

APPENDIX No. 41.

NOVA SCOTIA.

GOLD FIELDS.

Additional Regulations to be observed.

1. The system acted upon at the Lunenburg diggings, of granting lots 30 by 33 feet for \$20, will be continued as regards all land lying south of the base line at the Ovens.

Parties, however, not limited as to number of lots.

2. Larger areas, not exceeding three-fourths of an acre, or five acres, may be granted on the north of that line.

The price of small lots as heretofore.

3. Areas of five acres will be hereafter leased, with the above exception, wherever they may be applied for.

Parties applying—

To purchase the rights of proprietors, where the land is private property ;

To respect the claims of those who have worked upon the same ;

Define the limits of the lot ;

And pay four hundred dollars :

One fourth on making the application ;

One-fourth in three months after ;

And the remainder at such time as shall be hereafter appointed.

4. A further instalment of twenty-five per cent. of the original amount, on all claims taken previously to this date, to be called for in three months from the date of the first instalment.

5. Land, for roads, to be reserved in all leases.

SAMUEL P. FAIRBANKS,

Commissioner of Crown Lands.

Department of Crown Lands,
26th October 1861.

APPENDIX No. 42.

BRITISH COLUMBIA.

PROCLAMATION.—No. 9, A.D. 1861. By his Excellency JAMES DOUGLAS, Companion of the most Honourable Order of the Bath, Governor and Commander-in-Chief of British Columbia and its Dependencies, Vice-Admiral of the same, &c., &c.

WHEREAS, under and by virtue of an Act of Parliament made and passed in the session of Parliament held in the 21st and 22nd years of the reign of Her Majesty Queen Victoria, entitled "An Act to provide for the Government of British Columbia," and by a Commission under the Great Seal of the United Kingdom of Great Britain and Ireland, I, James Douglas, have been appointed Governor of the said Colony, and have been authorized by proclamation under the public seal of the said colony to make laws, institutions, and ordinances for the peace, order, and good government of the same :

And whereas it is expedient to amend and consolidate the laws affecting the settlement of unsurveyed Crown lands in British Columbia :

Now, therefore, I do hereby declare, proclaim, and enact as follows :

I. The proclamation issued by me, under the public seal of the said colony, dated the 4th day of January 1860, and the Pre-
Repeal of former proclamations.

emption Amendment Act, 1861, and the Pre-emption Purchase Act, 1861, are hereby repealed.

Purchasers since the 20th June to hold on the ordinary terms of pre-emption.

II. All purchasers of unsurveyed land in British Columbia, who shall have made their purchases subsequently to the 20th day of June 1861, and previously to the 27th day of August 1861, shall hold the land purchased under precisely the same terms and conditions of occupation and improvement as are mentioned in the said proclamation of the 4th day of January 1860, with regard to lands pre-empted without purchase.

British subjects and aliens who shall take the oath of allegiance, may acquire the right to hold land, and to purchase the same when surveyed, on certain conditions.

III. That from and after the date hereof, British subjects and aliens who shall take the oath of allegiance to Her Majesty and her successors, may acquire the right to hold and purchase in fee simple, unoccupied and unsurveyed and unreserved Crown lands in British Columbia, not being the site of an existent or proposed town, or auriferous land available for mining purposes, or an Indian reserve or settlement, under the following conditions:—

The settler shall enter into possession and record his claim to any quantity not exceeding 160 acres.

IV. The person desiring to acquire any particular plot of land of the character aforesaid, shall enter into possession thereof, and shall record his claim to any quantity not exceeding 160 acres thereof, with the magistrate residing nearest thereto; paying to the said magistrate the sum of eight shillings for recording such claim.

A holder of land may acquire additional land contiguous to the 160 acres, by paying an instalment of the purchase money.

V. Any person in possession of 160 acres of land as aforesaid, may acquire the right to hold and purchase any further tract of unsurveyed and unoccupied land aforesaid, over and above the quantity of 160 acres aforesaid, and contiguous thereto, upon payment to the nearest magistrate of the sum of 2s. 1d. per acre for the same, as and by way of instalment of the purchase money to be ultimately paid to the Government upon the survey of the same land.

Proposing purchaser shall hold and record.

VI. Any person so paying such deposit shall enter into possession and record his claim to such last-mentioned tract of land, in manner herein-before prescribed.

Description of the land, how to be stated.

VII. The claimant shall in all cases give the best possible description of the land to the magistrate with whom his claim is recorded, together with a rough plan thereof, and identify the plot in question by placing at the corners of the land four posts, and by stating in his description any other land-marks of a noticeable character.

Rectangular shape or as nearly as possible proportion of the lines.

VIII. Every piece of land sought to be acquired under the provisions of this proclamation shall, save as herein-after mentioned, be of a rectangular shape, and the shortest line thereof shall be at least two-thirds the length of the longest line.

Natural boundaries may be adopted in certain cases.

IX. Where the land sought to be acquired is in whole or in part bounded by mountains, rocks, lakes, swamps, or the margin of a river, or by other natural boundaries, then such natural boundaries may be adopted as the boundaries of the land sought to be acquired, and in such case it shall be sufficient for the claimant to show to the satisfaction of the magistrate, that the said form conforms as nearly as circumstances permit to the provisions of this proclamation.

X. If the land sought to be acquired be bounded by a claim, the line of such claim may be adopted by the person so seeking to acquire, notwithstanding any irregularity in such line which may have been occasioned by the adoption of a natural boundary by the claimant of the adjacent claim.

Lines of adjacent claims may be adopted.

XI. Where a piece of land is partially or entirely enclosed between two or more claims, the claimant may acquire such enclosed piece, notwithstanding any irregularity of form, or disproportion in length of any of the sides.

Enclosed spaces may be adopted notwithstanding any irregularity of shape.

XII. The boundaries shall run as nearly as possible by the cardinal points of the compass.

Boundaries to run as nearly as possible according to the points of the compass.

XIII. When the Government survey shall extend to the land claimed, the claimant who has recorded his claim as aforesaid, or his heirs or devisees, or in the case of the grant of a certificate of improvement herein-after mentioned, the assigns of such claimant shall, if he or they shall have been in continuous occupation of the same land from the date of the record aforesaid, be entitled to purchase the land so acquired, or in respect of which such deposit shall have been paid as aforesaid, at such rate as may for the time being be fixed by the Government of British Columbia, not exceeding the sum of 4s. 2d. per acre.

Purchase on survey.

XIV. When the claimant, his heirs or devisees, shall prove to the nearest magistrate, by the evidence of himself and of third parties, that he or they has or have continued in permanent occupation of the claim from the date of record, and has or have made permanent improvements thereon to the value of 10s. per acre, the said magistrate shall grant to the said claimant, his heirs or devisees, a certificate of improvement in the form marked A. in the Schedule hereto.

Certificate of improvement to be issued when improvements have been made to the extent of 10s. per acre.

XV. Upon the grant of the certificate of improvement aforesaid, the person to whom the same is issued may, subject to any unpaid instalments, sell, mortgage, or lease the land in respect of which such certificate has been issued, but no interest in any plot of land acquired in either of the methods aforesaid, shall, before payment of the purchase money, be capable of passing to a purchaser, unless the vendor shall have obtained such certificate of improvement as aforesaid.

When certificate of improvement has been issued, the holder may sell or deal with the land.

XVI. Upon payment of the purchase money a conveyance of the land purchased shall be executed in favour of the purchaser, reserving the precious minerals, with a right to enter and work the same, in favour of the Crown, its assignees and licensees.

Conveyance on payment of the purchase money.

XVII. In the event of the Crown, its assignees or licensees, availing itself or themselves of the privileges (other than the taking of land required for roads) mentioned in clauses 25 and 26, a reasonable compensation for the land taken, wasted, or damaged shall be paid to the person whose land shall be taken, wasted, or damaged as aforesaid, and in case of dispute the same shall be settled by a jury of six men, to be summoned by the nearest magistrate.

Compensation to owner whose land may be taken or injured in certain cases.

XVIII. Priority of title shall be obtained by the person who, being in possession, shall first record his claim in manner aforesaid.

Priority of title.

XIX. Whenever any person shall permanently cease to occupy land acquired in either of the methods aforesaid, the magistrate

Cancellation of claim on permanent cessation of occupation.

resident nearest to the land in question may, in a summary way, on being satisfied of such permanent cessation, cancel the claim of the person so permanently ceasing to occupy the same, and record the claim thereto of any other person satisfying the requisition aforesaid.

Deposits and improvements forfeited on cancellation.

XX. All deposits paid in respect of such forfeited claims, and all improvements, buildings, and erections thereon, shall (subject to the appeal herein-after mentioned,) on such cancellation, be absolutely forfeited; and such claims, improvements, building, and erections shall, subject to the appeal herein-after mentioned, be open to settlement by any other person.

Appeal.

XXI. The decision of the magistrate may be appealed by either party to the decision of the Judge of the Supreme Court of Civil Justice of British Columbia.

Security on appeal.

XXII. Any person desirous of appealing in manner aforesaid may be required, before such appeal be heard, to find such security as may be hereafter pointed out by the rules or orders herein-after directed to be published.

Procedure.

XXIII. The procedure before the magistrate and judge respectively shall be according to such rules and orders as shall be published by such judge, with the approbation of the Governor for the time being of British Columbia.

Ejectment or trespass by holder.

XXIV. Whenever a person in occupation at the time of record aforesaid shall have recorded as aforesaid, and he, his heirs, or (in the case of a certificate of improvement) his assigns, shall have continued in permanent occupation of the same land since the date of such record, he or they may, save as herein-before mentioned, bring ejectment or trespass against any intruder upon the same land, to the same extent as if he or they were seised of the legal estate in possession in the same land.

Saving of right to search and get gold in favour of free miners.

XXV. Nothing herein contained shall be construed as giving a right to any claimant to exclude free miners from searching for any of the precious minerals or working the same, upon the conditions aforesaid.

Power to Government to re-take land for public purposes.

XXVI. The Government shall, notwithstanding any claim, record, or conveyance aforesaid, be entitled to enter and take such portion of the land acquired in either of the methods aforesaid, as may be required for roads or other public purposes.

Water for mining purposes may be taken.

XXVII. Water privileges, and the right of carrying water for mining purposes, may, notwithstanding any claim recorded, be claimed and taken upon, under, or over the said land, so pre-empted or purchased as aforesaid, by free miners requiring the same, and obtaining a grant or licence from the Gold Commissioner, and paying a compensation for waste or damage to the person whose land may be wasted or damaged by such water privilege or carriage of water, to be ascertained in case of dispute in manner aforesaid.

If new claim taken up the old claim is lost.

XXVIII. If any person, being already registered as a claimant, register a claim to any other land not being contiguous thereto, the land so previously claimed shall, *ipso facto*, be forfeited, and shall, with all improvements made thereon, be open to settlement by any other person.

Arbitrament of magistrate.

XXIX. In case any dispute shall arise between persons with

regard to any land so acquired as aforesaid, any one of the parties in difference may, before ejection or action of trespass brought, refer the question in difference to the nearest magistrate, who is hereby authorized to proceed in a summary way to restore the possession of any land in dispute to the person whom he shall deem entitled to the same, and to abate all intrusions, and award and levy such costs and damages as he may think fit.

XXX. This proclamation may be cited as the "Pre-emption Short title. Consolidation Act, 1861."

(L.S.) Issued under the public seal of the said Colony at Victoria, Vancouver Island, this 27th day of August, in the year of our Lord one thousand eight hundred and sixty-one, and in the twenty-fifth year of Her Majesty's reign, by me,

JAMES DOUGLAS.

By his Excellency's command,

WILLIAM A. G. YOUNG.

GOD SAVE THE QUEEN.

SCHEDULE A.

I hereby certify that _____ has satisfied me by evidence of (*naming the witnesses, and detailing any other evidence upon which the magistrate has come to his judgment*) that _____ of _____ has made improvements to the extent of 10s. an acre on _____ acres of land, situated at _____

Signed,
this _____ day of _____

APPENDIX No. 43.

VANCOUVER'S ISLAND.

THIS INDENTURE made this third day of February 1862, between HER MOST GRACIOUS MAJESTY QUEEN VICTORIA of the one part, and the Governor and Company of Adventurers of England, trading into Hudson's Bay, herein-after called "the Company," of the other part.

WHEREAS, previous to January 1849, the Company had occupied certain portions of land in Victoria district in Vancouver's Island for the purposes of carrying on their trading operations under their Royal charter dated the 2nd day of May, in the 22nd year of the reign of his late Majesty Charles the Second.

And whereas by letters patent dated the 13th day of January 1849, Her said Majesty Queen Victoria was pleased to grant unto the said Company and their successors the said Vancouver's Island, upon the condition and for the purpose of colonizing the same as therein mentioned; reserving nevertheless to Her said Majesty, her heirs and successors, full power to re-purchase and

take from the said Company, subject to the conditions therein contained, the said island, upon the expiration of a certain licence granted to the said Company for the exclusive privilege of trading with the Indians, which licence has since come to an end.

And whereas certain questions have arisen between the Crown and the said Company, respecting the right of the said Company to deal with or hold as their private property the portions of land in the said island so occupied by them as aforesaid before the date of the said Royal grant of January 1849.

And whereas, in order to settle and put an end to all such questions, the said parties hereto have mutually agreed to accept as conclusive the arrangement by way of compromise herein-after contained.

Now this indenture witnesseth, and it is hereby mutually agreed between the said parties hereto, as follows :—

1. That all sales made by the said Company previous to the first day of January 1862, of any portions of the land so occupied by them in the Victoria district as aforesaid before the 13th day of January 1849, including water frontages and the spaces between high and low water mark abutting on such portions of land, shall be valid and effectual as against Her said Majesty, her heirs and successors.

2. That the Company shall retain for their own use and benefit the proceeds and purchase monies of all lands so sold by them as aforesaid.

3. That the said Company shall, without purchase, retain and hold to them and their successors, for their own use and benefit, the following farms, lands, and hereditaments situate in the said Victoria district in the said island; that is to say, the farm known as the Uplands farm, being reserve marked No. 2, Lot. 31, and Section 31 on the official plan of the said Victoria district, and containing about 1,144 acres; the farm known as the North Dairy farm, being reserve marked No. 3, Lot. 32, and Section 32 on the said plan, and containing about 724 acres; the Old Spring and adjoining land, except one well set apart for the public use, as marked in the Company's plan; and lastly, the portion of land in the said district known as the Fort property, including the site of the fort and the adjoining ground yet unsold, with the water frontage and foreshore immediately in front of the fort, and now being in the possession of the said Company; save and except therefrom the unsold portion of the water frontage reserved for the use of the harbour-master, being Lot. in the said last-mentioned plan, and situated at the foot of Fort Street in the town of Victoria, and measuring about 50 feet in width; and save also and except the site of the police barrack and yard, and the site and building (No. , on the said plan) now occupied as a post office.

4. That the said last-mentioned excepted site and water-frontage reserved for the harbour-master, and also the site of the police barrack and yard, and the building and site occupied as a post office, shall be forthwith conveyed and surrendered by the said Company unto and to the use of Her Majesty, her heirs and successors: Provided always, that if the post office, or any part

thereof, shall be found to stand on a portion of two lots, as marked in the said official plan, the whole of both lots shall be conveyed and surrendered to Her said Majesty, her heirs and successors.

5. That the whole of the remaining unsold lands in the said Victoria district lying to the south and west of James' Bay, including the site of the new Government buildings, as far as the old fence in the rear thereof, dividing it from a farm known as "Bexley," "Beckney," or "Dutnell's" farm, shall be forthwith conveyed and surrendered by the Company unto and to the use of Her Majesty, her heirs and successors, save and except the site of the farm buildings and garden of the said Beckney or Dutnell's farm, which, with so much of the enclosed or immediately adjoining unsold land to the south thereof as will, with the sites of the said buildings and garden, amount in the whole to an area not exceeding fifty acres exclusive of roads, shall be retained and held without purchase by the said Company and their successors: Provided nevertheless, that the selection of such last-mentioned land shall, within eighteen calendar months from the date hereof, be arranged and concluded between the Governor of the colony on the one hand and the Company's representative there on the other, in such manner that the fifty acres to be selected shall not interfere with the existing plans for laying out the locality, or with the roads and streets already laid down or to be laid down.

6. That there shall also be forthwith conveyed and surrendered by the said Company to Her Majesty, her heirs, successors, and assigns, the reserves for the public park, the school, church, and burying ground, containing in all about 200 acres, except such portions thereof as may have been already sold, which are to remain as regards the Crown in the undisturbed possession of the purchasers thereof.

In witness whereof, we, Thomas William Clinton Murdoch and Stephen Walcott, Her Majesty's Emigration Commissioners, have hereunto set our hands and seals, for and on behalf of Her Majesty, and the said Governor and Company of Adventurers of England, trading into Hudson's Bay, have caused their corporate seal to be hereunto affixed the day and year first above written.

T. W. C. MURDOCH. (L.S.)

S. WALCOTT. (L.S.)

Signed, sealed, and delivered by the above named Thomas William Clinton Murdoch and Stephen Walcott, in the presence of Chrstr. Simmer Cartwright, 8, Park Street, Westminster.

(Company's Corporate Seal.)

The corporate seal of the above-named Company was hereunto affixed in the presence of L. G. Smith, Hudson's Bay House, London.

By order of the Governor, Deputy Governor, and Committee of the said Company.

(Signed) THOMAS FRASER, Secretary.

APPENDIX No. 44.

JAMAICA.

24 VICT. CAP. XVI.

AN ACT to make further Provision for Immigration into this Island.

Preamble.

WHEREAS for the further encouragement of immigration into this island, it has been found advisable to make other provision than that now by law provided for the repayment of the cost of importation, and other expenses incidental to the introduction of immigrants; and it is also expedient to provide more specific and permanent means than at present exist, for raising the additional funds required for such immigration: Be it enacted by the Governor, Legislative Council, and Assembly of this island, and it is hereby enacted by the authority of the same, as follows:

Passage charge-able only for immigrants landed alive.

Liability of applicants refusing to accept immigrants allotted to them.

First.—Passage money shall be paid only for such immigrants as shall be landed alive in this island.

Second.—To remove doubts as to the sums to be forfeited and paid by applicants for immigrants, who should afterwards refuse to accept the services of those allotted to them under the provisions of the ninth section of the “Immigration Act, 1858,” (twenty-second Victoria, chapter one,) every applicant, so refusing, shall forfeit and pay, in lieu of any other monies payable under the said Act, a sum equivalent to one pound for each year every such immigrant would otherwise be indentured to him, together with the cost of food and lodging, incurred by the island between the time of the arrival of such immigrant and the transfer of his services to some other person; such cost to be ascertained and fixed by the agent-general, and the whole of the aforesaid monies, or such amount as the Governor shall see fit to direct, shall be immediately enforceable under the provisions of this Act.

Remuneration of sub-agent of immigration.

Third.—In lieu of the allowance of six shillings, by the second section of the “Immigration Act, 1858,” (twenty-second Victoria, chapter one,) provided, it shall be lawful for the Governor, with the advice of the executive committee, from and after the passing of this Act, to direct payment to each sub-agent of immigration in this colony, for remuneration for his services in that office, at the rate of not less than two shillings and not exceeding six shillings, for each immigrant per annum placed under his care and inspection, which rate respectively shall be calculated with regard to the number and circumstances of location of such immigrants in each case.

Proportion of Chinese women and children to be fixed by imperial Government.

Fourth.—That the ninth section of the “Chinese Immigration Act, 1859,” (twenty-third Victoria, chapter twenty-nine,) shall be repealed; and the proportion of Chinese women, and children under the age of twelve years, to be introduced under the provi-

sions of the said Act, with reference to the number of Chinese male immigrants, under the provisions of the said recited Acts, shall be such as may be from time to time fixed by Her Majesty's Government.

Fifth.—For the purpose of providing funds for the importation of immigrants, and for the repayment of the monies to be borrowed under the provisions of "The Immigration Loan Act, 1858," (twenty-first Victoria, chapter three), there shall be levied, raised, and paid, the funds and monies herein-after mentioned, in lieu of the funds and monies provided and set apart for such purposes by any existing Act or Acts now in force, save and except the export duties imposed by the fifteenth Victoria, chapter thirty-nine, entitled "An Act for the raising of monies " to be applied to the introduction of Free Labourers, and for " other Purposes."

Provision of funds for importing immigrants.

Sixth.—The employer of every immigrant to be introduced at the expense of the Government of this island, under the provisions of the said "Immigration Act, 1858," or of "The Chinese Immigration Act, 1859," (twenty-third Victoria, chapter twenty-nine,) shall at the time of entering into indenture as thereby required, pay to the immigration agent before whom such indenture shall be entered into, all monies which may have been incurred for food and lodging of every immigrant so indentured, after the expiration of three days from the time notice shall have been given of the allotment of such immigrant to him (such time, in case of personal service, to commence to run from the day next after notice shall have been so given; or, in case of notice by letter, or otherwise, through the post office of the district in which the estate on which such immigrant is to be employed shall be situate, from the day next after the day on which such notice shall be deliverable at the post office appointed for such district), as also the sum of one pound in advance for the first year's service of every such immigrant under such indenture; and the sum of ten shillings in advance for every child under the age of twelve years, included in such indenture; and shall also enter into contract (Form No. 1), for payment of one pound in advance for each subsequent year of service; and ten shillings in advance for each subsequent year for each such child, until he shall attain the age of twelve years, to be paid respectively on the day next after the day of the expiration of the immediately previous year of service or contract; and upon the death of an immigrant, or other termination of his contract, the liability of the employer to pay any monies to fall due thereafter under such contract shall cease and determine.

Payments by employer of immigrant.

Future liability to cease on death of immigrant, &c.

Seventh.—The Form No. 9 of the schedule to the said "Immigration Act, 1858," referred to in the fifty-ninth and sixtieth sections thereof (herein-after repealed), and the Forms Nos. 10 and 11, referred to in the sixty-eighth section of the said Act, shall be cancelled, and in lieu thereof respectively, the Forms No. 1, 2, and 3 to this Act shall be substituted, subject to alterations or modifications, in the case of Chinese immigrants, as the circumstances of cases may require.

Forms prescribed.

Assignment of immigrant husbands and wives and children in families.

Eighth.—Husbands and wives, and child or children, shall be assigned, as provided by the twenty-first section of the said "Immigration Act, 1858," and be included in one indenture; and one contract shall be entered into as to all so included, for payment of the sums chargeable against the employer, under the provisions of this Act, in respect of each such immigrant; but in respect to any child under twelve years of age, and until such child shall become of age to be indentured for service, each employer shall be chargeable with the sum of ten shillings per annum only.

Payments by employers of immigrants allotted previously to the passing of this Act.

Ninth.—The employers of immigrants allotted since the passing of the "Immigration Act, 1858," shall be entitled to the benefits and advantages of this Act, upon payment on the tenth day of May one thousand eight hundred and sixty-one, of the full cost of food and lodging (if any) supplied in respect of the immigrants allotted to them; and also of the sum of one pound for each immigrant under service, and ten shillings for each child under twelve years of age, together with the instalments then payable under the contracts entered into by them; and upon entering into contract in the manner and form required by this Act, and upon such payment and entering into new contracts, the agent-general shall deliver up to such employers any contracts already entered into for payment of expenses of the immigrants for whom such new contracts shall be entered into; but in case any such employer shall neglect to make such payments and enter into such substituted contract for the space of fourteen days next after the tenth day of May one thousand eight hundred and sixty-one, his original contract shall continue in force, and payment of the instalments therein mentioned compellable under the provisions of the said "Immigration Act, 1858," notwithstanding the repeal of any portions thereof by this Act.

Amendment of register, Form No. 3 (22 Vict. c. 1).

Tenth.—The column headed "Average cost of importation, payable by employer," in the register (Form No. 3), required by the sixteenth section of the said "Immigration Act, 1858," to be kept by the agent-general, shall be expunged from such register; and in lieu thereof, there shall be inserted a column headed "Average cost of importation," in which column shall be stated such average cost accordingly in respect of each immigrant.

Amendment of Immigration Loan Act, 1858.

Eleventh.—The second section of the "Immigration Loan Act, 1858," (twenty-second Victoria, chapter three,) so far as the same directs that the bonds and debentures therein mentioned shall be made redeemable six years at furthest after the date thereof, shall be repealed.

Period of redemption of principal of loans.

Twelfth.—The bonds and debentures authorized to be given under the authority of the "Immigration Loan Act, 1858," not exceeding in the whole the sum of fifty thousand pounds in any one year, shall be made redeemable and payable as follows: that is to say, one fourth of the amount, or the estimated amount to be required in each year, shall be redeemable and repayable at the expiration of not exceeding five years; one other fourth part not exceeding ten years; one other fourth part not exceeding fifteen years; and the remaining fourth part not exceeding

twenty years, after the expiration of the year in which the same shall be contracted; and such principal monies, and the interest thereon, shall be secured, and be a charge upon the monies to be carried to the credit of the "Further Immigration Fund, 1861," hereby directed to be open and kept; and such interest shall be payable half-yearly out of any monies then at the credit of the said fund, or otherwise under the provisions of the said "Immigration Loan Act, 1858."

Thirteenth.—The seventh section of the said "Immigration Loan Act, 1858," shall be repealed, and a sinking fund established as herein-after mentioned. Sinking fund establishment.

Fourteenth.—For the redemption of the principal monies from time to time to fall due upon such bonds or debentures, there shall be established a sinking fund, to which sinking fund there shall be carried and appropriated in each year a sum of money sufficient to meet the repayment of such bonds and debentures respectively as the same shall from time to time become due and payable; and the receiver-general, under warrant from the Governor, shall annually remit such monies to the agent or agents in Great Britain appointed or to be appointed under the authority of the said "Immigration Loan Act, 1858," to be invested in the public funds of Great Britain. Provision therefor.

Fifteenth.—For the purposes of this Act there shall be raised levied, and paid to Her Majesty, the several duties set forth in the schedule hereunto annexed, on and from the first day of April one thousand eight hundred and sixty-one inclusive, which duties shall be levied, recovered, and received by Her Majesty's officers of customs, under the like regulations and powers, and subject to the like penalties, and with the like protection, and shall be paid over to the receiver-general at the same times and in the same manner as other duties of customs collected under Acts of this island imposing duties of customs. Customs duties revenue.

Sixteenth.—Separate and distinct accounts of the monies so received and paid over shall be kept by the collector and controller of Her Majesty's customs of the port of Kingston, and by the receiver-general; and the monies at the credit of the account to be kept by the receiver-general shall be from time to time transferred to the credit of the "Further Immigration Fund Account, 1861," hereby required to be opened and kept by him, as the Governor may direct. Accounts of such revenue.

Seventeenth.—For the purposes of this Act every three tierces of sugar exported shall be taken to be equivalent to two hogsheads, and every eight barrels to one hogshead; and every package of sugar exported from this island, not being a hogshead, tierce, or barrel, shall be charged with the duty on sugar imposed by this Act, in the proportion which such package shall bear to the hogshead of seventeen hundredweight; and every two hogsheads of rum shall be taken to be equivalent to one puncheon; and every quarter cask or package of rum, not being a puncheon or hogshead, shall be charged with the duty on rum in the proportion the same shall bear to a puncheon of ninety gallons; and all coffee exported from this island in packages other than tierces Computation of casks and packages of exports.

shall be charged with duty in the proportion of seven hundred-weight to one tierce ; and every package of sugar exported from this island, not being a hogshead, tierce, or barrel, shall be charged with the export duty on sugar levied under the fifteenth Victoria, chapter thirty-nine, in the proportion which such package shall bear to the hogshead of seventeen hundredweight.

Appropriation
of duties re-
venue.

Eighteenth.—As the whole of the duties upon exports imposed by this Act, and specified in the schedule hereunto annexed, will not be immediately required for the purposes of immigration, the receiver-general shall, after retaining for the purposes of this Act the sum of two thousand pounds, transfer the surplus monies to be received therefor, during the financial year, terminating on the thirtieth of September one thousand eight hundred and sixty-one, to the credit of the Acts now or to be in force, or otherwise in aid of the expenditure of the several parishes of this island ; and shall, after retaining the sum of four thousand pounds for the purposes of this Act for each of the financial years ending on the thirtieth September one thousand eight hundred and sixty-two, one thousand eight hundred and sixty-three, one thousand eight hundred and sixty-four, and one thousand eight hundred and sixty-five, apply the surplus of the monies to be so received in like manner to the credit of the Act or Acts now or to be in force, or otherwise in aid of the expenditure of such parishes ; and shall, during the financial year terminating on the thirtieth September one thousand eight hundred and sixty-six, after appropriating the sum of eight thousand pounds for the purposes of this Act, apply any surplus monies in like manner in aid of the expenditure of the several parishes, and thereafter the whole amount of the revenue derivable from such duties shall be exclusively applicable for the purposes of this Act.

Further immi-
gration fund
account.

Nineteenth.—The words in the sixty-fifth clause of the twenty-second Victoria, chapter one, “ And the monies so paid to the immigration agent shall be paid by him into the island treasury to the credit of the immigration fund, by means of which the immigrant has been introduced,” shall be expunged ; and in lieu thereof, the immigration agent shall pay all such monies to the credit of the “ Further Immigration Fund, 1861,” herein-after directed to be opened.

Rate of money
payments by
Chinese im-
migrants in
commutation of
service under
indenture.

Twentieth.—The words in the fourth section of “ The Chinese Immigration Act, 1859,” (twenty-third Victoria, chapter twenty-nine,) “ on payment to the agent-general of immigration of a sum of money equal to the sum or sums which the employer and employers would have been required to pay if such immigrant had continued indentured for the residue of the full term of five years,” shall be expunged therefrom ; and in lieu thereof, any Chinese immigrant, desirous of determining his indenture, shall be at liberty so to do, on payment to the agent-general of immigration of a sum of money equal to the amount required to be paid by any other Asiatic immigrant, desirous of determining his indenture.

Appropriation of
receipts under
“ Chinese Im-

Twenty-first.—All monies which shall be received and paid over by the agent-general of immigration to the receiver-general,

under the provisions of the said Act, shall be carried by the receiver-general to the credit of the "Further Immigration Fund Account, 1861," herein-after directed to be opened.

Migration Act, 1859," (23 Vict. c. 29).

Twenty-second.—So soon as this Act shall come into operation the receiver-general shall close the "New Immigration Fund Account," required to be kept by him under the provisions of the said "Immigration Loan Act, 1858," and shall open and keep in his books an account to be called "The Further Immigration Fund Account, 1861," and shall carry to the debit and credit thereof respectively all the balances at the debit and credit of the account herein-before directed to be closed, as also of all other monies to be from time to time received or paid under the provisions of this Act; and all monies directed by any of the Acts herein recited, or before referred to, to be payable out of the account hereby directed to be closed, shall be payable out of any monies from time to time at the credit of the said "Further Immigration Fund Account, 1861."

Immigration funds accounts.

Twenty-third.—The utmost amount of monies to be borrowed under the authority of the said "Immigration Loan Act, 1858," shall not at any time exceed the sum of one hundred and fifty thousand pounds on the whole, over and above the monies at the credit of the said "Further Immigration Fund Account, 1861," and those to be invested under the authority of this Act.

Limitation of amount to be borrowed.

Twenty-fourth.—If, in any year, there shall be any surplus of the monies to the credit of the said "Further Immigration Fund Account, 1861," and those to be invested under the authority of this Act, after meeting the payments of interest and sinking fund, and all other charges, as herein-before directed, it shall be lawful for the Governor, with the advice of the executive committee, to apply such surplus for immigration purposes.

Appropriation of surplus funds.

Twenty-fifth.—After making full provision for the remittance from time to time of the amounts required to meet the due and punctual payment of the half-yearly interest on the bonds or debentures already, or to be issued under the authority of the said Act, fifteenth Victoria, chapter thirty-nine, and of the Act of the sixteenth Victoria, chapter twenty, entitled "An Act to extend, and in aid of the provisions of the Act fifteenth Victoria, chapter thirty-nine, entitled 'An Act for the raising of monies 'to be applied to the introduction of Free Labourers, and for 'other purposes,' as well as the annual payments of the said Acts, provided for the redemption of the principal of such bonds or debentures, as also of any other principal or interest monies already charged upon the produce of the duties received, or to be received by the means and powers of the said Acts, or either of them, the receiver-general shall carry the surplus (if any) of the monies to be raised thereunder in any year to the credit of the "Further Immigration Fund Account, 1861," provided by this Act for immigration purposes.

Appropriation of surplus under 15 Vict. c. 39, and 16 Vict. c. 20.

Twenty-sixth.—The export duties raiseable, to be levied under the fifteenth Victoria, chapter thirty-nine, and under this Act,

Duration of duties under 15 Vict. c. 39.

shall continue to be raised, collected, and enforced only so long as there shall be due and owing or unpaid any monies for the introduction of immigrants, or for loans contracted for the purposes of their introduction, for the payment of the principal and interest, whereof full provision shall not have been made.

Exemption from stamp duties.

Twenty-seventh.—All appointments, documents, and legal instruments required, or made evidence by this Act, or by any other Acts herein recited, or by any other Act hereafter to be passed relating to immigrants, shall be exempted from stamp duty.

Repeal of enactments.

Twenty-eighth.—The proviso to the eighth section of the “Immigration Act, 1858,” (twenty-second Victoria, chapter one,) and the eleventh, twelfth, fifty-ninth, sixtieth, sixty-first, sixty-second, and sixty-third sections of the last-mentioned Act, and every other section or part of a section of the same, or any other Act relating to the payment by the employers of immigrants of the cost of importation, and incidental expenses as aforesaid, are and every of them is hereby respectively repealed, except where in any case it is otherwise provided by this Act.

Acts kept in force.

Twenty-ninth.—All and singular Acts and sections of Acts now in force relating to immigrants introduced into this island, shall, except in so far as repealed or altered by, or inconsistent with or repugnant to the provisions of this Act, continue in force and be read as incorporated with and part of this Act, and applicable to the several classes of immigrants, and their children respectively, to which such Acts and sections of Acts originally applied; and that as well in respect to immigrants introduced in the year one thousand eight hundred and sixty, as immigrants to be introduced hereafter, and their children respectively.

Employment of native Christian immigrant as teacher, &c.

Thirtieth.—It shall be lawful for the Governor to sanction the employment of any native Christian immigrant, who shall be found competent, as a teacher or instructor of immigrants, in the proportion of not exceeding one in five hundred immigrants, and to make remuneration for such services out of the funds applicable for immigration purposes, at such rate as shall to the Governor, with the advice of the executive committee, seem reasonable.

Date of operation of Act.

Thirty-first.—This Act shall take effect on the passing thereof, except in respect of the export duties imposed thereby, which shall take effect from the date herein-before mentioned in such respect; and may be cited, for all purposes, as “The Further Immigration Act, 1861.”

The SCHEDULE to which this Act refers.

Duties on Exports imposed thereby.

Every hogshead of sugar exported -	- Three shillings.
Every puncheon of rum exported -	- Two shillings and sixpence.
Every tierce of coffee exported -	- Four shillings.

Pimento, per bag of one hundred and twenty pounds, or on every hundred and twenty pounds - - - - -	Sixpence.
Logwood, and other dyewoods, lignum vitæ, ebony, and cocus wood, per ton as [at] the rate of - - - - -	One shilling.
Ginger, at the rate of, per cwt. - - - - -	One shilling.
Beeswax, at the rate of, per cwt. - - - - -	Two shillings.
Arrowroot, at the rate of, per cwt. - - - - -	One shilling.
Cocoanuts, at the rate of, per one thousand - - - - -	One shilling.
Honey, at the rate of, per cwt. - - - - -	One shilling.
Mahogany, at the rate of, per M. feet, superficial measure - - - - -	Five shillings.

FORM No. 1.

FORM OF CONTRACT FOR PAYMENTS BY EMPLOYERS.

We *A.B.* and *C.D.* of, &c., by *G.H.* of our true and lawful attorney, duly authorized in this behalf, do hereby contract and engage with the agent-general of immigration, or the sub-agent of the district wherein the parish of shall be situate for the time being, in respect of (A 21), an immigrant from indentured to the said for years, by indenture of equal date herewith, and located on estate, in the said parish of to pay to such agent-general or sub-agent for the time being, at the rate of * one pound in advance for each year of service subsequent to the first year during which such indenture shall continue in force, the first of such annual sums to be paid on the day 18, and the monies hereby intended to be secured shall be deemed a prior charge upon the said estate, and shall be recovered and enforced under the provisions of the "Immigration Act, 1858," or any other Act in force relating to immigrants.

As witness our hands, this day of
A. B. }
C. D. } by *G. H.* their attorney.

FORM No. 2.

FORM OF AUTHORITY TO DISTRAIN FOR INSTALMENTS DUE IN RESPECT TO THE INDENTURED IMMIGRANTS.

Whereas default hath been made in payment of the several instalments due under contracts entered into by *A. B.* of *C. D.* of &c., in respect of immigrants located on estate, in the parish of , that is to say, an instalment of

* In case of children under twelve years of age, the rate should be stated at ten shillings per annum for each child.

N.B.—If the immigrant has been re-indentured, insert "originally indentured to by indenture dated the day of , and then located on estate, but now re-indentured to the said for years, to be located on estate, in the said parish, by indenture of equal date herewith," and proceed as above.

N.B.—If the re-indenture is only for one year, no contract for payment of expenses will be necessary, as the year's instalments will be paid in advance, on execution of the re-indenture.

one pound,* payable in advance for the year to end on the
 day of _____ under contract, dated _____ day of _____
 in respect an immigrant named _____ (A 21),
 an instalment of one pound each, payable in advance for the year to end
 on the _____ day of _____ under contract dated the
 _____ day of _____ in respect of three immigrants
 named (B 21), _____ (B 22), _____ (B 23), and which
 several instalments amount in the aggregate to the sum of _____
 pounds: These are therefore to command you to levy the said sum of _____
 pounds by distress of any goods or chattels to be found
 upon the said _____ estate, in the said parish, upon which a
 landlord might distrain for rent in arrear; and if, within fourteen days
 next after such distress by you taken, with or without previous appraisement,
 the said sum, and the charges of distraining and keeping the
 same shall not be paid, then that you do sell the said goods and chattels
 so by you distrained, and out of the money arising by such sale, that you
 do pay the said sum of _____ pounds to me, to be accounted
 for under the provisions of the "Immigration Act, 1858," or any other
 Act or Acts in force relating to immigration; returning the overplus, if
 any, on demand, to the proprietor, overseer, or manager of the said
 estate, after retaining the charges of distraining and keeping such
 distress.

Given under my hand, this _____ day of _____

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To any policeman of the parish of _____

No. 3.

FORM OF AUTHORITY TO DISTRAIN, AFTER NEGLECT TO
 ENTER INTO INDENTURE.

Whereas _____ immigrants from _____ having
 been allotted to *A. B.* _____ *C. D.* of, &c., for the purpose of
 being indentured on _____ estate, in the parish of _____
 pursuant to their application of date _____ day of _____
 [through *E. F.* their attorney], to *G. H.*, Esquire, the [then] agent-
 general of immigration, the said _____ have neglected and
 refused to enter into indenture and contract in respect of such immi-
 grants, and have forfeited and become liable immediately to pay the sum
 of _____ pounds, being the amount which they would have
 been required to pay, and enter into contract to pay, if they had entered
 into indenture and contract in respect of each of such immigrants, in
 accordance with such application; and have also forfeited and become
 liable to pay the further sum of _____ pounds, which I have
 ascertained and fixed as the cost of food and lodging of such immigrants,
 incurred by the island between the time of their arrival and the transfer
 of their services, and which several sums amount in the aggregate to the
 sum of _____, which forfeiture and sum of _____
 his Excellency the Governor has been pleased to mitigate and reduce to
 the sum of _____ [if such be the case].

These are therefore, &c. [as in the preceding form, filling up the amount
 to be distrained for, with the full amount of forfeiture, or the mitigated
 sum, if the same shall be reduced].

* Or "ten shillings," in case of a child under twelve years of age.

APPENDIX No. 45.

JAMAICA.

25 VICT. CAP. XXXV.

AN ACT to amend the Law relating to Immigration, and in respect to Contracts made in China by Chinese Immigrants.

BE it enacted by the Governor, Legislative Council, and Assembly of this island, and by the authority of the same, as follows :

First.—For the future, instead of the annual payments by the “Further Immigration Act, 1861,” (twenty-fourth Victoria, chapter sixteen,) directed, the employer of every immigrant already allotted, or hereafter to be allotted, except in the case of liberated Africans introduced free of cost to this island, shall pay, in advance, for every year’s service of every immigrant of or above the age of twelve years, the sum of one pound ten shillings ; and for every year’s service of every child under the age of twelve years, included in the indenture of service, the sum of fifteen shillings ; and every employer shall enter into a like contract (except as to the amounts of annual payments for immigrants), as is by the lastly recited Act directed (Form No. 1) to secure in advance the respective annual payments by this Act directed for each year of service subsequent to the now current year of service, or other first year of the period during which the indenture of service shall continue in force ; but it shall suffice for the employer of any immigrant already indentured to subscribe a memorandum of agreement in the form annexed to this Act, which shall be annexed to or endorsed on the contract or contracts entered into by him, under the “Further Immigration Act, 1861,” and shall be valid to secure the annual payments in advance therein mentioned or indicated.

Employers of immigrants to pay 30s. per annum for each adult, and 15s. for each child, and enter into contract, &c.

Second.—In respect to every immigrant and child already allotted, the first of such respective payments shall be made in advance for the year of service to succeed the now current year of service on the day after the expiration of such now current year.

When first payment for immigrants already allotted shall be made.

Third.—In case any employer of any immigrant or child already allotted shall refuse or neglect to make such payments, and to subscribe such agreement as by this Act directed, the assignments or indentures of all immigrants and children already allotted or indentured to such employer shall, in such case, cease and determine ; and the immigration agent shall, with the approval of the Governor, proceed to allot and indenture such immigrants and children to some other employer, according to the provisions of this and any other Act now or hereafter to be in force relating to immigrants of the same class.

In case of refusal to pay for such immigrants, indenture to be void.

Tenth [Fourth].—All existing provisions of law shall remain in operation, and be observed or enforced for payment of all

Existing provisions of law to operate in

the case of immigrants to be allotted.

monies incurred or to be incurred for food and lodging of every immigrant and child to be allotted or indentured to any employer.

Monies to be paid over to receiver-general.

Fifth.—All monies to be paid by such employers shall be paid over by the immigration agent to the receiver-general to the credit of the "Further Immigration Fund Account, 1861," by the recited Act of the twenty-fourth Victoria, chapter sixteen, established.

Monies to be borrowed for immigration purposes, not to exceed 150,000*l.*

Sixth.—The eighth section of "The Immigration Loan Act, 1858," (twenty-second Victoria, chapter three,) and the twenty-third section of "The Further Immigration Act, 1861," (twenty-fourth Victoria, chapter sixteen,) are hereby repealed; and the utmost amount of monies to be borrowed on the loan, or succession of loans authorized under those Acts, or either of them, is hereby limited to the total sum of one hundred and fifty thousand pounds over and above the monies at the credit of the "Further Immigration Fund Account, 1861," established under the lastly above mentioned Act, and the monies to be invested under the authority of such Act.

When loan under Immigration Loan Act, 1858, shall be repaid.

Seventh.—The twelfth section of "The Further Immigration Act, 1861," (twenty-fourth Victoria, chapter sixteen,) is hereby repealed, and the bonds and debentures authorized to be given under the "Immigration Loan Act, 1858," not exceeding in the whole the sum of fifty thousand pounds in any one year, shall be made redeemable and payable as follows; that is to say, one third of the amount, or the estimated amount to be required in each year, shall be redeemable and repayable at the expiration of not exceeding five years; one other third part, not exceeding ten years, and the remaining third part not exceeding fifteen years after the expiration of the year in which the same shall be contracted; and such principal monies, and the interest thereon, shall be secured, and be a charge upon the monies to be carried to the credit of the "Further Immigration Fund, 1861," by "The Further Immigration Act, 1861," directed to be opened and kept; and such interest shall be payable half-yearly out of any monies then at the credit of the said fund or otherwise, under the provisions of the said "Immigration Loan Act, 1858."

Written contracts made in China binding in this island.

Eighth.—Notwithstanding anything to the contrary in any Act relating to Chinese immigrants, all written contracts for the performance of any labour or service of agriculture in this colony, which shall be made by or with the authority of the emigration agent in China with any Chinese immigrant, shall be binding on the parties thereto for the period named therein, not exceeding the period of five years, to be computed from the day of the landing of such immigrant in Jamaica, and every such contract shall be signed with the name or marks of the contracting parties, or of persons lawfully acting on their behalf, and shall be attested by the emigration officer at the port of embarkation, who shall declare that the immigrants, parties to such contracts, signed the same voluntarily, and with a due understanding of their effect; and every signature, purporting to be the signature of any such emigration officer, shall be held to be genuine, without any proof

thereof; but every person disputing the genuineness of any such signature shall be at liberty to prove that such signature is not genuine, and every such contract shall conform to the following conditions, namely:—

First.—Every such contract shall secure the immigrant the same rate of wages for the same proportionate quantity of work as may from time to time be paid to unindentured labourers working on the estate on which he shall be employed, or otherwise every such contract shall secure to the immigrant wages at the rate of four dollars per calendar month, with sufficient food, on condition that such immigrant shall work seven hours and a half each day, except Sundays, with a reservation of five holidays in each year, to be fixed by the Governor.

Conditions of contracts.

Second.—Every such contract shall bind the employer to furnish to the immigrant, free of charge, suitable lodging, and, when sick, suitable and sufficient medicines and nourishment, medical attendance, and hospital accommodation.

Third.—Every such contract shall authorize the employer to deduct the sum of one dollar per mensem from the wages of any such immigrant, in repayment of any advance which may be certified to have been made to him in China by the immigration agent, and also to deduct from the wages of any immigrant, who may assign a portion thereof to any party in China, a sum equal to such portion in each month.

Fourth.—Every such contract may be terminated by the immigrant, party thereto, at the end of each year from the commencement of the same, on payment, for each unexpired year of the term of the contract, of a sum equal to one-fifth of the amount which shall have been paid for the passage of such immigrant, and every such immigrant may change his employer at the end of the third and of the fourth years of his contract.

And all provisions in any other Act to the like effect as any foregoing provision in this Act shall be read as herewith consolidated.

Ninth.—This Act shall not come into operation until it receives Her Majesty's assent, and the same be proclaimed in this island.

This Act not to operate until assented to by Her Majesty.

FORM.

We, *A.B.* and *C.D.* [*or I, A.B.*] of, &c. [*by G.H. of, &c. our (or my) true and lawful attorney in this behalf duly authorized*], do hereby agree, that in lieu of the annual payments of one pound and of ten shillings respectively within mentioned [*or mentioned in the annexed contract or contracts of date the* day of 18], [*if any other dates, state them*], we [*or I*] will pay in advance for each year of service of the several immigrants named in the said contract or contracts as next stated; that is to say, for each immigrant of or above the age of

twelve years, one pound ten shillings; and for each child under that age fifteen shillings [except now deceased or transferred, &c.], the first of such respective last-mentioned payments to be made on the day of 18 , and the monies payable for all or either of such annual payments shall be secured and have the like priority of charge, and may be recovered and enforced in like manner as the payments for which the same are substituted might have been.

Witness our hands [my hand], this day of
 18 . A.B. } by G.H. their attorney.
C.D.

N.B.—Reference should be had, and attention paid to second note, marked N.B. subjoined to Form No. 1 of the Act 24 Victoria, chapter 16.

Passed the Assembly, this 31st day of January 1862.

EDWARD JORDON, Speaker *pro tem*.

Passed the Legislative Council, this 31st January 1862.

W. G. STEWART, Clerk to the Legislative Council.

I consent, this 5th day of February 1862.

C. H. DARLING.

Vera copia extur.

W. G. STEWART, Sec.

APPENDIX No. 46.

ST. LUCIA.

No. 1.—1861.

Title.

AN ORDINANCE, enacted by his Excellency FRANCIS HINCKS, Esq., Governor and Commander-in-Chief in and over the island of Saint Lucia and its dependencies, and Vice-Admiral of the same, and by (L.S.) the Legislative Council thereof, &c., to amend the laws regulating the immigration of coolies into this colony, and to provide for the establishment and maintenance of general hospitals at or in the vicinity of the towns of Castries, Soufriere, and Vieux-Fort.

Preamble.

WHEREAS it is expedient to amend the Ordinances regulating the immigration of coolies into this colony, and to provide for the establishment and maintenance of three general hospitals.

Words of enactment.

Be it therefore and it is hereby enacted and ordained by his Excellency FRANCIS HINCKS, Esq., Governor and Commander-in-Chief in and over the island of Saint Lucia and its dependencies, by and with the advice and consent of the Legislative Council of

Government, in the exercise of the powers and authority in him and them vested by Her Majesty in that behalf.

1. That so much of clause two of the Ordinance No. 3 of the twenty-second day of April, one thousand eight hundred and fifty-four, as limits to fifty pounds sterling the salary to be paid annually to the agent of immigration, shall be and is hereby repealed, and it shall be lawful for the Governor from and after the passing of this Ordinance to attach to the office of the said agent of immigration a salary not exceeding the sum of one hundred and fifty pounds sterling per annum.

1. Salary of immigration agent.

2. That all monies which by the aforesaid Ordinance, or any other Ordinance of this island, are directed to be paid to the agent of immigration shall from and after the proclamation of the present Ordinance be paid to the treasurer of the colony, and all clauses or parts of clauses in the said Ordinance or Ordinances which may be in anywise contrary or repugnant to this enactment shall be and are hereby repealed; and be it further enacted that all penalties by this Ordinance imposed shall be payable to Her Majesty, her heirs and successors, and shall be carried to the credit of the immigration fund of this colony.

2. All monies raised under Immigration Ordinances to be paid to treasurer.

3. That from and after the passing of this Ordinance it shall not be lawful for any employer of coolie labourers to make any deduction from the wages of such labourers for or in respect of medical attendance or medicines, or for lodging or provision grounds, anything in any of the aforesaid Ordinances to the contrary thereof notwithstanding; and every employer who shall make any such deductions shall forfeit and pay a penalty not exceeding five pounds sterling, which shall be recovered in the same manner as other monies payable for immigration purposes.

3. No deductions to be made in future from wages of immigrants for medical attendance, lodging, or provision grounds.

4. That no award of a penalty imposed by clause 11 of the said Ordinance of the twenty-second day of April, one thousand eight hundred and fifty-four, or any other clause or clauses of any other Ordinance or Ordinances for the regulation of coolie immigration in this colony, shall relieve the party or parties against whom such award shall be made from the payment of any wages which he or they may be liable to pay, or from any obligation which he or they may be bound to perform under or by virtue of any of the said Ordinances.

4. Penalties inflicted for non-payment of wages not to affect right of immigrants to recover amount due to them.

5. That all complaints for the non-payment of wages due to coolie labourers may be summarily inquired into and decided by the visiting special stipendiary justice of the district, subject nevertheless to the usual right of appeal; and so much of the Ordinance No. 1, of the twenty-first day of June, one thousand eight hundred and fifty-three, entitled "an Ordinance to establish rules and regulations for the holding of periodical petty sessions by justices of the peace," as is or may be contrary or repugnant to the present enactment shall be and is hereby repealed.

5. Complaint for non-payment of wages how to be dealt with.

6. That the immigration agent shall keep a separate book, in which shall be entered a full description of every indentured immigrant who shall have deserted, or shall have been imprisoned, or shall have absented himself without lawful excuse from the service of his employer, and shall, in consequence of such

6. Immigrants who desert or are imprisoned how to be dealt with.

desertion, imprisonment, or absence, have failed in the performance of his contract, and if it shall appear by such separate book that any such immigrant shall have been at one time, or upon different occasions, absent from the performance of his contract for twenty days or more for each year that he shall have been indentured, it shall be lawful for the said immigration agent, and he is hereby required, to indorse on the indenture of such immigrant a note of the aggregate period of absence; and such immigrant shall, on the expiration of the term of his indenture, be bound to work for his then employer for an additional term equal to the time or the whole of the times so endorsed on such indenture, and the term of service mentioned in the indenture shall not be deemed to be completed until he shall have served such employer for such additional time; provided always, firstly, that every employer shall be required to keep a separate pass book for each coolie labourer in his service, according to a form to be prepared by the immigration agent, with the approval of the governor, in which shall be recorded the days on which labour has been performed, the days of absence from sickness or other lawful cause, the days in which the labourer has failed to fulfil his contract, which book shall be signed from time to time by the visiting special justice, who shall satisfy himself of its correctness; and the said book shall be periodically exhibited to the immigration agent, and shall be a sufficient authority for him to indorse the additional periods of service on the indenture; and no employer who shall fail to keep such pass book shall be entitled to obtain an extension of the period of service of any labourer in his employment. Provided also, secondly, that the immigration agent and special stipendiary justices shall not sanction any addition of time to the labourer's indenture, in respect of any week in which such labourer shall have performed five days work or five tasks, according to any scale of daily tasks which may be hereafter established with the approval of the governor, or in which such labourer shall have been absent from sickness or other lawful cause.

7. General hospitals, provision for.

7. That general hospitals shall be maintained at the public expense at the towns of Castries, Soufriere, and Vieux-Fort, and that it shall be lawful for the governor from time to time to appoint some duly licensed medical practitioners to take medical charge of all immigrants or other persons who shall be sent to such hospitals; and it shall be the duty of such medical practitioners to make regular periodical visits to such estates on which coolie labourers are located as may be prescribed to them from time to time by the governor, and to afford medical advice and to supply medicines to the sick on such estates, and also to supply and distribute medicines at the hospitals to all inmates, whether coolies or others, and to give advice and to supply medicines either at the hospitals or at private houses when required so to do by the special justices, and to vaccinate all children who may be brought to them for that purpose; and such medical practitioners shall be paid such salaries and allowances for medicines as the Legislative Council shall determine.

8. That every employer of coolie labourers shall upon the original assignment by indenture of any immigrant labourer, and during the month of January in every subsequent year during the period of such indenture, pay to the treasurer the sum of ten shillings sterling for each such labourer, which shall be placed by the treasurer to the credit of a special account, and shall be applied towards the maintenance of the hospitals and the salaries of the medical practitioners; and every such employer shall also be liable for the payment of sixpence for each day that any labourer in his employment shall remain in hospital, to cover the expense of food and nourishment, and also for any sum expended in the conveyance to or from any hospital of any such labourer; and if payment of all such sums shall not be made within one month after an account of the same shall have been rendered to the proprietor, lessee, or person in charge of the estate, the treasurer is hereby authorized to sue for and recover the same in the manner provided by the 30th section of the Ordinance of twenty-second April, one thousand eight hundred and fifty-four, No. 3; and section 28 of the said recited Ordinance shall be applicable to all such claims and to the special tax imposed by this section.

8. Provision for support of hospitals.

9. That it shall be the duty of the medical practitioners to keep in each hospital a register book, according to the form in the Schedule A., and also a case book, according to the form in Schedule B. to this Ordinance annexed, and such register book and case book shall be placed in the charge of the nurse of each hospital, and shall be at all times open to the inspection of the immigration agent and any of the special stipendiary justices, and of any other persons duly empowered by the governor to visit and inquire into the state of such hospital. It shall be the duty of the medical practitioners to enter in the hospital registers the name, age, sex, and race of any immigrant who may be brought to the hospital, and shall state therein the nature of the disease or injury from which he shall be alleged to be suffering, and the result of the case of every patient shall be stated in the register book, and he shall enter in the case book the remedies ordered for each immigrant or other patient, and the scale of diet to be given to such patient.

9. Medical practitioners to keep registers.

10. That it shall be the duty of the proprietor or manager or person in charge of every estate to cause to be brought before the medical practitioner at his periodical visits every indented immigrant whom he may believe to be labouring under any disease, malady, or complaint, or suffering from any wound or sore, or to be in any respect in need of medical assistance; and such medical practitioner shall then order such immigrant to be admitted into the hospital or to be treated as an out-patient, as to him may appear proper.

10. Sick immigrants how to be dealt with.

11. That a scale of diet shall be framed under the direction of the governor for use in the hospitals, and it shall be the duty of the medical practitioner to inform each patient in the hospital or on any estate, if he should be treated as an out-door patient, of the scale of diet ordered for him, and it shall be the duty of the person in charge of such estate to supply the articles prescribed cooked and fit for use, unless such patient shall, for reasons of

11. Diet, a scale to be framed.

caste, desire such food to be delivered uncooked ; and it shall be the duty of the nurse in any hospital to supply the diet ordered for the patients therein, under such regulations as may be established for the hospital under the sanction of the governor.

12. Bedding, &c., to be supplied.

12. That it shall be the duty of the medical practitioner to take care that the hospital, with all bedding, utensils, and appliances belonging thereto, be at all times kept clean and in proper order, and to make a report to the special stipendiary justice, if the hospital be found dirty or any of the appliances be wanting or out of order, and the justice shall forthwith take the necessary steps for removing all cause of complaint.

13. Sick immigrant to be compelled to enter hospital, and punishment for refusing to do so.

13. That the manager or person in charge of any estate is hereby authorized and required to compel any indentured immigrant in his employment to enter the hospital or the room on the estate set apart for the sick, as soon as it shall come to his knowledge that such immigrant is attacked with any illness, or is suffering from any sore, wound, malady, or complaint, there to remain until discharged by the order of the medical practitioner ; and any such immigrant refusing when required so to do by the manager or person in charge of the estate, to make his appearance before the medical practitioner, or resisting any order for his admission into the hospital, or quitting the same without permission, shall be guilty of an offence, and shall be liable on conviction to a penalty not exceeding one pound sterling, and in default of payment shall be imprisoned for any period not exceeding fourteen days, with hard labour.

14. Special justices to visit hospitals and report.

14. That the special stipendiary justices shall at least once in every fortnight visit the hospital of the district in which he resides, and shall once in every three months make a special report to the governor as to the condition of such hospital, and whether the provisions of this Ordinance have been fully complied with ; and every such justice shall at every such visit record any complaint that may be made to him, and shall proceed without delay to investigate the same, and make a statement thereof in his report.

15. Immigration agent and others may visit hospitals.

15. That the immigration agent and any person who may be thereto authorized in writing by the governor may at any time visit and inspect the hospitals in like manner and as fully as the special stipendiary justice is by the preceding section hereof authorized and required to do.

16. Ordinance when to be in force.

16. That this Ordinance shall be in force and take effect from and after the proclamation thereof.

Given under my hand and the great seal of the said Island of Saint Lucia, this first day of October, in the year of our Lord one thousand eight hundred and sixty-one, and in the twenty-fifth year of Her Majesty's reign.

By command,

MACNAMARA DIX,

Colonial Secretary.

Duly proclaimed this 1st day of October, in the year 1861.

CHS. BENNETT, Provost Marshal.

SCHEDULE A.

HOSPITAL REGISTER.

Date.	Name.	Age.	Race.*	Disease.	Result.	Date.	Remarks.†
		M. F.					

* In the case of an East Indian immigrant, specify the province to which he belongs as Bengal, Madras, &c.

† In the column of remarks, state how often each patient has been in hospital, if more than once during the quarter.

SCHEDULE B.

CASE BOOK.

Date.	Name.	Age.	Disease.	Diet.	Remedies, Directions, Medical Comforts.
		M. F.			

APPENDIX No. 47.

CONVENTION between Her Majesty and the Emperor of the French relative to the Emigration of Labourers from India to the French Colonies ; with an additional Article thereto annexed.—Signed at Paris, July 1, 1861.

[Ratifications exchanged at Paris, July 30, 1861.]

His Majesty the Emperor of the French having made known by a declaration * dated this day (1st July 1861) his resolution to put an end to the recruitment upon the coast of Africa of negro labourers by means of redemption ; and Her Majesty the Queen

* See p. 114.

of the United Kingdom of Great Britain and Ireland desiring, in consequence, to facilitate the immigration of free labourers into the French colonies, their said Majesties have resolved to conclude a convention destined to regulate the recruitment of such labourers in the British territories in India. For this purpose they have named as their plenipotentiaries,—

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, the most Honourable Henry Richard Charles Earl Cowley, Her Majesty's Ambassador Extraordinary and Plenipotentiary to the Emperor of the French ;

And His Majesty the Emperor of the French, M. Edouard Antoine Thouvenel, Senator, his Minister and Secretary of State for the Department of Foreign Affairs ;

Who, after having communicated to each other their respective full powers, found in due form, have agreed upon the following articles :—

Article I.—The French Government shall be at liberty to recruit and engage labourers for the French colonies in the Indian territories belonging to Great Britain, and to embark emigrants, being subjects of Her Britannic Majesty, either in British or French ports in India, under the conditions hereinafter stipulated.

Article II.—The French Government shall entrust the direction of its operations in every centre of recruitment to an agent chosen by itself.

Those agents must be approved by the British Government.

Such approval is assimilated, with regard to the right of granting and withdrawal, to the exequatur given to consular agents.

Article III.—This recruitment shall be effected conformably to the regulations which now exist or may hereafter be established for the recruitment of labourers for British colonies.

Article IV.—The French agent shall, with regard to the operations of recruitment which are entrusted to him, enjoy for himself and for the persons whom he may employ, all the facilities and advantages afforded to the recruiting agents for British colonies.

Article V.—The Government of Her Britannic Majesty shall appoint in those British ports where emigrants may be embarked an agent who shall be specially charged with the care of their interests.

In French ports the same duty with regard to Indian subjects of Her Britannic Majesty shall be confided to the British consular agent.

Under the term "consular agents" are comprised Consuls, Vice-Consuls, and all other commissioned consular officers.

Article VI.—No emigrant shall be embarked unless the agent described in the preceding Article shall have been enabled to satisfy himself either that the emigrant is not a British subject, or, if a British subject, that his engagement is voluntary, that he has a perfect knowledge of the nature of his contract, of the

place of his destination, of the probable length of his voyage, and of the different advantages connected with his engagement.

Article VII.—The contracts of service, with the exception provided for by section 4 of Article IX., and by section 2 of Article X., shall be made in India, and shall either bind the emigrant to serve a person designated by name, or to serve a person to whom he shall be allotted by the proper authority, on his arrival in the colony.

Article VIII.—The contracts shall, moreover, make stipulation for,—

1. The duration of the engagement, at the expiration of which the emigrant shall receive a return-passage to India at the expense of the French Government, and the terms on which it will be competent to him to renounce his right to a free return-passage.

2. The number of days and hours of work.

3. The wages and rations, as well as the rate of payment for extra work, and all the advantages promised to the emigrant.

4. Gratuitous medical treatment for the emigrant, except in cases where, in the opinion of the proper Government officer, his illness shall have arisen from his own misconduct.

In every contract of engagement there shall be inserted an exact copy of Articles IX., X., XX., and XXI. of the present Convention.

Article IX.—1. The duration of the immigrant's engagement shall not be more than five years. In case, however, he shall be duly proved to have absented himself from work, he shall be bound to serve a number of days equal to the time of his absence.

2. At the expiration of that period, every Indian who shall have attained the age of ten years at the time of his departure from India shall be entitled to a return-passage at the expense of the French Government.

3. If he can show that his conduct has been regular, and that he has the means of subsistence, he may be allowed to reside in the colony without any engagement; but from that time he will lose his right to a free return-passage.

4. If he consents to contract a new engagement, he will be entitled to a bounty, and will retain his right to a return-passage at the expiration of such second engagement.

The right of the immigrant to a return-passage extends to his wife, and to his children who quitted India under the age of ten years, as well as to those born in the colonies.

Article X.—The immigrant shall not be bound to work more than six days in seven, nor more than nine hours and a half a day.

The conditions of task-work, and every other kind of regulation for work, shall be freely arranged with the labourer. The obligation to provide, on holidays, for the care of animals and the necessities of daily life, shall not be considered as work.

Article XI.—In British ports, the arrangements which precede

the departure of the emigrants shall be conformable to those prescribed by the regulations for the British colonies.

In French ports, the emigration agent, or his deputies, shall, on the departure of every emigrant ship, deliver to the British consular agent a nominal list of the emigrants who are subjects of Her Britannic Majesty, with a description of their persons, and shall also communicate to him the contracts of which he may require copies. In such case, only one copy shall be given of all contracts of which the provisions are identical.

Article XII.—In the ports of embarkation, the emigrants who are subjects of Her Britannic Majesty shall be at liberty, conforming to the regulations of police relative to such establishments, to leave the dépôts or other place in which they may be lodged, in order to communicate with the British agents, who, on their part, may, at any reasonable hour, visit the places in which the emigrants, subjects of Her Britannic Majesty, are collected or lodged.

Article XIII.—Emigrants may leave India for the colonies to the east of the Cape of Good Hope at all times of the year.

For other colonies they may leave only from the 1st of August to the 15th of March. This arrangement applies only to sailing vessels; vessels using steam power may leave at any time of the year.

Every emigrant sailing from India for the Antilles between the 1st of March and the 15th of September shall receive at least one double blanket over and above the clothing usually allowed to him, and may make use of it so long as the vessel is outside of the tropics.

Article XIV.—Every emigrant vessel must carry a European surgeon and an interpreter.

The captains of emigrant vessels shall be bound to take charge of any despatch which may be delivered to them by the British agent at the port of embarkation for the British consular agent at the port of destination, and to deliver it to the Colonial Government immediately after his arrival.

Article XV.—In every vessel employed for the conveyance of emigrants, subjects of Her Britannic Majesty, the emigrants shall occupy either between decks or in cabins on the upper deck firmly secured and entirely covered in, a space devoted to their exclusive use. Such cabins and space between decks shall in every part have a height of not less than one mètre sixty-five centimètres French measure (1.65 m.), or five feet and a half ($5\frac{1}{2}$ feet) English measure.

No compartment shall take more than one adult emigrant for every cubic space of two mètres (2 m.) French measure, or seventy-two feet (72 feet) English measure, in the presidency of Bengal and at Chandernagore; and for every cubic space of one mètre seven hundred decimètres French measure, or sixty feet English measure, in other French ports, and in the presidencies of Bombay and Madras.

An emigrant above the age of ten years shall count as an adult,

and two children from one to ten years of age shall count as one adult.

A place shall be fitted up for a hospital in every emigrant ship.

Women and children shall occupy compartments of the vessel distinct and separate from those of the men.

Article XVI.—Each shipment of emigrants shall include a proportion of women equal to at least one-fourth of the number of men. After the expiration of three years the numerical proportion of women shall be raised to one-third; after two years more it shall be raised to one-half; and, after a further period of two years, the proportion shall be the same as may be fixed for the British colonies.

Article XVII.—The British agents, at the embarkation, shall have, at all reasonable times, the right of access to every part of the ships which is appropriated to the use of emigrants.

Article XVIII.—The Governors of the French establishments in India shall make such administrative regulations as may be necessary to insure the complete execution of the preceding stipulations.

Article XIX.—On the arrival of an emigrant ship in any French colony, the Government shall cause to be transmitted to the British consular agent any despatches which it may have received for him, together with—

1. A nominal list of all labourers disembarked, who are subjects of Her Britannic Majesty.

2. A list of the deaths or births which may have taken place during the voyage.

The Colonial Government shall take the necessary measures to enable the British consular agent to communicate with the emigrants before their distribution in the colony.

A copy of the list of distribution shall be delivered to the consular agent.

He shall be informed of all deaths and births which may occur during the period of engagement, as well as of all changes of employer, and of all departures on a return passage.

Every fresh engagement or act of renunciation of the right to a free return passage shall be communicated to the consular agent.

Article XX.—All immigrants, being subjects of Her Britannic Majesty, shall, in the same manner as other subjects of the British Crown, and conformably to the ordinary rules of international law, enjoy in the French colonies the right of claiming the assistance of the British consular agents; and no obstacle shall be opposed to the labourer's resorting to the consular agent and communicating with him; without prejudice, however, to the obligations arising out of his engagement.

Article XXI.—In the distribution of labourers no husband shall be separated from his wife, nor any father or mother from their children under fifteen years of age. No labourer shall be required to change his employer without his own consent, unless

he be transferred to the Government or to the person who has acquired the property on which he is employed.

Immigrants who may become permanently incapable of work, either by sickness or by any other cause beyond their own control, shall be sent back at the expense of the French Government, whatever time may still be wanting to entitle them to a free return passage.

Article XXII.—All operations of immigration may be carried on in the French colonies by French or British vessels without distinction.

British vessels which may engage in those operations shall be bound to conform to all the measures of police, health, and equipment which may apply to French vessels.

Article XXIII.—The labour regulations of Martinique shall serve as the basis for all the regulations of the French colonies into which Indian emigrants, subjects of Her Britannic Majesty, may be introduced.

The French Government engages not to introduce into those regulations any modification the result of which would be to place the said Indian subjects in an exceptional position, or to impose upon them conditions of labour more stringent than those prescribed by the said regulations.

Article XXIV.—The present Convention applies to emigration to the colonies of Réunion, Martinique, Guadeloupe and its dependencies, and Guiana.

It may hereafter be applied to immigration to other colonies in which British consular agents shall be established.

Article XXV.—The provisions of the present Convention relative to the Indian subjects of Her Britannic Majesty shall apply to the natives of every Indian state which is under the protection or political control of Her said Majesty, or of which the Government shall have acknowledged the supremacy of the British Crown.

Article XXVI.—The present Convention shall begin to take effect on the 1st of July 1862 ; its duration is fixed at three years and a half. It shall remain in full force, if notice for its termination be not given in the course of the month of July of the third year, and then notice can be given only in the course of the month of July of each succeeding year.

In case of such notice being given, it shall cease eighteen months afterwards.

Nevertheless, the Governor-General of British India in Council shall, in conformity with the Act of the 19th September 1856, relative to immigration to British colonies, have the power to suspend at any time emigration to any one or more of the French colonies, in the event of his having reason to believe that in any such colony proper measures have not been taken for the protection of the emigrants immediately upon their arrival or during their residence therein, or for their safe return to India, or to provide a return passage to India for any such emigrants at or about the time at which they are entitled to such return passage.

In case, however, the power thus reserved to the Governor-General of British India should at any time be exercised, the French Government shall have the right immediately to terminate the whole Convention, if they should think proper to do so.

But in the event of the determination of the present Convention, from whatever cause, the stipulations relative to Indian subjects of Her Britannic Majesty introduced into the French colonies shall be maintained in force in favour of the said Indian subjects until they shall either have been sent back to their own country, or have renounced their right to a return passage to India.

Article XXVII.—The present Convention shall be ratified, and the ratifications shall be exchanged at Paris in four weeks, or sooner, if possible.

In witness whereof, the respective Plenipotentiaries have signed the same, and have affixed thereto the seals of their arms.

Done at Paris, the first day of July, in the year of our Lord one thousand eight hundred and sixty-one.

(L.S.) COWLEY.
(L.S.) THOUVENEL.

ADDITIONAL ARTICLE.

His Majesty the Emperor of the French having stated that, in consequence of the order which he gave long ago that no more African emigrants should be introduced into the island of Réunion, that colony has since last year had to obtain labourers from India and China; and Her Britannic Majesty having, by a Convention signed on the 25th of July 1860, between Her Majesty and His Majesty the Emperor of the French, authorized the colony of Réunion to recruit six thousand labourers in her Indian possessions, it is agreed that the Convention of this date shall take effect forthwith with regard to the said colony of Réunion.

The present additional article shall have the same force and validity as if it were inserted, word for word, in the Convention signed this day. It shall be ratified, and the ratifications shall be exchanged at the same time as those of the Convention.

In witness whereof, the respective Plenipotentiaries have signed the same, and have affixed thereto the seals of their arms.

Done at Paris, the 1st of July 1861.

(L.S.) COWLEY.
(L.S.) THOUVENEL.

Note from M. Thouvenel to Earl Cowley.

M. l'Ambassadeur,

Paris, July 1, 1861.

THE Emperor has, as you are aware, by a declaration dated this day, made known his will to put an end to the recruitment of negro labourers upon the coast of Africa by means of redemption. Your Excellency may probably desire to be able to send to your Government the very words of the letter written on this subject by His Imperial Majesty to the Minister of the Marine

and the Colonies, and consequently I have the honour to communicate to you herewith a copy of it.

Accept, &c.
(Signed) THOUVENEL.

(INCLOSURE.)

The Emperor of the French to the Minister of Marine and of the Colonies.

M. le Ministre, Fontainebleau, July 1, 1861.

SINCE the emancipation of slaves, our colonies have endeavoured to procure labourers upon the coast of Africa by way of redemption, and by means of contracts of engagement which assure to the negroes wages for the work which they perform. These engagements are made for five or seven years, after which the labourers are sent back gratuitously to their own country, unless they prefer to remain in the colony; and in that case they are admitted to reside there on the same footing as other inhabitants.

This mode of recruitment, it must be acknowledged, differs completely from the slave trade; in fact, while the latter had slavery for its origin and end, the former, on the contrary, conducts to liberty. The negro slave, once engaged as a labourer, is free, and is bound to no other obligations than those which result from his contract.

Doubts have, however, arisen as to the consequences which such engagements may produce upon the natives of Africa. It has been asked whether the price of redemption does not constitute a premium upon slavery.

Already, in 1859, I ordered that all recruitment should cease upon the eastern coast of Africa, where it had occasioned inconvenience; afterwards I directed that that description of operations on the western coast should be restricted; finally I commanded that all the questions involved in African emigration should be examined with the greatest care.

I have this day signed a treaty with the Queen of Great Britain, whereby Her Britannic Majesty consents to authorize the recruitment, in the provinces of India subject to her Crown, of labourers for our colonies, on the same conditions as those observed for the English colonies.

We must, therefore, find in India, in the French possessions in Africa, and in those countries where slavery is proscribed, all the free labourers we need. Under these circumstances, I desire that African recruitment by means of redemption be completely abandoned by French commerce from the day when the treaty concluded with Her Britannic Majesty shall begin to receive its execution, and during the whole period of its duration. If that treaty should cease to exist, it would only be in virtue of an express authorization that such recruitment, if it were found indispensable and free from inconvenience, could be resumed.

You will, therefore, have the goodness to take the necessary measures that this decision may take effect from the 1st of July 1862, and that the introduction of negroes recruited on the coast of Africa subsequently to that date be forbidden in our colonies.

And so, &c.

(Signed) NAPOLEON.

A true copy.

The Minister Secretary of State for the
Department of Foreign Affairs,

(Signed) THOUVENEL.

APPENDIX No. 48.

KOORIA MOORIA ISLANDS.

THIS Indenture made the Twenty-seventh day of June 1861, between Her most gracious Majesty Queen Victoria of the one part, and William Dixon, Hugh Dixon, and Launcelot Dixon, trading under the firm of William Dixon and Co., of Liverpool in the county of Lancaster, merchants, (herein-after called the licensees,) of the other part.

Whereas the said licensees have applied for permission to remove from three of the Kooria Moorria Islands, on the south coast of Arabia, named Jibleea, Haski, and Ghurzood (being part of the dominions of Her Majesty), and import into England about 20,000 tons of a certain kind of deposit known under the description of "guano crusts," to which application Her Majesty has been pleased to accede, subject to the conditions and stipulations herein-after contained.

Now this indenture witnesseth, that subject to the stipulations herein-after contained, Her said Majesty doth hereby grant to the said licensees liberty and permission to raise and import into England, to the extent of 20,000 tons, guano crusts from the said Kooria Moorria Islands, with permission to construct on the said islands all such sheds, huts, stores, jetties, and other works and buildings as may be requisite for that purpose.

Provided nevertheless, that no exclusive right or privilege of any kind is hereby granted or intended to be granted to the said licensees, Her said Majesty reserving to herself full power to make any arrangements or disposition with reference to the said islands, or to the guano, guano crusts, or other deposits thereon, or otherwise, as to Her said Majesty may seem fit.

And this indenture further witnesseth, that the said licensees, for themselves, their heirs, executors, administrators, and assigns, do hereby jointly and separately covenant with Her said Majesty, her heirs and successors, as follows; that is to say, that the said licensees will not assign or underlet the present licence; that they will use all due diligence to raise and take away within the

shortest period practicable (and not in any event to exceed the period of three years from the date hereof) the 20,000 tons of guano crusts hereby permitted to be removed; that they will import and land the whole quantity of such guano crust that may be brought away from the said islands in the ports either of London or Liverpool; that within thirty days of the landing thereof they will pay to Thomas William Clinton Murdoch, one of Her Majesty's Emigration Commissioners, on behalf of Her Majesty, or to any other person authorized by the Secretary of State for the Colonies to receive the same, a royalty at the rate of 3s. for every ton of guano crusts which shall be removed from the said islands under this licence; that the said licensees shall render to the Secretary of State for the Colonies half-yearly statements, commencing from the 1st day of July next, specifying the names and tonnage of all the vessels which shall have shipped guano in the said islands during the last half-year to which such statement shall relate, together with the quantity of guano shipped in each vessel, and that every such statement shall be furnished to the Secretary of State within six calendar months of the expiration of every such half-year; and that the said licensees shall with their own resources, and to the satisfaction of the Secretary of State, maintain good order among and properly treat all Asiatic labourers and others who may be employed by them in or about raising and exporting such guano crusts; and that the said licensees will conform to all such rules as may be established by or by the authority of the said Secretary of State, to maintain order among all such persons as may resort to the said islands in search of such deposits as aforesaid, or for other purposes.

And this indenture further witnesseth, that in case any of the above covenants shall be broken or unfulfilled, or in case it shall be made to appear to the satisfaction of the said Secretary of State that good order has not been or cannot be maintained as aforesaid, or that the labourers employed by the licensees have not been properly treated, or in case it shall appear to such Secretary of State expedient, on political grounds, to revoke this present licence, it shall be lawful for such Secretary of State on behalf of Her Majesty, by notice under his hand, to be forwarded by post to any of the said licensees at his last known place of business in England, to declare that, on a day to be named in such notice, not being less than three calendar months after the date thereof, the licence and permission hereby granted to the said licensees to raise and remove guano crust as aforesaid shall cease and determine, and in no case shall the said licensees be entitled to any compensation for any loss or damage which they may sustain by reason of such revocation of this licence, or by reason of any arrangements which Her Majesty may think fit to enter into with other persons in reference to the said island, or the working and removing of guano or other deposits thereon.

And it is hereby further agreed, that if this licence shall be revoked on account of the breach of any of the covenants and stipulations aforesaid, and not on political grounds, all machinery,

sheds, huts, stores, jetties, and other works and buildings made by the said licensees on any of the said islands, and all guano then being thereon, shall be and become the property of Her Majesty and her successors.

And it is hereby further agreed, that all expenses to be incurred in the preparation and execution of these presents, and in carrying out the provisions thereof, shall be borne by the said licensees.

In witness whereof we, Thomas William Clinton Murdoch and Stephen Walcott, Her Majesty's Emigration Commissioners, have hereunto set our hands and seals, on behalf of Her Majesty, and we, the said William Dixon, Hugh Dixon, and Launcelot Dixon, have respectively set our hands and seals hereto the day and year first above written.

Signed, sealed, and delivered by the said Thomas William Clinton Murdoch and Stephen Walcott, as such Emigration Commissioners as aforesaid, in the presence of John Walpole, of 8, Park Street, Westminster, Esq.

(Signed)
T. W. C. MURDOCH. (L.S.)
S. WALCOTT. (L.S.)

Signed, sealed, and delivered by the said William Dixon, Hugh Dixon, and Launcelot Dixon, in the presence of T. H. Prior, Commander, R.N., Emigration Officer, Liverpool.

(Signed)
WILLIAM DIXON. (L.S.)
HUGH DIXON. (L.S.)
LAUNCELOT DIXON. (L.S.)

APPENDIX No. 49.

FALKLAND ISLANDS.

No. 8.

A PROCLAMATION, containing the REGULATIONS for PASTORAL LEASES.

His Excellency the Governor, with the advice and consent of the Executive Council, hereby makes known that grazing stations will hereafter be leased on the following terms:—

1. Any person may, on application to the Governor, and on payment of 5*l.* into the colonial treasury, obtain a licence to occupy a station.

2. Every such licence will be given in writing, and be for one year only, and not renewable.

3. Every station will contain as near 6,000 acres as may be convenient, having regard to natural boundaries. The boundaries of each station shall be determined by the Surveyor-General, with the approval of the Governor.

4. At any time before the expiration of the licence, the licensee may obtain a lease for ten years of his station, at a rent of 10*l.* a year, provided he proves to the satisfaction of the Governor that he has built on the land a house, of wood or stone walls, not less than 24 feet by 12 feet, and 6 feet high, and has stocked the station with at least 50 cattle or horses or 100 sheep.

5. It will be a condition of the lease that during its continuance the station shall be kept stocked with at least the number of stock before specified, and also be occupied by the lessee or any person in his employment; and in case of any failure in this condition it shall be lawful for the Governor to resume possession of the station.

6. The lessee of any station must, within five years of the date of his lease, purchase at the upset price of land for the time being (not exceeding 8*s.* an acre), a section containing not less than 160 acres; and may also, at any time during his lease, purchase any further quantity of land in his station at the same price.

7. If the lessee of any station under this proclamation, or under the proclamation issued by Governor Rennie on the 31st of July 1849, shall be desirous of obtaining an extension of his lease, he shall give notice thereof to the Governor six months before the expiration of his lease; and the Governor shall, with the advice and consent of the Executive Council, determine whether it is expedient that the land shall be sold or reserved for any public purpose. If the land be not required for sale or otherwise, then the Governor may grant to the lessee an extension of his lease for five years, on the same terms as to rent and occupation as the first lease. Provided that no lessee under the said proclamation of 31st July 1849, shall receive an extension of his lease for more than 6,000 acres, and provided also that no such lessee shall receive an extension of his lease unless all the districts leased by him are stocked and occupied in manner herein-before required.

8. Every lease under this proclamation or the proclamation of 31st July 1849 shall be transferrable, subject only to the condition of giving notice of such transfer to the Colonial Secretary.

9. The rent of each station shall be paid by the lessee to the Colonial Secretary at Stanley, yearly in advance, from the day of the grant of the lease; and if delay be made in such payment, the Colonial Secretary shall, within two months after the rent is due, send notice thereof to the lessee (if in Stanley); and if the rent be not paid within one month after such notice, or (if the lessee be not resident in Stanley) if the rent be not paid within six months after it is due, the lease shall be null and void, and the Governor may resume possession of the station without making to the former lessee any compensation.

10. No licence shall be granted to occupy any station within six miles by land of Stanley, or of any township which may hereafter be proclaimed.

11. Every station leased and every block of land sold under these regulations shall be as far as possible of a square figure, of which not more than one side shall have available water frontage.

12. Every lease shall confer the right to use the land for

pastoral purposes, and shall be subject to all such reservations as are contained in the printed Crown grants of land in this colony; and the Governor shall have power at any time to proclaim a public road through any station.

13. No person shall be licensed under the first clause of this proclamation to occupy more than one station at the same time; and no lessee of any districts under the said proclamation of 31st July 1849 shall be licensed to occupy a station, unless the said districts shall be stocked and occupied in manner herein-before required.

14. Every station shall be defined with reference to the nautical chart of the colony, without requiring any further survey.

By order of his Excellency the Governor.

(Signed) J. R. LONGDEN,
Colonial Secretary.

Colonial Secretary's Office,
Stanley, Falkland Islands,
4th April 1861.

APPENDIX No. 50.

FALKLAND ISLANDS.

No. 9.

A PROCLAMATION, containing the REGULATIONS respecting the
Capture of WILD CATTLE.

His Excellency the Governor, with the advice and consent of the Executive Council, hereby makes known that any person holding a licence or lease of a station under the proclamation of 4th April 1861, and any person holding a grazing district under the proclamation of 31st July 1849, if the same be actually occupied, may obtain a licence to capture and kill wild cattle for his own use on the following conditions:—

1. Every person shall pay for each ox, bull, or cow captured 14s., and for each calf running with the cow, 1s.
2. Where it appears that the number of wild bulls is excessive, the Governor may grant to any holder of land as aforesaid permission to kill the same on payment of 4s. each.
3. In order to prevent interference among different licensees, the Governor shall prescribe the limits within which each licensee may kill or capture cattle.
4. Every animal captured under these regulations shall be branded with the brand of the owner, which brand shall be registered in the office of the Colonial Secretary, when the licence is issued.
5. Every person holding a licence under this proclamation shall make a declaration every six months of the number and

description of animals killed or captured by him during the preceding six months, and pay the fees thereon to the Colonial Secretary.

6. The licence of any person making a false declaration shall be revoked.
7. Every licence granted under these regulations, and the number and description of animals killed and captured under each licence, shall be published from time to time on the Government Gazette board.
8. On sufficient cause being shown, the Governor may, if he think fit, grant to any person not being a holder of land as aforesaid, a licence to kill on Crown lands such wild cattle as he may require for consumption only, on payment of a fee of 1*l.* for each animal.

By order of his Excellency the Governor.

(Signed) J. R. LONGDEN,
Colonial Secretary.

Colonial Secretary's Office, Stanley,
5th April 1861.

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EMIGRATION COMMISSION.

TWENTY-SECOND GENERAL REPORT

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