

(No. 41.)



1868.

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T A S M A N I A.

LEGISLATIVE COUNCIL.

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LIEUT.-COLONEL FULTON.

CORRESPONDENCE RESPECTING GRANT OF LAND UNDER  
ACT 31 VICT. No. 26.

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Laid upon the Table by Sir R. Dry, and ordered by the Council to be printed,  
August 14, 1868.



*Hobart Town, 3rd December, 1867.*

SIR,

HAVING arrived in this Colony from India with my wife and family, with the intention of settling in the Island, I have the honor to request that, in conformity with the provisions of the 7th Section of "The Immigration Act," No. 26, of the 31st Victoria, a certificate may be issued authorising me to select thirty acres of land for myself, twenty acres on account of my wife, and ten acres each in respect to my ten children,—making in the aggregate one hundred and fifty acres.

I arrived in Tasmania on the 23rd February last, and, of course, prior to the passing of the Act above quoted; but as that Act permits an Immigrant to reside in the Colony for twelve months ere he makes his application for a Land Order, and as my family and self have not yet completed a year's residence here, I trust that we may be allowed all the benefits of the Act to aid us in carrying out our views.

I have the honor to be,

Sir,

Your most obedient Servant,

(Signed) J. R. FULTON, *Lieut.-Colonel*  
*Madras Staff Corps.*

*To the President of the Board of Immigration,*  
*Hobart Town.*

*Immigration Office, 17th December, 1867.*

SIR,

I HAVE the honor to acknowledge the receipt of your letter of the 3rd instant, applying for permission to select one hundred and fifty acres of land on account of yourself, your wife, and ten children under the provisions of the Act of Parliament of last Session, (31st Vict. No. 26.)

I regret that I am unable to accede to your application, as the Act cannot be made retrospective in its effect, and your arrival nearly eight months before the passing of the Act excludes you from the right of participating in its advantages.

Having, however, in view your intention to become a permanent settler in Tasmania, the Commissioners will be prepared to submit to the Government that they might recommend to Parliament that you should be permitted to make the selection you desire upon the same terms and conditions as those laid down in the Act; beyond this it is not in the power of the Immigration Commissioners to meet your wishes.

I have the honor to be, &c.,

(Signed) RICHARD DRY, *President.*

*Lieut.-Colonel FULTON, Madras Staff Corps.*

*Belmont, Richmond, 22nd May, 1868.*

SIR,

REFERRING to my application of date 3rd December last for permission to select land for myself and the members of my family under the provisions of the Act No. 26, 11th October, 1867, and your reply to that communication, of date 17th December last, in which you express doubt whether my application could be held legally to come within the provisions of the Statute, in consequence of my arriving in the Colony being previous to the passing of the Act, I beg very respectfully to request that the Board of Immigration would reconsider my application in special connection with Section 7 of the Act 31 Victoria, No. 26.

I would venture to submit that the very words of the Statute include the exact circumstance of my case; viz.—“Any person arriving in the Colony with the intention of settling therein from Europe or India, &c. shall at any time within twelve months after his arrival in the Colony be entitled to demand,” &c. The Act is prospective in respect to the twelve months, within which time application is required to be made, that is, I would venture to suggest, applicable to any Immigrant from Europe or India so situated that he can make the application on demand within that period. My position is exactly this, that I arrived in the Colony with the express determination of settling my family in it; and the period of the passing of the Act enabled me to make my application some months before the expiration of my twelve months’ residence in it.

I presume to hope, therefore, that the Board will do me the favour to reconsider my application in connection with this my present statement and explanation.

I have the honor to be,  
Sir,

Your obedient Servant,  
(Signed) J. R. FULTON, *Lieut.-Colonel*  
*Madras Staff Corps.*

*To the President of the Board of Immigration,  
Hobart Town.*

*Immigration Office, 23rd June, 1868.*

SIR,

I HAVE the honor, by direction of the President of the Board of Immigration, to acknowledge the receipt of your letter of the 22nd ultimo, expressing your hope that the Board would reconsider your application for a grant of land under the provisions of the Act of Parliament, No. 26 of 31st Victoria.

In reply I am to inform you that the Board are not legally empowered to issue the necessary certificate, and they regret that it is impossible for them to comply with your request.

At the same time I have to state that the Executive Government have consented to bring your case before Parliament with the view of obtaining the sanction of the Legislature to a favourable consideration of your application.

I have the honor to be, &c.,  
(Signed) B. TRAVERS SOLLY, *Secretary.*

*Lieut.-Colonel FULTON, Madras Staff Corps,  
Belmont, Richmond.*

*Immigration Office, 6th July, 1868.*

SIR,

I HAVE the honor to inform you that, at a meeting of the Board of Immigration convened to consider your personal application for the issue of a certificate under the 7th Section of the 31st Vict., No. 26, the following Resolution was passed, and has been duly forwarded to the Executive Government:—

“The Board resolve to recommend to the Executive Government that Lieut.-Colonel Fulton be allowed to select 150 acres of land on account of himself, his wife, and his ten children, and that the land so selected be reserved from sale until the decision of Parliament upon the representation of the case by the Executive has been arrived at.”

I have the honor to be, &c.,  
(Signed) B. TRAVERS SOLLY, *Secretary.*

*Lieut.-Colonel FULTON, Madras Staff Corps,  
Richmond.*