

Victorian Convention.

RESOLUTIONS,

PROCEEDINGS, AND DOCUMENTS

OF THE

VICTORIAN CONVENTION,

Assembled in Melbourne, July 15 to August 6, 1857.

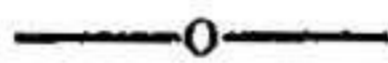
PRICE SIXPENCE.

Published for the Council of the Convention by
J. J. WALSH, 239 ELIZABETH STREET, MELBOURNE.

1857.

THE COUNCIL of the CONVENTION have thought it well to publish, in the present shape, the Resolutions adopted by the Convention, together with a few papers which were considered of sufficient interest to be entered on the minutes of that Assembly: in order that the members of the several Land and Reform Leagues throughout the colony, associated with the Convention, may have these documents in a convenient form, and without the trouble of searching for them through newspapers.

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VICTORIAN CONVENTION.

RESOLUTIONS, &c.

CALLING OF THE CONVENTION.

THE following was the first paper issued suggesting the calling of the Convention. It met with a response of general approbation from all the parties to whom it was addressed:—

230 Elizabeth street, Melbourne, 20th June, 1857.

DEAR SIR,—As the danger of the Public Lands being handed over, in perpetuity, to the present occupants is imminent—the Bill for that purpose having passed its second reading—I am requested by the Committee of the VICTORIA LAND LEAGUE respectfully to ask your opinion and advice on the desirableness and practicability of holding, on an early day, in Melbourne, or some central place, a Congregational Assembly of Delegates chosen from every district and town in the colony, to deliberate and determine some plan of united action, by which this impending calamity may be averted, and immediate steps taken to adjust, on a comprehensive, liberal, and equitable basis, the all-important question of the Land, both as it regards the miner, the agriculturist, and the squatter.

I beg to assure you that any suggestions you may kindly offer will be duly appreciated and acknowledged by the Committee of the League. An early answer will oblige.

I have the honor to be, dear sir, your most obedient servant,

To _____

J. J. WALSH, Hon. Sec.

The following requisition was afterwards published in the public papers:—

CONVENTION OF DELEGATES.

The various districts and towns throughout Victoria are respectfully invited to elect Delegates to meet in Congress, in Melbourne, on 15th July, to deliberate and determine a plan of united action, by which the Land Bill now before the Legislature may be defeated; and steps taken to adjust, on a broad, liberal, and equitable basis, the all-important question of the Public Lands, as regards the miner, the agriculturist, and the squatter.

By order of the Committee of the Victoria Land League,

Melbourne, 22nd June, 1857.

J. J. WALSH, Hon. Sec.

Several letters having been received making inquiries, among other matters, as to the principles on which the Convention was expected to assemble, and whether it was to be considered as adhering to the views of the Land League, the following circular was forwarded in reply to the letters, and sent generally to all parties to whom the first circular had been addressed:—

230 Elizabeth street, Melbourne, 1st July, 1857.

DEAR SIR,—By desire of the Committee of the Land League, I have the honor to acquaint you that Wednesday, the 15th of July, has been fixed for the Delegates to meet in Convention in Melbourne; the place of meeting to be the Long Room of Keeley's Australasian Hotel, Lonsdale street; the hour, 6 o'clock p.m.

I beg to draw your particular attention to the necessity of having your district adequately represented on this occasion: and, with that view, I would most respectfully ask you to exert your influence in getting the people together with as little delay as possible, and urging the necessity of immediate action.

The Committee decline to assign any number of Delegates to any town or district; they prefer to leave this to the judgment and discretion of the residents themselves. It would, however, be exceedingly desirable that as influential a body as possible be deputed to join in the Convention.

We have received several letters inquiring whether the Conference is to be considered as connected with and adhering to the Land League. We beg to say that we do not consider that any Delegate who attends the meeting is bound to any principles, but to represent the opinions and

sympathies of his district. The object of the meeting is to gather and concentrate the opinion of the country; to defeat the present Land Bill; and to originate such a scheme as will be acceptable to the people and may fitly embody the future land policy of the colony.

At the same time we wish respectfully to impress upon you that the country has already suffered deeply from vague ideas; and that the use of mere general expressions has opened wide the gate to political falsehood and betrayal. All our present members have been returned on the promise of a "liberal and comprehensive" land policy. We submit that what we now want is an "explicit and intelligible" policy, and that the members of the present Convention should be sent forward on principles sufficiently definite to shape a well-defined and decided scheme that the country shall demand as one man.

There are certain leading principles that will be brought for discussion before the Convention. They are already more or less familiar to the public mind. The Committee hope that they will be tested, and made the subject of discussion in the several districts, and that the delegates will come prepared to represent the opinion of the districts upon them. We beg to suggest the following principles for consideration:—

As REGARDS THE AGRICULTURAL SETTLEMENT OF THE COLONY we beg leave to submit—

1. That the actual cultivator should be allowed to select for himself, to the extent of a moderate-sized farm, the lands best suited to his purpose, wherever they may be found unalienated in the colony. We recognise the fact that some lands in the neighborhood of towns and settlements have already been so long withheld from sale that they have acquired an exceptional value, and will need to be specially dealt with; but for the general lands of the country, we submit that it is equally opposed to the interests of the individual and the interests of the State that the industry of the people should be directed to inferior lands while superior lands remain untilled.
2. We submit that the actual cultivator should be enabled to enter upon his land the moment he has selected it, at a known uniform price, without auction. We submit that the auction system should be retained merely as a means of determining a preference when capitalist competes with capitalist.

As REGARDS THE UNALIENATED GRASS LANDS OF THE COLONY, we submit—

That these should not be subject to any exclusive occupation. We submit that the best use that can be made of them, for the benefit of all, is to have them open to all, as the gold fields are.

We hope that this latter point will engage the especial attention of the Delegates. This Committee begs respectfully to state that they are unanimously of opinion that there can be no effective land reform as long as the unalienated lands are the subject of any EXCLUSIVE OCCUPATION for pastoral purposes.

We believe that the opinion of the country is unanimous that the present system of squatting should not be permitted to endure. But ANOTHER QUESTION will be submitted to the Convention;—it is this: Ought another system of squatting be permitted to take its place that shall differ from it only in this, that the runs shall be let by auction, and the number of the runs be increased by breaking up some of the present larger ones. The doctrine begins to be mooted that this should form part of a liberal land scheme. The Convention will have to pronounce upon this question. We submit it respectfully now as the opinion of this Committee, that this suggestion should RECEIVE NO COUNTENANCE from the people; that to exchange 700 squatters, with runs averaging 60,000 acres each, for 1000 squatters, with runs averaging 10,000 acres each, would be to make our last state worse than our first. If an army of occupation, 700 strong, has been found difficult to dislodge, we submit that the country would have little chance in attempting to cope with an army 1000 strong.

As grass lands merely, we submit that the country should no more rent out its grass fields than its gold fields. But the unalienated Crown lands are more than mere grass fields; they are the fields for the future settlement of a population. Unless these lands REMAIN OPEN for the choice of the settler as long as they are unalienated, there can be NO FREE SETTLEMENT. If an exclusive grazing occupation is permitted to precede settlement, then the public must stand outside the fence, as now, until it is the pleasure of the Government Board, dominated as it will be by squatter influence, from time to time to go in and cut them a slice.

It is said that a large revenue could be realised by letting the runs by auction; but we submit that this should form no consideration to induce the people of the colony to perpetuate squatting in this shape. In this respect there is no parallelism between an individual proprietor and a State. An individual can make a revenue from his lands only by letting them; a State makes revenue out of its lands by settling them. If settlement is discouraged, every pound of RENT gained is several pounds of REVENUE lost: to a State, therefore, rent should not constitute even a temptation to thus obstructing the industry of its citizens.

We have dwelt thus long upon this idea—the introducing a new race of squatters by letting the unalienated Crown Lands by auction—because we believe it to be a coming danger, and one that ought to be forestalled by the Convention.

We do not pretend to enumerate all the subjects that are likely to be brought for discussion before the Convention, but we have been anxious to bring these leading topics early to your notice, that you might afford us the advantage of having them discussed in your neighborhood, and that

your Delegates might come prepared to speak with confidence the opinion of the district they represent.

We ask, then, your particular attention to these points:—

1. Free selection for the actual settler at one uniform price, without auction.
2. All unalienated Crown Lands to constitute an open country of pasturage, free to the people.
3. No new pastoral tenancies to be created when the lands are resumed from the present tenants.

The further topics of PRE-EMPTIVE RIGHT, UPSET PRICE, TAXATION OF ALL PURCHASED LAND, &c., &c., we cannot touch within the compass of a circular.

I have the honor to be, dear Sir, your obedient servant,

J. J. WALSH, Hon. Sec.

MEETING OF THE CONVENTION.

On the evening of the 15th of July, accordingly, a large number of Delegates, who had been appointed at public meetings in various districts of the colony, assembled in the Long Room of Keely's Parliamentary Hotel, Melbourne. On this, first evening, sixty-seven Delegates were present. This number was within a few days increased to eighty-eight.

The following are the names of the eighty-eight who ultimately assembled, and the places which they represented:

NAMES OF DELEGATES.

BALLAARAT —Alfred Arthur O'Connor, Member of Local Court	George Craib
John Yates, Do.	Henry Fyfe
Duncan Gillies Do.	GISBORNE —J. Morris
John Cathie	HEATHCOTE —James R. Sloane, Member of the Local Court
BENDIGO —Robert Benson	HEIDLEBERG —D. A. McGregor, M.D.
G. E. Thomson	Robt. Pridham
BEECHWORTH —R. F. Smyth, Member Local Court	KYNETON —Archibald Chisholm
BACCHUS MARSH —James Watt	Benjamin Kenworthy
Henry James	MELBOURNE —John Hood, Member of the Legislative Council
James Crooke	Thomas Loader
BRIGHTON —J. H. Thompson	C. J. Don
John Houston	Wilson Gray, Barrister-at-Law
CASTLEMAINE —Michael Prendergast, Chairman of Municipal Council	J. J. Walsh
Dr. Davies	Sir George Stephen, Barrister-at-Law
William Hitchcock, Member of Municipal Council	Benjamin H. Dods
COLLINGWOOD —James Galloway	Michael Keeley, City Councillor
J. R. Gibson	Peter Sherwin
James Cattach	James Warman
James Thomson Macminn	Henry Hayden
Henry D. Riley	John Patterson
John Harrison	James Doyle
Pierce Joseph Murphy	Stephen Donovan, City Councillor
John Westhorpe	NORTH MELBOURNE —Frederick Calvert
COLAC —Joseph S. Miskin	William Richardson
CARISBROOK —L. Laskie	Robert Hayes
— Richardson	Francis Strickland
DUNOLLY —W. H. Wingfield, Member of Local Court	William Schultze
Francis Quinlan	MOUNT BLACKWOOD —Frederick H. James, Member of Local Court
EMERALD HILL —William H. Short	J. B. Garland
Robt. Mills	NINE-MILE, OVENS —George W. Kennedy
Allan Leitch	PRAHRAN —J. B. Crews, Member of the Municipal Council
FRYER'S CREEK —Samuel Scotson, Member of Local Court	William J. O'Hea
GEELONG —Thos. Whinam	George M'Kay, L.L.D., Barrister-at-Law
William Clarson	RICHMOND —Christopher Cutter
Theodore Hancock, Member of the Legislative Assembly.	G. H. Batten
	Henry Johnson, Member of the Municipal Council
	Philip Johnson, Do.

NAMES OF DELEGATES (CONTINUED).

ST. KILDA—F. Spicer, Member of the Municipal Council

A. E. Sutherland, Do.

F. Quain

— Woolcott

T. Hales, Member of the Municipal Council

SEYMOUR—Peter Tierman

SOUTH BOURKE—Robert Hepburn

T. Brooke

H. Johnston

SEBASTOPOL—Thomas Mooney

TARRANGOWER—John Ramsay, Member of the Local Court

Thomas Gainford, Do.

TEMPLESTOWE—William Malcolm

WILLIAMSTOWN—M. Verdon, Chairman of Municipal Council

William Whyte

WOOLSHED, OVENS—John Strickland

WANGARATTA—Henry Parfitt

On this first evening, Thomas Loader, Esq., as Chairman of the Committee of the Land League, the body which had been instrumental in calling the assembly together, took the Chair as preliminary to the inauguration of the Convention.

The CHAIRMAN said that the meeting, for the present, would be considered as a Committee of the Land League. As Chairman of that Committee, he would lay before it a short report. The Committee would then disappear, and leave the Convention to organise itself, and shape its own proceedings.

The Chairman then read the following report :—

To the Delegates appointed by the several districts of Victoria to assemble in Convention at Melbourne, on the 15th July, 1857.

GENTLEMEN,—The present Convention has been specially called into existence by the following advertisement and circular letter issued by direction of the Central Committee of the Victoria Land League.

[The circular and advertisement will be found above.]

The Committee of the Land League rejoice in their pleasant duty of receiving you upon this occasion, and unite in offering to you, Gentlemen Delegates, a hearty welcome to the city of Melbourne; and, further, respectfully tender their great admiration and satisfaction at the noble, unanimous, and energetic manner in which your several districts responded to the call from the Land League; and to you, Gentlemen, in particular, for your patriotic conduct in placing yourselves so punctually in personal communication with the League.

The Committee will furnish you with a short report of their past proceedings, preparatory to committing to your consideration the vast interests of the people in the public lands of Victoria.

The Land League, during the past eight months, has been acting within the immediate reach of a very large proportion of the population of the colony; and having communicated with, and endeavored to ascertain, as far as possible, the views of that population, the Committee have taken the liberty of inviting the several districts of the colony to send Delegates to Melbourne, in order that the judgment of the country might be pronounced upon the Land Bill which is now before the House of Assembly; and, also, that the opinions of the country might be collected, for the purpose of framing the outline of a Bill which would embody the experience and desires, and satisfy the rightful expectations, of the colonists in general.

The Committee, without presuming to do more than suggest, respectfully solicit the attention of the Convention to the principles which are advocated by the Victoria Land League.

The Committee, in conclusion, would suggest that the Convention should at once petition the House of Assembly to stay the further progress of the Land Bill now before the House, until the people are fairly represented in the Assembly.

Wishing you, Gentlemen, every success in your noble and most important mission,

We have the honor to remain, &c.,

THOMAS LOADER, Chairman.

One of the Delegates inquired whether it was understood that the Delegates came pledged to the principles of the Land League.

The CHAIRMAN said the Delegates came pledged to no principles, save as they might have pledged themselves to the districts from which they were delegated. He would now vacate the Chair, and this would become a meeting of the Convention.

Mr. WILLIAM HENRY WINGFIELD, one of the Delegates from Dunolly, was then called to the Chair, and the Convention was declared opened.

Mr. J. J. WALSH was appointed Secretary *pro tem*.

At this meeting the Convention organised itself in the following manner. It was resolved that it should meet in Committee of the whole every forenoon, at eleven o'clock, when all the business, to be afterwards presented to the Convention in its evening session, should be prepared: and, that the Convention should

meet in session at seven o'clock each evening, to discuss and decide upon this business in full Convention.

Before the Convention separated this evening, the following resolution was submitted by Sir GEORGE STEPHEN, and unanimously adopted:—

That this meeting of Delegates represent the opinion of an immense majority of the inhabitants of the colony, and that such opinion is, that the Land Bill now before the House of Assembly is, in every respect, adverse to the best interests of the colony, and is so erroneous in principle that it is incapable of any amendment, so as to satisfy the just expectation of the colony; and, therefore, it must be at once and for ever abandoned.

On the next forenoon, Thursday, the Convention, at its meeting in Committee of the whole, elected the following gentlemen, whose names should be submitted to the full session to be officers of the Convention: Wilson Gray, Esq., as President; Sir George Stephen, and Michael Prendergast, Esq., as Vice-Presidents; Thomas Loader, Esq., and Michael Keeley, Esq., as Treasurers; and J. J. Walsh, Esq., as Honorary Secretary. These names were subsequently approved of by the full Convention.

It was also determined that the business of the first two evenings should be to call upon all the Delegates to express the opinion of their respective districts on the subject of the Land Bill then before Parliament—and the principles proper to be embodied in such a bill as would meet the wants and wishes of the people of the colony. And it was resolved, that the Convention should afterwards adopt a series of resolutions in accordance with the opinions then expressed, and embodying the principles on which a land law suited to the colony should be framed.

OPINIONS OF THE DISTRICTS.

Two evenings were accordingly spent in receiving the opinions of the Delegates.

Some of the Delegates came entrusted with resolutions expressing the views of their districts. A few of these will indicate the opinions which predominated in these districts. The Delegates from Ballarat presented the following credentials:—

TO ALL WHOM IT MAY CONCERN.

The people of Ballarat, in public meeting assembled, at the Victoria Theatre, on Saturday, the eleventh day of July, in the year of our Lord, one thousand eight hundred and fifty-seven, agreed to the following resolutions:—

RESOLVED—That the Victorian Crown lands are the property of the people, and that in order to secure the peace and future prosperity of the country, the following principles should form the basis of future legislation:—

1st. That the actual cultivator should be allowed to select for himself a moderate-sized farm, 300 acres being the maximum, at the uniform price of one pound per acre, without auction.

2nd. That the actual cultivator should be enabled to enter upon his farm on payment of a deposit of ten per cent. on the purchase-money, the payment of the balance to extend over a period of five years—10 per cent. the first year, and 20 per cent. the second, and each succeeding year, till the amount of the purchase-money is paid up.

3rd. That all lands in existing towns and their neighborhood which have obtained an exceptional value should be specially dealt with, and not subject to the above conditions.

4th. That all unalienated Crown lands should constitute an open country for pasturage, free to the people, and that the present system of squatting is unjust in principle, oppressive in practice, and opposed to the progress of the colony.

5th. That, in the opinion of this meeting, it is the duty of the Government to resume the Crown lands of the country from the pastoral tenants, and that, in no case, should any new tenancies be created when these lands are resumed.

6th. That all the gold fields of the colony, as well as all the known auriferous lands in their neighborhood, should be reserved from sale.

AND FURTHER—

That four Delegates be sent to attend the Melbourne Conference, and that a subscription be at once opened to defray the expenses of the delegation.

That the resolutions passed at this meeting be signed by the Chairman, and submitted to the Delegates for their guidance at the Melbourne Conference, to be held on the 15th instant.

And I hereby certify, that—

JOHN YATES, Member of the Local Court of Ballaarat,
ALFRED ARTHUR O'CONNOR, Member of the Local Court of Ballaarat,
DUNCAN GILLIES, Member of the Local Court of Ballaarat, and
JOHN CATHIE, Merchant of Ballaarat,

Are declared by me to be duly elected as Delegates to represent Ballaarat at the National Congress to be held at Melbourne.

JOSEPH HENRY DUNNE, Chairman of the Meeting, Ballaarat.

Dated this 11th day of July, in the year of our Lord one thousand eight hundred and fifty-seven.

Mr. Strickland, from the Ovens, presented the following resolutions, adopted in his district:—

1st. That it is the opinion of this meeting that a bill for facilitating the selecting and settlement of the public lands should be passed as quickly as possible, but that they are of opinion that the proposed bill of the Government would be injurious to the interests of a large majority of the community, and will retard the progress of the colony.

2nd. That it is the opinion of this meeting, that, should the Government adopt the unwise policy of forcing these objectionable bills upon the country, it will be utterly impossible to carry them into operation, from their injurious tendency, and the general spirit of opposition manifested to them on the gold-fields.

3rd. That this meeting is of opinion that our delegate shall represent to the Melbourne Convention that 10s. per acre should be fixed as the upset price for all unalienated land. That the land should be open to free selection, at the upset price. Should any dispute arise as to who is the first occupant, it should be settled by four assessors. That the present system of squatting should be entirely abolished, and all unalienated lands should be open to all.

That the unalienated Crown Lands of the colony be open to the public for purchase by selection. That the cost price of agricultural land so selected shall not exceed 10s. per acre, payable in two instalments; fifty per cent. on occupation, the balance in three years.

That the maximum area that can be settled by any one person shall be 640 acres, but whatever the quantity, the water frontage shall in no case exceed the depth.

Mr. Mooney, of Sebastopol, presented, from that district, a document, from which the following is an extract:—

As respects the public lands, the condition upon which actual cultivating occupiers shall have portions of the public domain, we submit for consideration as follows:—

Farms of 160 acres up to 320 acres, the most that any one person can hold in his own right.

The farms to be open to selection; price ten shillings an acre: five shillings per acre cash on taking possession, the remaining five shillings to be paid at the end of three years. When any fraud is practised by persons holding more land, in contravention of this law, such lands may be "jumped," that is, taken possession of by the first person detecting the fraud. All lands, when sold, to bear a public tax per acre towards the public revenue, and especially towards public roads and schools. The unsold portion of the public domain to be considered a common, open to all, but a suitable tax to be levied yearly per head upon all grazing stock of every kind found on the public domain, whether they belong to squatter, miner, merchant, or farmer. New townships to be suffered to gather and grow by the presence and necessities of immigrants. All mines and minerals of every kind to be reserved in all sales for the benefit of the whole people, to whom, in common, they belong. The right to mine upon property already purchased to be fully recognised.

To extract from the speeches delivered by Delegates would exceed the space of this paper. They were generally in accordance with the views expressed in the above documents. The condemnation of the present land bill was universal.

Having elicited the opinions of the Delegates, the Convention proceeded to frame resolutions which would embody the general views that had been expressed, and which would receive the assent of the Delegates, and of the districts they represented.

Cotemporaneously with this business, the Convention arranged an interview with the Chief Secretary, Mr. Haines, and with the minority who were opposed to the Land Bill in the House of Assembly, memorialised the House of Assembly, and adopted a protest against the bill.

RESOLUTIONS FINALLY ADOPTED AS THE BASIS OF A LAND BILL LIKELY TO SATISFY THE COUNTRY.

The following were the resolutions which, after much careful and anxious

consideration, and after discussion protracted through several evenings, were ultimately adopted by the Convention, as embodying the principles on which a bill that would satisfy the wants and wishes of the country should be based. These resolutions were submitted for discussion one by one; and, in many instances, each resolution was divided into several propositions, and these propositions separately considered, debated, and voted on.

1st Resolution—That all exclusive occupation of unalienated Crown lands for pastoral purposes should cease, and such lands should be open as free pasturage for the public.

2nd Resolution—That every adult person in the colony should have a right to select a claim of land not exceeding — acres, at a uniform price, without auction; such right of selection to extend over all the unalienated lands of the colony, surveyed or unsurveyed: this right, however, to be subject to the following conditions and qualifications:—

1st condition—Substantial occupation.

2nd condition—Payment of ten per cent. of the purchase-money on entering into occupation. The time of paying the subsequent instalments left an open question, to be determined at a future time.

3rd condition—All persons taking up their claims beyond the State survey, to take them subject to having the boundaries of such claims adjusted to the boundaries of the lots as afterwards run by the survey.

4th condition—Certain lands that have been long withheld from sale, lying in the neighborhood of settlements, and which have thus acquired an exceptional value, to be exempt from this right of selection, and to be specially dealt with.

5th condition—All the gold-fields of the colony, as well as all auriferous land in their neighborhood, to be exempt from such selection: the Crown, in disposing of all waste lands, whether by selection or other mode of sale, to reserve all gold and minerals in such lands, retaining the right to resume such lands, and to permit mining upon them under certain regulations.

6th condition—All waters and water frontages with convenient rights-of-way thereto, to be reserved from selection, as more generally provided for in resolution No. 3, hereafter following.

7th condition—Price: The amount of the uniform price to be hereafter fixed, but not to exceed £1 per acre. Opinions in the Convention varied between 10s. and £1.

The Convention recognised that a question will arise hereafter as to the restriction of this right, as well as the general right of purchasing land, to races of certain extraction, but they consider the question to be one of detail, on which it is not now necessary for them to adopt any resolution.

The Convention decided by a considerable majority that the number of acres be, for the present, left blank in the above resolution, leaving the number to future opinion to determine; but they also directed it to be made public, that opinion in the Convention ranged from a maximum of 160 to a maximum of 320—preponderating in favor of 320.

3rd resolution—That in all sales of land the Government should reserve all waters and water frontages, with rights-of-way leading thereto at convenient intervals, as easements for the public.

4th resolution—That all lands alienated from the Crown, whether cultivated or uncultivated, should be subjected to equal taxation for municipal and local purposes; and that uncultivated lands should be further subjected to a special State tax.

5th resolution—That, in surveying the lands of the colony, all discretion and all possible favoritism by surveyors, as to the size and boundaries of lots, be excluded, by making all lots of one uniform size, and running the boundaries by right lines.

PURCHASERS FOR MONEY MERELY, WITHOUT CONDITION OF CULTIVATION OR OCCUPANCY.

Resolved—That while this Convention recommends that the actual cultivator be invested with the special rights set forth in the foregoing resolutions, they are of opinion that persons who may find it inconvenient or impossible to proceed to cultivate at once should not, therefore, be wholly debarred from purchasing from the State; but they are of opinion that this right of purchase should be controlled by such reasonable regulations as may discourage monopoly without shackling enterprise or obstructing fair investment.

Resolved—That this Convention will not at present attempt to define the exact restrictions by which such purchasers should be controlled; but, holding in view that practical legislation on this subject must still be at least some months distant, they will only suggest certain general principles on which they think those restrictions might be based, leaving the closer definition of them to the result of public discussion and the further ripening of opinion.

Resolved—That, as principles likely to be effective in framing such restrictions, they suggest—

1st. That the purchaser for money merely, should not, like the actual cultivator, have access to all the lands of the colony, but only to lands brought into market district by district, as the course of previous settlement by the free selection of actual cultivators advances and thus indicates the districts suitable to be brought in.

- 2nd. That such purchasers be permitted to buy for ready money only.
- 3rd. That, as provided in a foregoing resolution, No. 4, purchased lands remaining uncultivated be subject to a special State taxation.
- 4th. That, as provided for in a foregoing resolution, No. 5, no discretion or possibility of favoritism be left to surveyors in determining the size or boundaries of lots, but that all lots be surveyed by right lines and made of uniform size, such size as may be considered the unit of a reasonably small farm, so that purchasers for money merely, if desirous of having larger tracts of land, shall not, as hitherto, be protected from general competition, but shall encounter, lot by lot, the competition of the small purchaser, besides being preceded by the free selector.

DISCUSSIONS AND DIVISIONS ON THE FOREGOING RESOLUTIONS

As the best means of indicating the opinions prevailing in the Convention, and the degree of unanimity which existed as to the several principles embodied in these resolutions, some of the principal divisions that took place are here recorded.

On Tuesday evening, July 21st, (Fifth day)—the first resolution was discussed:—

That all exclusive occupation of unalienated Crown Lands for pastoral purposes should cease, and such lands should be open as free pasturage for the public.

After a lengthened discussion, or rather a lengthened expression of opinion, for opinion proved to be nearly unanimous,

The following was the Division List:—

AYES, 52.—Ballaarat—Messrs. O'Connor, Cathie, Yates. Bendigo—Messrs. Benson, Thompson. Brighton—Messrs. Houston, Thomson. Bacchus Marsh—Mr. James. Colac—Mr. Miskin. Collingwood—Messrs. Galloway, Gibson, Cattach. M'Minn, Riley, Murphy, Capt. Harrison. Carisbrooke—Messrs. Laskie, Richardson. Dunolly—Messrs. Quinlan, Wingfield. Emerald Hill—Messrs. Short, Leitch. Geelong—Messrs. Whinam, Clarson, Kyneton—Mr. Kenworthy. Mount Blackwood—Messrs. James, Garland. Melbourne—Messrs. Don, J. J. Walsh, Dodds, Sherwin, Warman, Hayden, Patterson. North Melbourne—Messrs. Calvert, Richardson, Hayes, Strickland, Schultz. Ovens—Messrs. Strickland, Smith, Mooney. Prahran—Messrs. Crews, O'Hea. Richmond—Messrs. Batten, Cutter, Philip Johnson. Seymour—Mr. Tiernan. South Bourke—Messrs. Johnson, Brooke. Tarrengower—Messrs. Ramsay, Gainsford.

NOES, 1.—Richmond—Councillor Henry Johnson.

The second resolution, which embodied several principles was divided into separate propositions for convenience of discussion. The resolution stands as follows:—

2nd resolution—That every adult person in the colony should have a right to select a claim of land not exceeding ——— acres, at a uniform price, without auction; such right of selection to extend over all the unalienated lands of the colony, surveyed or unsurveyed: this right, however, to be subject to certain conditions and qualifications mentioned in pp. 6, 7.

The first proposition submitted to discussion, was a resolution to the effect:—

That every adult person should have a right to select a claim of land not exceeding ——— acres, at a uniform price, without auction.

This discussion was taken on Wednesday evening, July 22nd. (Sixth day.)

Mr. HEPBURN, of South Bourke, moved the following amendment:—

That inasmuch as the unsold lands of the colony are the property of the people of Great Britain, as well as the inhabitants of the colony, it would be both impolitic and highly injudicious to dispose of the public lands, otherwise than at a fair valuation, to be fixed upon by valuers, or by auction.

Mr. JOHNSON, of South Bourke, seconded this amendment.

After a very full expression of opinion there appeared at the close of the evening, For the amendment:

2.—Messrs. Hepburn, South Bourke; T. Johnson, South Bourke.

For the original resolution:

52.—Messrs. Benson, Bendigo; Chisholm, Kyneton; Kennedy, "Nine-Mile," Ovens; John Strickland, Woolshed; Ramsay, Tarrengower; Watt, Bacchus Marsh; Sloane, Heathcote; Dods, Melbourne; Clarson, Geelong; Sherwin, Melbourne; Smythe, Ovens; Doyle, Melbourne; Malcolm, Templestowe; Hayden, Melbourne; Tiernan, Seymour; F. Strickland, North Melbourne; Garland, Mount Blackwood; Cutter, Richmond; Patterson, Melbourne; Don, Melbourne; Gainsford, Tarrengower; O'Hea, Prahran; Hayes, Parkside; Mooney, Sebastopol; Walsh, Melbourne; Warman, Melbourne; Gibson, Collingwood; M'Minn, Collingwood; Houston, Brighton;

Thomson, Brighton; Richardson, North Melbourne; Calvert, North Melbourne; Cattach, Collingwood; Galloway, Collingwood; Riley, Collingwood; Quinlan, Dunolly; Murphy, Collingwood; James, Mount Blackwood; Cathie, Ballarat; Scotson, Fryer's Creek; P. Johnson, Richmond; Wingfield, Dunolly; Yates, Ballarat; C. W. Thompson, Sandhurst; Leith, Emerald Hill; Crews, Prahran; Short, Emerald Hill; Keeley, Melbourne; O'Connor, Ballarat; Batten, Richmond; Whinnam, Geelong; and Kenworthy, Kyneton.

The next proposition submitted for discussion was a resolution to the effect that the right of free selection to be exercised by the actual cultivator should not be confined within the surveys, but should extend over all unalienated lands, surveyed or unsurveyed. This proposition produced a longer debate than any other that came before the Convention. It was debated for two nights. It also developed, when first submitted, more difference of views than any other question that was debated. On the first night of its discussion an amendment was submitted "that the right should be confined to surveyed lands." On that night a division took place on the amendment. It obtained the support of a minority of 12. It was negatived by a majority of 32. The division list was as follows:—

For the amendment—

AYES, 12.—Messrs. Cattach, Collingwood; Patterson, Melbourne; Leitch, Emerald Hill; Short, Emerald Hill; Benson, Bendigo; Scotson, Fryer's Creek; Smyth, Beechworth; John Strickland, Woolshed; Whinhan, Geelong; Tiernau, Seymour; Donovan, Melbourne; Sloane, Heathcote.

Against it—

NOES, 31.—Messrs. Warman, Melbourne; Hitchcock, Castlemaine; Dr. M'Kay, Prahran; Gibson, Collingwood; Garland, Mount Blackwood; Ramsay, Tarrengower; M'Minn, Collingwood; J. W. Thomson, Brighton; O'Connor, Ballarat; James, Mount Blackwood; Cutter, Richmond; Murphy, Collingwood; Houston, Brighton; Quinlan, Dunolly; Dods, Melbourne; Walsh, Melbourne; Clarkson, Geelong; Wingfield, Dunolly; Mooney, Sebastopol, Ovens; Schultz, North Melbourne; Gainford, Tarrengower; Hayes, North Melbourne; Keeley, Melbourne; Batten, Richmond; Harrison, Collingwood; F. Strickland, North Melbourne; Malcolm, Ballan and Templestowe; Sherwin, Melbourne; O'Hea, Prahran; Calvert, North Melbourne; Hayden, Melbourne.

On the next evening the discussion was continued on the original motion, the result of which was that the original motion was adopted without any division, in a larger house than had been in attendance on the previous night, the result of the protracted discussion being to bring the Convention nearly to unanimity.

On this night some papers were read illustrative of the question under discussion, which the Council directed to be inserted on its minutes, and which are thought sufficiently interesting to be recorded in this brief account of the resolutions adopted by the Convention.

The following extract was read from Gibbon Wakefield's book on colonisation. The delegate who read it explained that Gibbon Wakefield had laid down several valuable principles in relation to that sort of colonisation for which he (Mr. Wakefield) wrote—a class-colonisation for the benefit of capitalists. Many of these principles were equally good for the colonisation of the people. Wakefield strenuously advocated a system of a perfectly free selection for his colonists, uncontrolled by officials, and therefore necessarily unconfined by surveys. The extract read was as follows:—

FREE SELECTION. (EXTRACT FROM GIBBON WAKEFIELD.)

There is no business more entirely a man's own business than that of a settler picking new land for his own purpose; and the truism of our time, that in matters of private business the parties interested are sure to judge better than any Government can judge for them, is an error, if the best of Governments could determine, as well as the settler himself, the quality and position of land the most suitable to his objects. He is deeply interested in making the best possible choice. He alone can know precisely what the objects are for which he wants the land. The Government choosing for him, either a particular lot of land, or the district in which he should be allowed to choose for himself, would have no private interest in choosing well; and the private interest of the officials employed by the Government would be to save themselves trouble by choosing carelessly.

In most cases they would be utterly ignorant of the purposes for which new land was in demand. Their highest object as officials (except in those rare instances where love of duty is as strong a motive as self-interest) would be to perform their duty so as to avoid reproach; and this motive is notoriously weak in comparison with self-interest. But, indeed, they could not by any means avoid reproach. For supposing (though but for argument's sake) that the surveyor-general of a colony, in marking out districts to be opened to purchasers, made an absolutely perfect selection with a view to the purchasers' interest, the intending purchasers would not think so. Every man is fond of his own judgment, especially in matters which deeply concern himself. If the Government said to intending purchasers—"Take your land hereabouts," they would reply, "No, we wish to take it thereabouts:" they would reproach the Surveyor-General with having opened a bad district to settlers, and left a good one closed against them. Again, even if any were not dissatisfied at the moment of taking their land, it is certain that if they failed as settlers, and from whatever cause, they would lay the blame of their failure upon the Government, complaining that, if they had been allowed to take land where they liked best, their undertaking would undoubtedly have prospered. For all these reasons (and more might be urged), I would if possible open the whole of the waste land of a colony to intending purchasers; and I hereby declare, that as perfect a liberty of choice for settlers, as the nature of things in each case would allow, is an essential condition of the well-working of the sufficient price. * * * * *

The Colonial Secretary, or the Private Secretary, thinks that in such a settlement the colonists ought to be "discouraged" from spreading to the east or west, because it will be more for their advantage to spread northward or southward. So individual judgment is controlled, and colonisation forcibly diverted from its natural course, by a great "reserve" in the "improper" direction. The officials of the Land Office have friends—or, perhaps, secret partners, who would like to acquire this or that spot by purchase, but not at present: either their funds are not ready, or they would like to keep their money for use at colonial interest, till the spread of colonisation beyond the coveted spot shall have given it a position value, when, by means of the rogueries of the auction system, or some other mode of benefitting by official favor, they hope to get it for less than its value; so it is "reserved" for their convenience and profit. * * * * * According to the whole plan of colonisation which I am developing, there would indeed be no liberty of appropriation for the dogs, small or great; but there would be absolute liberty for the cows, and because all the dogs would be effectually kept out of the manger.

The same delegate read, in support of the same principle of selection unconfined by surveys, an extract from a paper of Mr. Westgarth, read by that gentleman before the Chamber of Commerce, Melbourne, in January of this year (1857). The extract from Mr. Westgarth's paper was as follows:—

FREE SELECTION. (EXTRACT FROM MR. WESTGARTH.)

What we require is a higher step in settlement, and a more productive use of the lands. It is to these steps, and these higher uses, that the squatting must at once give way, and be dealt with in effect as if it had no existence. Our great error in the past has arisen from the great power of the squatting interest in practically defeating this view, and even raising up an argument to question the necessity for further land sales. If every enterprise of society depended, as a preliminary, on a successful argument, with others than those interested as to its prospects, our enterprises would, I fear, be very few and far between. Allowing every man to make his own calculations for himself, let him also have free scope to carry out his plans. If a man finds a spot that will suit his views, and he desires to settle upon and cultivate it, *let him have the power to do so* at once, even although the squatter he is displacing, and the whole world beside, are entirely convinced that he has only ruin before him.

And now, as to the condition of our country for the purpose, let us first examine the state of the surveys. The total quantity of land yet sold is 2,200,000 acres. The quantity open for selection is 140,000 acres; besides which, there is a smaller quantity, the most of which is partially, but not yet completely, surveyed. The whole surveyed portion, sold and unsold, is less than two and a half millions of acres, of which I believe that not more than a quarter of a million of acres, partially or wholly surveyed, is in advance of the sales. The great desideratum of our colony, therefore—an open choice of its public lands—cannot be obtained within the surveyed territory, nor can we await the long future of such an attainment.

That some future inconvenience may result from the formation of permanent settlements in an unsurveyed country, cannot be doubted,—but in some recent inquiries, I have been agreeably surprised to learn how small is the practical difficulty in this respect, a difficulty, if in this urgent case it can be so called, that should not for a moment be weighed against the benefit to which it is opposed. The following are the views I have been able to arrive at:—

The colony is now sub-divided into surveyors' districts, each of which has a resident surveyor and staff. There are ten or twelve of such separate districts. * * * * *

An intending settler having made his selection under the approval of the surveyor

might settle at once, and have his bounds marked out in connexion with local features, the Government reserving only the right to make roads, if necessary, through the ground. Lands surveyed and open for selection are paid for in full on application. This is our present system, but lands unsurveyed might be paid for by deposit of one-half, or 10s. per acre, the remainder at a fixed rate, in the case of 20s. per acre being payable when the locality is brought to sale.

In some such manner I think we might arrive at the great desideratum of opening up the country without the loss of awaiting the surveys.

A still more important paper on this subject was read on the same evening. The subject had engaged the attention of the Convention in Committee on that forenoon, and they instituted an inquiry into the practice of the United States of America in this respect. Several of their own delegates were personally acquainted with the land system of that country. One of them (Mr. William Henry Wingfield, of Dunolly) was particularly familiar with it. Mr. Wingfield was examined before the Committee. His evidence was reported to the full Convention on the evening in question. This evidence as at first reported was confined to the practice of the United States as regards the right of free selection exercised in that country by the actual cultivator, and the limits within which this selection was permitted to range. Mr. Wingfield stated that the right extended over all the unalienated lands of the United States, surveyed or unsurveyed, and explained in detail how the boundaries of farms came to be ultimately adjusted. This evidence when reported was considered so valuable that Mr. Wingfield was requested to submit himself to a further examination comprising a more extended view of the whole land system of the United States; and it was directed that the report of this more extended examination should be entered on the minutes of the Convention.

Mr. WINGFIELD'S evidence was as follows :—

MR. WINGFIELD'S EVIDENCE AS TO THE LAND SYSTEM OF THE UNITED STATES.

In the year 1850 and 1851 witness was employed as a Topographical Engineer in the Civil Service of the United States, attached to the military department. Was engaged during these years in the topographical survey of the territories in the Far West. His duty was principally to define positions astronomically, to ascertain elevations barometrically, and to determine base lines for the future land surveys. He had also to report botanically, metallurgically, and geologically as to the character of the regions in which he acted; and on some occasions of pressure he took part in the land survey. These duties made him familiar with the land surveying system of the United States and generally with the circumstances under which immigrants settle into the new countries of the West. In the course of these duties he has been all over the Western regions from Utah to Minnesota.

FREE SELECTION FOR THE ACTUAL CULTIVATOR.

Witness is familiar with the system of free selection and pre-emptive rights which prevails in the United States. By this system the actual settler is entitled to enter upon any land that has not yet been brought into market, select a claim of 160 acres wherever he chooses, and occupy it without any payment until the district is brought into market. When the district is afterwards about to be brought into market, he is entitled at any moment before it is actually brought in, to purchase this claim at the upset price of 1½ dollars an acre without any auction or competition. The only condition is that he must show by affidavit that he has occupied it as his homestead for at least six months immediately previous. In exercising this right the settler has not to ask permission nor license of any kind.

The settler is not bound in selecting his claim to keep within the surveys, but may select as freely beyond them as within them. But this very circumstance is itself the cause of the surveys being rapidly extended in every direction towards which the stream of population flows. No person has anything to gain by retarding them, because retarding them could not stop the settler nor hold the lands back for any unfair purpose; therefore no sinister influences are used to retard surveys, and they are not retarded, but are pushed rapidly forward wherever the movement of population indicates the direction. They are generally kept well a head of population, but occasionally where some inviting lands lie far out, it will happen that settlers go beyond them. To this subject witness will revert again. Witness considers this right of free selection for the actual cultivator over all the unalienated lands of the colony, coupled as it is with the right of unrestricted pasturage over all unsold lands, as the key-stone of the American system of settlement. It is the first stage of settlement, and influences and regulates all the succeeding stages. At this stage the actual settler is free from any competition of the capitalist. No person can get land at this stage

without actually tilling and cultivating; unless one actually settles and cultivates he must wait until the next stage at which the lands are "brought into market." This right of the actual settler is, as already stated, confined to a claim of 160 acres for any one person, but when the district in which he has settled is afterwards "brought into market," an operation which witness will presently explain, he may add to his farm, to any extent, by purchasing at that stage on the same terms with the general public.

The surveys are always very far a head of the land that has been "brought into market," and afford the most ample scope for a free selection of the actual cultivator within the surveyed lands, before the district comes to market, and before any of it can be sold for money merely.

THE PASTURAGE OF ALL UNSOLD LANDS FREE TO THE WHOLE PUBLIC:

Before passing on to speak of the stage at which the lands are "brought to market," witness wished to advert more particularly to a matter already alluded to, viz., the rights of the settler with regard to the grass of the unsold lands. This he conceived to be an important consideration at all stages of settlement, as in a new country large tracts of inferior land will remain for very long periods unsold, affording to the settlers on the purchased lands valuable rights of pasturage if these lands are left free to them for that purpose. But in the early stages of settlement this consideration is one of paramount importance. At that stage a very large proportion of the land is still unsold and unoccupied. The quantity of natural grass land is very great, and the privilege of pasturage affords to the settler not only what he most stands in need of—provender for the cattle necessary to his farming operations, and milk, butter, cheese, wool, and meat for his family—but also, at a time when he is yet distant from markets for agricultural productions, it gives him in the stock themselves, and in wool, a produce which is capable of being carried to any market, however remote.

In the United States all the unsold lands are the open pasturage of all the settlers. Except the pre-emptive claim of the settlers (160 acres each) there is no exclusive occupation of any land until it is sold. No such persons as squatters are known or thought of in the sense in which that term is used here—persons holding the public lands in their exclusive occupation for pastoral purposes before they are sold. Without the right of open pasturage, settlement could not pour over the country as it does in the United States. Witness would not say that the people of the States carefully guarded this right, because that would intimate that some different state of things had ever been presented to their conception; but he would say that they had never thought of a state of things in which any set or class of persons should take the exclusive use of the public lands while they were still the property of the whole people. The value of this right of pasturage to the settler, Mr. Wingfield proceeded to say, could only be understood by those who had lived in a country where it was denied to them. He never knew any difficulties arise from the intermingling of the cattle of different settlers, in these open wastes. There is more than grass enough for all; every man naturally feeds his cattle in the neighborhood of his own homestead, and the 160 acres which he has occupied as his pre-emptive claim. The consequence of this open pasturage is: to the settler, that he has not only abundance of milk, butter, cheese, meat, and wool, for his family, but a large surplus for the market, besides feed for his working stock, all without cost; the result to the general public is that cattle are very abundant, and meat and all grass produce are plentiful and cheap in the towns and cities supplied by those settlers. Beef of prime quality is to be had at from 1½d. to 2½d. a pound; milk and butter are abundant; fresh butter can be had at from 4d. to 5d. a pound. This abundance is the manifest consequence of the grass of the unsold land being open to all. Every man has feed for cattle in any numbers that he desires to keep them. The farmers of the Western States look upon the produce and increase of their stock as so much clear profit over and above the proceeds of their agricultural land. This cheapness of the materials of life co-exists with a comparatively high rate of wages; the wages of a laboring man in those regions being a dollar to a dollar and a quarter, that is 4s. to 5s. a day; and a good mechanic, from 1½ dollars to 2½ dollars, that is from 7s. 6d. to 10s.

The general features of the country of which witness has been speaking much resemble those of Victoria. All the United States territory west of Ohio is in great part an open country; tracts of timbered land alternating with open grassy plains, unincumbered with a tree. These plains are called prairies. They are sometimes flat, sometimes high undulating uplands. The farther we proceed west through Illinois, Iowa, &c., the larger are the prairies, and the scarcer the timber. Besides timbered and prairie land, there is also a good deal of land of an intermediate character, called Oakopening land, lightly interspersed with dropping trees, and park-like in its scenery. It would be quite as profitable to a race of great pastoral squatters to occupy for pastoral purposes these territories of the United States in advance of settlement, and keeping settlement back, as the like occupation has proved to this class of persons in Australia. Indeed, the profits would be of a more certain and permanent character in proportion to the greater population of the United States, as such squatters would have the monopoly of supplying meat to a large proportion of a population now numbering nearly thirty million of people. So, too, if the people of the United States wanted to make a revenue out of their lands by giving them in exclusive occupation to a class of great grazier tenants until they were taken up for exclusively agricultural purposes, they could receive

a great rent from them; but any person proposing such a policy would, witness believes, be regarded, there, as scarcely sound in intellect. It would kill out the working settler, prohibit the pioneer, make a country of master and servants, and effectually stop the progress of civilisation and settlement over the continent. In a word, it would produce what we have in Victoria.

Witness has also been in California, and knows that the unsold lands of the United States in California are the open pasturage of the public in that country as well as in the Atlantic States, and there also this free pasturage is the means of great facilities and great profits to the independent settler as well as of great abundance and comparative cheapness of meat, milk, butter, and all grass produce, and indirectly of agricultural produce too, to the rest of the community.

[Since Mr. Wingfield left town, he has written to the Council of the Convention, calling their attention to the following passage in a recent commercial article of the *Argus*, shewing, on the authority of an American writer, why agriculture has been profitable in California, with prices lower and wages at least quite as high as in Victoria:—It will be found in the *Argus* of August 20, 1857, Commercial Intelligence. The *Argus* says:—

“In California the farmers complain of their prospects, but without much reason as yet. The pursuit has been a profitable one for them hitherto, and they should not grumble if they have short crops one season, after several years of abundance. They have one great advantage which is denied to the farmers here, and that is the opportunity of keeping stock on the public lands at little or no expense. In all other respects they have the same disadvantages to contend with as agriculturists in Victoria have: labor there is quite as high, and prices have been usually lower: still the pursuit is allowed to be profitable. The following paragraph is taken from the letter of a correspondent to one of the New York journals:—

“For the past two seasons farming here has been highly remunerative. No class of our population better deserved, and none met with, greater success. The thrifty industrious tiller of the soil has made money, and is making it. To be enabled to chronicle this is most gratifying to me as a Californian. But why should not the farmers do well? Our soil is among the richest, easiest cultivated, and most productive in the world. The expense of keeping cattle or horses is next to nothing, for the plains—on which there is provender during the whole year, with no frost or snow to render it inaccessible—are open to all.”]

The matter of which witness has just spoken—the right of open pasturage over the unsold lands—is a matter of very important consideration in all the stages of settlement. Witness has specially spoken of this right of free pasturage in connexion with the earliest stage of American settlement, because at that stage its value to the settler is so great that without it he could not settle; but it is a matter of the greatest importance at all stages of settlement,—in fact, until the country is filled up.

BRINGING THE LANDS “INTO MARKET.”

The second stage of American settlement is when the lands “are brought into market.” “Bringing the lands into market” may be said in a general way to mean in the United States the same thing that the like term would signify in Australia. It means offering the land in exchange for money. In the United States, however, this is done under arrangements very different from the arrangements in Australia, and all the American arrangements tend to make favoritism impossible, to discourage the monopoly of the capitalist, and to facilitate settlement. The waste lands belong not to the several states in which they are situate, but to the Federal Government. When lands are about to be “brought into market”:—In the first place, they are not brought in by scattered or isolated lots, nor in an irregular or capricious manner. It is advertised for six months beforehand in the Government Gazette, published at Washington, not that certain lots, but that a certain district of country is about to be brought to market on a certain day. The whole district—generally a district of say 20 miles by 20 or 30, that is, from 400 to 600 square miles—is brought into market on this occasion without a single lot of it being excepted or withheld from sale save for a few specified purposes. Again, this district is all surveyed into uniform lots: first, into square miles, or sections of 640 acres, then by right lines into quarter sections of 160 acres, and these again are divided each into two 80 acre lots. The sale takes place at a land office near the spot. The whole district being thus brought into market, all at once, on a given day, it is a great public event in the region of country in which it takes place. It takes no one by surprise, but it has been long known beforehand. Not only has it been advertised for six months in the Washington Gazette, but long before the sale has been determined on, and advertised, it has been the subject of public debate and consideration.

The district about to be “brought to market” is about the size, and very frequently has already acquired the organisation of a county, a considerable population being already settled there on pre-emptive claims. The whole district, and not a lot here and there, is what is to be dealt with. The event therefore is one of common interest, affecting all the inhabitants. These inhabitants are in a position to influence the event, accelerating or retarding it through the senators and representatives of their state, and of their Congressional districts in Congress. It is therefore an event not merely known by means of the Gazette six months before hand, but anticipated and agitated in the district

long before it is announced in the Gazette. It may be safely stated that the people of the district itself, and the districts about it, have at least twelve months actual notice of an approaching sale. Before the given day, all persons who have settled on pre-emptive claims, if they would avail themselves of their rights, must file an affidavit at the land office (near the spot), that they have occupied their claim for at least six months before the day of sale as their homestead; and that they have made certain stated improvements, being just enough to constitute a test of actual and bona fide occupation. This affidavit being filed, they pay the upset price of $1\frac{1}{4}$ dollars an acre into the office, and the land is then theirs. This must be done before the day of sale. On the day of sale the whole district, excepting those pre-emptive claims, is put up for sale in eighty acre lots, and offered lot by lot at auction. If any one wants a larger tract than eighty acres, say eight hundred acres, he must buy ten eighty acre lots. It will be seen at once that at this sale the land can scarcely be pushed by auction to a price materially exceeding the upset price, inasmuch as any one who may have thought any lot of 160 acres desirable enough to induce him to go and settle on it six months before hand, for the purpose of securing it at upset price, was free to do so. The result is that the auction produces no material enhancement of the upset price. It appears by statistical returns extending over all the lands that were sold in ten years that it has not enhanced the average price more than $1\frac{1}{4}$ d. or 2d. an acre on the upset price of 5s. $2\frac{1}{4}$ d. The whole district lot by lot, having been rapidly passed under the hammer, all the lots that remain unsold are thenceforth open to be purchased at the land office at upset price by the first comer. Very commonly $\frac{2}{3}$ -ths of the lots remain unsold. They are all open for selection at the upset price once the auction is over. Often when there is much inferior land in the district, as much as $\frac{1}{3}$ -ths or 9-10ths of the whole surface of the district remains unsold, and is thenceforth open to selection to the first comer, who pays his money into the land office. Those who have settled on pre-emptive claims are of course, as already stated, equally free to purchase at the auction, and to select after the auction as any other parties. In this manner they can enlarge their original 160 acre farms to any extent that their means permits them. Until the district has thus been brought into market, they cannot secure more than 160 acres, and this consideration is always the efficient one in determining whether the first pre-emptive settlers will use their influence in promoting or retarding the bringing of their district into market. Of course capitalists who up to that period are themselves shut out are always anxious to have the land brought to market. In the early settlement the pre-emptive settlers are anxious to have the district kept out of market, for until they have been a year or two settled they are scarcely prepared to buy even their 160 acre claims. But after a few years great numbers of them are prepared not only to secure their pre-emptive claims, but to enlarge their farms by purchasing a further extent of land, either at the auction, or by selection after the auction. In time, therefore, the pre-emptive settlers who have put some money together become anxious to have the opportunity of making these purchases, and are desirous to have the district brought into market. This expression of "bringing the land into market" is, it will be observed, a very appropriate and significant one. A thing may be said to be "in the market," when it is to be had for money. None of the land of the United States can be had for money until the Government has proclaimed and brought it "into market" in this manner. Thenceforth it can be had for money merely. Before that period any inhabitant of the state can have the choicest 160 acres of the public lands by settling on it, but no man can have an acre of it for money.

To recapitulate:—In the United States Land System there are *three* stages. *First*, before the land is brought to market the actual cultivator, *and he alone*, can choose 160 acres, not more, where he wills, over all the unalienated territory of the Union. He can occupy this without payment until the district is brought to market. When the district is brought to market he has the pre-emptive right to buy this claim without auction at the upset price of $1\frac{1}{4}$ dollars, that is 5s. $2\frac{1}{4}$ d. per acre. *Secondly*, the day that the land is brought to market; this is the first day on which any person can buy land for money. This day may be considered a second stage, though a very short one. On this day there must need be many persons who have been waiting for the opportunity to buy lots in the district that is brought in, and several may have an eye on the same lot. The preference is decided by auction; all the lots of the whole district, except the lots already taken by preemption, being put one by one through the auction on that day. It seldom happens, however, that more than a small proportion of them are then sold. The great bulk of them still remain. And then comes the *third* stage. All the lots which remain are from that day forward open to the free selection of the first comer who chooses to pay the upset price for them. Any man can then take as many lots as he finds vacant and is able to pay for; the check upon inordinate purchases being that, the moment land is purchased from the Government, it becomes subject to taxation.

SETTLERS GOING BEYOND SURVEYS.—THE GREAT ADVANTAGES OF THE RIGHT TO DO SO.—THE SLIGHT INCONVENIENCIES IN SO DOING.

The pre-emptive settlers often go beyond the surveys. Witness wishes it to be understood, however, that in his experience the result of allowing the settlers to go beyond the surveys has been that they generally have no need to go beyond them, as the surveys are, under such circumstances, sure to be pushed rapidly forward. There is nothing to be gained by holding them back, as holding them back would not prevent the people from going on, and could not, therefore, be practised

with the effect of reserving any special region for friends or favorites to have early information of the survey, and to seize the first opportunity. Witness has, within his personal experience, known several cases, however, in which the settlers did take their pre-emptive claims beyond the surveys. No inconvenience worth considering resulted. Such settlers find it necessary, as already stated, to adjust their boundaries to the lines of the surveyed allotments when the survey reaches them, as the Crown grant which they ultimately obtain describes the allotment by the Government lines. Witness has frequently, in the course of his own surveys, seen these settlers re-adjust their boundaries when the survey overtook them, and it gave very little trouble. It will be observed that the uniform character of the United States survey—all the lots being of uniform size—gives the settler a facility for anticipating where the boundaries of allotments will run, if he is within a few miles of any existing survey.

Generally speaking, in taking up a land claim, the settler so endeavors to arrange his boundaries that they may coincide as nearly as possible with the subsequent lines of the survey. He is not always able, however, to succeed in this; the greater or less accuracy with which he does it will, of course, depend upon the distance which he is in advance of the survey. If he has gone far in advance, it is not possible for him to pay any regard to the future survey; he is, in fact, too far ahead of it to do so. If he is within five or six miles of the survey, he may be able to form a tolerably correct idea of the future lines: at all events, accurate enough for all general purposes in settling the boundaries of his 80 or 160 acre allotment. In forming the survey, the American surveyors adapt themselves to circumstances. In a level country, the lines of the survey are run by the cardinal points. In such a country, the settler even at a considerable distance from the survey can anticipate by private survey where the boundaries of his pre-emptive claim are likely to run, with sufficient accuracy for all practical purposes. In regions that are greatly broken by mountain and valley, however, the surveys are of necessity topographically adjusted to these difficult features of the country, and the settler cannot anticipate what circumstances may guide the surveyors in the direction of their lines. Thus it often happens, either from the great remoteness of a settler's location from all surveys, or from the location being in a broken country where the future discretion of the surveyor cannot be anticipated, that a settler chooses his pre-emptive claim without being able to select it in reference to existing surveys. But this creates no difficulty of any account. If the settler can approximate the boundaries of his claim to the future survey, he does so. He builds his log-house as near the supposed centre as possible. He erects his permanent fences near the centre, and makes but a snake fence round the presumed exterior boundaries. This snake fence is of a purely temporary character, and is easily removed in accordance with the lines of the survey when ultimately determined. In localities remote from the survey, great aberrations from its future lines take place—it is, in fact, impossible that it could be otherwise; the subsequent adjustment, however, is effected without trouble. Witness has seen instances where a whole valley had been taken up by pioneer settlers, and where the boundaries of each man's allotment had to be removed from 100 to 200 yards each. He has seen instances where the lines of a survey ran through the temporary log cabin; nevertheless, there was no complaint. The instances which he has in memory at this moment occurred in Pyke County, Missouri State, but they occur everywhere. Their permanent houses were not put up by the settlers until the surveys were completed and the boundaries settled; and the removal of the temporary log cabin, or the removal of the temporary snake fence, was not regarded in any way as a hardship. It was taken as a matter of course. In fact, on these occasions of the removal of boundaries or huts, the pioneer settlers, instead of complaining, just turned to and helped to put one another right. It is common throughout all the Western Districts of the United States to find pioneer settlers established in the far interior for many years, on locations of their own selection, before the survey of the district was made. He had known instances where these pioneer settlers had cropped the land, season after season, prior to the survey coming up with them; and yet, when the survey did reach them, the boundaries of their allotments were adjusted to the lines of the survey without contention or any serious inconvenience, though a patch of ground which had grown wheat for one settler for many seasons was incorporated in the location of a neighboring settler,—he getting the land on the other side in lieu of it. Each of the parties had taken up the ground subject to the condition of this subsequent removal of boundary, and the nature and character of their improvements were adapted to it.

FACILITIES FOR MAKING RAPID SURVEYS IN VICTORIA, AND THE POSSIBLE COST OF SUCH.

Mr. Wingfield was further examined as to the possibility of accelerating the surveys, so as to afford every facility for allowing settlement to proceed at once with freedom and convenience.

Mr. Wingfield's evidence on this subject was to the following effect:—

He knew there were ample materials in the colony for pushing forward the surveys with any degree of rapidity that might be desired. There were abundance of qualified surveyors in the colony. In making a survey of a country, the first thing to be done would be to make a topographical survey of it, defining by astronomical observation the true position of the most prominent features, and its highest elevations. According as this was done the sections could be laid off by the land surveyors with great rapidity; in fact, with efficient surveyors and assistants, the land could be surveyed almost as fast as the surveyors could walk. It would be only marking out the

ground which the astronomical surveyors had already marked out on paper. He presumed that the colony must be already topographically surveyed. It seemed hardly possible, after the country had maintained such a numerous staff of surveyors for so many years, that the true position of the prominent features of it should not be already defined. At all events, great part of the work must be already done; and even if it had all to be done, if nothing were yet done, two staffs of topographical surveyors, of nine men each, ought to make a topographical survey of the whole colony in a year, at an expense of about £10,000, and this allowing for a geologist, a botanist, and a draughtsman, at a salary of £500 each, to be attached to each staff. As each portion of the topographical survey was done, the land survey would proceed with great rapidity. The rapidity of the survey would depend on the minuteness of the sub-divisions. A staff of twenty-five men, properly organised in five parties of five men each, surveying on a plain, could lay off over 26,000 acres a-week, in allotments as small as 160 acres each. Twenty-five men in five parties of five each, each party walking over four miles in one day, would give 26,400 acres in six days. Making allowance for the defining of hills, rivers, &c., 20,000 acres could, with this number of men, be surveyed in that time, which would give about 1,000,000 of acres in a year. If the sub-division did not proceed lower than a mile square, and this would be sufficient for the first survey if it were necessary to proceed with great despatch, a staff of twenty-five men (making the same proportionate allowances as in the last case) could survey 1,750,000 acres in the year, in sections of a mile square. Six such staffs, consisting in all of 150 men, could survey over 10,000,000 of acres in such sections, in a year. Allowing each party of five to consist of one chief surveyor, at £400 a-year, two assistant surveyors, each at £300 a-year, and two chain men, at £100 a-year each, the salaries of each party of five would only cost £1300 a-year, less than £7000 a-year for each staff of twenty-five. Six such staffs would be £42,000 a-year. Make the most liberal allowance for supplying each staff with tent, provisions, and modes of conveyance as they passed along; and add any large allowance within reason for the expenses of the department and the staff necessary to the department, together with the due proportion of the cost of the topographical survey, and then spread the total sum over 10,000,000 of acres, and the result will be an insignificant sum per acre for a survey into sections of a mile square. If the exigencies of settlement in any direction made it necessary to proceed with greater rapidity in that quarter, the speed could be accelerated to almost any degree, without an increased staff, by running the sections, say two miles square, or even four miles square, leaving the settlers for the present to make rough approximations to their boundaries by the aid of private surveyors until such time as the Government surveyor had leisure to fill up the detailed survey down to 160 acres, or even down to 80 acre lots. Approximate calculations are easily made both as to the expense and the rapidity with which the country could be surveyed, and the result in each respect will show that the settlers may be permitted to settle where they like beyond the surveys without any fear that the surveys need lag far behind them. The expense of survey in the United States is 4½d. an acre, sub-dividing down to 80 acre lots. It need not much, if it at all, exceed that sum here.

SITES OF TOWNS AND CITIES.

Mr. Wingfield was further questioned as to the practice of the American Government in laying out towns. His evidence was that the Government never does anything of the sort; at least, he never saw such a thing done by Government, though he has seen towns and cities growing up of themselves by hundreds. In a country where settlement is unobstructed in every direction, towns grow up naturally in the currents and cross-currents of traffic; on the ports of great waters, and on convenient points along the course, or at the junction of rivers. He has never seen the Government interfere in founding them, nor attempt to make a profit by withholding the presumed sites of them from the earliest use that the public could put them to. He has always understood that the sites of the great cities of the West were originally purchased from the Government at the upset price of 1½ dollars an acre, or some insignificant advance upon it.

While witness has spoken throughout this evidence of an uniform upset price of 1½ dollar an acre, he is aware that the United States Government has occasionally reserved certain tracts of land for the benefit of railroads, or the improvement of river navigation, which they have held until the lands fetched 2½ dollars an acre, but these are exceptional cases, not interfering in any appreciable degree with the general principle on which that Government acts in the disposal of its public lands.

Mr. Wingfield's statements respecting the system of selling lands in the United States, and the advantages thence resulting to the settlement of the country, were confirmed by Mr. Gray of Melbourne, Mr. Patrick Hayes of North Melbourne, Mr. Mooney of Sebastopol, Mr. Gibson of Collingwood, Mr. Riley of Collingwood, and others,—all of them Delegates, who had resided for some time in the States.

Ample confirmation of Mr. Wingfield's statements as to the rapidity and cheapness with which the colony might be surveyed was tendered by actual surveyors, but the Convention thought it unnecessary to accumulate further evidence on the subject.

The Council of the Convention have had their attention called, in one of their recent meetings, to a passage in a book, published by a well known English gentleman, descriptive of the United States as a location for emigrants. The author is Mr. Sydney Smith, at one time Secretary to the English Corn Law League. The book is entitled "The Settler: New Home, or the Emigrants' Location." It was published in London in 1849. Under the head "Farming in the Prairies (the open untimbered grass lands)" occurs the following passage, which, as briefly descriptive of the advantages derived from freedom of pasturage over the unsold public lands, the Council have thought worth publishing here. It occurs on page 141.

FREE PASTURAGE (EXTRACT FROM MR. SYDNEY SMITH'S BOOK).

The farms are generally made on the prairie, near to the timbered land (for convenience of firewood, fencing-stuff, &c.) The abundance of grass growing on the prairie, and the quantity of wild vegetable food for animals, offer an ample subsistence for horses and cattle, sheep and hogs, during the summer months. (The ground is covered with snow through the winter months.)

The number of these animals that a farmer keeps is only limited by the amount of winter food that he can raise on his farm. The actual farm is enclosed land, used for the sole purpose of growing the grain, or grass for hay; but not for summer pasturage. The great pasture is all outside—open to everybody, and to everybody's cattle; and the abundance and extent of the range is one of the resources of a new country. The cattle thus let loose on the wide world do not run away as people who have kept them only in houses and enclosures are apt to suppose. Why should they? There is abundance of food everywhere.

The animals like to come to their home where they have been wintered, and a little salt given to them every time they return will generally circumscribe their range within a mile or two from home.

In the autumn or early winter we bring them into the farm, and feed them night and morning. In the day, during the moderate weather of winter, they browse about the woods, and the skirts of the prairie. Thus are cattle and horses raised in great numbers.

In the same publication, and almost on the same page, are numerous letters from settlers, showing the prices of meat and other articles of provision in these regions. These letters make it sufficiently evident that cheap beef can be raised without the aid of monster squatters; and that, in fact, the way to raise beef cheap is to do away with the monster squatting of this country. The letter says:—"I will give you the price of various articles of food in English money, that you may understand it better: Beef 1½d. a pound, mutton 1½d. a pound, pork 1½d. a pound, flour 20s. per barrel of 195 lbs., veal 1¼d. per lb., a turkey 1s. 6d., hens 6d. each, butter 6d. per lb., sugar 3½d. per lb., tea 2s. per lb., &c., &c."

The same letter shows that these low prices did not produce low wages, for concurrently with them wages averaged from a dollar to a dollar and a quarter a day for the mere laborer, that is from 4s. 2d. to 5s. 3d., and this in a country that had no gold mines, and depended for its wealth and wages fund solely on the free access opened for its population to its best virgin soils, and its natural pastures.

The above extracts present a succinct epitome of the grounds on which the two cardinal resolutions—the first and second—were based.

The first and second resolutions having been adopted, the other resolutions, down to those which relate to "purchasers for money merely," were adopted after much consideration, but, except the fourth resolution, without any division of opinion.

As to the fourth, which relates to the taxation of all lands, once they are alienated from the State, and by which it is resolved that uncultivated lands ought to be subjected to a special State tax, there was some diversity of opinion. Several Delegates thought that it would sufficiently discourage the monopoly of speculators if all lands were subject to equal taxation, but the resolution was ultimately carried in its present shape by a large majority.

The next resolution that gave rise to any diversity of opinion was the first resolution, under the head of "purchasers for money merely." This resolution was discussed on Friday evening, the 31st July. The resolution is as follows:—

That while this Convention recommends that the actual cultivator be invested with the special

rights set forth in the foregoing resolutions, they are of opinion that persons who may find it inconvenient or impossible to proceed to cultivate at once, should not, therefore, be wholly debarred from purchasing from the State; but they are of opinion, that this right of purchase should be controlled by such reasonable regulations as may discourage monopoly without shackling enterprise, or obstructing fair investment.

Mr. O'CONNOR, of Ballarat, moved, and Mr. MOONEY, of Sebastopol, seconded the following amendment:—

That this Convention cannot recognise the right of the State (which is merely the trustee for the people) to alienate any portion of the waste lands, except on the terms stipulated heretofore by the Convention, viz., "substantial occupation."

After a protracted discussion, a division was called for. There were 46 members in the room. Of these, 6 voted for the amendment, 2 declined to vote, and 38 voted for the original resolution.

All the other land resolutions were carried after much consideration and debate, but without giving rise to any difference of opinion in the Convention.

It will be observed that, on those resolutions which gave rise to any diversity of opinion, the dissentients were so few in number that it may be safely stated that these land resolutions were unanimously adopted by that great mass of opinion which was represented at the Convention.

INTERVIEW WITH MR. HAINES.

While the Convention was engaged in discussing these land resolutions, it was contemporaneously performing other work.

Immediately after its assembling, it appointed, as already stated, a Select Committee to arrange an interview with the Chief Secretary, Mr. Haines; also to arrange an interview with the Parliamentary minority who opposed the Bill.

This Committee reported to the Convention a short address to Mr. Haines, requesting the withdrawal of the Bill, recommending the request to be presented to that gentleman by a deputation.

The request to Mr. Haines was as follows:—

Melbourne, July , 1857.

To the Honorable the Chief Secretary.

Honorable Sir,—At public meetings held at the towns and districts hereinafter mentioned, it was determined that the persons whose signatures are attached to this request should meet in Melbourne, for the purpose of using all lawful means in order to obtain the withdrawal of the land bill, at present before the Legislative Assembly.

The requisitionists represent the metropolis, the metropolitan suburbs, the agricultural, and the mining districts of the colony.

Having assembled, the requisitionists have come to the unanimous conclusion to request the Administration to withdraw the land bill at present before the House, and hereby do earnestly request its withdrawal.

This request was presented by a deputation of twelve members of the Convention. Mr. Haines declined to withdraw the Bill; but, at the close of his interview with the deputation, he gave them to understand that no bill should be passed that any future legislature might not repeal. This promise stands so much in contrast with the subsequent conduct of Mr. Haines and his Government, that the Council of the Convention desire to record it here, as it was recorded next day in the respective journals by the several representatives of the daily press of Melbourne who were then present.

The *Age* reports Mr. Haines thus:—

He could not admit that the intentions of the Government were otherwise than to frame a bill which would be acceptable to the people, and to the whole community, and he could by no means accede to the request of the deputation, and pledge himself either to postpone or withdraw the bill, because he honestly believed that it might be so modified and amended in its progress through committee as to become acceptable to the community. *If it should prove otherwise, they must bear in mind that finality did not attach to any act of the present Legislature.* They were wishful indeed to pass a law which the people would not be desirous to alter by means of any

future Legislature, but if the present measure was found in its operation to be injurious and not acceptable to the country, as it owed its *temporary validity to the act of the Legislature, it might hereafter be repealed at the instance of a decided expression of the will of the country to that effect.* The Government could have no wish to adopt a law which, instead of settling this question—a settlement admitted by all sides of the House to be necessary and desirable—would require to be altered or repealed by a succeeding Legislature: and he was so well assured that this was not the case, and that the bill could be satisfactorily framed, that he could not consent to its withdrawal.

The Herald—

He thought it was the case, that no ten men in the community, who opposed the Government Land Bill, could concur in the details they would recommend. Indeed, there were things in the bill he did not approve of himself: and as this was so, the Government being, as he had before said, actuated by an honest desire to meet the requirements of the people of the colony, were desirous of at once settling the question. *Should any reformed Parliament object to the details proposed, it was a question quite open to them to deal with, and the acts of the present Assembly were not final.*

The Argus—

He begged to call the attention of the gentlemen who addressed him to the fact that the present measure *was by no means one which need be binding upon any future Parliament: there was no finality in it.* All parties of gentlemen in the House concurred in the belief that there was a strong necessity for a speedy settlement of this question, and this being so, he could not promise on the part of the Government that they would withdraw this measure. He was quite willing to admit that the agricultural interest should be considered. He was an agriculturist himself until within the last year or two, and was quite ready to admit that it was necessary to the well-being of that interest that some of the pastoral lands of the colony should be placed at their disposal, but there were many other details which the opponents of this measure had insisted on, and to which he could not agree. He thought it was the case that no ten men in the community who opposed the Government Land Bill could concur in the details they would recommend; indeed, there were things in the bill he did not approve of himself; and, as this was so, the Government being, as he had before said, actuated by an honest desire to meet the requirements of the people of the colony were desirous of at once settling the question. *Should any reformed Parliament object to the details proposed, it was a question quite open to them to deal with, and the acts of the present Assembly were not final.*

In contrast with this undertaking, the Council desire to record that, on the third reading of the Bill in the House of Assembly, on the evening of the 3rd of September, Mr. Ireland, the member for Castlemaine, desiring to have this principle of the right of any future legislature to deal with the subject, as if this Bill had not been passed, recognised in the bill itself, moved the following resolution:—

That notwithstanding anything in this Act contained, the Legislature may, from time to time, amend, alter, or repeal the whole or any part of the provisions of the Act, so as to authorise the alienation or disposition in fee simple, or for any lesser estate or interest of the whole or any part of the lands comprised on any run, for any purpose calculated to facilitate the settlement of the country; and to alter the terms and conditions provided by this Act in relation to the resumption of lands by the Governor in Council, or to substitute such new terms and conditions in lieu of those already provided as may be deemed advisable for effecting the purpose aforesaid."

This resolution was opposed by the whole force of the Government, and negatived by a majority of 28 to 17, Mr. Haines voting with his ministry in the majority. The following are the names of this Parliamentary majority:—

NOES—28.

Mr Moore	Mr M'Culloch	Mr Sladen	Mr Griffith
Ebden	Sargood	Wills	Sitwell
Haines	Heales	Beaver	Johnson
Michie	Service	D. S. Campbell	Capt. Clarke
Adamson	Smith	Henty	Mr Ware
Goodman	Rutledge	Langlands	Quarterman
C. Campbell	Lalor	Snodgrass	Davis

INTERVIEW WITH THE PARLIAMENTARY MINORITY.

The same Committee also reported a resolution expressing the thanks of the Convention to the Parliamentary minority, requesting the minority to persevere in their opposition to the Bill, and promising them the support of the country in

such opposition; this resolution to be presented to the minority by the full Convention.

The resolution was as follows:—

CONVENTION OF DELEGATES

Assembled at Melbourne, in the Colony of Victoria, in the year of our Lord, 1857.

At a meeting of the Convention, held on the twentieth day of July, 1857, the following resolution was unanimously adopted:—

Resolved,—That inasmuch as the present Land Bill, introduced into Parliament by the Executive Council, is utterly subversive of the best rights and interests of the great body of the people of this colony, this Convention records its hearty approval of the determined and patriotic stand taken by the Minority in the Legislative Assembly in its opposition to the Government Land Bill; and, in tendering this expression of its thanks, this Convention would urge, in case the bill be persevered with, the necessity of further opposition by every means which the forms of Parliament allow; and this Convention declares, that the course thus suggested will receive the concurrence and support of the great mass of the community, whose opinions, on the present occasion, this Convention has the honor to represent.

Signed on behalf of the Committee,

J. J. Walsh, Honorary Secretary.

WILSON GRAY, President.

The Convention desired to pay the minority the respect of waiting on them in full body, to present them with this resolution, but owing to the smallness of the room in which the minority had to receive them in the Parliament House, the minority conveyed to the Convention their regret that they were thus prevented from receiving more than a deputation, and that not to exceed thirty.

Accordingly, on the evening of the 29th July, a deputation of thirty waited on the minority in one of the committee rooms of the House of Assembly.

The following is the report of this interview which appeared next morning in the *Age* newspaper:—

DEPUTATION TO THE MINORITY.

On Wednesday, between seven and eight o'clock, a deputation from the National Convention waited upon the members of the Minority in the Assembly who opposed the Land Bill. The objects of the deputation were to present a resolution passed by the Convention expressive of their hearty approval of the course of opposition pursued by the minority, and to entrust—for presentation to the House—a remonstrance against the further prosecution of the Land Bill by the Government. The deputation comprised thirty gentlemen. The members of the minority present were—Messrs Myles, Hughes, Evans, O'Brien, Brooke, Read, Humffray, O'Shanassy, Syme, Duffy, and Baragwanath.

The reception took place in the committee room belonging to the Assembly.

Mr. WILSON GRAY, president of the Convention, opened the proceedings in the following terms:—Gentlemen of the Minority,—I have been deputed by the deputation of the Convention now sitting in Melbourne,—the gentlemen you see are the deputation,—to present you with a resolution which was adopted at a full meeting of that assembly. I beg now to do so. The resolution is addressed:—

To the Honorables B. C. Aspinall, D. Blair, H. Brooke, C. Gavan Duffy, G. S. Evans, J.V.F.L. Foster, A. Fyfe, J. M. Grant, G. Harker, G. S. W. Horne, D. A. Hughes, J. B. Humffray, J. Myles, P. O'Brien, J. O'Shanassy, J. D. Owens, P. Phelan, C. Read, T. Baragwanath, P. Snodgrass, E. Syme, and J. D. Wood—who voted in the minority on the second reading of the Government Land Bill, in the House of Assembly, on the 19th day of June, 1857.

(Here Mr. Gray read the resolution.)

It is directed to the minority by name, taking the minority in alphabetical order; and I presume I shall be following the strict letter by handing it to the gentleman whose name—among those present—is first on the list. (He then handed the document to Mr Brooke.) Another resolution was passed expressive of the wish of the Convention to wait upon you in a manner the most respectful, as well as to show most emphatically its approval of your conduct, and it was intended that the whole Convention should attend. It is only the capacity of the room in which you receive it that has prevented the whole Convention from attending. There are, however, thirty present. It is almost impossible to introduce the deputation personally, but I may remark that there is a delegate from each of the following places:—Ballaarat, Bacchus Marsh, Beechworth, Bendigo, Brighton, Carisbrook, Castlemaine, Collingwood, Colac, Dunolly, Emerald Hill, Fryer's Creek, Geelong, Gisborne, Heathcote, Heidelberg, Kyneton, Melbourne, Mount Blackwood, North Melbourne, Ovens, Prahran, Richmond, Sebastopol, St. Kilda, Seymour, Tarrengower, Templestowe, Williamstown, and Wangaratta. From the variety of the places represented, and the numbers that have come here, and who have sat for weeks, away from their business at great personal inconvenience, you can estimate the strength and force of opinion represented. I have nothing to do but

to introduce the body to you, gentlemen. There are one or two of the delegates who wish to address a few words to you.

Mr. O'CONNOR (Ballaarat) said there was no part of the duties of the Convention they could more heartily perform, or with greater sincerity, than to record the opinions of the people in reference to the conduct of the minority. (Hear.) He could speak of the district from which he had come, and the unanimous approval which the people had shown to the minority since the introduction of the Land Bill. They were perfectly satisfied that the opposition was made, not from any factious motives, but simply because they (the minority) thought that the bill, if passed, would be entirely subversive of the best rights of the people, and he could inform the minority that they would have, for the future, the unanimous approval of the people to bear them out in their opposition to the bill, which was intended to upset the rights of the colony at large. (Hear, hear.) He begged to express his own and the thanks of the community he had the honor to represent to them (the minority) for their conduct.

Mr. BENSON (Bendigo) said, they appeared there for the purpose of giving the minority a vote of thanks for the stand they had made against that measure, which they considered injurious to the best interests of the community. The Convention had met for the purposes of patriotism and the good of this country, and they considered the minority had the same feelings on behalf of the country; and, therefore, they respectfully thanked the minority for the stand they had made in the cause of freedom, and the future happiness of the people of this country. (Hear, hear.) He concluded by thanking the minority: and expressing his anticipation that the result of their, and the Convention's labor, would be beneficial not only to the district which he represented, but would tend to the general welfare of the land of their adoption.

Mr. QUINLAN (Dunolly) said, believing their (the minority's) time to be very valuable and very limited, and believing that the resolution just read expressed the unanimous opinion of the Convention, he would only say that what was therein expressed was fully re-echoed by the people he represented—the inhabitants of Dunolly.

Mr. SMYTH (Ovens) said, on the part of the people he represented, that the whole of that district—the Municipal Council, the freeholders, the miners, to the number of 20,000—with one voice acknowledged themselves, and their children, and their children's children, under a debt of gratitude to the minority. (Hear.)

Mr. BROOKE said: Gentlemen of the Convention, I much regret that any alphabetical arrangement should have made me the respondent on this occasion, because there are so many other members of the minority who have occupied a long and distinguished position in this country, and in the eyes of other countries to whom this country will naturally look for approval in this emergency. But I may be allowed to say that a common sentiment actuates every member of the minority who thought proper to oppose this Land Bill. I am quite sure that there is no member who sits on that (the opposition) side of the House but opposed it on the most conscientious grounds possible, feeling it was his duty. (Hear, hear.) After the discussion of the bill which had already occupied so many days, and which will yet occupy many more, it is a source of gratification to me, and to every one holding the same views, to find that we are supported out of doors; to find the members of the Convention, representing political opinion so largely, were with us; and to find that our efforts meet with their approval. For myself, and on behalf of the minority, I have the honor to thank you.

Mr. O'SHANASSY said, as he stood next to his friend Mr. Brooke, he would take that opportunity of accepting in the most grateful manner the compliment paid not only to himself but to all the members of the minority. He differed from Mr. Brooke in this:—that he rejoiced that the Convention had addressed them in alphabetical order, as clearly showing that they were not supposed—as was said by one of the speakers—to be acting from factious motives, but opposing this bill for the simple reason that it was not conducive to the interests of the people; and that the minority on this occasion were acting upon their individual opinions, although unanimous in their opposition. (Hear.) He begged to state that no organisation of any character did exist in the arrangements of the minority; and, consequently, no greater compliment could be paid than to give them an opportunity of stating publicly that no combination existed in the minority. (Hear.) As one living a long time in this country, he rejoiced to see the meeting by convention, and the petitioning of the people; it was an earnest to him, an old resident, that public spirit was at length awakened. He expressed that he was willing to serve the people still; and he hoped they were determined to assert their rights. He would not detain them, as the time for re-entering on the discussion of this measure was drawing nigh. He could only reiterate his thanks for the acknowledgment of their (the minority's) services, and he trusted that the objects they had in view in defeating the measure would succeed. He did not think the gentlemen forming the majority in this session would concede to them all that they required; but he trusted that they might reasonably expect, at all events, that, if the Government would not defer to the opinions of the people and withdraw the Land Bill, they might rest sure of this—that no new rights should be created. (Hear.) To effect this, he pledged himself to attend and to vote most systematically against any clause that created any new right. In conclusion, he said he trusted the time was not far off when the Government would be in accordance with the opinions of the people of the country.

Mr. HUMFRAY joined with his hon. friend in expressing his deep sympathy with the great work they (the Convention) had undertaken; and he believed the time was not very far distant when—if they only did their duty—instead of coming there as petitioners, they would have an opportunity of addressing them (the minority) on terms of equality. (Hear.) He thanked them and urged them strongly to continue their support; so long as they did their duty out of doors, they would find a party in doors, however small, ready to do theirs. (Hear.)

Mr. DUFFY said he thought they (the Convention) had done very wisely in presenting this recognition of the efforts of the members who opposed this bill; because, it must be remembered that those resisting the aggression on the people had to bear the slanders of their enemies—(hear, hear); that the men who had endeavoured to oppose this bill had been habitually misrepresented by the journals representing the Government and the squatters. (Hear.) He thought, therefore, that this would serve to clear those misrepresentations. He had more confidence than some of his friends had expressed that this bill would be defeated. (Hear, hear.) Since it had been under the consideration of the House the elections had made a marked change in sides. (Hear, hear.) If it were defeated, it was not to be forgotten that they had not only to stop this bill, but to carry an efficient bill. (Hear.) The only road to that was to reform the Parliament. And they must not forget in their habitual earnestness and zeal on this question, that there was another. He reminded them that the question of State-aid was taken up with great zeal, and many were returned to the Assembly simply on the ground of advocating it: they had been returned to that House—they had advocated it—and they had betrayed the people on every other measure. (Hear, hear.) But when returning men to that House, they must not be content that they be right on the Land Bill; they must take care that they be right on the question of Reform. (Hear, hear.) At all events, when this present measure was disposed of, the Assembly and the Convention must turn their attention to get the Reform Bill passed; to get the Government of this country carried out by the people of this country. When that was done, there would be no need of Conventions. There would be those in the House who were wanted in it. We should have the mind and earnestness of the country represented by those who had the confidence of the people. (Applause.) He thanked them.

Dr. EVANS begged, with his friends who had already addressed them, in acknowledgement of the very great honor they (the deputation,) had conferred upon them in the way in which they bore testimony to their (the minority's), sincerity of conduct in opposing this land bill, to thank them. He begged leave to express his entire concurrence in everything that had been said by his colleagues. He begged to state, however, that the bill was still in committee, that they had retarded the progress of the bill, the bill was still before the House, and every prospect of its being carried by what they, (the Minority,) had termed "a tyrannical majority." (Hear, hear.) But they would still endeavor to oppose it and strike out every bad clause. This was certain that as the people were determined to oppose this bill, so were the Government determined to carry it out. It was to their (the Convention's) exertions out of doors, and the elections, that he looked for help. When their labors were ended in Melbourne, he looked to them to have what they had not now—a people's representation in this colony. He assured them that the minority would continue to do, as they had done already, their duty to the public on perfectly conscientious and disinterested grounds. (Hear, hear.)

Mr. WILSON GRAY then handed to Mr. Brook "the Protest (or Remonstrance), against the Land Bill, from the Convention," to be presented to the Legislative Assembly. He said it was respectfully worded, and he had no reason to doubt that it would be received. All the members of the Convention had not signed it, because there was not time for their so doing; it was, however, signed by above sixty Delegates.

Mr. BROOKE said he felt much pleasure in accepting it to present to the House. But he was afraid that, it being a protest or remonstrance, he would be debarred by the the usages of Parliament.

Mr. WILSON GRAY said, that though called a "protest," the body of the document would be found an ordinary petition. It was presented with a request that all the gentlemen of the minority should support it.

MEMORIAL TO THE HOUSE OF ASSEMBLY.

The Convention adopted the following memorial to the House of Assembly, (the same that was alluded to above), which was signed by all the delegates, and was presented to the House by Mr. Brooke:—

TO THE HONORABLE THE LEGISLATIVE ASSEMBLY.

The Petition of the undersigned, forming a Convention, now sitting in Melbourne, having been elected by a large majority of the people of this colony, for the purpose of opposing the Land Bill, now before your honorable House,

Shews that we approach your honorable body with every feeling of respect, for the purpose of expressing through this document our firm, but respectful, conviction that the said Land Bill not only does not accord with the opinions of the people whom your honorable House purports to represent, but that the said Bill is in every way calculated to retard the prosperity of the whole community.

We do, therefore, hereby respectfully and solemnly record our opinions that the passing of the

aforesaid Bill by your honorable House, as at present constituted, will not be accepted by the country as an equitable settlement of the Land Question.

We therefore humbly pray that your honorable House will, in its wisdom, suspend all legislation upon this subject until an alteration in the Electoral Law shall give a more full and fair representation of all classes in the community.

And we, as in duty bound, will ever pray.

PROTEST AGAINST THE BILL.

At the same time that the Convention took these proceedings it also adopted the following protest against the bill, intended more especially as a warning to capitalists and others whom it might concern, that no public faith was pledged to the recognition of any interests that the bill might pretend to vest in the pastoral tenants, and that such interests, if created by it, would be annulled by the first Parliament in which the people of the Colony should find themselves represented.

PROTEST

Of the Convention now assembled in Melbourne against the Land Bill at present before the Legislative Assembly of Victoria.

We, the Delegates, assembled in full convention in reference to the Bill now before the Legislative Assembly, for disposing of the Crown Lands, declare that the said Bill is, in the opinion of this Convention, objectionable and unconstitutional, for the following among other reasons:—

1st. Because it is framed in contravention of the manifest intention and spirit of the Constitution Act sanctioned by her Majesty the Queen, conceding the lands and mines of the colony to the Legislature in the capacity of trustees, for the disposal of the same in a manner just and satisfactory to the people.

2nd. Because the said bill concedes exclusive rights over the public domain to seven hundred and twenty persons to the manifest wrong and the grievous injury of all the other inhabitants.

3rd. Because, in a vote of 32 to 22, twelve of the persons interested in thus possessing themselves of vast tracts of the public land have been suffered to vote in the majority on this bill, which concedes the lands to themselves for indefinite periods, and for nominal rents, a proceeding utterly repugnant to justice and to the genius and usage of the British Constitution.

4th. Because several other members of the majority on this bill have broken their pledges to their constituents, and their faith to the public, and have voted on this bill contrary to those pledges and the repeated remonstrances of their constituents.

5th. Because the members of the House of Assembly generally, under the present Electoral Act, represent but a small minority of the people, whilst the great majority of the colony, whose interests are most deeply involved, have no voice whatever, by representation or otherwise, in the framing of this bill.

6th. Because petitions, bearing the signatures of more than seventy thousand adult males, have been presented against this bill, and not one petition has been presented in its favor: because these petitions have not only been disregarded, but have been treated by the majority with contumely and derision; and, moreover, because the bill itself has been indecently forced forward against the usual forms of Parliamentary proceedings, in defiance of the protest of the minority, and with the declared intention of passing it into law before public meetings of the people of the colony could have an opportunity of expressing upon it their deliberate opinion.

7th. Because, on the admission of the present advisers of the Crown, the House of Assembly needs, and is to receive, a thorough reform: and it must, therefore, be considered incapable at present to legislate upon a bill that will convey away the public property of the people before the people themselves are permitted a voice in the matter.

8th. For these and for other reasons, we declare that no public faith is pledged to the recognition of any pretended rights that may be hereafter claimed under this bill, should it become law; that the people of this colony are no parties to the compact; that the Act (if the bill is ever passed) will be a fraudulent enactment for the confiscation of the public lands; and that so far as it may purport to vest any rights it will be repudiated by the people, and repealed by the first Parliament in which they find themselves represented.

To give effect to this protest the following resolutions were unanimously adopted:—

1. That the protest now adopted by this Convention be printed, and that each delegate be requested to send copies of it to the district from which he has been delegated.

2. That the several delegates be requested on their return to their several districts from this Convention, to submit this protest for the approbation of a public meeting convened for the purpose, and that they report the result to such central body as may remain in Melbourne.

3. That the several delegates pledge themselves to use every effort in their localities to orga-

nise such localities, both locally and in connection with a central organization, for the purpose of carrying out the object of this Convention, and among other objects to give effect to this protest and declaration.

4. That a copy of this protest and declaration and of those resolutions, be forwarded to the principal mercantile houses and to all the banks in this and the mother country; also to the members of the Legislative Council and the Legislative Assembly; and to the members of the Cabinet and of both Houses of Parliament at home.

IMMIGRATION AT THE PUBLIC EXPENSE.

The Convention adopted the following resolutions, on the subject of Immigration conducted at the public expense:—

That, while this Convention desires to see this country rendered so attractive that a tide of voluntary emigration shall pour into it, similar to that which is now setting into America and creating an empire on that continent, it is of opinion that all immigration at the public expense is, in the present stage of these Colonies, a violation at once of the true principles of colonization and of political justice, for the following among other reasons:—

Firstly.—Because the system of immigration at the public expense is an integral part of the present land system—a land system constructed to create a country of masters and servants,—and can have no place in a land system constructed for a free people.

Secondly.—Because such system of immigration taxes all for the benefit of a few.

Thirdly.—Because the money so raised is avowedly applied to reduce the wages of the laborer, the mechanic, and others of that numerous class who work for wages.

Fourthly.—Because, under a proper land system, such a system of immigration would be wholly unnecessary, even for the ostensible object of its promoters—an abundant supply of labor.

Fifthly.—Because such a system gives to parties in the United Kingdom the power to send to this country a worse class of immigrants than would be likely to come here at their own expense.

PARLIAMENTARY REFORM.

The Convention adopted the following Report on the subject of Parliamentary Reform:—

This Convention begs to impress it on each delegate, and on the district he represents, that, having given expression to public opinion on the present Land Bill, and, it is hoped, contributed largely to the defeat of it, and having also collected opinion as to the general provisions of the land bill which the people should hereafter demand, the next subject indispensable to the accomplishment of their object is, the consideration of the means by which this "People's land bill," and every other good legislation, can be secured.

The one effective means of achieving good legislation, and making future conventions unnecessary, is thorough Parliamentary Reform.

The Parliament itself must be made the convention of the people.

The Convention reminds the people that on Parliamentary Reform, as on the Land Bill, attempts will be made to blind them by vague and illusory promises, if they do not themselves adopt some leading principles as indispensable, and by these principles test every candidate who presents himself at the hustings.

As such leading principles, the Convention suggest the following:—

1st. Manhood suffrage, without any special privilege to property.

2nd. Equal electoral districts, based on population, and to be re-adjusted by every new census.

3rd. The same qualification—simple manhood qualification—for the electors of both Houses of Parliament.

4th. The duration of the House of Assembly not to exceed two years. The duration of the Legislative Council not to exceed three years.

5th. No property qualification for members of either House.

6th. The abolition of all preliminary registration of voters as tending to the disfranchisement of the people. The security for the right and identity of the elector to be the oath of the party himself, that he is 21 years of age, a British subject, born or naturalised, a resident of the district for two months, and that he has not voted before at the same election; a security of the same nature as that on which property and life are daily disposed of in courts of justice.

7thly. The number of members of the Assembly to be increased—say to 100.

8thly. There is another principle which the Convention have reserved to the last, because there is no other that they deem so important at present to impress upon the popular mind. They have reserved it in order to give to their recommendation of it a special emphasis and force.

This principle is the PAYMENT OF MEMBERS OF PARLIAMENT.

The sacrifices required from a Member of Parliament in this colony are very great. He removes himself from his home and his private affairs; he lives in Melbourne at considerable cost; and, if he discharges his duties honorably and efficiently, his labors are most onerous. It is idle

to suppose that such duties will be well discharged without at least sufficient remuneration to indemnify him from loss or expenditure. By a few persons, and for a short time, they may be so discharged; but by the mass of members, or even by a few continuously, they cannot and will not be. If members are not paid, the people must be content to be represented by persons, who, having other business besides the people's business to transact in Parliament, will not only accept the duties to discharge them gratuitously, but will be very happy even to pay considerable sums for the profitable privilege of being entrusted with them. The history of the present Land Bill proves that it has been a very dear bargain for the people to have accepted for nothing the services of gentlemen who ultimately propose to pay themselves by confiscating the public lands to themselves and their friends.

The Convention submit that the experience of the colony is, that the services of men known and trusted in the several districts cannot generally be secured, unless these men are paid at least such a reasonable sum as may cover their expenditure, and save them from direct loss.

The Convention, while they request the attention of the people to all the foregoing points, solicit it especially to the following three—equal electoral districts; the abolition of registration; and the payment of members of Parliament.

The other points of Parliamentary Reform are, more or less, conceded, and the struggle will not be upon them. The efforts of the enemies of Reform will not be open, but disguised. Their endeavor will be to keep the promise to the ear, but to break it to the sense.

They will profess to give manhood suffrage, but they will endeavor to arrange the districts so as to make one man in certain districts equivalent to five or ten men in others.

They will profess to make the right of voting universal, but they will so embarrass it with regulations, and choke it with impossible conditions of continuous residence, as to make it unattainable in practice to a fourth of those whom they promise to enfranchise.

Professedly, they will enable the people to select any representative they choose, unrestrained by property qualification; but they will make the trust so expensive that few will accept it to do the people's business, and it will, in the majority of cases, be continuously held only by persons who retain it for the purpose of furthering transactions of their own.

The Convention, therefore, urge upon the several delegates that, in all local organisation, Parliamentary Reform, embracing all the principles herein enumerated, and, especially, equal electoral districts; the abolition of registration; and the payment of members of Parliament; be made a prominent subject for discussion, and a test for candidates presenting themselves on popular principles.

MINING ON PRIVATE PROPERTY.

The Convention adopted the following Report on the subject of Mining on Private Property:—

The first clause of the bill is objectionable—

1st. Because the words "Mining District" will confine the provisions of the Act to the present Gold-fields' Districts, and not extend beyond them.

2nd. And because it proposes to invest a judge of the court of Mines (who is not competent to decide on mining matters) with the power to determine whether, or not, mining shall be permitted on private lands; of deciding what compensation should be paid to the owner of such land. And further, of imposing on the miner whatever conditions he may think proper.

Clause 2 is objectionable—Inasmuch as it is quite unnecessary.

Clause 4 is objectionable—As it requires the forwarding of documents to the Chief Secretary.

Clause 5 is objectionable—On account of the decision of arbitrators, so appointed, being likely to be slow and unsatisfactory.

Clauses 8 and 9 are objectionable—Because they increase the difficulties of access to private property, by encouraging litigation and vexatious delays.

Clauses 10 and 11 are objectionable—Because the miner is compelled to pay costs whether he gains or loses the suit.

Clause 15 is objectionable—As it does not give power to mine, when the depth would be so great as to prevent any injury to the surface or buildings.

Clause 16 is objectionable—As it legalises unjust contracts already entered into, in opposition to the regulations of the Local Courts of the districts, thereby conferring on individuals a monopoly of certain auriferous lands.

Clause 17 is objectionable—As it confers on the Governor and Council the power of deciding when auriferous lands are worked out.

Finally: the bill is objectionable *in toto*—As it does not give, as it purports, increased facilities of access to private property—and because it is expensive, slow, and litigious.

THE CHINESE.

The Convention adopted the following Report respecting the Chinese :—

“1st. That it is the opinion of this committee, that the introduction of more Chinese into this colony is an evil of great magnitude.

“2nd. That this Committee suggest the necessity of petitioning the Government to enact a law to prevent the further influx of Chinese to this colony.

“3rd. That this Committee request the Legislature to enact a law making it imperative upon the Chinese to leave the colony before the end of six months from the passing of said act, and that no protection tickets be granted for a longer period. And that we are urgent on this subject, as we believe the miners are restrained from summarily dealing with the Chinese by the belief entertained that the question is likely to be satisfactorily arranged by the Executive.

4th. That Mr. Quinlan be requested to draw up a memorial embodying the foregoing resolutions, and the opinions as expressed by the members of this Committee.”

REPORT OF FINANCE COMMITTEE.

The Convention adopted the following Report of their Finance Committee :—

REPORT OF THE SUB-COMMITTEE APPOINTED TO FORM A SCHEME OF FINANCE TO SUSTAIN THE OPERATIONS OF THE CONVENTION.

The first element of power which can be wielded by an associated body such as ours is TRUTH, the second the PRESS to disseminate the Truth, and the third FUNDS to defray the expenses attendant on its dissemination.

A well organised subscription is invariably the most successful; by becoming general, it is more cheerfully paid, and enlists a greater amount of sympathy.

We submit, therefore, that cards of “Association with the Convention” be prepared, with a suitable motto, and on the reverse side of the Card the heads of the Convention Land Bill be printed, which will thus afford a means of circulating the principles of the Convention among the people, whilst teaching them to think and act in unity.

For the Delegates of the Convention the Card might be somewhat varied, and the price fixed 20s.; for supporters of the Convention, probably 5s. might be considered enough.

A third class of collections might be monthly payments of One Shilling, from those whose limited means forbid a greater contribution.

A fourth mode would be, that merchants, professional gentlemen, tradesmen, and others who are friendly to the people's cause, be applied to for donations and subscriptions towards the Convention Fund.

A fifth mode of raising Funds might be by Public Lectures and Public Entertainments, &c., where the principles of the Convention may be explained. The operation of raising Funds and the discussing of the great questions which these Funds are to support produce a double action of utility, informing the public mind on the one hand, and raising necessary Funds to sustain the movement on the other.

The Victorian Convention has it in its power to emancipate the country and open the lands, if the people support it with Funds—already two responsible Treasurers and a permanent Finance Committee have been appointed, and we now recommend that the work be forthwith commenced in the Convention; and that Collectors for the City and Suburban Districts be appointed as one of the most pressing duties of the Convention; when the Gold Fields' and Country Delegates return to their constituencies, they will put the same machinery into motion and remit the proceeds to the Central Committee.

That a monthly Balance Sheet be furnished and printed.

Finally—In making this appeal to the people, it is necessary to remind them that, as they are the basis of power, they are likewise the only legitimate source from whence Funds can be obtained to sustain a National movement of this character. Their willingness to contribute the necessary Funds towards its support is at once a proof of their adhesion to the principles, and a means of disseminating them over the whole community.

And also the following Report, supplementary to the above :—

SUPPLEMENTARY REPORT OF SUB-COMMITTEE ON FINANCE.

Your committee would suggest the advisability of forming a common fund of at least £1,000, to be placed at the disposal of the Executive Council to carry out the great objects for which this Convention has been convened.

With regard to the appointment of a permanent Finance Committee, your committee recommend the appointment of such body to be left to the Council of the Convention.

In bringing up this report, your committee would earnestly impress on the gentlemen composing the Convention the great importance of bringing under the notice of the people of their various districts the urgent necessity of contributing promptly and liberally to the general funds of the Convention.

But, as a means of meeting expenses already incurred, your committee would respectfully urge that remittances be forwarded from each locality with as little delay as possible.

COUNCIL OF THE CONVENTION.

The Convention, before adjourning, adopted the following resolutions, authorising a Council to sit in Melbourne:—

RESOLUTION AS TO A COUNCIL OF TWENTY-ONE.

That this Convention, before adjourning, do appoint a Committee of twenty-one of its members as a Council of correspondence and administration, to sit in Melbourne, and meet, from time to time, as they shall deem expedient. Such Council to consist of six members from the gold-fields, three from the country districts, and twelve from the metropolitan and suburban districts; and the officers of the Convention to be *ex-officio* members.

RESOLUTIONS AMENDING THE ABOVE.

That the resolution heretofore adopted by this Convention, appointing a Council of twenty-one members to act as a council of correspondence and administration in Melbourne, be so far rescinded that the Council shall not be limited in number, but shall consist of as many members of the Convention as find themselves able to attend. That seven constitute a quorum, provided these seven include one of the officers of the Convention, that is to say, the President, Secretary, or one of the Vicé-Presidents, or Treasurers.

That in matters coming before such council, and being of sufficient importance to justify the expense of the necessary circulars and postages, all the members of the Convention be communicated with before any decision in such matters be arrived at. And that such members be at liberty to vote on such questions by proxy, and that their letters in reply to the circulars be accepted as their proxies.

LOCAL LEAGUES IN CONNECTION WITH THE CONVENTION.

Before the Convention adjourned, they adopted a resolution to the following effect:—

That the delegates be requested, on returning to their several localities, to establish local leagues, holding themselves in correspondence and connection with the Convention Council of Melbourne, and that these Leagues be requested to use a common card, and style themselves by a common name, varied only by the name of the place in which they may be established, thus—"The Convention Land and Reform League of Ballarat," "The Convention Land and Reform League of Bendigo," &c., &c.

In accordance with this resolution, numerous local leagues have been established, and cards have been struck by the Council and circulated to these several leagues.

ADJOURNMENT OF THE CONVENTION.

The Convention having sat from the 15th of July to the 6th of August, on the latter day adjourned *sine die*.

POSTSCRIPT.

Melbourne, 1st October, 1857.

The publication of the foregoing pages having been unexpectedly delayed, the Council is now able to add to them the final result of the opposition to the Land Bill. This Bill passed its third reading in the House of Assembly, on the 3rd of September, by a majority of 30 to 23. A few of its clauses had been modified, but in substance it was not materially altered. It still gave the public lands to the squatters on pastoral leases, for protracted periods, and on such terms as would have made it easy for them gradually to acquire a title on fee simple; and, as already stated, ministers and their supporters refused to recognise the right of any future Parliament to alter "arrangements" thus made by this Bill. The division on the third reading was as follows:—

MAJORITY FOR THE BILL.

Ayes—30.

Moore	Heales	D. S. Campbell	Johnson
Clarke	Ebden	Findlay	C. Campbell
Haines	Sladen	Beaver	Ware
Michie	M'Culloch	Embling	Davis
Adamson	Service	Henty	Quarterman
Goodman	Smith	Langlands	Lalor
Sitwell	Rutledge	Griffiths	
Anderson	Sargood	Well	

MINORITY AGAINST IT.

Noes—23.

Wood	Dr. Evans	Harker	Greeves
Blair	O'Brien	Foster	Hughes
Ireland	Myles	O'Shanassy	Brooke
Fyfe	Aspinall	Hancock	Wilkie
Syme	Duffy	Grant	Humffray
Owens	Phelan	Snodgrass	

On Tuesday, the 8th of September, the Bill was introduced into the Legislative Council, and read a first time. Faithful to the course they had pursued in the Lower House, ministers proposed to rush it through the Council as they would fain have done through the Assembly, and to make the second reading an order of the day for that day week. But Mr. Fawkner met the proposal with an amendment postponing the second reading for a fortnight, and to this amendment ministers were compelled to yield. The country immediately began to rouse it to a new effort. Public meetings were held in all parts of the colony, and petitions to the Legislative Council determined on. It was known that the Bill would encounter a strenuous opposition in the Council, and it was thought that the debate would be more than once adjourned. It was resolved, therefore, not to hurry down the petitions before they were largely signed, but to prove by the number of signatures that the hostility of the country had increased, not abated, since the Bill had passed the Lower House. But the fate of the Bill was decided more summarily than the country expected.

For the reasons just stated, scarcely any petitions from the country districts were presented on the night that the second reading was moved. Melbourne, and two of its suburbs—Richmond and Prahran—sent in petitions which numbered over eight thousand signatures, intending to follow them up with supple-

mental petitions, to be presented on the next night of the discussion. Collingwood and Emerald Hill had petitions already signed by nearly three thousand petitioners, but deferred forwarding them until they were signed more largely. If the discussion had proceeded, Melbourne and its suburbs would have mustered 20,000 petitioners, being about double the number that had petitioned the Lower House from the metropolitan district. The Secretary of one of the Convention Leagues (Ararat) had communicated to the Secretary of the Convention Council that it was their intention not to send down their petition for the first night, but to give the people full opportunity of signing it. He added that there was every likelihood of 20,000 signatures being attached, from Ararat and Pleasant Creek. The Ballaarat gold field had been districted for the purpose of forming Convention Leagues. Ballaarat had furnished 14,000 petitioners to the Legislative Assembly; the petitioners from Ballaarat to the Legislative Council would probably have been still more numerous. On the whole, there was every ground for expecting that the 70,000 petitioners of the Legislative Assembly would have swelled to 90,000 or perhaps 100,000 petitioners of the Legislative Council. But the bill was destined to no such pomp of obsequies. It met a speedier and more ignominious fate.

On Tuesday, the 22nd of September, Mr. Mitchell moved that the bill be now read a second time. Mr. John Pascoe Fawcner moved, as an amendment, that it be read a second time that day six months. Mr. Keogh seconded the amendment. After a debate of some hours, the amendment was put, and the Legislative Council, without even waiting to hear the country, summarily ejected the bill by a vote of 21 to 6. The division was as follows :

For the Amendment—21.

Mr. Hodgson
Keogh
Urquhart
Henty, J.
Clarke
Miller
Bennett

Mr. Power
Henty, S. G.
M'Combie
Vaughan
Kennedy
Cruikshank
Dr. Tierney

Mr. Cowie
Williams
Hood
Fawcner
Stewart
Guthridge
Allen

For the Bill—6.

Mr. Strachan
Patterson

Mr. Mitchell
Hope

Mr. Roope
Highbett

The Council of the Convention, whilst they acknowledge that there is cause for rejoicing in this result, desire not to lose time in exulting over it, nor to lose force by overrating this popular success. Only one step has been gained—a bad bill has been defeated; the main battle has still to be fought and won—a good bill has to be carried. This can only be accomplished by organising the opinion of the country. The Council therefore urge it on the people to organise. And, in organising now, the Council submit that they must organise, not only for a good Land Law, but also for that great Reform, which is the only effective instrument of this and all other reforms. The popular agitation must now proceed upon a more extended basis. A "People's Land Law" and "Parliamentary Reform" must be demanded together.

APPENDIX.

SPEECH OF MR. HAINES IN THE YEAR 1852, AT GEELONG.

The Council desires to record the following speech of present Chief Secretary, Mr. Haines, delivered in the year 1852, at Geelong. They think the document worth preserving, as a monument of the inconsistency and bad faith of the authors of the Government Land Bill.

Mr. Haines said he should first of all proceed to read a few extracts from the Orders in Council bearing upon this important question, and as doubts might arise in the minds of some persons as to their real purport, it became highly necessary that every individual in the country should be made thoroughly acquainted with their import. Time would not allow him to read the whole of these Orders in Council, but in selecting some which bore more particularly upon the question, he should take care that the meaning should not be garbled by means of his not quoting their context both before and after. Mr. Haines then proceeded to read to the meeting the sixth section of these Orders in Council, and observed that by that ordinance the Crown lands of the colony in the unsettled districts were effectually locked up from the public, and only made available to a certain exclusive class for the lengthened period of fourteen years. In the intermediate districts the time was limited to eight years, but in both instances it might be again renewed, to the exclusion of the public generally, and to the advantage of one particular class of the people. The effect of these orders would be to prevent any person coming into competition with the lessee. He was under the impression at the time they were framed, that is five years ago, the supposition was that the Crown Lands in the interior of the colony would not be required for occupation like those situated nearer to the sea coast. Such indeed might have been the case formerly, but the late discovery of gold had considerably altered the case. (Cheers.) These lands were about to be thrown open, it was true, but not thrown open to public competition, but merely to a distinct body of men, who are to have the unjust privilege of purchasing the most choice spots at the minimum price of 20s. per acre, (cries of "shame, shame.") He would ask is this fair dealing? (Cries of "no, no.") The favored few were not people who were merely in struggling circumstances, or poor; oh no, they were the individuals who enjoyed more wealth than any other section of the community. The squatters waited until the most favorable opportunity for their raising corn and the other necessaries of life had arrived, and most assuredly, if they obtain the advantages they now seek, they will secure the monopoly in corn as completely as they have that of wool. (Cheers.) The public lands adjacent to the gold-fields were of the utmost importance to the colonists at large, and if put up for sale would meet with ready purchasers from the agricultural and laboring classes. From their proximity to the immense population at the various diggings, they would be preferred to any other for the purpose of laying out small farms, and so reduce the exorbitant rates now paid by the diggers for almost every necessary of life. (Cheers.) If the various provisions of these orders were calculated to act fairly on all branches of the community, without great alteration, there would be an end to the matter. He was not antagonistic to the welfare of the squatters, some of whom he counted among his most intimate friends, but he could not remain inactive when he saw the Government of the country disposed to secure their particular interest at the expense of all others. (Cheers.) The pre-emptive right of these gentlemen, of which we have heard so much, and which is a monstrous invasion of the British Constitution, has already been acted upon even before the leases have been issued. He was no lawyer, but could safely say that such gentlemen who had exercised a pre-emptive right before obtaining their respective leases, have purchased an imaginative property which has never been legally vested in them, and which is not worth a farthing's purchase. They have certainly anticipated their position. The Governor may be called upon by the Orders in Council to assess the value of the Crown Lands, but no provision has been framed rendering it compulsory on him to do so. With respect to the purchasing of lands in the intermediate districts, he would simply make the remark, that, before such land, according to the obnoxious orders, can be exposed to public competition, the lessee, or in other words, the squatter, is to have the chance of picking the best portions, at 20s. the acre. (Cries of "Shame, shame.") In the face of this one great disadvantage, the people would have the option afterwards of securing the inferior portions, by a spirited competition, at perhaps from three to four times the amount paid by the favorite lessee. (Groans.) The number of persons present on this occasion convinced him of the great interest that was felt on this subject. He could have wished, however, the serious consideration of so momentous a question had been delayed for a day or two longer. He had only had intimation on the previous afternoon, and had hardly time to bring more decisive arguments against the iniquity of issuing

the leases. At the present day the squatter grew his mutton and wool upon land contiguous to the more humble farmer, and this upon land which cost him nominally a fraction of half a farthing an acre. Now, at the very least, the farmer has paid 20s. per acre for his land, or was living upon a tenancy at the rate of 2s. per acre per annum. It is to be wondered, then, that these two divided interests should regard one another with a jealous and suspicious eye? This is the case unfortunately in most instances, and though the agriculturist has purchased and paid for his land at so much disadvantage, he cannot, unless his ground is well and securely fenced in, impound the squatter's stock when found trespassing; but the squatter, in his turn, who has obtained the run at so moderate a rate, can do this, and has but too frequently used his power, to the great annoyance of his neighbors; and this has been more frequently done from vindictive motives than from the legitimate desire of preventing trespass. As regards manuring or improving land, the squatter would have a great advantage in turning stock on the ground, whilst the farmer would have to feed his stock upon artificial food. He could adopt no alteration of crops, and would be reduced to the necessity of turning his agricultural land into pastoral. He would ask, what advantage would he be likely to derive under present circumstances from his doing so? (Cheers.) He felt no hesitation in affirming that if the leases were issued to the squatters, and the privileges which they are anticipating granted, then it would cause the ruin of the agricultural farms, and afford a monopoly in grain similar to that which has so long been enjoyed by that class in the article of wool. With regard to the only real argument or objection that he considered worth while attending to against suspending the Orders in Council, the alleged breach of faith involved, he would say, in answer to those who affirmed that promises ought to be held sacred, that they should in the abstract, but should they, in the particular instance now before them, when the carrying such promises into execution would involve disastrous and unhappy consequences upon a whole people? (Cheers, and no, no.) It must be remembered, also, that these promises had been extorted from the British Government by misrepresentation. On the same principle, it might be said he was bound to pay a promissory note which had been surreptitiously obtained from him. Before he (Mr. Haines) took his seat in the Legislative Council as a nominee, his first inquiry of Government was regarding the issuing of the leases; and the information from that quarter was that they would not be issued. Upon this condition alone did he take his seat in the House; but, since the commencement of the present session, he found that Government had altered their views upon the subject, and they were determined to issue the obnoxious leases, upon ascertaining which, it became his duty to vacate his seat. (Hear, and cheers.) Previous to the gold discovery, neither the squatter nor the Government were anxious to have the leases issued, or the lands put up for sale. A short time ago, a certain gentleman of his acquaintance requested his assistance in the purchasing of land in the intermediate district; on application to the Government, he was plainly informed that no lands could be disposed of until they had been offered to the squatter. But from the altered condition of the colony, and its accumulating population, the squatters perceive that, if they do not at once get their leases, they never will. A few months more, and the Government dare not issue them. With respect to the returns relative to the squatting question called for by the elective members of the Assembly, their non-production has been attributed to the inefficiency of the printing department. He would not hesitate to say that, when they do come forth, such a budget of corruption will be presented to the public gaze, as will astonish the most indifferent and careless observer. The people have only to resist this measure for two or three months longer, and the day will be their own, and this without any violent commotion. They should remember that, if this great object is achieved now, it may be done peacefully, but if not, he prayed to heaven he may not be present to witness the result. (Loud cheers.) He would now propose the first resolution, "That this meeting considers the Orders in Council, which have been framed under the authority of the Act IX. and X. Victoria, opposed to the advancement of the colony and the welfare of the vast majority of the community."

