

1853.

VICTORIA.

BOUNDARY LINE

BETWEEN

VICTORIA AND NEW SOUTH WALES.

CORRESPONDENCE.

RETURN TO ADDRESS.—MR. MURPHY, 29TH JUNE, 1852.

*LAI*D upon THE COUNCIL TABLE by THE COLONIAL SECRETARY, by order of HIS EXCELLENCY THE LIEUTENANT GOVERNOR, and ordered by THE COUNCIL to be printed, 31st August, 1853.

No. 144.]

[COPY.]

Government House,
Sydney, 4th November, 1839.

MY LORD,

WITH my Despatch of this day's date, No. 143, I have submitted to your Lordship copies of the instructions which I issued to Mr. La Trobe on his assumption of the office of Superintendent of Port Phillip. There is one point, however, in these instructions, to which I think it right to ask your Lordship's attention in a particular manner, namely, the limits which I have prescribed for the District of Port Phillip, as it is possible that circumstances may occur at some future period to make these limits of importance.

The features of the country not being sufficiently known to enable me to define the District by natural boundaries, I have directed it to be considered as consisting of that part of the territory of New South Wales which lies to the south of the thirty-sixth degree of south latitude, and between the one hundred and forty-first and one hundred and forty-sixth degrees of east longitude.

The territory included within this boundary will be easily ascertained by the inspection of any map of Australia.

I have, &c.

(Signed)

GEORGE GIPPS.

The Right Honorable
Marquis of Normanby.

EXTRACT FROM DESPATCH OF LORD J. RUSSELL TO SIR G. GIPPS,
DATED 31ST MAY, 1840.

“THESE two Districts are to be divided by the boundaries of the two southernmost counties of New South Wales, as proclaimed by the Governor on the 14th of October, 1829; and from the limits of these two counties by the whole course of the River Murrumbidgee and the Murray until it meets the eastern boundary of South Australia, which of course will constitute the limit to the westward both of the Sydney and of the Port Phillip District. Seeing how little the general direction of the Murrumbidgee, after leaving the boundary of the original settlements of New South Wales, varies from an east and west course, it has appeared to me more convenient to choose this natural and well-defined boundary than to adopt a parallel of latitude.”

C.—No. 1.

Government House,
Sydney, 19th December, 1840.

MY LORD,

I HAVE the honor herewith to forward a Petition to the Queen, which was unanimously adopted by the Legislative Council of this Colony on the 14th instant; and in compliance with the desire of the Council, I have respectfully to request that your Lordship may be pleased to present the same to Her Most Gracious Majesty.

The object of the Petition is humbly to request that the boundaries which have been assigned to the Middle District of New South Wales, in the instructions under the sign manual conveyed to me in your Lordship's Despatch of the 31st May last, No. 93, may be reconsidered, the Council being apprehensive that in the event of the Northern and Southern Districts being erected—as it is apparently intended they shall be—into separate Colonies, the interest of the inhabitants in the Central District or Colony will be very materially and prejudicially affected.

The first ground of apprehension is, that as in the Districts thus separated the system is to be introduced of selling land at an uniform price to the first claimant, the persons at present in the permissive occupancy of lands to a vast extent in these Districts, may be put out of possession of them at a moment's warning.

Your Lordship is aware that hitherto the graziers and flockmasters of New South Wales have been allowed the greatest possible facilities in the occupation for pastoral purposes of all unsold lands of the Crown; and that this system, which may be called one of very extensive squatting, has not only been allowed to grow up, but has been fostered, encouraged, and regulated by successive Governors of this Colony, and by successive Acts of Legislature; and that this has been done, not only in the conviction that such easy occupation of Crown Lands is essential to the prosperity of the Colony, but also that it is wise to sanction and to regulate that which the Government has no power to prevent, even if it were disposed to do so.

The quantity of cattle depastured beyond the boundary of location, or beyond what may be called the shireland of New South Wales, was, on the 31st December, 1849,

371,699 horned cattle,
1,334,593 sheep,
7,088 horses;

and the number of persons of European origin employed in the herding or tending of the same, was 7,287.

The persons in occupation of lands beyond the boundaries of location, have doubtless always looked forward to the time when they would be required either to relinquish or purchase them; but they have been led to hope also that they would have timely notice of the intention of Government to dispossess them; and that the lands would only be brought forward for sale progressively, as new counties might be opened to location; also that when opened, they—the occupiers—would, at least, have a fair chance with others, of purchasing at an open auction.

They are, consequently, greatly alarmed at the prospect which the system of selling land at a fixed price, with an unrestricted right of selection, seems to open to them, of having the lands, of which they had so long been in possession, or the best portions of them—namely, those which have a command of water—wrested from them by any one who may be able to get before them to the land office.

The second great object of apprehension entertained by the Council is, the total, or all but total, extinction of the Land Revenue of the Central District of the Colony, and the consequent inability to import emigrants in sufficient numbers even to supply the vacancies which will be occasioned by the dying off of the convicts, far less to meet the daily increasing wants of the Colony.

Your Lordship is well aware that in the Central District, as defined by your Lordship's instructions, very few lands of any value remain to be disposed of.

It was also urged in the Council that a separation, such as is proposed, would effectually prevent the institution of a fair comparison between the two systems of selling land which are henceforth to be established in the Colony. The fixed price will be established in Districts where good land is abundant; but the sale by auction—in favour of which the Council lately recorded its unanimous opinion—will be preserved only in the Districts where all the good land has been long since disposed of.

The separation of the county of Macquarie was urged as a peculiar hardship, it having been considered for more than ten years to form a portion of the located lands of the Colony, and large purchases made in it, though its boundaries to the north and west have never been defined by any public Proclamation.

I think it right to inform your Lordship that the motion for the Petition was made in the Council by the Lord Bishop of Australia, without any previous communication with myself, or my even knowing that it was His Lordship's intention to bring it forward.

As I reported to your Lordship on the 24th October last that the annual Session of the Council had been closed, it may be proper for me to add that a special meeting of it on the 8th instant was held, in consequence of the Protest having been delivered by two of the Judges in the terms of the 22nd sec. of the 9th of George IV., ch. 83, against an Act which was passed at the end of the ordinary Session, for taking a census of the Colony.

On this subject I shall hereafter have occasion to address myself to your Lordship.

I have, &c.

(Signed)

GEORGE GIPPS.

The Right Honorable

Lord John Russell.

EXTRACT FROM PETITION ALLUDED TO IN THE FOREGOING DESPATCH OF THE
19TH OF DECEMBER, 1840.

“ WE entreat your Majesty's goodness to appoint that the southern boundary of the Central Colony of New South Wales may be a line drawn from near Cape Howe to the source of the River Hume or Murray; and from thence the course of that river itself until it reaches the 141st degree of east longitude; and that the northern boundary may be the twenty-eighth parallel of south latitude from the sea coast to the same 141st degree of east longitude.”

[COPY.]

Downing street, 12th June, 1845.

SIR,

I HAVE received your Despatch dated 12th January last, No. 11, enclosing a Petition to the Queen from the Members of the Legislative Council of New South Wales, praying that Her Majesty may be pleased to consent to the entire separation of the District of Port Phillip from New South Wales, and to its erection into a separate and independent Colony.

You will acquaint the petitioners that I have laid this Petition before the Queen, and that Her Majesty was pleased to receive it very graciously.

The subject to which the Petitioners refer is of grave importance, and presents questions on which, unaided by any advice or information from yourself, it is not in my power to submit to the Queen any opinion as to the course which it might be proper that Her Majesty should take. I wish to receive from you a report of your views as to the proposed separation of the Port Phillip District from the Government of New South Wales, embracing in that report not only the probable advantages and disadvantages of the measure, but also the means by which, if adopted at all, it would most conveniently be carried into effect, the boundaries by which any such new Province should be separated from the more northern Colony, and the nature of the Legislative Institutions which on such a supposition it might be prudent to establish at Port Phillip.

To aid in the more complete investigation of this subject, you will refer it to the consideration of the Executive Council, and suggest to them the propriety of examining the Petitioners, and any other persons in either part of New South Wales who possess any peculiar means of explaining the results of the existing union and the probable consequences of the proposed separation of the Northern and Southern Divisions of the Country.

I have, &c.

(Signed)

STANLEY.

Governor Sir G. Gipps,

New South Wales.

EXTRACT FROM SIR GEORGE GIPPS' DESPATCH TO LORD STANLEY,
29TH APRIL, 1846, No. 90.

“ IN respect to boundaries—assuming separation to be desirable—there is in the Council no difference of opinion. It is unanimously recommended that the boundary established in the 2nd section of the 5th and 6th Victoria, ch. 76, and repeated in the 1st section of the local Act, 6th Victoria, No. 16, be adhered to as nearly as possible.

“ In laying out the boundary, difficulties, however, will occur, which if not speedily met, may at some future time prove of importance. The exact position of the point which is to be taken as Cape Howe, is one of these; and another is the stream or watercourse to be considered the nearest *source* of the River Murray.

“ In respect to the latter, or source of the River Murray, considerable difference of opinion may exist; and therefore I would suggest that the boundary from Cape Howe to the frontier of South Australia should, before the separation takes place, be laid down by Commissioners appointed by the Governor of New South Wales, subject of course to confirmation by Her Majesty.”