

(No. 157.)



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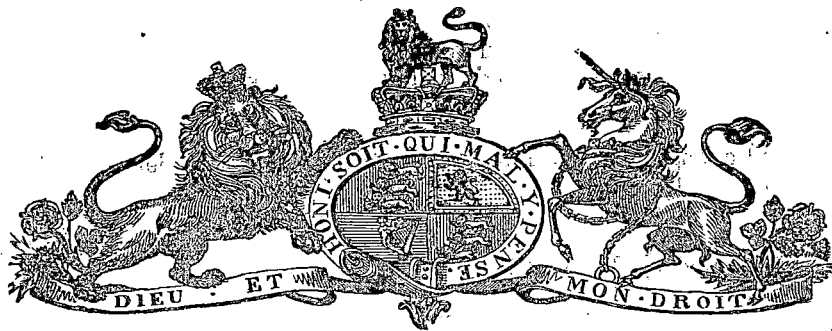
PARLIAMENT OF TASMANIA.

LAND CERTIFICATES TO IMMIGRANTS:

CORRESPONDENCE.

Return to Order, Legislative Council, September 23, 1884. (Mr. Moore.)

Laid upon the Table by Mr. Douglas, September 26 ; and ordered by the Council
to be printed, October 10, 1884.



Immigration Office, Hobart, 26th September, 1884.

SIR,

I HAVE the honor to forward herewith the correspondence referred to in your letter of yesterday's date (No. 516), accompanied by extracts from the Minute Book of the Board of Immigration.

The Return ordered in reference to Assisted Immigrants will take some time to prepare, but it shall be proceeded with at once.

I have the honor to be,
Sir,

Your obedient Servant,

THOS. C. JUST, *Immigration Agent.*

The Hon. the Chief Secretary.

EXTRACT from Minutes of Meeting of the Board of Immigration, 23rd August, 1884.

"Mr. Adye Douglas thereupon submitted the following Resolution, which was agreed to:—

"That having regard to the letter of the Secretary to the Board of Immigration, dated 19th January, 1878, par. 20, as follows:—'That the large steamers from London now take four classes of passengers, viz.—1st cabin, 2nd cabin, 3rd class or 'intermediate,' and steerage,—the Board have sanctioned the *third class*, where the passage-money is not less than £20, being reckoned as 'intermediate' under the 7th Section of the Act.'"

True copy.

T. C. JUST, *Immigration Agent.*
25. 9. 84.

SIR,

I DESIRE to record my protest against the decision arrived at by the Board at its meeting held on the 23rd ultimo, with reference to the Resolution passed regulating the issue of Land Certificates to persons arriving in the Colony as third class passengers.

When the Immigration Act, No. 26 of 31 Victoria, was passed, ships, as a rule, carried three classes of passengers,—cabin, second cabin (or intermediate), and steerage,—the rates of passage being approximately £50, £30, and £18 respectively, and the Immigration Act was, consequently, so framed as to authorise the issue of a Land Order Warrant of the value of £18 to each emigrant who paid his own passage; and under Section 7 it is provided that any person arriving in the Colony whose passage money is paid by himself as a cabin or intermediate passenger, shall be entitled to demand from the Board of Immigration a certificate authorising such person to select thirty acres of land.

Under the present system, ships, especially steamships, have adopted a mode of classification (or, perhaps, more properly, sub-division) so as to include four classes of passengers; and, by the Resolution to which I take exception, it is intended to issue Land Certificates for thirty acres to the third class, provided that the sum of £20 be paid as passage money by the person claiming the certificate.

Now I think this is contrary to the spirit of the Act and the intention of the Legislature, as the third class, as shown by their passage tickets or certificates, are steerage passengers, and are provisioned in the same manner as the fourth class, which is a sub-division of the steerage, for single men only, as I am informed that all women and families are placed in the third class, for which a charge of an additional pound or so is made in the rates of passage-money.

It will therefore be seen that by the terms of the Resolution to which reference has been made, the anomaly has been created that a person arriving in the Colony who has paid £18 or £19 for his passage is entitled to only 18 acres of land, while the person who has paid £20 for his passage is entitled to select 30 acres of land.

Will you be good enough to call a full meeting of the Board in order that this matter may be submitted to it for consideration?

I have, &c.

WM. MOORE.

The Secretary of the Board of Emigration.

P.S.—Since writing the foregoing, I have communicated with Messrs. Macfarlane Brothers & Co., Agents for the Orient line of steamers, on this subject. I append the correspondence.—W.M.

Chief Secretary's Office, 10th September, 1883.

DEAR SIR,

Will you be good enough to inform me if Third Class passengers are provisioned in the same manner as the Fourth Class, and whether the latter is a sub-division for single men only?

Yours very truly,

WM. MOORE.

Messrs. MACFARLANE BROTHERS & Co., Hobart.

Hobart, 10th September, 1883.

DEAR SIR,

In reply to your enquiry of this date,—Third Class passengers are provisioned in the same manner (though separately) as the Fourth Class, the latter being but a sub-division for single men.

Yours very truly,

MACFARLANE BROS. & CO.,
Agents Orient Line.

The Hon. WM. MOORE, Chief Secretary.

11th September, 1883.

HAVING been furnished by the Secretary to the Board of Immigration with Extracts from the Minutes of the Meeting of the 23rd ultimo, which I enclose herewith, I submit that the Resolution passed by the Board is contrary to the provisions of "The Immigration Act, 1867," for the following reasons; viz.:—

1. A Land Order Warrant can only be issued for the nominal value of £18, and no more, no matter whether the passenger is Steerage, Intermediate, or Cabin, and no Land Order Warrant so issued to any Emigrant can be enlarged so as to entitle him to thirty acres of land.
2. Third Class passengers cannot be looked upon as Intermediate passengers within the meaning of Sect. 7 of the 31st Vict. No. 26, as the Third Class are, to all intents and purposes, "Steerage," and not "Intermediate passengers."

I shall be glad to be favoured with the opinion of the Law Officers of the Crown on the points raised, and enclose for their information copy of a letter which I propose to send to the Board, together with copy of a communication addressed by me to Messrs. Macfarlane Bros. and Co., and their reply.

WM. MOORE.

EXTRACT from Minutes of Meeting of the Board of Immigration dated 23rd August, 1883.

LETTER from the Secretary of "The Emigrant and Colonists' Aid Corporation," of the 13th July last, read, and the paragraphs requiring notice considered, as follows:—

Paragraph 3.—The explanation of the Secretary of the Corporation, that he issued "Land Order Warrants" to Third Class passengers as Intermediate, under instructions in a letter addressed to him by the Board of Immigration on the 19th January, 1878, was deemed satisfactory; and Mr. Adye Douglas thereupon submitted the following Resolution, which was agreed to:—

That having referred to the letter of the Secretary to the Board of Immigration dated 12th January, 1878, paragraph 20, as follows:—"That the large steamers from London now take four classes of passengers; viz.—1st Cabin, 2nd Cabin, 3rd Cabin, or 'Intermediate,' and Steerage. The Board have sanctioned the Third Class, where the passage money is not less than £20, being reckoned as 'Intermediate' under the 7th Section of the Act,"—we are of opinion that all Land Order Warrants obtained by Emigrants coming out as Third Class passengers are entitled to 30 acres of land, and we are further of opinion that such mode of action should be continued.

True extract.

L. R. CASTRAY, *Secretary.*

THERE is no Interpretation clause in 19 Vict. No. 18, or in 31 Vict. No. 26, consequently the construction to be put on the phrase "Intermediate Passenger" used in the 7th Section of the last-mentioned Act is not a matter of law but of fact; and it appears to me that under the altered state of the shipping now employed in carrying immigrants to Tasmania the law requires alteration so as to make it clear who is entitled to receive a certificate under the provisions of the said Section, which does not name what sum the "Intermediate Passenger" must necessarily pay for passage money. It is enough that his passage money was paid by himself, and if so paid he is entitled to a certificate authorising him to select 30 acres of land in manner prescribed by Section 7. I learn that the distinction between Third and Fourth Class Passengers only consists in the unmarried men sleeping in one subdivision, and the married people and their families having cabins, but they are all provisioned on the same scale, and I presume they mess in the same compartment.

ROBT. P. ADAMS.
14th September, 1883.

The Honorable the Chief Secretary.

HAVING obtained the opinion of the Solicitor-General, which, to say the least, is vague and inconclusive, except in so far that he points out that the question is not one of law but one of fact, this leads to the enquiry, What is the meaning of the word Intermediate?—"lying between." I append a circular issued by the Orient Company showing the classification of immigrants, scale of provisions, &c., by which it will be seen that there are only three classes, no Fourth Class being mentioned; this being the case, the designation "Intermediate" cannot be given to the Third Class.

And, as a case in point, Sergeant-Major Brears, when engaged in England on behalf of this Colony, was by his agreement entitled to Intermediate Passages for himself and family, but as he was only provided with a Third Class or Steerage Passage, the Government (after reference to the Home Authorities, who decided that he was entitled to a Second Cabin or Intermediate Passage, and not a Third Class or Steerage), paid him £73 10s., the cash difference between the two classes of passages.

WM. MOORE.
Chief Secretary's Office, 15th September, 1883.

EXTRACT from Minutes of Meeting of the Board of Immigration, 3rd October, 1883.

"THE protest by the President against the decision arrived at by the Board at a meeting held on 23rd August last, regarding the issue of *Land Certificates* to persons arriving in the Colony as *Third Class Passengers*, was again considered, and after some discussion on the question, it was resolved, having reference to the President's protest under date 15th ultimo, the Board confirm its previous decision as entered upon the Minutes of meeting of the Board above referred to."

True copy.

THOS. C. JUST, *Immigration Agent.*
26. 9. 84.