

PITCAIRN ISLANDERS.

(NORFOLK ISLAND.)

RETURN to an Address of the Honourable The House of Commons,
dated 30 July 1862;—for,

“COPY of CORRESPONDENCE with the Government of *New South Wales*,
in reference to PITCAIRN ISLANDERS settled in *Norfolk Island* (in
continuation of Papers presented 11th June 1857).”

Colonial Office, }
19 May 1863. }

C. FORTESCUE.

(*Mr. Arthur Mill*.)

Ordered, by The House of Commons, to be Printed.
29 May 1863.

COPY of CORRESPONDENCE with the Government of *New South Wales*,
in reference to PITCAIRN ISLANDERS settled in *Norfolk Island* (in
continuation of Papers presented 11th June 1857).

Despatches from the Governor.

— No. 1. —

(No. 5.)

COPY of a DESPATCH from Governor Sir *William Denison*, K.C.B., to the
Right Honourable *Henry Labouchere*, M.P.

Government House, Sydney,
28 October 1857.

(Answered, No. 1, 16 July 1858, page 52.)

Sir,

I HAVE great pleasure in informing you that I have been enabled to visit
Norfolk Island.

2. The adjournment of the Legislature of New South Wales for six weeks,
in consequence of the change of ministry, reported in my Despatch, No. 128,
dated 8th September last, gave me an opportunity of which I was very glad to
avail myself. Captain Loring, C.B., having placed Her Majesty's ship "Iris"
at my disposal, I embarked at Sydney on the 17th September, and, having
visited Norfolk Island and New Zealand, I returned to Sydney on the 27th
October.

3. On my arrival at Norfolk Island I found that the people were without
either flour or biscuit. Their vegetable food would have been limited for some
months to come to unripe potatoes had I not been able to procure supplies for
them. I therefore decided to continue my voyage to New Zealand for this
purpose, and for that of establishing a connexion with some merchant at
Auckland, through whom the islanders might dispose of any articles they
might have for sale, as well as to purchase such supplies as they might
require.

4. I succeeded in inducing a merchant to send down to Norfolk Island a
small schooner freighted with various articles, a list of which had been fur-
nished to me by the chief magistrate, for which articles, and for some shipped
on board the "Iris," he was to be paid out of the proceeds of the wool, tallow,
and hides which the islanders were in a position to dispose of.

5. On my arrival at Norfolk Island I called a meeting of the inhabitants;
and, having read my commission to them, I caused it, together with the
general instructions issued for my guidance, to be entered in the book con-
taining the laws of the settlement. These laws, many of which were alto-
gether inapplicable to the present circumstances of the people, I carefully
revised; and, having inserted one or two applicable to their present position,
I called a meeting of the inhabitants, and, having given a clear explanation of
every clause and paragraph to them, and having ascertained from them that
the changes made were in accordance with their views, I formally repealed
the old regulations, and enacted those, a copy of which I enclose herewith.
I thought it better to limit myself to the re-enactment, in a clear and more
precise form, of most of these old rules, and to the introduction of such special
and particular enactments as might commend themselves to the feelings and

CORRESPONDENCE RELATING TO

understandings of all, than to commence with the enactment of laws bearing upon a state of society which has nothing analogous to it in the rest of the world, and as to the advantages of which I could hardly expect to be a judge.

6. I forward copies of the commissions which I have given under the great seal of the Colony to the chief magistrate and his two councillors, a mark of distinction which they appreciate very highly.

7. I shall in a future Despatch give a full account of the state of the settlement, and shall submit some propositions which I consider to be essential to the satisfactory completion of the experiment made upon this interesting people.

I have, &c.
(signed) W. Denison.

Enclosure 1, in No. 1.

SUPPLEMENT to the "New South Wales Government Gazette," of Friday,
30 October 1857.

LAWS AND REGULATIONS FOR NORFOLK ISLAND.

WHEREAS by an order of the Queen in Council, dated 24th day of June 1856, power was given to the Governor of Norfolk Island to make laws for the order, peace, and good government of the said island; and whereas it was further ordered by Her Majesty in Council, that until annulled by competent authority, all laws, ordinances, and regulations, civil and ecclesiastical, which may be in force within the said island at the time of the proclamation of the aforesaid Order in Council, shall continue in force, subject only to such changes as shall be necessarily consequent on the changes of Government: Now, therefore, I, William Thomas Denison, Knight Commander of the Most Honourable Order of the Bath, Governor General of Her Majesty's Australian Colonies, Captain General and Governor in Chief of New South Wales and its dependencies, and Governor of Norfolk Island, do, in pursuance of the power vested in me, declare and enact as follows:

1. All laws, ordinances, and regulations which have been and are in force within the island called Norfolk Island are hereby repealed and annulled.

2. The executive government of Norfolk Island, during the absence of the Governor, shall be vested in a chief magistrate and two assistants or councillors, to be elected annually by the community as hereinafter directed.

3. The chief magistrate must be a resident on the island; he must be in possession of a landed estate therein; and he must have attained the age of 28 years.

4. The councillors must be resident on the island, and must have attained the age of 25 years.

5. The election of the chief magistrate and councillors shall take place on the day after Christmas-day in each year, unless that day should fall on a Sunday, in which case the election will take place on the Monday following.

6. Every person who may have resided upon the island for six months, who has attained the age of 20 years, and who can read and write, shall be entitled to vote at the election of the chief magistrate and councillors.

7. The chaplain shall preside at the election, and shall open the proceedings with prayer; in case of an equality of votes for two candidates, he shall be entitled to give a casting vote; he shall not himself be eligible for the office of chief magistrate or councillor.

8. The election of the chief magistrate and councillors will be notified to the Governor with the least possible delay, and commissions under the great seal of the Colony will be issued to them, authorising them to act as magistrates in carrying out all laws and ordinances. It is, however, to be understood, that the chief magistrate and councillors, when duly elected, will be fully authorised to act as magistrates, pending the receipt of their commissions.

9. The chief magistrate and the councillors will enter upon the duties of their office on the first day of the year, on which day the chaplain will administer to each of them, in the presence of the people, the oath of allegiance and of office, as hereinafter specified.

10. The chief magistrate will see that all the laws and regulations of the island are properly carried out; he will carry into effect all the instructions he may receive from the Governor; he will convene and preside at all public meetings, with the exception of that for

for the election of magistrates; he will receive and account for all fines that are imposed; he will superintend the execution of all public works; he will correspond with the Governor during the absence of the latter from the island; and he will be the medium through which all the public business of the Colony will be conducted. All purchases on account of the public will be made by him; and he will keep an accurate account of the receipts and expenditure of the public funds.

11. The councillors will assist the chief magistrate with their advice, when called upon to do so; they will attend at all public meetings, and will take notes of the proceedings, the record of which, when entered in a book provided for the purpose, will be verified by their signatures, and that of the officer presiding.

12. Should the chief magistrate die, or otherwise become incapable of performing the duties of his office, the senior councillor will act as chief magistrate till the next election, even although he should not be of sufficient age to offer himself as a candidate for the office.

13. The Governor, or in his absence the chief magistrate, will, in cases where he may conceive the public good to be involved, have a right to summon to his assistance any or all of the inhabitants of the Colony; this summons must be immediately obeyed, under penalty of a fine, the amount of which will be determined by the chief magistrate and his councillors, or, should their decision be appealed against, by a jury.

14. Should it appear to the chief magistrate that any change in or addition to the laws or regulations of the island are required, he will first consult with his councillors; and should it appear to the three, or to a majority of the three, that such a change or addition is advisable, notice will be given to the community of the intention of the chief magistrate to submit such change or such new rule for their consideration at a public meeting, to be held within 14 days of the date of the notice.

15. At such public meeting, the nature of the proposed change or addition, and the reasons for it, will be explained to the meeting by the magistrate and councillors, and the people present will be invited to express their opinion upon it. After the explanation and discussion, the persons present will be called upon to vote for or against the proposition, and a list of the number in favour of or against the measure will be recorded on the minutes of the proceedings.

16. No repeal of any law or regulation will be valid, until confirmed by the Governor; but a new law or regulation may be acted on, when it has been approved of by a public meeting, without such confirmation, should it refer to a subject of immediate importance. In all cases the record of the proceedings of public meetings, whether for the repeal of old laws or the enactment of new, will be forwarded to the Governor, with as little delay as possible, for his confirmation or approval.

17. The chief magistrate will have primary jurisdiction in all matters of dispute, whether between the inhabitants of the island themselves, or between them and such persons as may visit the island; and whether such dispute should have reference to offences against the person, or to questions of property, he will adjudicate between the parties to the best of his judgment, and strive to induce them to come to an understanding.

18. Should his efforts be unavailing, he will call for the assistance of his councillors, and the whole case will be gone into before the three magistrates, a record of their proceedings being kept. The decision of the magistrates shall be final, in all cases where the property at issue does not exceed 50s. in value, or in cases of common assault, when they are empowered to inflict a fine not exceeding 10s.

19. Should the case be of a more serious character, and should the parties be unwilling to submit to the adjudication of the magistrates, a jury consisting of seven elders will be summoned, and the whole case having been submitted to them, their decision will be final.

20. The power of the jury will extend to the decision of all questions of disputed property, of all cases of theft, and of aggravated assault, if not accompanied with danger to life or limb, but all offences of a more serious character will be reserved for the consideration of the courts of justice in Sydney; a full statement of such cases, as investigated by the magistrates, will be forwarded to the Governor, with as little delay as possible, who will give the necessary directions with reference to them.

21. The jury will be entitled to receive an allowance for the number of hours during which they may have to sit, the hour being considered equivalent to one-eighth of a day's work.

22. The expenses of the witnesses whom it may be necessary to summon will be paid at the same rate.

23. The punishment which a jury is competent to award will be limited to a fine, the amount of which will not in any case exceed 10*l*. The offender will have the amount of the fine recorded against him, and will be called upon to liquidate it, either by a direct payment in money or produce, or by so many days labour upon any public work.

24. In all cases of dispute between individuals, the jury will decide which party is to pay costs.

25. When the offence committed is of a public character, the guilty parties shall pay all costs, in addition to any punishment which the jury may award; should, however, the party accused be declared innocent, the expenses shall be paid out of the public funds.

26. In case of any wilful damage done to property, it will rest with the jury to decide whether, in addition to payment for the damage done, a fine should not be imposed; the amount of such fine will not exceed 40 s., and the whole amount will be paid into the public chest.

27. In cases of assault, or more generally of offences against the person, it will be competent to the jury in awarding the punishment, to appropriate a certain proportion of the fine, not in any case exceeding one-half, to the aggrieved person.

28. The chief magistrate will keep a list of all males who shall have arrived at the age of 25 years; these persons shall be termed elders, and from these the juries shall be selected as hereinafter directed.

29. When a jury has to be selected, tickets containing all the names of the elders will be placed in a bag, from which seven tickets will be drawn by the chief magistrate in the presence of the councillors and the parties in the case. The seven elders whose names have been thus drawn will form the jury. Should any objection be raised by either of the parties to the name of any of the jury, the reasonableness of such objection will be decided by the chief magistrate and councillors, and, if affirmed, other names will be drawn from the bag to complete the number of the jury.

30. Any person refusing to serve on a jury, without reasonable cause shown, shall be fined 10 s.

31. It will be competent to the Governor, and to him only, to remit such portions of the fines imposed as may be payable to the public chest.

32. All persons will send their children to school when they have attained the age of six years, and from that time will cause them to attend regularly till they have reached the age of 14 years. The hours of attendance being from nine a. m. to two p. m. every day, except Saturdays and Sundays, no excuse for non-attendance will be admitted except sickness or family bereavement; and with regard to sickness, if it should be alleged as an excuse for more than two consecutive days, the chaplain must certify to the fact. A fine of 6 d. per diem will be imposed upon every child whose absence from school is unauthorised.

33. A payment of 10 s. per annum shall be made by parents or guardians for every child who is of an age to attend school; this amount shall be collected by the chief magistrate, and paid without deduction to the schoolmaster, to whom, also, all the fines for non-attendance shall be paid.

34. Care will be taken to secure the services of a properly qualified schoolmaster, who will be placed under the general superintendence of the chaplain.

35. No beer, wine, or spirituous liquor of any kind shall be landed upon the island except such as may be wanted for medical purposes, and this will be placed among the other medical stores in charge of the chaplain, to be issued by him at his discretion; all issues to be noted in the register.

36. Should any beer, wine, or spirits be landed, or found in possession of any person on the island (whether such person be an inhabitant of the island or a visitor), the vessels containing the same will be immediately destroyed, and the contents thrown away; the person in whose possession these articles are found will be liable to a fine of 40 s.

37. Any person convicted before a magistrate of using obscene or profane language shall pay a fine not exceeding 40 s., or less than 5 s.

38. Any person convicted before a magistrate of bearing false witness, or slandering another, shall pay a fine not exceeding 40 s., or less than 5 s.

39. In all cases where the magistrates or a jury have sentenced an offender to pay a fine, the parents or guardians of such offender, should his age not exceed 15 years, shall be liable for the amount of the fine.

FORM of OATH to be taken by the Chief Magistrate and Councillors before admission to Office.

I, *A. B.*, do swear that I will bear true allegiance to Her Majesty Queen Victoria, and that I will to the best of my ability perform the duties of [*Chief Magistrate, or of Councillor and Magistrate, as the case may be*] of Norfolk Island. So help me God.

Norfolk Island, 14 October 1857.

W. Denison.

Enclosure 2, in No. 1.

WHEREAS it has pleased Her most gracious Majesty, in pursuance of the powers vested in Her by the Acts of Parliament 18 & 19 Vict. c. 56, to separate Norfolk Island from the Colony of Van Diemen's Land (now called Tasmania) and to constitute it a distinct and separate settlement:

And whereas it has further pleased Her most gracious Majesty, by Order of Council dated 24th day of June 1856, to constitute and appoint the Governor and Commander in Chief for the time being over the Colony of New South Wales to be Governor of Norfolk Island, and to confer upon the said Governor full power and authority to constitute and appoint judges, justices of the peace and other necessary officers and magistrates in the said island: Now, therefore, I, Sir William Thomas Denison, Knight Commander of the most Honourable Order of the Bath, Governor General in and over all Her Majesty's Colonies of New South Wales, Tasmania, Victoria, South Australia and Western Australia, and Captain General and Governor in Chief of the territory of New South Wales and its dependencies and Vice Admiral of the same, and Governor of Norfolk Island, in virtue of the power vested in me by Her most gracious Majesty, do constitute and appoint you to be chief magistrate, with full power and authority within the limits of the said island and its dependencies, to adopt all lawful measures and perform all lawful acts which may be necessary for the peace, order, and good government of the same, guiding and governing yourself throughout by such instructions as you have received or may hereafter receive from time to time from me, or from such person as may be duly appointed by Her Majesty to be the Governor of the said Norfolk Island.

Given under my hand and the seal of the Colony of Norfolk Island at
this day of , in the year of our Lord 1850.

VICTORIA, by the grace of God, of the United Kingdom of Great Britain and Ireland,
Queen, Defender of the Faith, and so forth.

To all to whom these presents shall come, greeting.

To , Esquire.

KNOW you that we have assigned you to be one of our councillors and magistrates in our Colony of Norfolk Island, either alone or with any one or more of our magistrates as are now or shall hereafter be commissioned by us in that behalf, to keep and cause to be kept all laws, ordinances and statutes in force within our said Colony, for the punishing of offenders, the preservation of the peace, and for the quiet rule, welfare, and good government of our people in our said Colony; and to have, exercise, and discharge all the powers, authorities, and duties belonging or pertaining to the office of a councillor and magistrate in our said Colony.

Witness our trusty and well beloved Sir William Thomas Denison, Knight Commander of the most Honourable Order of the Bath, Governor General in and over all our Colonies of New South Wales, Tasmania, Victoria, South Australia, and Western Australia, and Captain General and Governor in Chief of our territory of New South Wales and its dependencies, and Governor of Norfolk Island, at Government House in Norfolk Island, this 14th day of October, in the 21st year of our reign, and in the year of Our Lord 1857.

— No. 2. —

(No. 6.)

COPY of a DESPATCH from Governor Sir *William Denison*, K.C.B., to the
Right Honourable *Henry Labouchere*, M.P.

Government House, Sydney, 30 October 1857.

Sir,

(Answered, No. 2, 18 December 1858, page 54.)

IN my Despatch, No. 5,* dated 28th instant, I mentioned my intention of forwarding a full account of the state of the settlement of Norfolk Island, and of submitting some suggestions, which appear to me to be essential to the satisfactory establishment of the Pitcairn islanders in their new home. I think I shall best attain the object I have in view of giving you a clear idea of the character of the islanders, of their power of availing themselves of the advantages which have been already placed within their reach, and of the amount of assistance which they still require, by forwarding an abstract of my Journal, together with copies of the various returns and reports, which I caused to be prepared. From an inspection of those, you will be in a position to judge of the correctness of the opinions expressed, and the suggestions made in this Despatch.

2. I forward, then, herewith—

1st. An abstract of my Journal.

2d. A nominal return of the inhabitants of the island, giving their age, sex, &c.

3d. A report from the surgeon of the "Iris" of the present state of health of the islanders.

4th. An abstract of a return, showing the state of repair and mode of occupation of all the buildings on the island.*

5th. Return of the amount of land under cultivation, showing the number and size of the allotments, and the nature of the crops.

6th. A paper addressed by me to the chief magistrate, containing one or two specific instructions for his guidance, and such advice as, under the present circumstances of the settlement, I thought likely to prove generally useful.

3. I will now proceed to give a general sketch of the condition of these people, and to explain how it is that, having had so much done for them, more is still required to enable them to avail themselves of the advantages of their position. The Pitcairn islanders, 194 in number, landed in Norfolk Island in 1856; that is, about 16 months ago. They were furnished with provisions sufficient to maintain them, until they could bring a sufficient amount of land into cultivation to support themselves. Seed and plants were furnished to them. They were placed in possession of very good houses, affording an ample amount of accommodation for themselves and their families: a much larger amount, indeed, than they would have thought necessary, had they been called upon to construct residences for themselves. They were provided with a large quantity of stock, cattle and horses, sheep, pigs, poultry, &c.; all kinds of tools and implements were furnished to them. They have a watermill, and a windmill for grinding corn. They have carts and drays, horses and bullocks, harness, &c. They have boats and fishing tackle, and the sea swarms with fish. They were enabled to select land for cultivation out of much that had been thoroughly cleared and freed from stumps. There was also a quantity of garden ground, planted with a variety of trees and plants which flourish in a climate like that of Norfolk Island. Roads, too, had been made, by the labour of the convict population, which gave a ready access to all parts of the island. The prospects, then, of settlers landing on the island 16 months ago, were apparently of the most encouraging description; and what is their present condition?

4. A reference to my Journal, and to the documents which accompany it, will show that their houses are out of repair; that they have but little land under cultivation; that their stock of sheep, though larger in number than when they landed, is yet in such a state as to make it evident, that it will be necessary in a short time to destroy the whole flock; that their cattle, though they may not have decreased in number, have most certainly diminished in weight, in consequence of the mode in which they have been killed off for food; and generally, that though there is much in which the change from Pitcairn's to Norfolk Island has been for the better, much remains to be done to qualify these people for their position, which, if neglected, may lead to results injurious to them both materially and morally. I say morally, as well as materially; for if the present state of things is allowed to continue, the results, I am afraid, will be to confirm habits of indolence, of the commencement of which I regret to see many evidences.

5. To what cause or causes can the change for the worse in the prospects of these people be attributed? There are several which have combined to produce this result. The training which these people had undergone on Pitcairn's Island, had not in any way qualified them to comprehend the responsibilities which their new position entailed upon them. The very lavish manner in which they were supplied with everything which they could require, led them naturally to attach less importance to the steps which it would be necessary for them to take to provide these things for themselves hereafter. The fact that the sale of wool and tallow has, for the time, provided the islanders with

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the means of purchasing flour and biscuit, has made them less attentive to the cultivation of the soil; and the substitution of meat for the vegetable diet to which they had been accustomed has made this cultivation less essential.

6. Their numbers have not been sufficient to enable them to undertake with advantage many different kinds of labour, of which their present position suggests the necessity. Had their numbers been sufficient, their utter ignorance of the many mechanical acts which they must necessarily practice, makes any progress in such matters for the present impossible. They cannot avail themselves of the means of cultivating the ground which the possession of ploughs and cattle holds out to them, for there is not a man among them who can plough. They cannot make use of the mills to grind their corn, for there is no man who knows how to set them to work. They cannot mend their iron tools or repair their waggons, &c., for they have not a blacksmith among them. They cannot repair their houses, for they know not how to burn lime, make mortar, or use it when made. It is needless to go into further detail; and I may say, generally, that they are ignorant of every kind of handicraft save that of carpenter.

7. Now, had these people been placed upon the island as ordinary settlers, they might with justice be left to the exercise of their own skill and ingenuity. But this is not the case; they have been removed from a home which they had made for themselves, from houses which they had built, land which they had cultivated, and have been placed in a position entailing new responsibilities and additional labour. This labour, however, it might be very possible to supply, by the ordinary means of holding out inducements to people from the adjacent Colonies to settle upon the island; but the object of the Government being to enable these islanders to carry out in their present position the same system of social polity which has made them a marked and a peculiar people, this would altogether fail were people allowed to settle indiscriminately among them. What these people require, in order to enable them to realise the kindly views of the Government on their behalf, are the means of instruction in these several trades or handicrafts, which are essential to their comfort and advancement; and also for such assistance for a few years as may be necessary to enable them to maintain the buildings of the island, both public and private, in a proper state of repair.

8. By a reference to the paper containing my instructions and advice to these people, it will be seen that my principal object is to get rid of that species of community of property which now exists; to give each person a certain amount of land, to stock that land for him, and then to make him altogether dependent upon his own exertions for the maintenance of himself and his family. From the time that he ought to gather in his first crop, he should not be allowed to draw anything from the public store, without payment of the full value. In order, however, to carry out this system, it will be necessary that a storekeeper should be appointed, to whose charge all the public property, stock, tools, &c. should be transferred. There are two modes in which this might be done: the Government might appoint a person with an adequate salary, and hold him directly responsible that the stores entrusted to his charge should only be issued according to specific regulations; or, as suggested in the paper before alluded to, a properly qualified schoolmaster might be found, who might be induced to cast in his lot with these people for the following considerations:—

1st. The usual grant of land and stock.

2d. The payments made by the parents for the education of their children, which amounts at present to 10 s. per annum for each child.

3d. A salary to be paid from the public funds of the settlement for his services as storekeeper.

I am of opinion that for the next three or four years the former plan would be likely to produce better results than the latter. The control over the stores would be more complete and effective than if the storekeeper were a settler himself; and the check which the Government would exercise over the storekeeper himself would be more effective. Such an appointment would, however, necessarily involve the payment of a salary of, say, 300 l. per annum. This,

together with the contingent advantages of house, garden, rations of meat and flour from the public stock, would, I imagine, be quite sufficient.

The next person whose services are very much wanted is a millwright and smith; that is, a man who can take charge of the watermill and windmill, and grind the corn produced by the people. He should be a smith and wheelwright; he should, in fact, be to the Colony what the village carpenter is in the country districts in England, that is, carpenter, wheelwright, smith; with so much acquaintance with machinery as would enable him to keep mill work in repair, and so much of the knowledge of the miller as would enable him to superintend the grinding process. To such a man I should propose to grant the mill sites, both water and wind, upon condition that he would grind all the corn of the islanders at a fixed rate of toll, say not exceeding one bushel in ten. In Lower Canada the charge at the seigniorial mill is one-twelfth. The miller would also have the usual grant of land and stock, with the same prospects for his family which are held out to the present inhabitants.

The next tradesman whose services are indispensable is a mason and plasterer. The buildings on the island are generally of stone; they are plastered within and without, have plastered ceilings and partitions. Now nothing will produce a worse effect upon the habits of the islanders, which are now by no means over tidy or neat, than the prospect of the gradual deterioration of their habitations from causes the action of which it is beyond their power to check or prevent. A mason and plasterer might, I should think, be found, who would be willing to settle on the island for the usual inducements of a grant of land, &c., and who, in consideration of such grant, should engage to work at his trade where required at the usual tariff of prices. Until, however, this arrangement can be brought fully into action, I should wish to be authorised to employ a few hands in executing the repairs of the different buildings which are more immediately required, making as much use as possible of the labour of the islanders in preparing materials and in assisting the skilled workmen.

The next person whom I should wish to introduce is a man well acquainted with the details of agricultural work. At present none of the islanders have an idea how to use a plough; and, as they never will be able to raise a sufficient amount of corn to feed their increasing numbers, unless they relinquish the hoe and substitute the plough in its place, it is essential that they should be instructed in the mode of using this and the other machines invented for the purpose of economising agricultural labour. Such a man, I should think, would easily be induced to settle on the island on the usual conditions.

The next tradesman whose services are required is a shoemaker. On Pitcairn's Island the people were accustomed to go barefoot. Here, however, the climate is colder, and the risk of injury to the feet from a variety of causes much greater. Applications have been made for shoes frequently, and these can of course be purchased; but whether bought by wholesale or made on the spot they must be repaired; and a shoemaker is required not only for this, but in order to instruct the children of the settlers in a trade which they will have hereafter to practise. I should imagine that there would be but little difficulty in inducing such a person to settle on the island on the usual conditions.

The following is the summary of the recommendations which I have made, and which, I trust, will meet with your approval:—

1st. The appointment of a really competent schoolmaster; and when I say a really competent person, I mean a man who, in addition to a thorough acquaintance with the processes of rudimentary instruction, has some acquaintance with the natural sciences, and with those branches of knowledge which are calculated to stimulate the intellect into activity.

2d. The appointment of a storekeeper, with a salary.

3d. The introduction of a wheelwright, smith, and millwright, in one person.

4th. The introduction of a mason and plasterer

5th. The introduction of an agriculturist.

6th. The introduction of a shoemaker.

7th. Permission

PITCAIRN ISLANDERS SETTLED IN NORFOLK ISLAND.

7th. Permission to employ some person to keep the buildings in repair.

To the introduction of the people above mentioned, I may observe, the islanders gave a ready assent.

9. Having made these suggestions, I will briefly allude to the mode in which they can be carried out, at little or no expense to the Government, beyond the salary of the storekeeper and the wages of the men employed upon the repair of the buildings. The gentlemen who form the Pitcairn Island Committee, and who have taken so great an interest in the welfare of these islanders, have, I believe, still in their possession a sum of several hundred pounds, which has been subscribed for the purpose of assisting these people. This money would be thrown away in furnishing gratuitously those articles which the islanders ought to be taught to procure by their own labour. It could not, however, be better expended than in the payment of the passage of persons who may be termed in reality schoolmasters, whose business it would be to train the islanders, and to fit them for the position in which they are now placed. Should there be any balance it might be very usefully expended in the purchase and shipment of such tools and implements as may be best adapted to economise labour. To these gentlemen might also be entrusted the task of selecting the different people, with a special reference to the qualifications required from each. Should the Government sanction the appointment of a paid storekeeper, I might be able to find a properly qualified person in New South Wales. Should such an appointment not be considered advisable, the schoolmaster should be qualified to act as a storekeeper, and it should be explained to him that he would be called upon to act in that capacity.

10. I have enclosed in this Despatch a memorandum addressed to the Pitcairn Island Committee; and, should you approve of the suggestions herein contained, and of the mode in which I propose to carry them into effect, the memorandum might be forwarded with a copy of this Despatch and enclosures to these gentlemen, as containing hints which may be of use to them in selecting the persons whom they may send out, and in explaining the character of the tools or instruments which will be most useful.

11. In my instructions to the chief magistrate, with reference to the mode in which land is to be allotted to the islanders, I have alluded to the employment of proper persons to survey these allotments, and to prepare the necessary descriptions for the preparation of the deeds of grant. I propose to send in the course of the summer two sappers, who will complete a plan of the island, and will not only measure these particular grants, but will lay out the whole island with reference to its future occupation in small farms, with such reserves for public purposes as may be advisable. This is a matter of absolute necessity; and I trust, therefore, that the expense of carrying it out will be sanctioned. The work will be done far more economically by the sappers than by any other class of surveyors; and as they are subject to military law, I shall have more control over them than I could have over civilians.

12. I regret that I have been compelled to address you on this subject at such length; but had I not done so, I could not have made the state of the islanders so clear as I hope I have been enabled to do.

I have, &c.
(signed) *W. Denison.*

Enclosure 1, in No. 2.

ABSTRACT OF JOURNAL.

THE adjournment of the Legislature of New South Wales for six weeks, on the 8th of September, gave me the long wished-for opportunity of visiting Norfolk Island, Captain Loring, C. B., of Her Majesty's ship "Iris" having placed the vessel at my disposal for this purpose.

The necessary arrangements for the administration of the government of New South Wales during my absence having been made, I embarked on the 17th September, at noon,

and the "Iris" having been towed outside the heads by a steamer, made sail at once for Norfolk Island, with the wind from N.N.E.

We had been advised to make good our casting as soon as possible, and to stand well to the southward and eastward of the island, even as far as the north of New Zealand, in order to avail ourselves of the south easterly winds which were said to prevail, and which would carry us well up to the island. In accordance with these directions we stood to the eastward for a couple of days, but after that, finding that the wind drew round to the westward, we bore up for the island, which we sighted early on the morning of the 23d.

Had we stood on to the eastward, in accordance with our instructions, we should probably have had to beat up to the island, and instead of six days, should have been 12. In fact the rule which may, I dare say, answer in the summer months, does not certainly apply at this time of year.

The surf was too heavy at the regular landing-place to justify an attempt to go on shore there, a fact of which we were advertised by the exhibition of a blue flag at the signal station. We therefore sailed round the island, and stood off and on while the boats took myself and my baggage on shore. The landing-place at the north of the island, or at the Cascades (as the spot is named), is pretty good; it is formed naturally by the projection of some heavy masses of basalt into the sea. Alongside of these a boat can lie afloat; there is, however, nearly always such a swell as to render care and attention necessary. The boat drops her anchor outside, and veers away till she comes alongside of the rock, when a favourable opportunity of landing goods or passengers is seized on, and the boat again hauls off to her anchor. The landing-place at the south side of the island is in a small bight, upon one side of which a pier has been built, which runs out some 100 feet or thereabouts. With the wind to the southward of west or east, a heavy swell breaks at some distance from the shore, rendering access to the pier dangerous. With the wind off shore, boats can come and go off without any difficulty.

There was but little swell at the Cascades, and we managed to land quite dry, and found a large proportion of the adult population, with their pastor, the Rev. Mr. Nobbs, at their head, ready to receive and welcome us. Carts had been provided for our baggage, and horses had been brought for ourselves; but as the distance from the Cascades to the settlement, as it is termed, that is, to the place where the main buildings of the convict establishment were erected, did not exceed three miles, we preferred walking across in company with the chaplain and the chief magistrate, Mr. F. Young.

The road, which has been well laid out and well made, winds up the side of a gully from the landing place, till it reaches the general level of the interior of the island, a height of between 300 or 400 feet. From thence it follows an undulating line of country till it descends again at the settlement, by some heavy cutting on the side of the hill, to a flat lying not many feet above the sea level, upon which the convict establishments were principally built, and where the major part of the present inhabitants reside in the houses which were formerly occupied by the different officers of the convict department.

The house originally appropriated to the commandant, was, we found, empty, and so far in readiness to receive us; but as there was no furniture in it, with the exception of a few tables and chairs, and one old fourpost bedstead, and no kitchen utensils, we were forced to depend upon the contributions which were made from the different families, and on the supplies which we brought with us from on board ship, with which we managed to make ourselves moderately comfortable.

There was, we found, no flour on the island, and but a small quantity of weevilly biscuit. Upon this, with the assistance of some good fresh butter and milk, we made our evening meal. On the next day, Friday the 24th, I called the people together in the schoolroom, formerly one of the rooms in the barracks, and I read my commission to them, which, together with the instructions forwarded by the Secretary of State for my guidance, I caused to be copied into the book containing the laws of the Colony. The remainder of the day was spent in visiting different parts of the settlement, in company with the chaplain and the chief magistrate, with whom I took a walk into the interior of the island, passing by the water-mill, and the dam made to head up a sufficient supply of water, where some repairs appear to be required to the sluice, and from thence up a hill to the Longridge settlement, where there are large ranges of farm buildings, and some officers' houses occupied by the islanders.

I had sent Mr. Wood (one of the midshipmen of the "Iris" who accompanied me on shore) across the island to the Cascades to communicate with the ship, and to request Captain Loring to land a quantity of cases and packages which had been put on board at Sydney; also five cases of plants furnished by the gardeners of Sydney, for which a return was to be made in young plants of fern and Norfolk Island pine. I also wished Captain Loring to send the surgeon on shore, as there were one or two cases of sickness of a more serious character than usual upon which his advice would be useful.

Mr. Wood, however, returned in the afternoon and informed me that the ship had not been in sight till late in the day, when she was seen some 30 miles off to leeward, working up towards the island.

Mr. Young, the chief magistrate, laid before me a memorandum which had been addressed to him by the Bishop of New Zealand, who had called at Norfolk Island at the beginning of August on his way to the South Sea Islands, and left Mrs. Selwyn there, intending to call again on his return in October. In this paper, the advantages which would accrue to the islanders, were the island made the fixed residence of a bishop, were

set forth, and an outline was given of a project for the establishment of a college or school for the education of young men from the South Sea Islands.

Mr. Young asked for my opinion and advice on the subjects alluded to by the bishop. Having read the paper carefully, I noted down on the margin such remarks as I thought would serve to give the islanders a clearer view than they appeared to have of the effect which the realisation of these projects would have upon them, and giving back the paper to the chief magistrate, I told him to submit it, with my remarks, to the people, and to let me know the result of their deliberations.

Mr. Young brought under my notice the difficulties under which the islanders were labouring from the want of flour or biscuit. He also explained to me that there was a sum of upwards of 200*l.* to the credit of the island in the hands of Messrs. Smith, Campbell and Co. of Sydney, the proceeds of the last year's clip of wool; that 15 bales of this year's clip were ready for delivery, in addition to about five tons of tallow, the produce of the boiling down of 500 scabby sheep, and to 150 hides. He showed me also a letter from a firm at Auckland, offering to act as agents for the island, to purchase their clip of wool for the present year at 1*s.* per lb. taking delivery at the island, and to allow them the regular market price for whatever other commodities they might have to dispose of.

Under these circumstances it appeared to me that it would be my best plan to run down to Auckland, and to make arrangements with Mr. Graham, the head of the firm alluded to, to send up at once such supplies as might be wanted, paying himself out of the proceeds of the sale of the wool, tallow, &c. I could also then procure such articles as might be necessary to fit up a portion of the commandant's house for the Governor, the remainder of the building being appropriated to the chaplain. I therefore told Mr. Young to prepare, without delay, a list of the articles which he thought would be required by the islanders, as I should leave for Auckland on Saturday, 26th.

Friday, 25th.—The "Iris" made the island in the night and anchored off the Cascades. The wind having lulled, the stores and plants were landed and brought over to the settlement.

I gave directions to the chief magistrate to select a spot of ground for the plants, and to give the gardener, whom we had brought in charge of them, such assistance as he might require in the preparation of the ground. This assistance, however, was not of much use, for we found that none of the islanders understood how to use a spade. The ground selected was a part of the garden attached to the commandant's house; the soil was of the richest description, but it had not been moved above one spit in depth, and would require to be trenched in order to make it available as a garden.

The surgeon of the "Iris," Mr. Lawrence, and several other of the officers, landed and came across to the settlement. I requested the chaplain to go round to the sick with Mr. Lawrence, and to get from him such advice as he wanted for their treatment. Mr. Moresby, one of the officers who came ashore, visited Pitcairn's Island in company with his father, Admiral Moresby, who commanded in the Pacific in 1851, 1852, and 1853, and was well known to the islanders. He brought on shore a photographic apparatus and took several likenesses of individuals, and groups of men and women, some of which I enclose herewith. I arranged to leave the gardener on the island during our absence, with instructions to collect plants for the cases, and to give to the islanders such instructions in grafting, budding and the more recondite mysteries of his craft as the time would allow.

Mr. Lawrence having visited the different sick persons, gave a report generally pretty favourable; he said that the supply of medicine was ample and well selected.

26th (Saturday).—I gave the chaplain directions to have ready for me, on my return, a nominal return of the inhabitants, showing age, sex, &c. I also told the chief magistrate to furnish a report of the state of repair and mode of occupation of all the buildings on the island.

We walked across the island by a different road from that by which we came, from the Cascades to the settlement. This led us more to the eastward, through a very pretty country.

When we got near the Cascades, we came upon a garden at the foot of a narrow gully; we there found a quantity of bananas, several very fine coffee trees, covered with berries; oranges, shaddocks, guavas, &c. The bush through which we passed was principally composed of lemon and guava, the fruit on the former being ripe, and contrasting beautifully with its dark green foliage. We came across, in our walk, a large pine, which, on measuring, we found to girth 28.6. at five feet from the ground.

We got on board at about two o'clock, very tired with our walk, and the "Iris" having already weighed anchor, stood away at once for the north cape of New Zealand.

I took with me the book containing the laws and regulations of the island, in order that I might, during my passage to and from Auckland, make such alterations and modifications as the change in the circumstances of the inhabitants might render advisable.

We ran down to Auckland in four and a half days, anchoring off the town, in about seven fathoms water, early in the morning of Thursday, 1st October, and having every facility afforded me by the Governor, Colonel Gore Browne, C.B. We completed all the arrangements with Messrs. Graham & Co. (the management of which I entrusted to my private secretary) in time to enable me to sail again on Saturday afternoon. Mr. Graham engaged to supply the articles enumerated in the list furnished to him, to put a

certain quantity of these on board the "Iris," and to ship the remainder in a small schooner, which should sail for Norfolk Island within a fortnight. I also procured such an amount of crockery, cooking utensils, &c., as would be required for my use at Norfolk Island, and having embarked all that we intended to take with us, we set sail with a fresh breeze from the north-west in the afternoon of Saturday, 3d October. We had a bad passage back to the island, having had to contend with contrary winds during nearly the whole of the time. We did not reach Norfolk Island till Monday, 12th October, when we landed at the settlement, there being no swell to prevent us. We could not, however, manage to land all our stores, as the tide set so strongly between Norfolk and Phillip Island as to drift the "Iris" a long way, and Captain Loring therefore stood round the island, intending to anchor, as before, on the north side. The stores were landed at the Cascades on the 13th, on which day, also, I arranged with Captain Loring that three of his officers should land for the purpose of inspecting and measuring all the cultivated land on the island, as, from what I saw on my previous visit, I felt certain that the quantity under crop fell far short of that stated to me. I also requested Mr. Lawrence, the surgeon of the "Iris," to give me a general report of the state of health of the islanders.

I found that in my absence the returns which I had called for had been completed, and as I had finished my revision of the laws and regulations, I arranged with the chief magistrate that a meeting of the adult inhabitants should take place on the 14th, when I would explain clearly to them all the provisions, and give them such instructions and advice as might, in my opinion, be useful to them.

Mr. Young gave me a written statement of the result of the public meeting called to consider the memorandum of the Bishop of New Zealand, from which it appeared that 12 were in favour of the establishment on the island of a Milanese school, while 16 were opposed to it.

I had, on the 13th, an interview with Hannah Young, the mother of the chief magistrate, a daughter of Mr. John Adams. She complained that since her arrival on the island her health had declined; that both she and her sister, Rachael Evans, had felt the effects of the climate in the more frequent attacks of asthma. I tried to persuade her to take a more comfortable view of her own case, but I told her that I should not attempt to put any check upon the freedom of action of any of the people. The object of the Queen, in sending them to Norfolk Island, being solely and entirely their comfort and happiness, I should but ill perform my duty, were I to make that a prison which was intended to be a happy home. I could not, of course, hold out any hope to her, or to those who thought with her, that a passage back to Pitcairn would be found for them, but I could confidently assure her that no impediment would be thrown in their way, should they wish to leave Norfolk Island. This seemed to satisfy her, and she expressed herself as most grateful. I am inclined to attribute this professed wish to return to Pitcairn to a morbid restlessness induced by disease. I do not think, however, that it will be energetic enough to lead those who complain most to incur any great amount of trouble.

On the 14th, at half-past nine, the whole of the adult population met in the dining-room at the commandant's house, as I was too lame, from a sprain, to get down with ease to the usual place of meeting. On looking round, I was struck with the general good looks of the assemblage. There were none who could be called strikingly handsome, but all, or nearly all, were good looking, had good features, well-developed foreheads, and an intelligent expression of face. I told them the reason why I had called them together; that my intention was to read and explain to them the laws and regulations under which they were for the present to live; that my commission gave to me the power of making laws, but that my instructions directed me to see that they harmonised as closely as possible with their previous habits and customs, and with their views and wishes. I then carefully read the regulations paragraph by paragraph, stopping at each to explain its nature and object, and to point out what relation it bore to the rules under which they had hitherto lived. I made a special reference to the new rule which prohibited the introduction or use of wine or spirits; and no objection having been made to the proposed enactments, I declared them to be the law of the island. I then gave commissions to the chief magistrate and the two councillors, and having alluded to certain instructions which I had written for the use of the chief magistrate, I proceeded to explain to them the difficulties of the position in which they were placed, and the steps which I thought best calculated to relieve them from those difficulties, one of which was the introduction of a certain amount of skilled labour.

This would, of course, involve certain sacrifices, but as the result would be most beneficial, I had no hesitation in submitting these propositions to them, and in recommending their adoption. After some conversation among themselves, they gave a cordial assent to the introduction of the people I had mentioned. I then dismissed the assembly. At 11 o'clock I attended divine service in the chapel, and stood godfather to a child of Isaac Christian, which was born on the day on which we first landed in the island. The congregation sang the psalms and hymns without any accompaniment and their voices harmonised very well together; there were some very good voices amongst them.

The cases of plants having been shipped and all our business on the island concluded, we embarked in the afternoon at the settlement, the "Iris" having sailed round to pick us up. The whole population came down to the pier to see us off, and we had a very affectionate parting.

I will

I will now say a few words of Norfolk Island itself, and of the prospects of its present inhabitants.

Norfolk Island is the largest of a group of three small islands; it is situated in latitude $29^{\circ} 4'$ south, and longitude $167^{\circ} 58' 6''$ east. The other two are called respectively, Philip and Nepean Islands; the former, lying about three-and-a-half miles to the southward of Norfolk Island, covers an area of about 500 acres; the latter, which is not above 800 yards distant from the south end of Norfolk Island, does not contain more than 12 acres. Philip Island is apparently basaltic in its formation; it rises to a height of about 900 feet, has a few stunted trees upon it, and is said to swarm with rabbits. Nepean Island is a mass of coral reef, that is of coralline sand concreted together in thin layers, which have been twisted and contorted by the force which has raised it up from the sea on which it was formed to its present height of about 50 feet. It is the favourite breeding place of thousands and tens of thousands of sea fowl of different kinds. Norfolk Island is estimated to contain about 10,000 acres. The land rises boldly from the sea to the height of about 350 or 360 feet, which may be looked upon as the average elevation of the interior plateau.

To the north eastward the ground rises from this to a height of about 1,000 feet. While however, the general level of the island may be taken as above stated, the level is broken up by gullies and water-courses with steep sloping sides, which carry off the drainage of the surface, discharging themselves into the sea at three or four points along the coast. Two of these valleys open out in the immediate vicinity of the settlement, and bring down at all times a steady though moderate supply of water.

The land throughout the island is of the richest description, being formed of decomposed basalt. Much of the interior of the island has been cleared of timber and brought under cultivation. These portions are now covered with a thick sward of grass, upon which the cattle thrive remarkably well. The sides of the gullies and of the hills are clothed with a forest of Norfolk Island pine, and of a species of hibiscus, the undergrowth being principally lemon and guava.

The island having been a penal settlement for many years exhibits marked evidence of the amount of labour bestowed upon it. The buildings are solidly constructed of stone; roads lead from the settlement to every part of the island; these are well laid out, and properly drained, and in many instances macadamised. One of the watercourses which discharges itself at the settlement is dammed up to form a mill pond; the embankment being faced with stone. A water wheel driving a single pair of stones is supplied with water from the pond. The sluice is out of repair, and the water consequently runs to waste, but a trifling amount of labour would put this to rights. The timber work of the mill would probably require repair. There is a wooden windmill in good order on a point of land jutting out into the sea, close to the settlement.

In the gardens at different parts of the island there are several varieties of useful plants which have been introduced from various parts of the world, many of which are evidently well adapted to the soil and the climate. Coffee appears to grow well; oranges and all other plants of this class thrive; guavas are a weed; peaches appears to grow well, bananas, yams, sweet potatoes are easily cultivated. The common potato grows, but is, I believe, an uncertain crop; maize grows well, so does rye; wheat is an uncertain crop. The Norfolk Island pine grows to a great size; I measured one whose girth from the ground, was 28 feet 6 inches; another was measured which girthed 36 feet. These trees grow on the edge of the cliff exposed to the sea blast, to which they appear altogether indifferent; for while an hibiscus at the edge of the cliff will have all its branches twisted away from the sea, and even its trunks flattened, a pine alongside of it rises up as straight as a dart, and throws out its branches equally on every side, altogether regardless of the gale. The sea around the island abounds with fish, which are easily caught with hook and line.

It is evident from what I have said, that Norfolk Island, in its soil, climate, position, and capabilities, natural and adventitious, offers advantages to the settler of a character not often met with. There are however, several drawbacks. In the first place the anchorage off the island is bad, the water being deep and the ground foul. There is also but little shelter from a gale.

In the second place, it is out of the track of vessels navigating these seas, and must therefore be for some years dependent upon a chance whaler or an occasional ship of war or small vessel from Sydney or Auckland, for the means of communicating with the rest of the world.

The distance in time of Norfolk Island from either Sydney or Auckland, would not, on an average, differ much. The actual distance from Sydney is 900 miles and from Auckland 600. In the "Iris" we ran down to Norfolk Island in six days, and it took us four and-a-half days to go from Norfolk Island to Auckland.

On our return we were nine days from Auckland to the island and 12 from thence to Sydney, but the delay was caused by a violent gale from S. W. which drove us to the northward. I think that during every season of the year, there would be a leading wind between Auckland and Norfolk Island one way.

In the summer the south-east trade would make it a fair wind to Norfolk Island, but it would be a dead beat back. In the winter the north-westerly wind would bring a vessel back to Auckland quickly, but, in returning, she would have to beat the whole way. Upon an average I should put the length of the voyage to Auckland and back at about a fortnight.

From Sydney to Norfolk Island during the summer, the south-east trade would be a favourable wind, both going and coming, so long as the vessel was within its limits, and the voyage backwards and forwards might be done in 12 days or less. In the winter the westerly winds which, would carry a vessel down to the island in a short time, would be adverse to her coming back; and she would be, I dare say, 12 days on the return voyage, the average being as to and from Auckland about a fortnight or 16 days.

I must now say a few words, as to the effect which the entire change of circumstances may produce among the new inhabitants of Norfolk Island. My stay among them was too short, and the position in which I stood with regard to them too peculiar, to justify any expression of opinion on my part as to their general character. I may however say that I see no reason to doubt the justice of the descriptions given by others of their moral and religious habits, and of their kind and affectionate dispositions. They consequently form the very best foundation upon which the structure of a society can be raised, and we are bound to use every means to protect them from the evil influences which the peculiarities of their present position may tend to develope; and we are the more bound to do this as their present moral and religious habits have not been tested by temptation. I am afraid that there has been already a falling off as regards their habits of industry. At Pitcairn's Island their sole dependence of food was on their manual labour. At Norfolk Island they have had so much stock, both cattle and sheep, that they have substituted an animal for a vegetable diet. This has to a certain extent lessened the obligation to resort to the soil for food, and the facility which they now possess of purchasing supplies of flour and biscuit with the produce of their sheep, has, by withdrawing altogether the necessity of raising corn, reduced the amount of land under cultivation to that which is required to provide vegetables, such as yams, sweet potatoes, &c., to eat with their animal food.

To the mere change of diet no objection could be raised; indeed it appears already to have had beneficial effects on the health of the people, but it is the withdrawal of the only stimulus to active exertion of which I am afraid, and the generation of indolent and sluggish habits which would be the consequence. To remedy this, and to supply a proper stimulus to exertion, an end must be put as soon as possible to this common property of stock which is on the island. A certain amount of land must be appropriated to each family, and they must be made to feed and maintain themselves upon the produce of their own labour.

When this has been done, and the mental powers of the islanders developed by a better system of intellectual training than has hitherto been applied to them, it will be found that Norfolk Island holds out many opportunities and inducements to the industrious and intelligent, of which they will no doubt avail themselves. At present the only stimulus to exertion which the people can comprehend, is the necessity of providing food and clothing. As this can now be done with a trifling expenditure of labour, they naturally content themselves with that small amount. I do not consider the islanders to be an idle race; their apparent indolence I consider to proceed from their ignorance of the reward which labour holds out to them. They could hardly be expected to devote themselves to toil, which holds out to them the prospect of no adequate return.

(signed) W. D.

Enclosure 2, in No. 2.

A LIST of the present INHABITANTS of *Norfolk Island*, according to their Seniority. 30th September 1857.

Names of Individuals.	When Born.	Social Position.	Names of Individuals.	When Born.	Social Position.
Elizabeth Young, née Mills - - -	1792	widow.	William Quintal - - - -	1817	married.
Mary Christian - - - -	1793	spinster.	Charles Christian - - - -	1818	"
Arthur Quintal, sen. - - - -	1795	widower.	Thursday October Christian - - -	1820	"
Dinah Quintal, née Adams - - -	1796	widow.	John Quintal, sen. - - - -	"	"
Dorothy Buffett, née Young - - -	1797	married.	Martha Quintal, née Quintal - - -	1822	"
Rachel Evans, née Adams - - - -	"	"	Margaret M'Coy, née Christian - -	"	widow.
Hannah Young, née Adams - - -	1800	widow.	George Martin Frederick Young - -	"	married.
George Adams, last child of first generation.	1804	widower.	Charlotte Christian, née Quintal -	"	"
Sarah Nobbs, née Christian - - -	1810	married.	Simon Young - - - -	1823	"
Matthew Quintal - - - -	1813	bachelor.	John Buffett, sen., came to reside -	10 Dec.	"
			John Evans, sen., came to reside -	10 Dec.	"
Maria Quintal, née Christian - - -	1815	married.	Phoebe Adams, née Quintal - - -	25 April 1824	"
Peggy Christian, née Christian - -	"	widow.	Dinah Quintal, née Young - - -	26 Nov.	"
Arthur Quintal, jun. - - - -	1816	married.	Thomas Buffett - - - -	3 Jan. 1825	"

Names of Individuals.	When Born.	Social Position.	Names of Individuals.	When Born.	Social Position.
Mary Christian, née Young -	28 Jan. 1825	married.	Rhoda Quintal -	22 July 1842	
Isaac Christian -	26 April "	"	Oliver Mary Quintal -	10 Oct. "	
James Quintal -	9 July "	"	Adeline Sophia Christian -	8 Dec. "	
John Buffet, jun. -	21 July 1826	"	Albert Christian -	31 Mar. 1848	
Elizabeth Buffett, née Young	8 Sept. "	"	Mary Quintal -	16 April "	
Samuel M'Coy -	23 Oct. "	bachelor.	George Edwin Coffin Nobbs -	5 May "	
Abraham Blatchly Quintal -	31 Jan. 1827	married.	Kezia Quintal -	31 May "	
Caroline Adams, née Quintal	21 July "	"	Stephen Christian -	5 Oct. "	
John Adams -	10 Nov. "	"	Sarah M'Coy -	16 Nov. "	
William Mayhew Young -	4 Dec. "	bachelor.	Polly Adams -	16 May 1844	
David Buffett -	27 May 1828	married.	Edward Quintal -	4 Aug. "	
Mary Young, née Buffett -	1 Oct. "	"	Gilbert Christian -	9 Sept. "	
Jemima Young -	31 Oct. "	spinster.	Elias Christian -	7 Jan. 1845	
Albina Young, née M'Coy -	12 Nov. "	married.	Ephraim Christian -	15 Feb. "	
George Hun Nobbs, came to reside	5 Nov. "	"	Jemima Sarah Nobbs -	13 May "	
Jonathan Adams -	3 Jan. 1829	"	Nathan Christian -	26 June "	
John Valentine Mansell Evans -	12 Jan. "	bachelor.	James Russel M'Coy -	4 Sept. "	
Louisa Buffett, née Quintal -	7 Mar. "	married.	Henry Samuel Hunt Christian -	28 Oct. "	
Ruth Quintal -	8 May "	spinster.	Gilbert Warren Fysh Adams -	28 Nov. "	
Miriam Christian, née Young	30 Aug. "	married.	Frederick Lorenzo Fisher Young -	27 Jan. 1846	
Moses Young -	30 Sept. "	"	Abby Louisa Taber Quintal -	27 May "	
Murtha Buffett, née Young -	19 Jan. 1830	"	Eleanor Clotilda Christian -	19 July "	
Robert Pitcairn Buffett -	26 Mar. "	bachelor.	Alphonso Downs Christian -	3 Aug. "	
Rebecca Evans, née Christian -	7 April "	married.	Emma Young -	18 Sept. "	
Josiah Chester Adams -	19 June "	bachelor.	Edmund Joseph Napoleon Quintal	11 Nov. "	
William Evans -	8 Aug. "	married.	Alfred Augustine Nobbs -	27 Nov. "	
Philip M'Coy -	18 Aug. "	"	Harriet Melissa M'Coy -	3 May 1847	
Charles Driver Christian -	12 Aug. 1831	"	Henry Seymour Buffett -	7 May "	
Benjamin Claudius Christian -	30 May 1832	"	William S. Swain Christian -	24 May "	
Dorcas Young -	16 Sept. "	spinster.	Byron Stanley Mitchel Adams -	1 Oct. "	
Lydia M'Coy, née Young -			widow.	Eliza C. Palmer Young -	2 Nov. "
Mary Young, née Evans -	17 Jan. 1833	married.	Almira Emiline Christian -	24 Dec. "	
Eliza Christian, née Quintal	11 June "	"	Helen Amelia Quintal -	7 Feb. 1848	
Fletcher Christian Nobbs -	1 Sept. "	"	Cordelia Ruth Christian -	30 Mar. "	
Esther Quintal, née Nobbs -	30 Aug. "	"	Sydney Herbert Nobbs -	27 May "	
Jacob Christian -	24 Sept. "	"	Alice Sophia M'Coy -	8 July "	
Susan Nobbs, née Quintal -	5 Nov. "	"	George Calvin Clifton Adams -	15 Nov. "	
Sarah M'Coy, née Quintal -	5 April 1835	"	Mary Elizabeth Young -	16 Jan. 1849	
Priscilla Quintal, née Christian	7 Aug. "	"	George Webbs Adams -	19 April "	
Francis Mason Nobbs -	6 Sept. "	"	Rachel Hope Quintal -	24 Mar. "	
Edward Buffett -	27 Nov. "	bachelor.	Eveline Helen Buffett -	22 July "	
George Francis Mason Evans	23 Dec. "	"	Isaac Godfrey Christian -	28 July "	
Henry Joshua Quintal -	17 Jan. 1836	"	Hannah Quintal -	3 Oct. "	
Absolom Quintal -	17 June "	"	Abigail Leah Christian -	21 Oct. "	
Jane Agnes Nobbs -	6 Oct. "	spinster.	Lucy Anne Hagar Christian -	28 Oct. "	
Polly Christian -	10 Nov. "	"	Eliza Seabury Adams -	20 Dec. "	
Ellen Quintal -	4 Feb. 1837	"	Robert Young -	6 Jan. 1850	
Jane M'Coy -	10 July "	"	Charles Carleton Vieder Young	20 April "	
Dinah Quintal, née Evans -	-	married.	Robert Charles Grant Young	18 Sept. "	
Caleb Quintal -	6 Aug. "	bachelor.	Mary Anne M'Coy -	8 Jan. 1851	
Nathaniel Quintal -	7 Nov. "	"	Frances Adelaide Quintal -	21 Jan. "	
Maria Lucy Christian, née Christian	13 June 1838	married.	Mary Isabella Adams -	27 April "	
Anne Naomi Nobbs -	4 July "	spinster.	Fairfax Moresby Mitchell Quintal	13 July "	
Diana M'Coy -	11 Aug. "	"	Joseph Allen M'Clean Buffett	6 Aug. "	
Maria Christian, née Quintal	14 Nov. "	marrie d.	Thomas Austin Buffett -	5 Sept. "	
John Quintal, jun. -	23 Dec. "	"	Julia Etheline Quintal -	15 Sept. "	
Joseph Quintal -	5 July 1839	bachelor.	Leonard Elliot Wood Christian -	17 Oct. "	
Martha Evans -	12 July "	spinster.	William Ward Dillon Adams -	28 Oct. "	
James Wingate Johnson Nobbs -	22 Sept. "	bachelor.	Surah Clara Quintal -	5 Nov. "	
Catherine Christian -	3 Nov. "	spinster.	Julia Anna Christian -	9 Nov. "	
Isabella Emily Christian -	13 Dec. "	"	Benjamin Stanley Young -	13 Dec. "	
Louisa Victoria Rose Quintal	30 Dec. "	"	Emily Willesley Christian -	30 Jan. 1852	
Harriett Augusta Nobbs, née Quintal	30 April 1840	married.	John Forrester Young -	13 June "	
John Quintal, 3rd -	4 Jan. 1841	"	Maria Edith M'Coy -	26 Aug. "	
Cornelius Quintal -	27 June "	"	Mary Emily Christian -	3 Oct. "	
Andrew Christian -	4 July "	"	Augusta Ross Adams -	27 Jan. 1853	
Agnes Christian -	6 Oct. "	"	Rebecca Holman Ascension M'Coy	5 May "	
Mary M'Coy -	11 Oct. "	"	Fortescue Moresby Buffett -	12 May "	
Matilda Quintal -	17 Oct. "	"	Henry Chuds Christian -	20 May "	

CORRESPONDENCE RELATING TO

Names of Individuals.	When Born.	Social Position.	Names of Individuals.	When Born.	Soc Posit
Elizabeth Holman Adams - -	31 May 1853		Henry Stephen Fremantle Quintal	5 Mar. 1856	
John Moresby Ackland Quintal - -	28 June "		Reuben Denison Christian - -	9 May "	
Emily Evangeline Buffett - -	14 July "		Priscilla Pitcairn Quintal - -	19 April "	
William Henry Holman Christian	9 Aug. "		Eliza Louisa Nobbs, first Child born on Norfolk Island - -	16 June "	
Rosaline Amelia Young - -	13 Aug. "		Lucy Emily Christian - -	27 July "	
Ernest Heywood Christian - -	5 Oct. "		Arabella Amy M'Coy - -	29 July "	
George Parkin Christian - -	16 Oct. "		John Bayles Heasley Adams - -	20 Aug "	
Mary Ellen Olivia Buffett - -	31 Jan. 1854		Frederick Young - -	4 Oct. "	
Angeline Ophelia M'Coy - -	3 July "		John Augustine Buffett - -	15 Feb. "	
Jonathan Lorenzo Adams - -	24 July "		Henry Charles Davy Buffett - -	12 Feb. "	
Agnes Laura Evans - -	2 Sept. "		Hugo Beaumont Burnaby Quintal	1 Mar. "	
Charles Richard Holme Christian -	31 Oct. "		Alice Henrietta Florence Nobbs -	12 Mar. "	
Kathleen Laura Nobbs - -	20 Dec. "		Elizabeth Laidley Christian - -	27 April "	
Rachel Emily Young - -	26 Dec. "		Phœbe Anabella Adams - -	4 May "	
Charles Allen Christian - -	25 Mar. 1855		George Edward Selwyn Young - -	25 May "	
Mary Louisa Quintal - } twins -	29 Mar. "		Maria Angelina Evans - -	30 May "	
Amelia Rosamond Quintal }			John Mathew Patteson Quintal -	22 July "	
Colin William Lyndsay Buffett - -	3 May "		George Augustus Selwyn Christian	25 July "	
Mary Anne Young - -	5 June "		Sarah Eliza Christian - -	23 Aug. "	
Daniel Christian - -	27 July "		Caroline Lucy Christian - -	23 Sept. "	
Nancy Alice Quintal - -	24 Sept. "		- Buffett - - - -	27 Sept. "	
William Henry Hodgson Evans - -	29 Oct. "		- Quintal - - - -	29 Sept. "	
Mary Anne Selina Buffett - -	4 Feb. 1856		- Christian - - - -	4 Oct. "	
Sarah Grace Young - -	9 Feb. "				

ALPHABETICAL LIST of the FAMILIES residing on *Norfolk Island*, with the number in each, 6 October 1857.

Adams, George, widower.
Josiah, bachelor.
Jonathan, and Phœbe his wife.
Issue:—Calvin, Seabury, Isabel, Martha Augusta,
Jonathan, Phœbe.
Total 10.

Adams, John, and Caroline his wife.
Issue:—Gilbert, Polly, Byron, George, William,
Elizabeth, John.
Total 9.

Buffett, John, senior, and Dorothy his wife.
Issue:—Robert, bachelor, Edward, do.
Total 4.

Buffett, Thomas, and Louisa his wife.
Issue:—Mary, Selina; child unbaptised.
Total 5.

Buffett, John, junior, and Bessy his wife.
Issue:—Henry, Evangeline, Joseph, Colin, Eveline,
John.
Total 8.

Buffett, David and Martha his wif.
Issue:—Thomas, Fortescue, Henry.
Total 5.

Christian, Charles, and Charlotte his wife.
Issue:—Catherine, Andrew, Adeline, Gilbert,
Eleanor, Cordelia, Hagar, Emily, William,
Charles, George.
Total 13.

Christian, Thursday, and Mary his wife.
Issue:—Agnes, Albert, Elias, Alphonso, A
Ernest, Daniel, Elizabeth.
Total 10.

Christian, Isaac, and Miriam his wife.
Issue:—Henry, Emmeline, Isaac, Leon
George, Reuben; child unbaptised.
Total 9.

Christian, Benjamin, and Eliza his wife.
Issue:—Mary, Richard, Sarah.
Total 5.

Christian, Charles Driver, and Lucy his wife.
Issue:—Lucy.
Total 3.

Christian, Peggy, widow.
Issue:—Polly, Emily, Stephen, Nathan, Will
Abigail.
Total 7.

Christian, Jacob, and Maria his wife.
Issue:—Henry; child unbaptised.
Total 4.

Evans, John, and Rachel his wife.
Issue:—John, George, Martha.
Total 5.

Evans, William, and Rebecca his wife.
Issue:—Laura, William, Maria.
Total 5.

McCoy, Margaret, widow.
Issue :—June, Dinah, Mary, Sarah, James, Harriet,
Sophia, Mary, Rebecca.

Total 10.

M'Coy, Samuel, bachelor, 1.

M'Coy, Philip, and Sarah his wife.
Issue :—Maria, Angeline, Arabella.

Total 5.

Nobbs, George, and Sarah his wife.
Issue :—Jane, Anne, Johnson, Edwin, Jemima,
Alfred, Sydney, Alice.

Total 10.

Nobbs, Fletcher, and Susan his wife.
Issue :—Kathleen, Eliza.

Total 4.

Nobbs, Francis, and Augusta his wife.

Total 2.

Quintal, Arthur, senior, widower.
Issue :—Ruth, Nathaniel, Joseph, Cornelius,
Mary, Absalom.

Total 7.

Quintal, Dinah, widow.
Issue :—Henry, Caleb, Emma.

Total 4.

Quintal, Arthur, junior, and Martha his wife.
Issue :—Victoria, Rhoda, Edward, Edmund,
Rachel, Julia, Hugo.

Total 9.

Quintal, John, senior, and Dinah his wife.
Issue :—Matilda, Kezia, Hannah, Sarah, Alice.

Total 7.

Quintal, Abraham, and Esther his wife.
Issue :—Fairfax, John, Henry.

Total 5.

Quintal, William, and Maria his wife.
Issue :—Ellen, John, Oliver, Aby, Helen, Rosa-
mond, Frances, Mary; child unbaptised.

Total 11.

Quintal, James, and Priscilla his wife.
Issue :—Priscilla, Matthew.

Total 4.

Quintal, John, and Dinah his wife.

Total 2.

Young, Hannah, widow.
Issue :—Jemima.

Total 2.

Young, Frederick, and Mary his wife.
Issue :—Charles, John, Emily, Frederick.

Total 6.

Young, Simon, and Mary his wife.
Issue :—Lorenzo, Eliza, Robert, Benjamin, Rosa-
line, Mary, George.

Total 9.

Young, Elizabeth, widow.
Issue :—William, Dorcas, Lydia.

Total 4.

Young, Moses, and Albina his wife.
Issue :—Elizabeth, Charles, Sarah.

Total 5.

Quintal, Matthew.
Christian, Ephraim.
Christian, Mary.

Total 3.

TOTAL Number of Inhabitants - - - 212

Enclosure 3, in No. 2.

Encl. 3, in No. 2.

H. M. S. "Iris," Norfolk Island,
13 October 1857.

IN compliance with directions from His Excellency Sir Wm. Denison, K. C. B. to report on the state of the health of the inhabitants of Norfolk Island, I find the amount of sickness is at present limited to five cases of scrofula and one of consumption, the latter proceeding from a scrofulous diathesis. The source of this scrofulous taint may be traced to one Arthur Quintal, aged 60, in whose person the disease is strongly developed, and the other cases alluded to occur among his sons, daughters, and grandchildren.

From the circumstance of this person having twelve children and numerous grandchildren among whom intermarriages are frequent, scrofula cannot fail to become more prevalent.

In one case (Absalom Quintal, aged 21, a son of Arthur Quintal's) the disease is so far advanced that he cannot be expected to survive many months. The case of consumption is of recent origin and consequently there is a probability of recovery.

The health of the inhabitants is remarkably good, and since their residence in Norfolk Island, they have been exempt from bilious attacks and diarrhoeas from which they frequently suffered while living at Pitcairn's Island; this may be attributed to their having now an ample supply of animal food and milk, while formerly they subsisted almost entirely on vegetable diet.

It is to be hoped that their present generous diet, comfortable dry houses, good clothing, and salubrious climate, may tend much to counteract the increase of scrofula.

(signed) *Walter Lawrance,*
Surgeon.

Enclosure 4, in No. 2.

REPORT of Land in Cultivation at *Norfolk Island*, October 1857.

NAMES OF OWNERS.	SIZE.			MAIZE.			POTATOES.			SUNDRIES.		
	a.	r.	p.	a.	r.	p.	a.	r.	p.	a.	r.	p.
Arthur Quintal - - -	0	1	12	0	0	14½	0	0	37½	—		
John Quintal - - -	1	1	31¾	0	3	8	0	1	27½	0	0	36½
William and James Quintal -	0	1	10	0	0	6½	0	1	3½	—		
Abraham Quintal - - -	0	2	22½	0	1	30	0	0	22½	0	0	10
Francis Nobbs - - -	1	2	13	0	1	39	0	3	13	0	1	1
Fletcher Nobbs - - -	1	0	12	0	0	27½	0	2	34½	0	0	30
Isaac Christian - - -	0	1	3¾	0	0	5	0	0	38¾	—		
Driver Christian - - -	0	2	0	0	1	5	0	0	18	0	0	17
Benjamin Christian - - -	1	1	27	0	0	37½	0	3	16½	0	1	13
Charles Christian - - -	0	2	27½	0	1	9	0	1	10½	0	0	8
Thursday O. Christian - - -	0	1	27½	0	0	4½	0	1	22¾	—		
David Buffett - - -	1	2	9	0	1	20	1	0	15	0	0	14
John Buffett - - -	0	2	21	0	1	3	0	0	34	0	0	24
Samuel M'Coy - - -	0	3	34	0	1	13½	0	2	20½	—		
Frederick Young - - -	0	1	2	-	-	-	0	0	24	0	0	13
Moses Young - - -	0	0	5¾	-	-	-	0	0	5¾	—		
Mayhew Young - - -	0	0	34	-	-	-	0	0	3½	0	0	30½
John Evans - - -	1	3	23½	0	0	20¾	1	2	27½	0	0	15
William Evans - - -	0	3	4	0	1	3	0	2	1	—		
George Adams - - -	0	1	5	-	-	-	0	0	26½	0	0	18½
Jonathan Adams - - -	0	0	13½	0	0	13½	-	-	-	—		
Gardens and small patches	3	0	13	-	-	-	1	2	13	1	2	0
TOTAL - - -	18	1	31	4	1	20½	10	2	14¾	3	1	35¾

(signed) *W. W. Campbell.*

Enclosure 5, in No. 2.

INSTRUCTIONS and Advice addressed to the Chief Magistrate of *Norfolk Island*.

THE objects of Her Majesty's Government, in transferring the Pitcairn islanders to their present residence were, first, to put them in a position to maintain their increasing numbers by their own industry, and second, to enable them to keep up, so far as the change of circumstances may permit, the peculiar form of polity under which they have hitherto existed as a community.

It will therefore be the duty of the chief magistrate, while administering the affairs of the Colony, during the absence of the Governor, to keep these two objects steadily in view; to see that the labour of the islanders is properly applied to the cultivation of the ground, that a sufficient area is brought under cultivation to supply all the probable wants of the community, so that it may not be necessary to purchase flour or biscuit from the adjacent Colonies, and while doing this, to be careful not to sanction any deviation from the principles which, by maintaining a sort of family feeling among the whole of the community, have enabled them to live together in peace and harmony up to the present time.

The rules and regulations which have been submitted by me for the consideration of the community, and have now been issued under the authority vested in me by Her Majesty, have been framed in strict accordance with those under which your affairs have hitherto been administered. Some few rules have been abrogated, as having no relation to the state of things now existing, and one or two have been added to provide for circumstances contingent upon the position of Norfolk Island, in the immediate vicinity of the Colonies of Australia and New Zealand.

I allude specially to the rule which prohibits the introduction upon the island of spirituous or fermented liquors, except for purposes purely medicinal. The evils which are forced daily upon my notice as originating from the use, and consequent abuse of these stimulants, are too great not to make me most anxious to guarantee, if possible, the inhabitants of Norfolk Island from them; and as none among you have ever been accustomed to the use of these stimulants, it can be no possible hardship that you should be prevented by legal enactment from indulging a taste which experience shows does too often lead to crime and to sin.

It must, however, be obvious to every one, that the very altered position in which you are now placed, must eventually render obligatory many additions to these regulations. Nothing has been said as yet with relation to the alienation of land by the Crown, and its transference to individual proprietors. Nothing to regulate the admission upon the island of settlers who may wish to become members of your community. Nothing to indicate the mode in which the descent of property from parents to children is to be hereafter regulated, &c. &c. These, with several others, are matters which you have hitherto had little occasion to consider. They are questions, however, which will soon be forced upon your attention. They ought not, however, to be hastily dealt with, or be subjected to the operation of any arbitrary rule, the object of which you might be incapable of comprehending. I have therefore left them untouched for the present, in order that they might be submitted hereafter to the deliberate consideration of the people themselves, guided only by such advice as the Governor, from his position, and from the more extended means of information at his disposal, may be qualified to give.

Some advice upon matters of special interest to the community, I shall now give, and I shall accompany this with such positive instructions to the chief magistrate as may tend to facilitate several of the arrangements which must very shortly be made.

The present state of matters on Norfolk Island is, I believe, altogether incompatible with its prosperity, or with the comfort and happiness of the people. You appear to be living, not on the produce of your own labour, but upon your capital, or rather upon that capital which was handed over to you by the Government for the purpose of being employed reproductively for your own benefit and that of your posterity. The scabby state of the sheep, and the impossibility of dressing them properly, may be a sufficient reason for killing them off gradually; but unless steps are soon taken to introduce more of this stock, and for allowing the cattle to increase, the supply of animal food will soon fall short of the wants of the people.

The habit which you are acquiring of depending for a large portion of your food upon a source which is entirely independent of any exertion of your own, must manifestly lead to the introduction of improvident and idle habits which cannot be too carefully guarded against. The first thing, therefore, to be done, is to make a positive and marked distinction between public and private property; to give to each head of a family an absolute right of property in a certain amount of land, and to make him a present of a sufficient number of cattle, &c., to enable him to cultivate that land with advantage, supposing him to exercise the ordinary amount of forethought and industry.

When this has been done, an end should be put at once and for ever to any gratuitous distributions of food, clothing, &c., from public funds, except, perhaps to those who, from age, infirmity, and mental or bodily incapacity are unable to maintain themselves.

In order to pave the way for this important change, the chief magistrate will arrange with the heads of families, and with those unmarried persons who may wish to acquire property of their own, for the selection by each of such, an amount of land, not in any

case exceeding 50 acres, in such a position as may seem to them most advantageous. A rough approximation to the area of a piece of land may be made by stepping round it, and the following table will give the number of paces, each pace being taken at 30 inches, which it will take to include certain areas:—

Area in Acres.	No. of Paces in Circumference.	No. of Paces in each side of Square.
10 acres - - -	1,026	256
20 „ - - -	1,450	368
30 „ - - -	1,780	445
40 „ - - -	2,053	513
50 „ - - -	2,296	569

Marks should be placed at the corner of these allotments, and I will send properly qualified persons to make the necessary surveys and plans of the different properties from which the formal grants will be drawn up and issued by me in pursuance of the powers vested in me by Her Majesty. Looking, however, to the object which, as I have before stated, the Government had in view in removing the present occupants from Pitcairn to Norfolk Island, I do not think that the grant in fee simple to the settler should be altogether unconditional. I do not think that it would be desirable to allow the settler to sell the land to persons unconnected with the island. Should any one wish to leave the island, his property should be first offered to individual inhabitants, and should none be willing to purchase it, the community might be empowered to do so at a valuation.

When the allotments of land have been selected, the following articles may be handed over to each occupant:—

- 1st. A certain number of cattle, sheep, pigs, poultry, &c.
- 2nd. Such tools and implements as may be necessary to enable him to cultivate the land.
- 3d. Such an amount of corn, potatoes, &c., &c., as may be necessary to enable him to plant a sufficient area to maintain his family.

The amount of stock should not be too great; a cow or an ox to every ten acres, will, I think, be ample.

Each proprietor will put a mark upon his own stock to enable him to distinguish it from that of his neighbour, and from that of the public, and these marks should be notified the chief magistrate, and recorded by him, and when once established, should not be allowed to be modified or altered.

The stock of individual proprietors may be allowed to run upon the unallotted parts of the island for the present; but as it is evident that this unallotted portion will rapidly diminish as fresh families take up grants of land, it will be necessary that each proprietor should take early steps to fence in his own land, and to divide it off in such a manner as will enable him to keep his own stock on his own ground.

It is the more necessary that this should be done, as the manure made by the stock will ultimately be required for the proper cultivation of the soil. At present, this is very rich; but each proprietor will act wisely in looking forward to the period when, in order to obtain proper crops, it will be necessary to apply manure, and in commencing to collect manure for that purpose at once.

When the land and a proper amount of stock has been handed over to different individuals, it must be distinctly understood that nothing is to be drawn by any one from the public store for his private use, without payment for the same at its full market price.

As no individual settler is in a position to establish a store, it is necessary that a public store should be maintained, at which clothing, stores, tools, &c., should be kept for sale, a fixed price being placed upon each article, so that every person may know what he will have to pay.

The establishment of a store will entail the appointment of a storekeeper, to whom the charge of all public stores of every kind will be handed over, and who will be held accountable for them. He will have to keep an account against each individual settler, crediting him with any payments, either in money, stock, or produce, and debiting him with the cost of any article which he may have purchased from the store.

The storekeeper may also be the schoolmaster; the salary which he will receive for the performance of these duties, together with the contingent advantages, will probably be sufficient to enable the community to secure the services of a competent person.

I have said that the chief magistrate should see that the labour of the islanders is properly applied to the cultivation of the ground.

It appears to me that in order to place the community in a position to feed themselves without reference to the adjacent colonies, at least 80 acres of maize should be planted; and, looking to the calls which may be made upon this crop for other purposes, it would be better to plant 100 acres of maize, irrespective of the land appropriated to the growth of

of potatoes, yams, bananas, and other vegetable products. If then such an amount of land has to be brought under cultivation, the labour of every member of the community should be rendered available toward it, and some check should be imposed upon the prolonged absence of those, who by going away from the island for a time, during the preparation of the ground for a crop, do, in point of fact, compel others to do their work. When once the land is given over to individuals, then any check of this kind will be unnecessary, but till then it should be imposed.

The present mode of working the ground with the hoe is both dilatory and unsatisfactory; it would be as well, as soon as possible, to introduce the use of the plough; until this is done, the labour of a large portion of the adult inhabitants will be expended in the production of food, leaving but little available for the cultivation of articles which will be useful to exchange for the products of other countries.

I am not aware, however, that there is any person on the island who knows how to use a plough. In the same way the islanders are now placed in possession of buildings constructed of stone and plastered within and without, yet they are not in a position to carry out any repairs of these houses, as they know not how to burn lime, to make mortar, to plaster walls and ceilings, &c., in fact there are several trades which ought, for the comfort and convenience of the inhabitants, to be practised on the island, but of which the present settlers are ignorant.

They have water and windmills, yet for want of a competent millwright and smith, they must grind their corn in handmills; how then can those immediate and prospective wants be adequately supplied?

With regard to the millwright and smith, I do not think it at all improbable that a competent person might be induced to settle upon the island by the grant of the water and windmill, subject to a condition that he would grind all the corn of the community at a fixed rate, that is, as in Canada, at a fixed proportion of the quantity brought to the mill, say one-twelfth; the same person would be qualified to act as smith, for the repair of tools, &c., &c., and as wheelwright; were a circular saw attached to the mill-wheel, all the timber required for the use of the community might be cut up at a cheap rate.

For the repair of the houses a mason and plasterer will be required, and a shoemaker is very much wanted; it may be possible to induce a few persons of this stamp to settle on the island; but beyond these whose services may be said to be actually indispensable to the comfort and welfare of the inhabitants, I should not be disposed to admit of the introduction of any strangers.

Pending then the establishment of some rule as regards this, the chief magistrate will understand that he is not to permit strangers to remain on the island, or to occupy, except for a short visit, any of the public buildings. There is one point which it is advisable to bring at once under the notice of the people, not with a view to any immediate action, but for the purpose of carefully considering the course which it may hereafter be desirable to adopt.

Hitherto the public funds have been adequate to supply the wants of the community; the sale of wool, tallow, live stock, &c., has produced a sum sufficient to cover the expense of purchasing flour, clothing, &c., but this source of revenue will very soon be dried up, and it will be necessary to devise some mode in which these expenses, which are properly chargeable upon the general fund of the community (which expenses must annually increase) may be adequately provided for, I mean such expenses as payment to the chaplain, to the storekeeper, the maintenance of roads and public buildings, the salary of the chief magistrate, &c., &c. There are several modes in which this may be done, but I am disposed to think, looking to the peculiar constitution of the society, that the best mode would be to tithe the produce of every kind, and thus to create one fund upon which all these payments would be chargeable.

These are the principal suggestions which I have to make at present, and I do not think that any positive instructions, save those embodied in this paper, will be required by the chief magistrate; I will conclude then by assuring the islanders of the affectionate interest I take in their welfare, and by praying them to remember that all the blessings which they have received are God's gift, and are to be employed in His service, not necessarily by any special dedication of them, but by striving in everything to do His will and to walk in His way.

(signed) *W. Denson.*

Since the above was written I have ascertained from the reports of the gentlemen whom I requested to inspect the land under cultivation, that the amount is far less than I had anticipated, that it does not exceed 20 acres, a quantity which, even under favourable circumstances, would not be sufficient to provide vegetable food for the population of the island; it would therefore be very desirable to plant as much more land as could be prepared while the weather will admit of this being done, but it would be of much more importance that you should take warning by this, and be prepared in forthcoming years to meet the wants of the community, which can only be done by substituting the plough for the hoe; under these circumstances it would be desirable that I should, in addition to the mechanics and others before specified, try to induce a well-qualified agriculturist to settle among you.

(signed) *W. D.*

— No. 3. —

(No. 4.)

COPY of a DESPATCH from Governor Sir *W. Denison*, K.C.B., to the Right Honourable Sir *E. Bulwer Lytton*, Bart., M.P.

Government House, Sydney, 28 October 1858.

Sir,

Answered, No. 3.—24 January 1859, page 54.

I HAVE the honour to forward copies of two additional laws enacted by the inhabitants of Norfolk Island, and forwarded to me for my approval. I send also herewith a copy of the letter addressed by me to the chief magistrate with reference to these enactments.

I have, &c.
(signed) *W. Denison*.

Enclosure in No. 3.

LAWS and REGULATIONS of *Norfolk Island*.

No. 40. All persons accused of fornication will, upon conviction thereof, be sentenced to pay a fine of 10 *l*.

No. 41. All persons convicted of racing or furious driving through the streets or upon any of the public roads of the settlement will be fined 1 *l*.

(signed) *W. Denison*.

Sir,

Government House, Sydney, 19 August 1858.

I HAVE to acknowledge the receipt of your letter, dated 30 June 1858, informing me that the following laws have been passed in conformity with the rules laid down by me during my visit to Norfolk Island, and submitting them for my sanction and approval, viz.

1st. That all persons convicted of the crime of fornication should be heavily fined, the amount of the fine to be determined by me.

2d. That all persons convicted of racing or furious driving through the streets and upon any of the public roads about the settlement be fined 1 *l*.

With regard to the first of these laws, I would observe that it would have been more in accordance with the principle upon which the laws of the island were based, that the people themselves should have settled the amount of the penalty; and for the future, therefore, you will be pleased to see that a law submitted for my approval is complete.

Upon the present occasion, however, as the amount of the penalty has been left to me, and I have no means of ascertaining the meaning of the term "heavily," by which the inhabitants have expressed their idea of the extent of the punishment to be inflicted, I shall, I think, meet your views, so far as I can gather them, by fixing 10 *l*. as the amount of the fine to be paid. With this addition I approve of the law.

I trust, however, that the occasions for inflicting such a penalty will be very rare. I would rather that the people should look upon fornication as a sin against God, than as an offence against the laws of man.

With regard to the second law, I hereby assent to and confirm it, without any alteration or modification.

The Chief Magistrate,
Norfolk Island.

I have, &c.
(signed) *W. Denison*.

— No. 4. —

(No. 1.)

COPY of a DESPATCH from Governor Sir *W. Denison*, K.C.B., to the Right Honourable Sir *E. Bulwer Lytton*, Bart., M.P.

Government House, Sydney, 22 January 1859.

Sir,

Answered, No. 5.—4 May 1859, page 55.

In your Despatch, "Norfolk Island," No. 1*, dated 16th July 1858, enclosing the remarks of Sir Frederic Rogers upon the laws and regulations enacted for the government of the inhabitants of Norfolk Island, you directed me to obtain the assistance of the Law Advisers of the Government of New South Wales, for the purpose of revising those laws and regulations, and of reporting upon the proposal of Sir Frederic Rogers respecting an enactment to be made by the Legislature of New South Wales, in order to authorise the Supreme Court at Sydney to deal with any cases of a serious nature which might appear to me to be beyond the competency of an island jury.

I forward herewith copies of the correspondence which has taken place between myself and the law officers on this subject; and I also enclose a copy of a letter addressed to me by the Chief Justice, to whom I submitted your Despatch with relation to the points raised by Sir Frederic Rogers; and having laid these before you, I will proceed to explain my own views, and to submit such recommendations as may, in my opinion, be best suited to meet the various difficulties which we must expect to meet in dealing with questions of such a peculiar and unprecedented character.

First with relation to the clause in the regulations, by which all former laws are repealed, it is true that, as I stated in my memorandum to the Law Officers, I intended this repeal to apply specially to the code under which the inhabitants were then living, namely, that which they had brought with them from Pitcairn's Island. At the same time, however, I must admit that I had no conception of the legal fiction by which, according to the Chief Justice and the Law Officers, the English law, or rather a mixture of English, New South Wales, and Tasmanian law would be applicable to the entirely new class of inhabitants and to the totally changed circumstances of the island. As, however, in the absence of an expressed repeal of all such laws, it would seem that they must be considered to be still in force. I think, with all due deference to the Chief Justice, that it would be desirable to leave the first clause to stand, as at present, as an authoritative repeal of all laws affecting the islanders other than those to which they may have given their assent, and to provide in general terms for the application of either general principles or of the particular laws of England or New South Wales to certain classes of cases, to which allusion is made in Clause 20 of the regulations.

The habits and modes of thought of the islanders are so different from those of Englishmen, the circumstances of the Colony are so unique, that I confess I should be sorry to see the laws of England or of New South Wales, either civil or criminal, adopted in the aggregate as the laws of Norfolk Island. Were this done in the wholesale manner proposed by the second of the laws suggested by the Chief Justice, the islanders would be subjected to a legal system which, having been framed to suit a state of society altogether different from that to which it is proposed to apply it, would probably be found to be at variance with their feelings and habits, and of the bearing of which upon all their relations with each other they would be utterly ignorant. While, however, I cannot admit the general wording of this second law, I should not object to adopt so much of it as would subject persons committing offences against persons or property to be dealt with according to the law of New South Wales; and the law which it might be desirable to enact would stand as follows:—

1. All offences not determinable by the magistrates, or by a jury of seven elders, as prescribed by the laws and regulations made by the Governor on the 14th October 1857, shall, until otherwise provided for by proper enactment, be subject to the laws which were in force in New South Wales on the said 14th October, 1857, so far as these may be applicable.

The next question which it is of importance to consider, is the mode in which it would be desirable to adjudicate in such cases.

In clause 20 of the Regulations, it is proposed to reserve all offences of a serious character for the consideration of the Courts of Justice in Sydney. In framing this enactment, however, I was under the impression that, by statute, the Supreme Court at Sydney had jurisdiction over offences committed by any subject of Her Majesty in the South Seas, where he would otherwise have been beyond the reach of law. It appears, however, that the inhabitants of Norfolk Island would not be within the scope of the provisions of this Act, and that consequently a fresh enactment, either Imperial or local, would be required to enable the judges of the Supreme Court to take cognizance of offences committed in Norfolk Island.

There are objections to either of these courses. The Law Officers have in their letter pointed out those which exist to the assumption of power by the local legislature to enact laws intended to operate upon the inhabitants of another Colony; and though I do not think the objection has so much force as they are disposed to attribute to it, yet it is of some weight; and it is also possible that the local legislature might not be disposed to throw upon the judges here the additional labour, trifling though it would be, of determining questions arising out of proceedings in another colony.

The objection to Imperial legislation is, that it would have the appearance of an assumption of power on the part of Parliament to interfere in that which is properly the province of the local legislature. Such a course would be sure to cause jealousies and heart-burnings, which it is very desirable to avoid.

I should therefore propose to avoid all these difficulties, by sending to the Island, when occasions may arise, a properly qualified person to act as judge. The salary of the judge for a month, and the cost of his voyage to and from the Island, would not exceed the amount which would be incurred in sending prisoners and witnesses to Sydney and back to Norfolk Island, together with fees to the barristers, &c. And there would be this special advantage arising out of the proposed plan, that the whole proceeding would take place under the eyes of the people upon the spot where the offence was committed.

Sir Alfred Stephen's third law, which will be my second, will therefore stand as follows:

2. Such offences shall be tried in Norfolk Island by a court constituted and a jury composed and summoned as the Governor shall appoint, and with such forms of procedure as he shall establish.

This will involve, of course, an amendment in the 20th clause of the original Regulations, which may stand, as proposed by Sir Alfred Stephen, thus:

3. The 20th paragraph of the laws of October 1857 shall be amended by substituting the word "Governor" therein, for words "Courts of Justice in Sydney."

Sir Alfred Stephen's fifth law, which has reference to the conduct of the trials by juries under the former Regulations, is worded too generally, and would appear to admit of a claim on the part of the chief magistrate to preside at all trials. It is hardly necessary at present to discuss this suggestion, as by the proposed law, No. 2, the Governor will have power to arrange the form of procedure to be adopted on all trials before a judge.

I do not propose to enact these laws until they have received the sanction of Her Majesty's Government, inasmuch as a possible outlay of money in payment of a judge is involved in them, and no harm can arise from the delay. I would wish, however, to bring under your consideration one point involved in the question of the course of criminal procedure, and that is the disposal of the offender. I hope and trust that for many years no occasion may present itself in which the offence would be of such a nature as to require a sentence of long imprisonment. It is obvious that it would be impossible in such a community to carry out a sentence of this kind, and equally impossible to allow the offender to mix, on equal terms, with the other members of the community. I would therefore submit, that the only adequate punishment would be transportation or banishment; and I would suggest that authority may be given to the Governor to carry out such sentence, by removing the offender to Western Australia in case the offence should be of an aggravated character; or to make such arrangements for his removal from the colony, should the offence be of a more trivial character, as may seem to him expedient.

I have, &c.
(signed) *W. Denison.*

Enclosure 1, in No. 4.

MEMORANDUM.

IN submitting the accompanying Despatch and its enclosures to the Law Officers, it may be as well that I should explain the assumptions upon which I based the Laws and Regulations which were published in the Gazette of 30th October 1857.

It is true that Norfolk Island was originally a portion of New South Wales or of Van Diemen's Land: but the whole of the inhabitants were removed from the island previous to the arrival of the present inhabitants, who brought with them their own written code of laws.

In the first of those which I promulgated, I intended to repeal the whole of the code under which the inhabitants were living, clearing away much that had reference solely to their former place of residence; but it did not occur to me that laws attached to the soil of a country, so that in repealing all existing laws and regulations, I suppose I must be held to have repealed the English law as well as the Pitcairn Island law.

It strikes me that the simple mode of getting rid of this difficulty would be to declare that clause 1 only applies to the code brought by the inhabitants from Pitcairn Island.

The other question, as to the jurisdiction of the Sydney Courts over offences committed on Norfolk Island, will I am afraid require legislation here. I was under the impression that all offences committed by British subjects among the South Sea Islands, were amenable to the courts here. If, however, that be not the case, I suppose it will be necessary to pass a short Act, enabling the courts here to deal with such questions as may be brought before them, until the condition of the island be such as to admit of local punishment of offences.

20 November 1858.

(signed) W. D.

Sir,

Crown Law Offices, Sydney, 6 December 1858.

WE have the honour to acknowledge the receipt, under B. C., of a Despatch in duplicate, addressed by the Right Honourable the Secretary of State for the Colonies to his Excellency the Governor General, and dated 16th July last, enclosing duplicate copy of Report from Sir Frederic Rogers on a body of "Laws" and "Regulations," framed by his Excellency for the inhabitants of Norfolk Island, together with a memorandum by the Governor General on the subject of that Report.

2. The Right Honourable the Secretary of State expresses an opinion that the assistance of the Law Officers of this colony should be obtained for the purpose of revising and amending those regulations in point of law, and that they should report upon the proposal of Sir F. Rogers respecting an enactment to be made by the Legislature of New South Wales, in order to authorise the Supreme Court at Sydney to deal with cases of a serious nature, which may appear to be beyond the competency of an island jury. The Secretary of State accordingly desires that the Law Officers should be retained for that purpose on the part of Her Majesty's Government.

3. In pursuance of that retainer, we have now the honour to state that the extreme pressure of our official duties has prevented our devoting to the subject of a general revision and amendment of the Regulations, time and attention sufficient to enable us to arrive at a conclusion which would be satisfactory to our own minds. We trust, however, that we shall be in a position to do so before the Despatch of the January mail.

4. We have, nevertheless, fully considered the two questions raised and discussed by Sir F. Rogers in the 10th and succeeding paragraphs of his Report, and we are prepared to submit our opinion upon them.

5. The question which seems to rank first in importance is this: all previously existing laws having been in terms repealed by the first clause of the Regulations made on the 14th October 1857, is there any criminal law in force in Norfolk Island by which the decisions of a court of competent jurisdiction could be regulated? and if not, in what mode can the difficulty thus occasioned be removed?

6. We are of opinion, although doubts have been expressed on the point, that in every Dependency of the Crown not acquired by conquest or treaty, but by settlement, the laws of England for the protection of persons and property, are in force and cannot be constitutionally repealed, even by the authority of the Imperial Parliament, until other laws have been passed for that purpose. To hold otherwise, as it seems to us, would be to strike at the foundation of civil society. And as the Regulations of the 14th October 1857 did not purport to establish a new code of municipal law for Norfolk Island, and did not declare what punishment should be inflicted for injuries to life or limb, we think that for all purposes not inconsistent with specific regulations the law of England still prevails in that settlement. It follows, therefore, that, in our opinion, the general terms of the first clause have not the sweeping effect which they might, at first sight, be supposed to possess.

7. Assuming, however, that this view of the question cannot be supported, we think that the best mode of escaping from the difficulty which would then arise, would be that which has been pointed out in the memorandum of His Excellency the Governor General, viz., to pass a declaratory law, which may be so framed as to confine the repealing operation of the first clause to the code brought by the inhabitants of the settlement from Pitcairn's Island. The suggestion of Sir F. Rogers, that cases beyond the cognizance of the jury of elders, should

be tried according to the law of New South Wales, appears to us to be open to the objection that the proposed enactment would not be sufficiently comprehensive, and further, that it would profess to deal with offences not according to the law of the country in which the offence was committed, but according to the law of a different country.

8. The second question raised by the Report of Sir F. Rogers may be briefly stated thus:—Can the colonial legislature confer upon the Supreme Court at Sydney a jurisdiction over offences committed beyond the limits of New South Wales? We are of opinion that it cannot. If one local legislature assumed such an authority it might be claimed by another, or by any number of others, and conflicts of jurisdiction would inevitably ensue. The appointment suggested by Sir F. Rogers of the chief justice of New South Wales to be chief judge of Norfolk Island would not, in our view of the case, solve the question of jurisdiction, because the Chief Justice of New South Wales must go to Norfolk Island to exercise his new authority. This point has been recently under the consideration of the Crown Law Officers, and they have concurred in the opinion given by the judges upon a case submitted to them by Mr. Justice Milford, the resident judge at Moreton Bay, who within the limits of that district has an exclusive original jurisdiction. Mr. Justice Milford, who is also a judge of the Supreme Court here, had come down to Sydney to assist the other three judges in disposing of the arrears which have accumulated, but was compelled to return to Moreton Bay a few days afterwards, because the judges held that he could not, while at Sydney, exercise any portion of the jurisdiction which he had as judge of the Supreme Court at Moreton Bay.

9. Although, however, we think that to confer this jurisdiction is beyond the powers of a colonial legislature, no doubt can exist that it may be given by an Act of the Imperial Parliament, and accordingly we would suggest that a Bill should be brought in for that purpose in the course of the ensuing session.

10. We have only to add, in conclusion, that whether the opinion which we have expressed in reference to the first question raised be correct or erroneous, it would appear to be expedient to pass a declaratory law, even if the enactment be superfluous.

We have, &c.

(signed) *Alfred P. Lutwyche*, Attorney General.
William B. Dalley, Solicitor General.

Alfred Denison, Esq.,
Private Secretary.

My dear Sir,

Government House, 8th January 1859.

I HAVE been reading over carefully your Report upon the Despatch of the Secretary of State on the subject of the laws of Norfolk Island. I quite agree with you that the simplest mode of getting rid of the difficulty created by the very general terms in which clause 1 of the Laws and Regulations of Norfolk Island is worded, would be by a declaratory statement or enactment, that such repeal is to be held to have reference only to the laws under which the community existed at Pitcairn's Island, and not to any laws which might have been in force (leaving the question as to what these laws might be undecided) when the present inhabitants took possession of the island. I cannot, I confess, imagine that laws attach to the soil of a country; were this the case, all the enactments relative to the convicts would still be in force; however, this is a point which can never be practically raised, and it is therefore unnecessary to discuss it further. It now remains to deal with the difficulty of adjudicating upon cases of so serious a character as to be beyond the scope of the simple system established at present. I hope and trust it may be long before any occasion will arise which may compel me to increase the power which I have reserved to myself of submitting them to the Supreme Court of New South Wales; but as it would not be desirable to leave such cases unprovided for, or to wait until an occasion arises to provide for their punishment, I am still of opinion that it would be as well to have such cases dealt with by the law of New South Wales; and the only question is, how can this be best done? Would it not be quite possible for the Legislature to pass an Act at my instigation, empowering the Supreme Court of New South Wales to take cognizance of such cases from Norfolk Island as may be brought before them by the Governor in his capacity of Governor of Norfolk Island, in accordance with the laws of that island? Would not this course do away with the objection taken by you to the power of the Colonial Legislature to confer upon the Supreme Court in Sydney a jurisdiction over offences committed beyond the limits of New South Wales? The Legislature of another country is willing to accept the decisions of the Supreme Court as to the law of New South Wales, which law is notified and proclaimed to be, with certain exceptions otherwise provided for, the law of that country. Under such circumstances, would not the Legislature be competent to accept the trust, and to enable or compel the judges to do their part? It appears to me that it would be a far better plan to arrange the matter by reference to the Local Legislature, than to call upon the Imperial Legislature to decide as to the business to be submitted to the local courts of the colony. Such a step would, probably, give rise to complaints and jealousies on the part of the Local Legislature, for which I should be sorry to see any occasion given. Should your views coincide with mine, as above explained, would you be kind enough to furnish me with a draft of a Bill, such as would, in the shortest and simplest terms, effect the object we have in view.

Believe me, &c.

(signed) *W. Denison*.

The Honourable Alfred Lutwyche.

I enclose a draft of the preamble of the proposed Act.

" WHEREAS

"WHEREAS, by a commission, &c., Her Majesty has been pleased to appoint the Governor of New South Wales, for the time being, to be Governor of Norfolk Island; and whereas, by an Order of the Queen in Council, dated 24 June 1856, power was given to the Governor of Norfolk Island to make laws for the order, peace, and good government of the said island; and whereas the said Governor of Norfolk Island did enact and promulgate certain laws and ordinances in accordance with the power vested in him by Her Majesty; and whereas by the said laws and ordinances, certain offences committed in the aforesaid island were directed to be reserved for the consideration of the courts of justice in Sydney; and whereas it is expedient that power should be given to the Supreme Court of New South Wales to hear and adjudicate upon such cases as the Governor, in his capacity of Governor of Norfolk Island, may bring before it in accordance with the afore-mentioned laws and regulations of the said island.

Therefore, &c. &c. &c.

My dear Sir William,

Crown Law Offices, 10 January 1859.

IN reply to your note of Saturday, I feel bound to say, that though it would certainly be convenient, in the particular case of Norfolk Island, for the Legislature of New South Wales to assume jurisdiction over another dependency of the Crown, with the consent of that dependency, such a proceeding would, in my opinion, violate the most important principle which regulates the relations of a dependency to the parent state. I apprehend that one colony could not make laws for, or what amounts to the same thing, extend its laws over another colony, without jeopardising the supremacy of the mother country. If a colony possessed inherent powers of making laws for one purpose beyond its own territorial limits, it might make laws for another purpose, and thus a cluster of colonies might, without the consent of the mother country asked or obtained, form themselves into a great confederation, and become virtually independent. It appears to me, that the necessity of appealing to the Imperial Legislature for an enabling Act, was recognised by Earl Grey, some years ago, when he introduced a Bill to empower the Australian colonies to form a federation, and to make laws which should be binding on each of them; but it may be remarked that these powers were not of a general, but a limited character. The position in which a colony is placed seems to be one which disqualifies her from parting with or acquiring any territory (and consequently any jurisdiction) without the authority of the Imperial Parliament. The only exception to this rule as to jurisdiction relates to the Court of Vice Admiralty, which exercises, by delegation from the Crown, under letters patent, a prerogative jurisdiction. This rule was kept in view by your Excellency's government last session, when it was proposed to cede to South Australia a distant portion of the territory of New South Wales; and it was deemed advisable to signify the consent of this legislature to the separation by joint resolutions of both houses, leaving legislative enactment to the Parliament of the United Kingdom; and I still think, that applying the same rule, nothing short of Imperial legislation can give the Supreme Court of New South Wales jurisdiction over offences committed in a distinct dependency of the Crown. Whether that jurisdiction could be constitutionally given over by the Imperial Parliament without a previous annexation of Norfolk Island to the Government of New South Wales is a more doubtful point; but I confess I am strongly inclined to think that, without annexation, such a jurisdiction could not properly be conferred.

His Excellency
Sir W. T. Denison, K.C.B.

Your Excellency's, &c.
(signed) Alfred P. Lutwyche.

Enclosure 2, in No. 4.

My dear Sir William,

Hyde Park, 3 November 1858.

I HAVE read the Secretary of State's Despatch, the letter from Sir Frederic Rogers, and the Norfolk Island laws of 14 October 1857; and in reply to your note respecting them, I enclose the draft of five new laws, which I submit for your consideration as desirable, and as better calculated to prevent difficulties of the kind suggested in the correspondence, than the plan proposed by Sir Frederic.

The effect of the first four of those laws will be, while declaring (and in effect enacting) that the laws of 1857 were and are only to supersede all others which might be inconsistent with them, to apply, as far as may be, the laws of New South Wales to "offences and questions" not summarily determinable, as provided by your laws. Thus there will be no question of conflict between any actual ordinances or regulations of the inhabitants, if any, as Pitcairn Islanders, and the laws either of this colony or Tasmania, to each of which, at different periods, Norfolk Island has been attached. Not only "offences," the class of cases reserved by paragraph 20, but "questions" of any other character will be referable to an ascertained and stated code. Thus also the islanders will be protected from injuries which may be offered them by strangers, events more probable than the occurrence (at least for years to come) of serious crime or contests among themselves. All such "more serious cases" will be reserved for your consideration, and they may be tried in Sydney if you think fit; and if the Legislature here shall

shall in the meantime have sanctioned an assumption of the jurisdiction, or on the spot itself in Norfolk Island; and, in the latter case, by a tribunal, and with forms suitable to the habits and ideas of the people, to be established by yourself. My own opinion is adverse to any interference by this Legislature, and to any trial, whatever may be the crime or the controversy in this colony. There will be no difficulty in obtaining a judge to proceed to Norfolk Island. If my own duties in Sydney should not interpose an obstacle, I should personally be willing (and so I believe would my brother judges) to undertake the office at your instance, should ever the occasion unhappily arise. If, however, it were necessary to incur the expense of paying such a functionary, the cost would perhaps not be greater, with every other added, than that of bringing the parties and witnesses from the island hither; while the moral effect of the trial, if away from the scene, would be lost. The positive evils, moreover, likely to arise directly from the removal of many of the inhabitants from their homes, even for a short period, would I think be serious.

The last of the proposed new laws, you will observe, is to declare the number of jurors who must concur in any decision, and to require one of the three magistrates to preside and assist at the proceeding. As to the rest of your Excellency's laws they will most probably be found to be quite sufficient, in precision as in number and comprehensiveness, for a community so small, and in their pursuits and manners so primitive and free from anything artificial, as these interesting and simple minded people, whose first ordinance, under their new rulers, has been to punish a vice, hitherto unnoticed by human codes, at least in modern times, with far greater severity than any other offence provided for by them.

As I think it probable that you will see no objection (with such improvements as your practical experience may suggest) to the laws proposed by me, and they will meet in substance the views of the Secretary of State, though not exactly in the mode pointed out in Sir F. Rogers' Report, it will be unnecessary for me, probably, to enter here into discussion on the subject. The inquiry would be more curious than profitable, what laws the Pitcairners brought with them to Norfolk Island, or what met them there on their arrival. But the statute to which you refer, I think (I have it not at hand to consult) provides for the trial of offences committed in these seas, upon islands and territories not under the Queen's dominion. The proposed laws, however, will give an alternative as to the place of trial; and if Sydney be, by any now existing or any future enactment, the proper place, or competent in jurisdiction, the trial can be had here, as proposed by your laws of last year, and as allowed by these.

His Excellency the Governor General,
&c. &c. &c.

I have, &c.
(signed) *Alfred Stephen.*

1. The first paragraph of the laws made by me on the 14th October 1857 shall extend and be construed to have extended only to laws, ordinances, and regulations inconsistent with them.
2. All offences and questions not determinable by the magistrates or by a jury of seven elders, as prescribed by those laws, shall be subject to the laws which were in force in New South Wales on the said 14th October 1857, so far as they may be applicable.
3. Such offences and questions shall either be tried and dealt with in Sydney, or, if the Governor so direct, in Norfolk Island: and, in the latter case, by a court constituted, and a jury composed and summoned, as he shall appoint, and with such forms of procedure as he shall establish.
4. The 20th paragraph of the laws of October 1857 shall be amended, by substituting the word "Governor" therein for the words "Courts of Justice in Sydney."
5. The chief magistrate, or one of the councillors to be nominated by him, shall preside at all inquiries or trials by jury of elders, and assist them with his advice; and no decision shall be valid unless concurred in by at least five of such jurors.

— No. 5.—

(No. 2.)

COPY of a DESPATCH from Governor Sir *W. Denison*, K.C.B., to the Right Honourable Sir *E. Bulwer Lytton*, Bart. M.P.

Government House, Sydney, 7 June 1859.

Sir,

(Answered (No. 6) 26 September 1859, page 55.)

I HAVE the honour to report the arrival of the "Palmyra" with the emigrants for Norfolk Island.

I am well satisfied with the appearance and manner of Mr. Rossiter, the schoolmaster, who is active and intelligent, and will, I have no doubt, prove himself a most useful and efficient person on the island.

The millwright too, though more of a miller than a millwright, will, I hope, answer the purpose for which he has been selected. He is something of a smith, and will improve by practice.

The

The mason and plasterer is an unmarried man, but is engaged to be married, and his betrothed will probably follow him out. Should she not do so, he will easily find a wife on the island.

The shoemaker and his wife, however, on having their position clearly explained, have expressed a wish to remain in New South Wales, and as I have not the least desire to press an engagement upon unwilling people, I shall not send them forward.

The agriculturist left his wife behind him in England, ; and as I do not think it desirable to send a married man without his wife to the island, I have told him that he must remain in New South Wales, to which he makes no objection.

The amount paid for the passage of these three individuals should, it appears to me, be refunded, that is, it should be charged by the Land and Emigration Commissioners to the account of New South Wales, not to that of Norfolk Island.

I have directed the commissariat to engage freight for those who are to proceed to Norfolk Island, and the vessel which takes them down will bring back the sappers who have been engaged upon the survey of the island, which they have, I believe, completed.

I have taken upon myself the purchase of some ploughs and agricultural implements, the cost of which will be covered by the saving of the passages of those persons who remain in New South Wales. I have also directed the astronomer to procure a complete set of meteorological instruments, and he will also instruct Mr. Rossiter, the schoolmaster, in the use of them, so that we may hope to get a valuable series of meteorological observations in a part of the ocean hitherto but little known. The cost of these instruments, amounting to 27*l.* 4*s.* 6*d.*, I have directed to be defrayed from the military chest, as indeed I have that of the agricultural implements in the first instance, as I am not aware of the amount of the funds transferred to the Government by the Pitcairn Island Committee.

I propose, as soon as I have shipped off the emigrants, to proceed to Norfolk Island myself in the "Cordelia," for the purpose of placing matters upon some definite footing.

I trust I shall be able to arrange affairs so that each family will be fully able to provide for its own wants.

There will be a certain amount of Government property, out of which it will be possible to provide for matters in which the community at large has an interest. I will, however, write fully on the subject when I return from the island.

I have, &c.
(signed) *W. Denison.*

—No. 6.—

(No. 3.)

COPY of a DESPATCH from Governor Sir *W. Denison*, K.C.B., to the Right Honourable the Principal Secretary of State for the Colonies.

Government House, Sydney, 10 July 1859.

Sir,

Answered (No. 37) 14 November 1859, page 56.)

I HAVE the honour to report that I embarked on board Her Majesty's steam sloop the "Cordelia," on the 16th of last month, and after a rough passage of eight days landed at Norfolk Island on the morning of the 24th. I had, as I informed you in my Despatch No. 2,* of 7 June, made arrangements for forwarding some of the emigrants sent out in the "Palmyra," and am happy to be able to state that they arrived in safety on the day previous to that on which I landed on the island.

I found matters upon the whole in a satisfactory condition; two families, numbering 16 in all, had left the island and gone back to Pitcairn's Island, and I was told that three other families were thinking of following their example. On the other hand, 30 of the younger men had formed themselves into a company, and by clubbing their means, had raised money enough to purchase two whale boats and all the necessary gear from an American whaler. They had then entered

entered energetically into bay whaling, and had without any accident managed to kill whales enough to yield 14 tons of oil, the value of which may be put at 500 *l.*; encouraged by this they had purchased two more whale boats and gear, and were prepared to commence work this season with double the strength which they had last year. Other branches of industry had also presented themselves to the notice of the people. The Norfolk Island limestone forms an admirable filtering stone, and is very much sought after in the adjoining colonies; the price paid for a four-gallon dripstone being from 4 *l.* to 5 *l.* One of the islanders having found the quarry, has succeeded in excavating the stone and forming it into the shape of a filter.

Some have begun to manufacture soap; others are looking forward to supplying New Zealand with lemons. There is, in fact, evidence of the existence of an amount of energy amongst a portion, at all events, of the male population, which will I trust secure their steady advancement in prosperity.

In my Despatch, No. 1, of 4th June 1858, I mentioned that I had sent down two sappers to the island, with instructions to survey it and to divide it into allotments of the average size of 50 acres. On my arrival on the island I found that these men had executed their task in a very satisfactory manner, having arranged the allotments so as to enable the occupants to get access to them by either the existing roads or by others well marked. I also found that the inhabitants had settled among themselves as to the selection of the allotments, and with the exception of one or two instances in which some difference had arisen, which had been left for my decision, everything had been determined, leaving for me but little to do but to confirm what had been done, and to explain to the people the conditions upon which I proposed to issue the deeds of grant conferring upon them the fee-simple of the land; the mode in which I propose to arrange for the registration of the deeds and for all other documents connected with the sale or transfer of land, I shall explain in another Despatch.

Previous to my departure from the island I called the people together, and after pointing out to those who had manifested an intention of returning to Pitcairns, the folly of their conduct, that they were sacrificing positive advantages to themselves and their children, to what would I was convinced turn out a mere delusion in the end, I warned them that they must not expect any assistance from the Government in carrying out such a suicidal scheme, that they must not expect to receive grants of land in Norfolk Island, which they would be able to dispose of to provide means of expatriating themselves. I felt the more bound to do this, as I found upon inquiry that the magistrates last year had been foolish enough to pay to the master of a schooner a large sum out of the money arising from the sale of Government property (wool, hides, &c.), for the transport of a certain number of people to Pitcairns. With reference to this payment I shall have to address you hereafter more fully.

In my address to the people I included a statement of all the arrangements which had been made by Her Majesty's Government for their benefit; I explained to them the duties of the storekeeper, the arrangements made for the management of the schools, and for securing their property, &c.; and having made these matters as clear to them as could be done by illustrations, I left them as I believe thoroughly satisfied with all the steps which had been taken.

I am very well satisfied with what I have seen of Mr. Rossiter, and I anticipate much good to the children from his skill as a teacher, and from the moral influence which he will exercise over them. The state of the schools has been hitherto very unsatisfactory; little was taught, because the master knew but little; no influence or authority was exercised by the master, whom the children, at all events the elder children, were aware was but one step, and that a trifling one, in advance of themselves.

I look to Mr. Rossiter's arrival among them as a turning point from which we shall have to date a gradual improvement in the tone of the children, and his influence—the influence due to the knowledge which he has, and in which they are deficient—will make itself felt I have no doubt among the adults as well as the children. I trust too that the example and influence of his wife may have its effect upon the women: taking these as a whole they show less of the influence of civilization and instruction than the men; they are but little in advance of the Tahitian women from whom they are descended; this, however, is not to be wondered at, as the advantages which they have had have been less than those afforded to the men. Every year, however, will I am

in hopes show the effect of teaching and example, and upon the whole I think I am justified in expressing a favourable opinion as to the prospects of this little community.

I have, &c.
(signed) *W. Denison.*

— No. 7. —

(No. 4.)

COPY of a DESPATCH from Governor Sir *W. Denison*, K.C.B. to the Right Honourable the Principal Secretary of State for the Colonies.

Government House, Sydney, 11 July 1859.

Answered (No. 37) 14 Nov. 1859, page 56.

Sir

I HAVE the honour to forward herewith, a copy of the instructions issued by me to Mr. Rossiter, as storekeeper at Norfolk Island. The presence of such an officer was essential to the well being of the community, the members of which would otherwise have continued to live upon the cattle and sheep belonging to the Government, and would thus have fostered those habits of indolence, and unwillingness to labour, which are almost characteristic of the race from which they are descended.

I found that during the last eighteen months the sheep had diminished to the extent of, at least, 50 per cent.; while the cattle, a large proportion of which has become the property of individuals, had increased.

By the regulations contained in Mr. Rossiter's instructions, a line will be drawn between public and private property, and the returns from the former will be credited to the Government, and will, I hope in the course of a few years, form a fund sufficient to defray not only all ordinary expenses, but will leave a balance available for any contingencies which may arise. I have, as you will see in the instructions given to Mr. Rossiter, empowered him to pay at once out of such money as he may have in his possession all the ordinary expenses, such as the repairs of public buildings, &c., without reference to me; but should he wish to draw upon the fund arising from the sale of wool, &c., sent to Sydney, this can only be done with my sanction. I have also, as will be seen in the enclosed paper, included among the ordinary expenses of the Colony, the payment of a salary of 50 *l.* per annum to the chaplain, who has hitherto only received 50 *l.* per annum from the Society for Promoting Christian Knowledge, and I trust that this charge upon the funds of the Colony will receive the sanction of Her Majesty's Government.

I have, &c.
(signed) *W. Denison.*

Enclosure in No. 7.

GENERAL INSTRUCTIONS to Mr. *Rossiter*, as Storekeeper.

THE storekeeper will take charge of all property belonging to the Government, and be answerable for its proper appropriation.

This property consists at present of—

1st. Cattle. Of these, I understand, a portion are wild, and have never been driven in, while another portion is mixed up with the cattle of individuals. With reference to the wild cattle it may be as well that these should be killed off gradually; but it must be understood that the meat is not to be issued gratuitously to the settlers, all of whom are now possessors of a certain amount of stock, but should be sold at the established price at which the meat is given to whalers, &c. Care will be taken that the Government stock of cattle is not allowed to decrease in number; but on the other hand it would not be desirable that it should increase to such an extent as to interfere with the sheep; 100 head in the tame herd is as many as it would be desirable to keep, the surplus will be killed off and sold from time to time as opportunity offers. Cattle in the same proportion as were allotted to the original settlers, will be given to such new settlers as receive grants of land, viz. one cow to each member of the family.

CORRESPONDENCE RELATING TO

2d. Sheep. The number of these has decreased very much within the last 18 months. It would, therefore, be as well that only the four years' old wethers and the broken-mouthed ewes should be killed from henceforward, and thus the flock should be allowed to increase until it reaches its original amount of 2,000. The wool of these, and the money arising from the sale of the carcasses, will provide an ample sum to defray all the ordinary expenses of the island, and will leave a surplus available for any extraordinary demands which may be made upon the Government.

3d. Stores purchased for the use of the community :

These consist—

1st. Articles purchased for the public use, such as ploughs, harrows, &c.

2d. Of articles kept in store to be issued to individuals, but for which they will have to pay.

The first will be used under such regulations as may be made by the magistrates, the understanding being, that any damage done to the article while being used for the benefit of an individual must be repaired at the expense of that individual. Of the second an account will be kept, the understanding being that the price charged for such articles will be computed as follows: to the invoice price will be added the cost of freight, and 10 per cent. upon the total charged, to cover waste and loss, &c.

4th. Tools and stores, which, having been left on the island when first handed over to the islanders, have not been regularly appropriated to individuals; of these there are not, I am afraid, many; there has been so much waste and carelessness on the part of the people; but it would be as well that Mr. Rossiter should collect and place in store, tools, iron, and such as he may be able to lay hands on, as they will before long be found very serviceable.

5th. Furniture and stores purchased for Government House.

6th. Government buildings. The whole of the buildings on the land reserved by the Crown will be considered as public property, and as such be under the charge of the storekeeper; but as it is impossible to hope to keep the whole of them in repair, Mr. Rossiter will direct his attention only to those which are used by the public, such as the wool shed at Longridge, the chapel school rooms, &c. Government House. Mr. Rossiter will point out to the magistrates the necessity of making such repairs to these buildings as may be required from time to time. The china, glass, &c. will be kept in store; but the furniture may remain in the rooms occupied by the storekeeper and be used by him, subject to the condition of replacing it if damaged.

The funds in the possession of the storekeeper will consist of—

1st. Money received on the island for articles sold to the inhabitants or to visitors.

2d. The amount derived from the sale of wool, hides, &c. sent to Sydney.

3d. Of fines levied by the magistrates. Disbursements may be made out of the money in the hands of the storekeeper, for any public work performed in accordance with the rules and regulations of the island; but should it be necessary to draw upon the fund arising from the sale of wool, &c., then a regular statement must be sent to the Governor, showing the objects for which the expenditure is proposed to be incurred, and his authority will be required for the payment.

A duplicate invoice of all articles shipped on account of the Government will be sent to the Governor, and the agents employed to receive and sell the articles will be directed to render an account to the Governor, and to pay the proceeds of the sale into such one of the banks as may be selected by the Governor, to the account of the Government of Norfolk Island. (I propose to place the money in the Oriental Bank.)

Cheques drawn against the account must be countersigned by the Governor. An accurate account of receipts and expenditure upon the public account will be made up by the storekeeper to the 31st December in every year, and transmitted as soon after that period as possible, in duplicate, to the Governor at Sydney, for his information and for that of the Secretary of State.

In the present anomalous condition of the island, Mr. Rossiter will understand that it is impossible for me to make his instructions more definite and precise; much must be left to his judgment and discretion: the main object I have in view at present is to establish a marked and precise line of demarcation between public and private property, and to make the people aware that as the Government has kindly enabled them to become possessed of property with very little exertion on their part, they must now maintain themselves, and not be allowed to live at the public expense. I do not wish to make the change too sudden; as to that, Mr. Rossiter must be guided by his own judgment, and that of the magistrates and chaplain; but I see no reason myself for any delay in making the arrangements.

(signed) *W. Denison.*

— No. 8. —

(No. 5.)

COPY of a DESPATCH from Governor Sir *W. Denison*, K. C. B., to the Right Honourable the Principal Secretary of State for the Colonies.

Government House, Sydney, 12 July 1859.

Answered (No. 37) 14 November 1859, page 56.

Sir,

I FORWARD herewith a copy of the memorandum which I left with the magistrates of Norfolk Island, on the subject principally of the arrangements relative to the transfer of property; the only two points as to which I required an expression of opinion on their part, were, first, the limitation of the right of sale of landed property to the inhabitants of the island; second, the mode in which the property of persons dying intestate should be divided among the children.

In these cases there was an unanimous expression of opinion, that the owners of land on the island should not be allowed to transfer the land to aliens; that is, to persons not actual members of the community; and also that subject to the right of the possessor of landed property to leave it to whomsoever he might choose, such person being a member of the community, the right of each child to an equal share of his parent's property should be recognised.

I propose to put myself at once in communication with the Registrar of the Province of Auckland in New Zealand, by whom a very simple system of registration has been devised, and to procure from him all the details of his scheme, and of the forms of transfer which may almost be said to form a portion of it; when I have received these, I shall adapt them to the circumstances of Norfolk Island, and submit them in the regular way for the approval of the inhabitants, before I forward them for the consideration of Her Majesty's Government.

I have thought it better to report the steps which I propose to take, than to wait until I had perfected the scheme, but I shall lose no time in perfecting these arrangements.

I have, &c.

(signed) *W. Denison.*

Enclosure in No. 8.

MEMORANDUM addressed to the Inhabitants of *Norfolk Island* relative to Registration of Property.

As the whole of the island has now been surveyed and divided into allotments averaging 50 acres or thereabouts, and as one of these allotments will be handed over to each of the families now upon the island, it becomes a matter of necessity that some simple and definite rules should be established, by which all proceedings with regard to the establishment of rights to property, to its transference from hand to hand, to the mode in which it shall descend to the children of its possessor, shall be regulated.

The whole of Norfolk Island being the property of the Crown, the right of ownership will of course be based upon a grant from the Crown, and to each person who is entitled to such a mark of favour a document will be issued conveying to him or her the absolute property in one of the portions or allotments into which the island has been divided.

As, however, documents such as grants may be lost or mislaid, it will be desirable to establish at once such a simple system of registration as may enable any person to vindicate his title to property, even should the deed of grant be destroyed; and for this purpose a simple numerical system of registration, similar or analogous to that in force in New Zealand, may with advantage be adopted. By this scheme the original grant from the Crown being recorded under some numerical heading, every transaction, whether by sale or mortgage, with reference to this allotment, or any portion of it, will be referred to this heading, and be registered as well in the original deed; and no sale, transfer, or mortgage will be considered as valid unless it be duly registered. In this manner, the grant being once issued to A., and registered as his property, may be dealt with by him as such, and be made the subject of sale or mortgage, be transferred to children by inheritance without any shadow of suspicion being cast in the title which stands in the simple form of a grant from the Crown.

CORRESPONDENCE RELATING TO

The possession of the land being secured to A., let us now consider the mode in which he may have occasion to deal with it.

1. He may wish to raise money, by selling the whole or a portion of the property.
2. He may be unwilling to sell, and may prefer borrowing money on the security of the land by pledging or mortgaging it to the person who lends him the money.
3. He may wish to leave it to his children.

With regard to the sale of property there is one limitation which may be desirable to place upon the absolute right of the holder of a grant to sell it to the highest bidder. I think, in the infancy of the colony, looking to the very peculiar circumstances under which it has been founded, that it would be desirable to establish as a rule that no allotment or portion of an allotment of land in Norfolk Island should be sold by its possessor to persons not being actual settlers in the colony. There are of course several economical objections to a scheme of this kind; it will of course lessen the value of property, by depriving the seller of the power of taking it to the best market if he cannot sell the land to an alien; he cannot mortgage it or borrow money upon it from an alien, as the pledge to be of any value must include a power of sale.

On the other hand, a limitation of this kind will prevent the possible intrusion upon a society so peculiarly constituted as that of Norfolk Island of persons unwelcome to the community at large.

I do not think that this prohibition will have to be enforced for many years; it will always be in the power of the community to abrogate it should it be found to work injuriously, but, during the infancy of the colony, I am of opinion that it would be wise to enforce it.

To return, then, to the subject of the sale of land, the only difference which I think it desirable to make between the transfer of land and that of any other species of property is the enforcement of a rule, that any transfer or alienation of landed property should be registered.

The same books which contain the record of the gift of the Crown to A. should also contain the record of his transference of it, or a portion of it, to B., and unless thus recorded, no transfer should be considered as valid.

Printed forms of agreement to sell or to mortgage will be provided, and the whole of the proceedings made as simple as possible.

With regard to the right of inheritance, or the rule whereby the succession of children to the property of their parents is to be determined, I should not recommend the imposition of any limitation upon the right of the possessor of property to leave it among his children in such proportions as he might think proper; but should he die intestate, that is, without saying anything as to the mode in which he wished the property to be divided, I think it would be desirable to maintain the rule at present established, that the children should share it equally, without distinction of sex or age.

The same limitation, however, which applies to the sale of land to other than inhabitants, must also apply to transference by deed of gift or by will.

I have acceded to the wish of the inhabitants in granting an allotment of land to some of the old unmarried females; this, however, it must be understood is to be considered an exception to the usual rule, and in case these females should die without leaving any direct heirs, or without bequeathing it by will, the land will revert to the Crown.

Should this scheme in substance be approved of by the inhabitants, I will have the necessary enactments carefully prepared; they can then be submitted for approval and be enacted in the usual form.

(signed) *W. Denison,*

Note.—I have had before me a sort of note of hand or acknowledgment on the part of one of those who has been foolish enough to go to Pitcairn's Island, that he has received the sum of * for which he has given up the allotment promised to him in Norfolk Island. Now I do not admit that a person who leaves the island with the intention of domesticating himself elsewhere has any claim to an allotment of land, and none will therefore be granted to him; and it must be understood that this land is not given to you in order that you may sell it, and thus find money to enable you to move elsewhere, but to induce you to commence a career of steady industry by which only can you hope to live in comfort and respectability; a condition will therefore be attached to the grant, which will make a residence of two years from the 1st January 1850 indispensable.

— No. 9. —

(No. 10.)

COPY of a DESPATCH from Governor Sir *W. Denison*, K.C.B., to His Grace the Duke of *Newcastle*.

Government House, Sydney,
1 November 1859.

My Lord Duke,

(Answered, No. 24, 2d March 1860, page 57).

IN my Despatch, No. 5,* dated 12th July last, addressed to your Grace's predecessor, I stated that I proposed to adopt some simple system of registration, by which the arrangements for the transfer of landed property might be brought within the comprehension of the people of Norfolk Island. I have now the honour to inform your Grace that I have, with the assistance of the Registrar General of New South Wales, devised a scheme, simple in all its arrangements, and have obtained the consent of the inhabitants to its adoption.

I forward herewith a copy of the regulations which, having been assented to by the inhabitants, will now, should Her Majesty be pleased to allow them, become a portion of the law of the island; and by an early opportunity, I propose to send down all the necessary books and blank forms. Mr. Rossiter, the store-keeper, whom I have appointed to act as registrar, will then be in full possession of all the information which he will require, in order to enable him to carry out these regulations.

The grants of land will not issue till the 1st January 1861, there will be ample time for him to communicate with me, and to receive an answer, should any difficulties occur to him.

I will send copies of the various forms as soon as they are completed.

I have, &c.
(signed) *W. Denison*.

Enclosure in No. 9.

PROPOSED Regulations for Regulating the Transfer and Dealings in Land in Norfolk Island.

THERE shall be kept certain registers in Norfolk Island, called "Land Registers," in which shall be entered all transactions of whatsoever nature (except leases for any term not exceeding twelve months) whereby land in Norfolk Island shall be affected; and the person having the custody of these registers shall be called "The Registrar."

2. The registrar shall, at the request of the parties interested, fill up one of the forms, in duplicate, set forth in the schedule at foot of these regulations, applicable to the transaction about to be completed, and which form in duplicate when so filled up, shall be signed forthwith by the parties thereto, and witnessed by the registrar, who shall number the same consecutively, and shall deliver to the person beneficially interested one part thereof, and the counterpart shall remain, and be kept by the registrar in safe custody, and which counterpart shall be evidence of such transaction in all disputes that may arise relative to the land.

3. No instrument affecting land in Norfolk Island (except leases for any term not exceeding twelve months) shall be admitted or be valid, unless issued by the registrar from the books of register.

4. The parties to the transaction, or one of them, shall furnish the registrar with a correct and complete description of the land about to be transferred, or pledged, together with a plan of the same, and the registrar shall enter such description and plan on the form about to be issued, and also upon the counterpart thereof kept on record.

5. Upon any transfer of mortgage or lease, the registrar shall endorse on the register of the mortgage or lease, a memorandum in the form, or to the effect following:—

I, A.B., named in this mortgage (or lease,) have this day transferred all my right and interest therein to C.D., in consideration of 10*l.* paid to me, and I, C.D., undertake to perform all the conditions of this mortgage (or lease.)

and which indorsement shall be signed by the parties to the same, and witnessed by the registrar, and shall thereupon operate as a full and ample transfer, and shall vest all the

rights and remedies in the transferee, who shall be subject to all the conditions in the said mortgage or lease applicable to the mortgagee or lessee.

6. Upon the surrender of any lease, the registrar shall write across the register thereof, the word "Surrendered," with the date thereof, and the parties to the lease, or those having interest therein, shall subscribe such endorsement, and thenceforth the said lease and all provisions thereof shall cease.

7. The registrar shall, upon any mortgage being discharged by the receipt at the foot of the register thereof, being signed by the party entitled to the money secured, erase the same by drawing an ink line across the register of the mortgage, and signing his name thereunder, and shall also erase the entry thereof, and of all transfers thereof from the index.

8. The same powers shall also be exercised in respect of all leases which shall have expired by effluxion of time, or been surrendered as before-mentioned.

9. If any person having any estate in land shall die intestate, the same shall descend to his wife during her life, and after her death, to his children, whether sons or daughters, or both, in equal shares or interests, and if any of the children shall be under the age of 12 years, the registrar shall as curator of intestate estates (if he deem it expedient) sell the land, or the interest therein, and distribute the proceeds in equal shares to such children, or place the same in the hands of some friend or guardian for them, or apply the same towards the support of such child or children.

10. If any person shall die intestate, possessed of any land in Norfolk Island, and shall not leave any widow, or husband, or children, him or her surviving, the same shall go to his or her father and mother, if living, and the survivor of them; and if there shall be no father or mother of the deceased living at the time of his or her death, then the same shall go to his or her brother or sister, or brothers or sisters, in equal shares; and if there be no brother or sister, the same shall revert to the Crown.

11. The registrar shall furnish copies of any of the records upon payment of the fee of 2s. for each copy. The registrar shall, upon requisition, and upon payment of the fee of 1s., give information of all documents issued from his office, whereby the lands of any stated person shall have been dealt with.

12. The registrar shall keep index books of all transactions relative to lands, by which he may ascertain the state of title or interest of any person in any lands on the island.

13. All dealings and transactions in land (except leases for any term not exceeding twelve months) shall be in one or other of the forms set forth in the following schedule, or in such other form as the Governor shall from time to time direct.

14. The registrar shall have power to alter any of the forms to meet circumstances, but so as not to change the effect thereof.

15. It shall not be lawful for any inhabitant of Norfolk Island to sell or alienate in any way the land of which he may have become possessed, to a person or persons who have not received permission from the Governor to reside on the said island.

— No. 10. —

(No. 11.)

Copy of a DESPATCH from Governor Sir *W. Denison*, K.C.B., to His Grace the Duke of *Newcastle*.

Government House, Sydney, 2 November 1859.

My Lord Duke,

(Answered No. 25, 3 March 1860, page 58.)

IN my Despatch No. 1,* dated 22d January last, addressed to your Grace's predecessor, on the subject of the changes required in the laws and regulations for the government of Norfolk Island, I submitted certain modifications of the existing regulations which appeared to be called for by the remarks made upon them by Sir F. Rogers in a letter to Mr. Merivale, forwarded in a Despatch, No. 1 † dated 16th July 1858. These, with a slight modification in the 1st clause of the regulations, were approved by the Secretary of State in a Despatch, No. 5, ‡ dated 4th May 1859, and I have now to report that the proposed alterations have been submitted to the inhabitants, and having been approved of by them have become part of the laws of the island.

I forward herewith a copy of the regulations as amended, and I trust that for some time to come these simple enactments, combined with those relative to the registration of land which I have submitted in a Despatch forwarded by this mail, will be a sufficient code for the regulation of the inhabitants.

I have, &c.
(signed) *W. Denison*.

Enclosure in No. 10.

Laws and Regulations for Norfolk Island.

WHEREAS by an Order of the Queen in Council, dated 24th day of June 1856, power was given to the Governor of Norfolk Island to make laws for the order, peace, and good government of the said island; And whereas it was further ordered by Her Majesty in Council, that until annulled by competent authority, all laws, ordinances, and regulations—civil and ecclesiastical—which may be in force within the said island, at the time of the proclamation of the aforesaid Order in Council, shall continue in force, subject only to such changes as shall be necessarily consequent on the changes of government: Now, therefore, I, William Thomas Denison, Knight Commander of the Most Honourable Order of the Bath, Governor General of Her Majesty's Australian Colonies, Captain General and Governor-in-Chief of New South Wales and its Dependencies, and Governor of Norfolk Island, do, in pursuance of the power vested in me, declare and enact as follows:—

1. All laws, ordinances, and regulations, which have been and are in force within the island called Norfolk Island, are hereby repealed and annulled, so far as the Governor is competent to repeal them.

2. The executive Government of Norfolk Island, during the absence of the Governor, shall be vested in a chief magistrate and two assistants or councillors, to be elected annually by the community as hereinafter directed.

3. The chief magistrate must be a resident on the island; he must be in possession of a landed estate therein; and he must have attained the age of twenty-eight years.

4. The Councillors must be resident on the island, and must have attained the age of twenty-five years.

5. The election of the chief magistrate and councillors shall take place on the day after Christmas-day in each year, unless that day should fall on a Sunday, in which case the election will take place on the Monday following.

6. Every person who may have resided upon the island for six months, who has attained the age of 20 years, and who can read and write, shall be entitled to vote at the election of the chief magistrate and councillors.

7. The chaplain shall preside at the election, and shall open the proceedings with prayer; in case of an equality of votes for two candidates he shall be entitled to give a casting vote; he shall not himself be eligible for the office of chief magistrate or councillor.

8. The election of the chief magistrate and councillors will be notified to the Governor with the least possible delay, and commissions under the Great Seal of the colony will be issued to them, authorising them to act as magistrates in carrying out all laws and ordinances. It is, however, to be understood that the chief magistrate and councillors, when duly elected, will be fully authorised to act as magistrates, pending the receipt of their commissions.

9. The chief magistrate and the councillors will enter upon the duties of their office on the first day of the year, on which day the chaplain will administer to each of them, in the presence of the people, the oath of allegiance and of office, as hereinafter specified.

10. The chief magistrate will see that all the laws and regulations of the island are properly carried out; he will carry into effect all the instructions he may receive from the Governor; he will convene and preside at all public meetings, with the exception of that for the election of magistrates; he will receive and account for all fines that are imposed; he will superintend the execution of all public works; he will correspond with the Governor during the absence of the latter from the island; and he will be the medium through which all the public business of the colony will be conducted. All purchases on account of the public will be made by him, and he will keep an accurate account of the receipts and expenditure of the public funds.

11. The councillors will assist the chief magistrate with their advice, when called upon to do so; they will attend at all public meetings, and will take notes of the proceedings, the record of which, when entered in a book provided for the purpose, will be verified by their signatures, and that of the officer presiding.

12. Should the chief magistrate die, or otherwise become incapable of performing the duties of his office, the senior councillor will act as chief magistrate till the next election, even although he should not be of sufficient age to offer himself as a candidate for the office.

13. The Governor, or in his absence the chief magistrate, will, in cases where he may conceive the public good to be involved, have a right to summon to his assistance any or all of the inhabitants of the colony; this summons must be immediately obeyed, under penalty of a fine, the amount of which will be determined by the chief magistrate and his councillors, or, should their decision be appealed against, by a jury.

14. Should it appear to the chief magistrate that any change in, or addition to the laws or regulations of the island are required, he will first consult with his councillors, and should it appear to the three, or to a majority of the three, that such a change or addition is advisable, notice will be given to the community of the intention of the chief magistrate to submit such change or such new rule for their consideration at a public meeting to be held within 14 days of the date of the notice.

15. At such public meeting, the nature of the proposed change or addition, and the reasons for it, will be explained to the meeting by the magistrate and councillors, and the

people present will be invited to express their opinion upon it. After the explanation and discussion, the persons present will be called upon to vote for or against the proposition, and a list of the number in favour of or against the measure will be recorded on the minutes of the proceedings.

16. No repeal of any law or regulation will be valid until confirmed by the Governor; but a new law or regulation may be acted on, when it has been approved of by a public meeting, without such confirmation, should it refer to a subject of immediate importance. In all cases the record of the proceedings of public meetings, whether for the repeal of old laws or the enactment of new, will be forwarded to the Governor, with as little delay as possible, for his confirmation or approval.

17. The chief magistrate will have primary jurisdiction in all matters of dispute, whether between the inhabitants of the island themselves, or between them and such persons as may visit the island, and whether such dispute should have reference to offences against the person, or to questions of property, he will adjudicate between the parties to the best of his judgment, and strive to induce them to come to an understanding.

18. Should his efforts be unavailing, he will call for the assistance of his councillors, and the whole case will be gone into before the three magistrates, a record of their proceedings being kept. The decision of the magistrates shall be final, in all cases where the property at issue does not exceed 50s. in value, or in cases of common assault, when they are empowered to inflict a fine not exceeding 10s.

19. Should the case be of a more serious character, and should the parties be unwilling to submit to the adjudication of the magistrates, a jury consisting of seven elders will be summoned, and the whole case having been submitted to them, their decision will be final.

20. The power of the jury will extend to the decision of all questions of disputed property, of all cases of theft, and of aggravated assault, if not accompanied with danger to life or limb; but all offences of a more serious character will be reserved for the consideration of the Governor, a full statement of such cases, as investigated by the magistrates, will be forwarded to the Governor, with as little delay as possible, who will give the necessary directions with reference to them.

21. The jury will be entitled to receive an allowance for the number of hours during which they may have to sit, the hour being considered equivalent to one-eighth of a day's work.

22. The expenses of the witnesses whom it may be necessary to summon will be paid at the same rate.

23. The punishment which a jury is competent to award will be limited to a fine, the amount of which will not in any case exceed 10*l*. The offender will have the amount of the fine recorded against him, and will be called upon to liquidate it, either by a direct payment in money or produce, or by so many days labour upon any public work.

24. In all cases of dispute between individuals, the jury will decide which party is to pay costs.

25. When the offence committed is of a public character, the guilty party shall pay all costs, in addition to any punishment which the jury may award; should, however, the party accused be declared innocent, the expenses shall be paid out of the public funds.

26. In case of any wilful damage done to property, it will rest with the jury to decide whether, in addition to payment for the damage done, a fine should not be imposed; the amount of such fine will not exceed 40*s.*, and the whole amount will be paid into the public chest.

27. In cases of assault, or more generally of offences against the person, it will be competent to the jury in awarding the punishment, to appropriate a certain proportion of the fine, not in any case exceeding one-half, to the aggrieved person.

28. The chief magistrate will keep a list of all males who shall have arrived at the age of 25 years; these persons shall be termed elders, and from these the juries shall be selected as hereinafter directed.

29. When a jury has to be selected, tickets containing all the names of the elders will be placed in a bag, from which seven tickets will be drawn by the chief magistrate, in the presence of the councillors and the parties in the case. The seven elders whose names have been thus drawn will form the jury. Should any objection be raised by either of the parties to the name of any of the jury, the reasonableness of such objection will be decided by the chief magistrate and councillors; and, if affirmed, other names will be drawn from the bag to complete the number of the jury.

30. Any person refusing to serve on a jury, without reasonable cause shown, shall be fined 10*s.*

31. It will be competent to the Governor, and to him only, to remit such portions of the fines imposed as may be payable to the public chest.

32. All persons will send their children to school when they have attained the age of six years, and from that time will cause them to attend regularly till they have reached the age of 14 years. The hours of attendance being from 9 A.M. to 2 P.M. every day, except Saturdays and Sundays; no excuse for non-attendance will be admitted, except sickness or family bereavement; and with regard to sickness, if it should be alleged as an excuse for more than two consecutive days, the chaplain must certify to the fact. A fine of 6*d.* per diem will be imposed upon every child whose absence from school is unauthorised.

33. A payment of 10*s.* per annum shall be made by parents or guardians for every child who is of an age to attend school; this amount shall be collected by the chief magistrate.

trate, and paid without deduction to the schoolmaster, to whom, also, all the fines for non-attendance shall be paid.

34. Care will be taken to secure the services of a properly qualified schoolmaster, who will be placed under the general superintendence of the chaplain.

35. No beer, wine, or spirituous liquor of any kind shall be landed upon the island, except such as may be wanted for medical purposes, and this will be placed among the other medical stores in charge of the chaplain, to be issued by him at his discretion; all issues to be noted in the register.

36. Should any beer, wine, or spirits be landed, or found in possession of any person on the island (whether such person be an inhabitant of the island or a visitor), the vessels containing the same will be immediately destroyed, and the contents thrown away; the person in whose possession these articles are found will be liable to a fine of 40s.

37. Any person convicted before a magistrate of using obscene or profane language shall pay a fine not exceeding 40s., or less than 5s.

38. Any person convicted before a magistrate of bearing false witness, or slandering another, shall pay a fine not exceeding 40s., or less than 5s.

39. In all cases where the magistrates or a jury have sentenced an offender to pay a fine, the parents or guardians of such offender, should his age not exceed 15 years, shall be liable for the amount of the fine.

40. All offences not determinable by the magistrates, or by a jury of seven elders, as prescribed by the laws and regulations made by the Governor on the 14th October 1857 shall, until otherwise provided for by proper enactment, be dealt with in accordance with the laws now in force in New South Wales, so far as these may be applicable. The persons committing such offences shall be tried on Norfolk Island, by a court constituted, and a jury composed and summoned as the Governor shall appoint, and with such forms of procedure as he shall establish.

FORM of OATH to be taken by the Chief Magistrate and Councillors before admission to Office.

I, *A. B.*, do swear that I will bear true allegiance to Her Majesty Queen Victoria, and that I will, to the best of my ability, perform the duties of [*chief magistrate, or of councillor and magistrate, as the case may be,*] of Norfolk Island. So help me God.

W. Denison.

— No. 11. —

(No. 1.)

COPY of a DESPATCH from Governor Sir *W. Denison*, K. C. B., to his Grace the Duke of Newcastle.

Government House, Sydney,
28 February 1860.

(Answered, No. 2, 21 May 1860, page 60.)

My Lord Duke,

I HAVE the honour to acknowledge the receipt of your Grace's Despatch, No. 37*, dated 14 November 1859, enclosing a copy of a letter from the Secretary of the Treasury on the subject of the instructions issued by me to Mr. Rossiter, as storekeeper at Norfolk Island, in which, after a general approval of these instructions, it is suggested that I should be informed that the charge for the salary of the chaplain, and for the ordinary expenses of the Colony, should be contingent upon the state of the finances of the island.

I stated generally in my Despatch, No. 6, that the arrangements explained in my Despatch, No. 4,† would secure a sufficient fund for all the expenses of the Colony, and in order to prove to your Grace that I was justified in making such an assertion, or rather in expressing such a hope, I will enter a little more into the details of these arrangements, and explain how they are likely to work.

By the instructions to Mr. Rossiter, he was told to keep the sheep as public property, and to increase the number gradually to 2,000. The net value of the clip of the existing flock for the year 1859, deducting freight and all charges, was 184 l. 15 s., and this amount has been paid into the bank to the credit of the Government of Norfolk Island. A portion of this sum will be expended in stores, which, when sent to Norfolk Island, are sold to the inhabitants at an increase of 10 per cent. upon the invoice price, so that, in point of fact, a portion, at all events, of the annual revenue is returned to the Government, with an increase of 10 per cent.

CORRESPONDENCE RELATING TO

I have every reason to believe that there will be a steady increase in the annual income arising from the wool, and that as a proportion of this is returned to the Government with interest, there will be an increasing fund available for such purposes as may hereafter appear to require any special outlay.

I have not the least idea that any expense, beyond the payment of the salary of storekeeper, will for the future be incurred, or that any claim for assistance from Her Majesty's Government will be made beyond, perhaps, that which the Lords Commissioners of the Admiralty might grant by the issue of a portion of the stores required for the rigging and fitting of a schooner, to be manned by the islanders, in which their produce may be conveyed to a market, and stores, &c. brought to the island.

The enclosed statement of the account of the Government of Norfolk Island with the Oriental Bank will bear out what I have said as to the flourishing state of the revenue of the island. I hope soon to be able to send home a detailed statement from Mr. Rossiter of his accounts up to the end of 1859.

I have, &c.
(signed) *W. Denison.*

Enclosure in No. 11.

The Government of Norfolk Island in Account current with Oriental Bank Corporation, Sydney.

Dr.

Cr.

1859:		£. s. d.	1859:		£. s.
3 August	To cash paid to Assistant Commissary-General Macaulay, in payment of money advanced for purchase of agricultural implements - - - -	163 9 10	12 July and 10 August	By balance of account paid in by Messrs. Buchanan & Co. - - - -	443 4
19 Sept.	To Walker, for horses left on island - -	30 - -	23 August	By sale of wool, tallow, &c., the clip of 1858 - - - -	271 15
28 "	To Buchanan & Co. for stores sent down by "Niger" - - - -	428 5 3	28 Sept.	By discount on payment for stores - -	4 3
10 October	To Sheriff & Co. for treasury box - -	5 10 -	1860:		
24 February	To Buchanan & Co. for stores - - - -	189 15 -	5 Jan.	By money transmitted from Norfolk Island, by Mr. Rossiter, being payments by islanders for stores - -	213 4
24 "	To F. Cunningham, for printing registers of deeds of grant, transfers, &c. - -	34 10 -	16 "	By produce of bill drawn upon Pitcairn Island Committee for balance in their hands - - - -	196 - 1
27 "	To balance - - - - -	465 1 9	19 "	By cash received from Buchanan & Co., being net proceeds of wool, the clip of 1859 - - - -	184 15 -
			25 "	By discount upon payment of bills for stores - - - -	3 9 -
		£. 1,316 11 10			£. 1,316 11 10
			27 Feb.	By balance - - - - -	£. 465 1 9

E. & O. E.

— No. 12. —

(No. 3.)

COPY of a DESPATCH from Governor Sir *W. Denison*, K.C.B., to his Grace the Duke of *Newcastle*.

Government House, Sydney,
25 June 1860.

(Answered, No. 3, 18 Nov. 1860, page 60.)

My Lord Duke,

I HAVE the honour to acknowledge the receipt of your Grace's Despatch marked "Norfolk Island," No. 1,* and dated 11th April last, transmitting copies of the correspondence between the Board of Treasury and the Colonial Office with reference to the estimate to be submitted to Parliament on account of Norfolk Island, and directing me to endeavour to prevent any further demand on the Imperial Treasury on account of the Pitcairn Islanders.

The estimate in question includes, I think, every item upon which any expense has been incurred, and I will take care that no future demand is made upon the Imperial Treasury, with the single exception of that for the salary of the schoolmaster, who is also, I may remark, the storekeeper, and who has in charge all the property out of which any revenue can arise.

I believe Mr. Rossiter's services will be most useful to the community. He is now employed not only in teaching the children, but in preparing some of the young men to officiate in his place when he is removed, or may think it advisable to leave the Island.

It is obvious that a small community, consisting of 40 or 50 families, could not procure the means of paying an income of 300 *l.* per annum to the schoolmaster, and of providing at the same time for other items of legitimate expenditure. When, however, individuals forming part of the community itself are competent to undertake the office of schoolmaster, the salary may be so reduced as to bring it fairly within the means at the disposal of the Government.

I trust, therefore, that Her Majesty's Government will continue to Mr. Rossiter the salary to which he is entitled by his agreement, for the full period of the three years for which he was engaged. This period will expire about the end of January 1862, by which time I hope he may either see his way so clearly as to be induced to settle permanently on the Island, or, should this not be the case, have fitted some of the young men to take his place as schoolmaster.

I have, &c.
(signed) *W. Denison*.

— No. 13. —

(No. 1.)

COPY of a DESPATCH from Governor the Right Honourable Sir *John Young*, Bart., K.C.B., to his Grace the Duke of *Newcastle*.

Government House, Sydney,
13 November 1861.

(Answered, No. 1, 26 March 1862, page 64.)

My Lord Duke,

I HAVE the honour to acknowledge the receipt of your Grace's Despatch No. 45*, of date 31st July last, transmitting a copy of the estimate submitted to Parliament for the Pitcairn Islanders, and intimating your Grace's view that the vote for the salary of the schoolmaster will probably be required again next year, but that it is not proposed to submit any other demand to Parliament.

The continuance of the schoolmaster and storekeeper's (Mr. Rossiter's) salary beyond the date now mentioned, that is, July 1862, and until I can make further inquiry and inform myself of all circumstances by a visit to the Island, seems to me very necessary and desirable.

The Parliament of New South Wales is now in Session, and it is not likely that the public business will be sufficiently advanced to allow of a prorogation before Christmas, or even a month later. I cannot therefore absent myself from Sydney so as to visit Norfolk Island for two or three months. The visit,

going and returning, will occupy, say a month. I could not, therefore, possibly furnish a report in time for next year's Estimates, in which, however, I trust authority will be taken for continuing the schoolmaster's salary.

I have looked carefully over the public accounts of the Island, the receipts and expenditure for the last three years.

The revenue is scanty, derived as it is from the wool and increase of a flock of about 2,000 sheep, the sale occasionally of a few head of cattle to whalers, and a small profit on the articles supplied to and sold from the store. The expenditure includes 50 *l.*, the chaplain's salary, medicines for the community, the purchase of agricultural instruments, the maintenance of various public buildings, and a partial repair of roads, and is scarcely covered by the receipts. However, the clip of wool for this year has lately come to market, 13 bales producing 184 *l.*, and there is a balance in hand to the credit of the Island; so that unless some unforeseen necessity arises, I think I am warranted in hoping that, with the exception of the schoolmaster's salary, the finances will prove sufficient to meet the demands upon them for the ensuing year without trespassing on the generosity of the British Government.

I have, &c.
(signed) *John Young.*

22d November 1861. — Since the foregoing was written, your Grace's Despatch of 19th September last, No. 55,* with its enclosures, has come to hand. In reply, I beg to state that I will make a point of visiting Norfolk Island, and affording the required detailed information so soon as I find myself released from the necessity of staying in Sydney, by the close of the Session of Parliament. The steady and rapid progress of business in the Chambers during the last fortnight opens the prospect that such release may be afforded about Christmas.

J. Y.

— No. 14. —

(No. 30.)

COPY of a DESPATCH from Governor the Right Honourable Sir *John Young*, Bart., K. C. B., to his Grace the Duke of *Newcastle*, K. G.

Government House, Sydney.
20 March 1862.

(Answered, No. 43, 8 June 1862, page 64.)

My Lord Duke,

COMMODORE SEYMOUR having offered to take me in Her Majesty's ship "Pelorus," and the state of the public business, and the general tranquillity prevailing, admitting of my absenting myself without apparent risk from this Colony for a fortnight or three weeks, I have decided on setting out this evening on a visit of inspection to Norfolk Island, according to your directions.

2. The Colonial Ministers, after much deliberation and many objections (ultimately withdrawn) to my going at all, have decided that it will be more convenient for the public service not to treat this visit as an absence from the Colony requiring formal notice, but to hold in abeyance the powers conferred by the terms of my commission on the senior military officer, and only to resort to them should my absence be protracted by any accident, or a necessity arise within the Colony for their exercise.

I have, &c.
(signed) *John Young.*

-- No. 15. --

(No. 1.)

COPY of a DESPATCH from Governor the Right Honourable Sir *John Young*, Bart., K.C.B., to his Grace the Duke of *Newcastle*, K.G.

Government House, Sydney,
10 May 1862.

(Answered, No. 67, 8 Sept. 1862, page 65.)

My Lord Duke,

With reference to your Grace's Despatch of 19th September 1861,* I have the honour to state that last month the desired opportunity was afforded me of visiting Norfolk Island, and I proceeded thither in pursuance of your instructions for the purpose of supplying explicit answers to the questions of the Board of Treasury, respecting the continuance of Mr. Rossiter's employment.

2. Having made minute inquiries on the spot, and bestowed great pains on a careful review of the position of the Pitcairn islanders on Norfolk Island, and on all the circumstances of the case, I beg to report as follows:—

3. Question 1st. As to what extent Mr. Rossiter's continuance on Norfolk Island is really valuable to the islanders?—It appears to me that unless all that has been done in the past is to be allowed to lapse, and the experiment abandoned as a failure, it is indispensable to continue Mr. Rossiter's services for some years to come. He is the only schoolmaster in the island, and he has not yet had time to prepare any pupil to take his place. Some years hence, such a successor may be found amongst the children now growing up, but certainly none exists at present. Upon the school must be placed the main dependance for preventing these interesting colonists from relapsing into the listlessness which the climate and the abundance with which they are surrounded are so apt to superinduce; without it there might ensue a complete forgetfulness of the habits and pursuits of civilised life. It is well conducted by Mr. Rossiter, and well attended by the pupils. Indeed, the attendance though cheerfully afforded is compulsory, enforced by a system of fines, which are punctually levied.

EXTRACT from Statement by Mr. *Rossiter*.

"There are 66 children on the school register, and all in regular attendance; school hours from 9 a.m. to 2 p.m. The children either play or work from 11 to 12 o'clock. Children who are absent without leave, are fined 6*d.* for each day they are absent; only sickness and family bereavement are sufficient excuses for absence. Children attend from six to 14 years of age, but nearly all remain to a greater age. Jemima Young teaches the girls sewing two hours each day, taking half the number of girls on alternate days, for which she receives 15*l.* per annum.

"6 Children read fluently; can do fractions, decimals, and other rules; parse readily; write from dictation, &c.

"3 Children read as above; work compound rules and fractions; write from dictation; parse, and learn geography.

"10 Children read easier books. Compound and simple rules; write on paper.

"11 " " " Simple rules, write copies, and dictation on slates.

"18 " " " Learning to write on paper.

"18 " " " The elements of reading and writing."

In addition to the tuition which Mr. Rossiter imparts in the school, he sets an excellent example as a horticulturist. He cultivates in his spare time with his own hands, and the aid of occasional hired labour, which he pays for himself, nearly two acres of garden-ground attached to the Government House. They form the only plot on the island thoroughly clean and free from weeds. There is now in the ground a flourishing crop of arrowroot. Mr. Rossiter was the first to try this plant, and it will prove a lucrative and marketable addition to the

crops in the island, for when properly prepared and packed, it can be kept for transmission to a foreign market.

Mr. Rossiter makes use of the plough, and is as yet almost the only person who does so, though its use is a great saving both of time and labour. The example he sets in this respect will no doubt gradually find followers, and work improvement. He undertakes, without additional salary, the care and superintendence of the Government property.

Sir William Denison, as stated in his Despatch of 11th July 1859,* thought it expedient to resume the sheep and a portion of the cattle, and establish a marked and precise line of demarcation between public and private property, with the view of preventing improvidence and waste, and of creating a fund for several specified and necessary public purposes, such as repairs to the church, school-house, Government House, cemetery, the payment of the Rev. Mr. Nobb's salary, the providing medicines, &c. In these various capacities Mr. Rossiter's services are of great utility, and they are rendered with intelligence and acceptably to the people. He is on good terms with all the islanders, and both the Rev. G. Nobbs and the chief magistrate, bore testimony to his merit and assiduous discharge of his duties.

4. Question 2d. As to what period Mr. Rossiter ought to remain, in order to ensure that what he has already done may not be thrown away?

I should recommend six years and a half more, which, with the three years and a half he has already been on Norfolk Island, will make 10 years from his first landing.

5. Question 3d. Whether any effectual inducement to remain, in the way of a grant of land or otherwise, could be afforded to him in lieu of the whole or a part of his present salary?

I do not think that any effective inducement to remain could or ought to be offered to Mr. Rossiter, in the way of a grant of land or otherwise, in lieu of the whole or a part of his present salary. No other means are available except a grant of land, and a grant of uncleared land, however fertile, is of little value where no regular and certain market exists for any species of produce, and where the probability of sale depends upon the chance arrival of whalers. Besides, the paying Mr. Rossiter with an allotment of land would, in all probability, draw away his attention from his school and official duties. Uncleared and untilled, the land would be worthless. Mr. Rossiter, to make it worth anything, must clear and till it with his own hands, in which case his time and thoughts would be devoted to it, and the apparent saving more than counterbalanced by the loss of efficient service.

It may be right to state that Mr. Rossiter's emoluments consist of—salary, 300*l.* a year, the use of a house, or rather rooms, sparingly, but sufficiently furnished, and something less than two acres of garden ground, which he ploughs and plants with his own hands. His labours thus place a model farm in view of the community, a very great desideratum under the peculiar circumstances.

In England Mr. Rossiter was in receipt of 150*l.* a year salary, with a house, coals, candles, and two acres of land, equivalent to 30*l.* a year; that is, 180*l.* in all; so the removal from home, the great distance, and other drawbacks taken into view, Mr. Rossiter is not too highly paid, and it would not be easy to find another person so well suited for the position, uniting, as he does, the qualities of an efficient teacher to those of an active practical farmer.

6. Question 4th. Whether any reduced contribution from Imperial funds, to last for a certain definite period, might elicit from the islanders an offer of such additional remuneration as might be sufficient to retain his services in the island?

The islanders are too poor to afford any aid apart from the public revenue, of whose disposition I will speak presently. The income of the whole community of 280 persons last year was less than 1,000*l.*, or less than 4*l.* a head. It consisted of about 700*l.*, the proceeds of oil sold, 300*l.* obtained for sweet potatoes, poultry, fish, and meat sold to Her Majesty's ships or to whalers. Out of these amounts the people have to provide their own boats, gear, &c., for the whale fishery, and all articles of dress, sugar, salt, flour (the island will not grow wheat), and whatever tools they require. I was informed they could not do more than pay the school fees and fines on non-attendance. No part of these

fees goes to Mr. Rossiter; 15*l.* a year are paid to a mistress, who instructs the girls in needlework, and the rest is spent in books, prizes, and the various requisites for the school.

7. I trust that, with these facts before them, Her Majesty's Government will be inclined to continue Mr. Rossiter's salary of 300*l.* a year for six years and a half more, so as to make it a total period of 10 years. I hope, by a scrupulous and economical management of the small public revenue of the island, to be able to meet all the other public requirements, keep the few buildings before mentioned in repair, furnish decent aid to the public worship, and duly supply the other humble wants of this unambitious community.

8. Having now given, as I hope, sufficiently explicit answers to the questions proposed, I beg leave to add some explanations, the result of the conversations I had with the various authorities, and the detailed examination I made in Norfolk Island.

9. I inspected every inhabited house in the settlement, and made excursions in various directions, so as to inform myself of the state and capabilities of the island. It is most fertile, but nearly in a state of nature. The bush consists in great part of lemon trees and guavas, loaded at the time of my visit with a profusion of fruit, which another month would fully ripen. There are vast quantities of the stately pines, which take their name from the place, some of very great size and remarkable beauty.

10. I carefully considered the regulations framed in pursuance of Her Majesty's instructions by Sir W. Denison, in accordance with those which prevailed at Pitcairn's Island, and left them without alteration, except in the trifling respect stated in the supplementary instruction to Mr. Rossiter (Enclosure, No. 1).

It seemed desirable to give the chief magistrate the command of a small sum to spend on the pier and roads; the total amount arising from fines and the royalty on timber will scarcely exceed 30*l.*

11. No. 2 contains the questions submitted by the chief magistrate, and I enclose it for your Grace's consideration, as conveying a true picture of the topics of public interest in this primitive society; it also evinces views by no means to be contemned of the best mode of turning the advantages of the situation to account.

12. No. 3 is a list of queries put by Mr. Rossiter, and the directions I gave for his guidance.

13. No. 4 is the information afforded by Mr. Rossiter in answer to my queries; it furnishes a report on the buildings, a list of implements and stock, the statistics of the school, and a statement as to the land in cultivation.

14. In partial explanation of these documents, I shall now proceed to subjoin a few comments upon the more prominent matters.

15. HARBOUR OPENING THROUGH REEF.

The greatest disadvantage under which the islanders labour, and the worst impediment to the calling forth their exertions, and turning to proper account the profusion of resources with which the land and sea teem around them, is the want of a port, or of anything resembling a port. There is no safe anchorage or shelter for a vessel in stormy weather. Ships are obliged to lie off and on, and boats land through the surf as they best can, when it is possible to land at all.

The chief magistrate suggested a plan to remedy this grievous inconvenience; a glance at the accompanying tracing will show what he contemplates: A.A. is the water within the reef, with a little bay to the east (Emily Bay), sheltered by the promontory B. Inside, the water is about 10 ft. deep; at C. the reef is much narrower, not half the width it is at other places, and there is one small passage or channel of deep water through which in calm weather a whale boat can pass; but the opening is not wide enough to prevent the surf from breaking, as it does, all along the line of the reef. The project of the chief magistrate, which the mason, an intelligent man, one of the tradesmen sent in accordance with Sir W. Denison's suggestion, says he can execute, is to remove by blasting

this narrow portion of the reef, and make an opening 30 yards wide and 10 feet deep, through which a small vessel could safely find its way into the sheltered harbour A. A. If this could be effected, it would certainly change the whole aspect of affairs, open communication with New Zealand and Sydney, and give a value and incentive to the industry of the islanders which it does not now possess. I directed the chief magistrate and Mr. Rossiter to have the reef carefully examined and measured, and the depth of water sounded. Great facilities exist for this preliminary survey, for the islanders, male and female, are most accomplished swimmers and divers; if there should appear a probability of accomplishing the work at a cost of anything less than 200 *l.*, I will have it attempted, as that sum is within the compass of the public revenue. I will not engage in it however without advice from a competent engineer.

16. THE CHAPLAIN.

The Rev. G. Nobbs is anxious that his son should be trained, and take orders, for the purpose of succeeding him as clergyman over the flock, amongst whom he has so long lived and moved, and passed his useful and praiseworthy being. The father will complete his 62d year next October, but his spare frame and temperate habits hold out the promise of efficiency for years to come. It is not improbable, if your Grace approves of the plan, that I shall be able to procure for the son the necessary tuition and admittance to Holy Orders here, through the good offices of the Bishop of Sydney, at no very great cost, or at a cost which can be defrayed from the public funds of the island. The doing so would certainly be the most economical as well as efficient mode of providing a pastor for the Pitcairners, one who would have a natural interest in them and their concerns, understand their wants and habits, and not feel the separation from other ties, so as to be tempted to leave the post.

17. PENSION TO CHAPLAIN.

The Rev. G. Nobbs receives 50 *l.* a year from the public fund of Norfolk Island, and 50 *l.* from the Church Missionary Society; the latter payment would probably cease in case of his being obliged by infirmity or old age to retire from the active performance of his duties. But Sir W. Denison suggested that the 50 *l.* a year which Mr. Nobbs receives from the island fund, should in such event be continued to him for his life. I beg leave to adopt and present this suggestion afresh for consideration in the contingency mentioned. No provision for declining years after a life of meritorious exertion seems to me to have ever been better merited. Mr. Nobbs first served in the British navy, and then entered that of Chili, under Lord Cochrane. He took part in the desperate action which resulted in the capture of the "Esmeralda," a renowned feat of skill and daring. At the conclusion of the war, the Chilian Government very summarily dismissed all the foreigners in their service. Mr. Nobbs found himself without profession, and without resources, and with a single companion set sail for and landed on Pitcairn Island. Instead of sinking into habits of idleness and indulgence, as many might have done under the circumstances, and in such a climate, he set himself to work in the course which he has up to this time diligently pursued, as the guide and Christian instructor of the islanders, to his own great praise, and their inestimable advantage.

18. PUBLIC REVENUE.

The goats and swine are private property; all the sheep and a portion of the cattle are public. The people are anxious that the public cattle should be destroyed, that is, sold and got rid of, and it will be well to gratify their desire in this respect. The cattle are increasing too rapidly, quite out of proportion to the wants of the community, and the effect of this is to induce a competition for sale to the whalers, between the public and private proprietors. This is complained of, and as the rivalry tends to diminish a motive to exertion in the care of the cattle, I think the competition had better be withdrawn, and have given directions accordingly for reducing the wild herd.

19. As to the sheep, they belong to the public, and are under Mr. Rossiter's care; they are fine, strong, healthy looking animals, but they are suffered to roam over the island, are difficult to collect from the bush for shearing or selection

tion for sale, and at the last enumeration proved to be many hundreds short of what was expected. In order to check further decrease, and promote an augmentation of the numbers, so as to provide a public revenue adequate to meet all probable calls upon it, say 600 *l.* a year, I directed that the ewes should be separated from the wethers, that enclosures should be made, and a more regular and constant supervision practised. The number of sheep is now about 1,700, producing 250 *l.* a year. If in three or four years the number could be augmented to 4,000, we might reckon on a revenue (wool and sheep sold) of 600 *l.* a year, which would sufficiently cover the present and contemplated, expenditure, say as follows:—

	£.
Rev. G. Nobb's salary, or if pensioned, pension - - -	50
Salary to future chaplain - - - - -	50
Repairs to Government buildings next year - - -	70
Medicines, requisites for Divine Worship, care of sheep, pay to boats' crews communicating with ships of war, flags, &c., &c., every year - - - - -	60
Future schoolmaster.	
A surgeon (of this hereafter).	

The pier can hardly be kept in repair by the islanders, and will require a rate in aid.

Operations on the reef, if found feasible on inspection by a competent engineer.

Ten good rams; next and following year—five each year.

20. INTRODUCTION OF SETTLERS.

Sir William Denison advocated the introduction of a few good mechanics. A mason and a miller have been placed upon the island, but there is nothing for them to do, and no means by which they can teach the islanders by practice and example. Certainly in these two instances a good selection was made. Their houses are the cleanest and best-furnished in the settlement, themselves and their children the neatest and best-dressed to be seen at church or in the school; but they are not contented. They hear and read of the high wages obtainable in Australia and New Zealand, while they are languishing in inactivity and without reward. It is impossible that this class of persons could be satisfied with such a situation and such prospects. It is idle, therefore, to calculate on their remaining permanently, or on their doing much good to others while they do remain. They cannot be expected to make so great a sacrifice, and even if they did, their being unemployed as necessarily they must be, whilst things continue as they are, disables them from imparting any knowledge of their art to those around them.

21. If occasionally a well-behaved European sailor, or young man acquainted with the practical details of garden husbandry, should elect to settle on the island and marry there, admittance might, I think, be advantageously granted in such cases; and if some gentleman of the medical profession, with a wife, were inclined to take up his abode in Norfolk Island, it would be very desirable to offer him the inducement of a free house and a grant of land. At present there are no means of paying a salary; but if the sheep can be increased, as I contemplate, to 4,000, then probably 80 *l.* or 100 *l.* a year might be forthcoming to remunerate so useful a functionary, whose presence would be of infinite service to the people, and prove an inducement to call, in case of need, to the whalers frequenting the Pacific in the adjacency. Such additions to the colony as these are, in my opinion, the only ones needed, and the only ones which can be properly encouraged; they would assist and vivify the perhaps too easily satisfied and inert community, direct it in right paths, and prevent the race, if it has any such tendency, from deteriorating.

22. PROPOSED MELANESIAN COLLEGE.

I trust your Grace will be inclined to agree in the adverse view which I take of the proposition to introduce a Melanesian College into the Island. Sir W. Denison strongly objected to almost the identical plan when urged some years ago by the Bishop of New Zealand. I cannot conceive anything more likely

to demoralise the population and turn it from the higher type of race it now assumes back to that of mere South Sea savages. Looking to the simplicity and inexperience of the young girls, their early maturity and the impulses of the climate (impulses which are sadly effective on girls almost children in Sydney, and the theme of frequently-expressed sorrow at public meetings), I cannot but think that the introduction of a number of half-savage youths at the period of life when their passions are least under control would be in the highest degree pernicious, and indeed fatal to the prospects of the community. I respectfully but earnestly urge its rejection.

23. It may be said that the proposal of establishing a College, &c. has been submitted to the inhabitants, and that they are inclined to adopt it. But I beg leave to point out that it seems a strange proceeding to submit a proposition of so grave a nature to these simple people without the least intimation to the Governor, though his predecessor was known to have objected to a similar plan on a former occasion; and as to the acquiescence of the people, they are so simple and so timid that they would not venture to say "no" to anything anybody in the garb of a clergyman, naval officer, or any apparent English authority might choose to suggest.

24. When the subject was mentioned to me, and I expressed doubts upon it, Mr. Nobbs and others at once stated their apprehensions as to its evil tendency, and said they were only inclined to favour it because they were promised that, as a consequence, a regular and constant communication should be opened for them with Auckland—a bribe not very likely to be paid in full.

25. STATE AND PROSPECTS.

On the whole, I am clearly of opinion that as large a measure of success has attended the removal of the Pitcairn Islanders to Norfolk Island as could well have been expected. The people are perhaps not much given to steady and continuous labour; but, on the other hand, it must be recollected, the climate indisposes to exertion, and they have not the stimulus of want to prompt them to toil, nor the demands of a market to awaken their cravings for gain. The few acres they cultivate supply them abundantly with sweet and other potatoes, and leave a large surplus for sale to whalers; they have more milk than they can drink; the sea teams with fish which they catch in large quantities with exceeding facility; sheep are not dear; and cattle and swine are only too numerous. Articles for which the people may fairly hope to find a market, they are by no means remiss in providing. Their attention is now turning to the culture of arrowroot, a marketable commodity, and they have this year for the first time succeeded in growing a large supply of bananas. The mill for grinding grain was almost useless, not being required to grind 20 bushels of grain in the year; they have added to it, at their own cost, saws and machinery for sawing boards and shingles, which they expect to export with profit; they have engaged with activity and success in fishing for whales, and have bought and paid for seven whale boats entirely out of their own resources. These are encouraging symptoms, and legitimate channels which the intelligence of the people has discovered for themselves, and in which their industry will therefore probably continue to flow, as falling in with their bent and aptitudes. If an opening such as I have described can be made in the reef at a moderate outlay, and a shelter provided for small trading vessels, they will call frequently on their passage elsewhere, and the island will soon have ample means of communication with Sydney and Auckland. Its capabilities will be rapidly developed, and as rapidly enrich the inhabitants. As it is, the people live in security and abundance, are decently clad, attend Divine worship regularly, and are free from all those foul practices and baneful superstitions which render the occupants of too many of the lovely islands in the Pacific licentious and unhappy. Within the shores of many a secluded group every evil passion has grown up unchecked, and runs riot in unheard-of abominations. Amongst those miserable tribes the belief in witchcraft alone leads to innumerable atrocities, and darkens almost every day of their lives with gloom and terror. From this, and the kindred wretchednesses, the community in Norfolk Island is happily exempt; they owe the priceless exemption to the lessons of Christianity, and the various benevolent aids they have received from England. As so much has been done to guard them

them from mischief, and as what has been done has not been labour in vain, but, on the contrary, an effective and highly beneficial effort, I trust that the measure of support which I advocate will not be withheld, and that the school-master's salary will be continued for some years longer, until a generation shall have grown up under proper tuition, and the community be trained and able, as it were, to stand alone, and provide for its own civilised maintenance.

I have, &c.
(signed) *John Young.*

Enclosure 1, in No. 15.

SUPPLEMENTARY INSTRUCTIONS to Mr. *Rossiter.*

THE instructions, as given by Sir William Denison, are to remain in force, with the trifling exception hereafter mentioned, which is adopted at the instance of the several parties concerned, but I think it necessary to add, in order to avoid any ambiguity or misapprehension, that the "Government property" signifies property belonging to the Crown. From the last paragraph but one of the instructions, it is evident that this was the meaning attached to the term "Government" by Sir William Denison. The cattle, sheep, horses, houses, tools, &c. &c., intrusted to the storekeeper's care, must therefore be considered as the property of the Crown; though, no doubt, it is the benevolent intention of the Crown that they shall be administered for the benefit of the community of Norfolk Island. This will continue to be done on the basis laid down by Sir W. Denison, by direct instructions issued from time to time by the Governor to the storekeeper.

2. The exception, above alluded to, is the money which accrues from fines. This will, in future, remain in the hands of the chief magistrate, and be expended by him in the repair of the pier and bridges. Accounts of the moneys received and expended are to be regularly kept; a clear and legible copy of such accounts is to be fixed up in some public place for general information, and a corresponding copy is to be sent to the Governor. This is to be done half-yearly.

(signed) *J. Y.*

Enclosure 2, in No. 15.

QUESTIONS submitted by the Chief Magistrate and Councillors to his Excellency Sir *John Young*, for his consideration and decision.

Query 1. WHETHER his Excellency approves of a proposition, submitted to the chief magistrate for the consideration of the people, by Bishop Patteson, respecting a Melanesian college or school for his neophytes?—*Answer.* I am not in favour of it; any such proposition should first be submitted to the Governor before it is proposed to the people. The chief magistrate should not submit any proposition of so great importance to the formal vote of the people without previous communication with the Governor, and receiving his sanction to that effect. The proposition in question must stand over for the present. But as it is said that some of the people are inclined to favour it, in the hope that a regular and constant communication will, in consequence, be maintained with Auckland, it is right to point out to them that this hope rests upon very slender foundations, and need scarcely enter their calculations in considering a project to which, in a very similar shape, Sir William Denison strongly objected.

Q. 2. As respecting the public works, and what will be the best mode of paying expenses incurred?—*A.* See answer to No. 2, on other paper—No. 1.

Q. 3. That there is a great number of wild cattle for which there is no market, and also a surplus number of the tame stock?—*A.* The wild cattle are to be got rid of as quickly as possible; salt will be sent from Sydney to cure them. Only the tame herd of 100, as settled by Sir William Denison, is to be kept up, with such increase as may be required to keep up the number. The people may have the milk of the cows as they calve, taking care to feed well; not to starve such calves as it may be decided upon to rear. No calf should be allowed to run with its mother, otherwise there is danger of its running wild. It is to be understood that the privilege as to cows, accorded to Mr. Rossiter by Sir William Denison, is to remain unaltered.

Q. 4. That a certain company have undertaken to repair the corn-mill, and having attached a saw to it, to what extent they will be permitted to cut wood on Crown land?—*A.* To pay royalty of 10 l. per cent. on the boards and shingles when sold. Chief magistrate to see that a proper account is taken of the quantities; the money to form part of the imperial funds, to be paid and accounted for to the storekeeper, who will return it to the chief magistrate, to lay out on the pier and bridges, when necessary. No trees in the rows along the road are to be cut down.

Q. 5. The pier at the Settlement could only be kept in order at a great expense, and that Ball's bay will be available for that purpose; it may be therefore advisable to reserve a path from the bay, up to the main road, before the allotments are made private?—*A.* Yes, certainly; authority to be given to the chief magistrate to make a reserve for the road accordingly.

Government Reserve.—I have no objection to the cultivation of the small plots which I see worked around the Settlement; but it must be kept in mind, that no right will thereby accrue to any family or individual to retain them permanently.

J. Y.

Enclosure 3, in No. 15.

QUERIES submitted by Mr. *Rossiter*, and directions given thereon by the Governor.

Query 1. Government house, church, school-house, shearing-house and cemetery, to be kept in repair from the public funds?—*Answer.* The buildings and fences to be kept in repair at the public expense, that is, out of the Crown revenue, are the church, the Government house and offices, the school-house, the shearing-house, and fence round the cemetery. The Governor will hold Mr. *Rossiter* responsible for having the necessary work done economically and well; the chief magistrate may select the workmen in the first instance, but he must not select any to whom Mr. *Rossiter* objects, or whom he thinks unlikely to work diligently and efficiently.

Q. 2. Roads, drains, pier (?) and any house used by private persons, or a company, to be kept in repair by the community or persons using it, either by payment of a rate in time or money?—*A.* As to roads, the community should keep them in repair at their own cost, either by contributing labour, money, or money's worth for the purpose. The same remark applies to drains. The proceeds of fines will, in future, be left to the chief magistrate to apply to the repairs of the pier and bridges, especially the former. Whatever royalty shall accrue from the sale of sawn timber will be applied to the same purpose, the pier and bridges, giving a preference to the former. If any sum or labour is required beyond the fines and royalty on timber, the community must contribute as in the case of roads.

Q. 3. Boards or iron required for use from any unoccupied houses must be applied for to Mr. *Rossiter* before taken, and their value paid to him?—*A.* Yes, and the value may, in case of difference, be ascertained by referees appointed by the chief magistrate.

Q. 4. The cattle, sheep, horses, and other Government property are under the sole care of Mr. *Rossiter*, to manage according to instructions received by him from time to time from the Governor of New South Wales. Neither the magistrate nor a majority of the community can in any way interfere with those things under Mr. *Rossiter*'s care, and he alone is responsible?—*A.* Yes; but at the same time, the opinion and wishes of the community will be met as far as possible without injury to the property. For instance, it is understood the community wish the wild swine to be destroyed: the wild cattle diminished and gradually got rid of, and the sheep carefully attended to, and their number increased. The Governor has given authority to the chief magistrate to have the wild swine destroyed, and has directed Mr. *Rossiter* to reduce the number of wild cattle, and gradually to get rid of them entirely; maintaining the tame herd at 100 head, as fixed by Sir William Denison. The sheep are to be left to increase, and all proper means are to be taken with that end in view.

Q. 5. Mr. *Rossiter* will employ men to perform such repairs as may be required in the above buildings, and pay them at the usual rate of wages?—*A.* Yes, in accordance with answer No. 2.

Enclosure 4, in No. 15.

INFORMATION furnished by Mr. *Rossiter* in answer to Queries put by the Governor.

BUILDINGS.

Government House.—Wants to be newly shingled parts re-plastered; walls coloured; doors and windows repaired. Estimate of probable cost, 60 *l*.

Church.—Has lately been newly shingled and the windows mended; at present requires no repairs.

School-house.—Part of the ceiling plaster has fallen; the roof will occasionally require some few repairs; trifling repairs during the next two or three years.

Wool and Shearing House.—Floor wants repairing; the wool press to be removed from its place and to be re-erected in the shearing-house. Estimated cost 5 *l*. or 6 *l*.

All the other Government buildings have been sadly pulled about, and are fast going to ruin.

Fence round the cemetery has been in the last year put in thorough repair at a cost of about 60 *l*.; the drain through the settlement cost over 20 *l*.

Tools.—There are only a few very rusty and damaged tools which were left by the convicts.

There are in good condition besides the above:

Two pit saws.	One set of shaft harness, and one set of leading harness.
Two common ploughs.	One cotton gin.
One pair of iron harrows.	2½ dozen bullock bows, with 12 chains.
One sub-soil plough.	Two cross cut saws, and two horse hoes.

All these are lent to the inhabitants when applied for, and returned immediately after use. Damages or loss made good by the borrower.

Cattle.—About 120 head in the tame herd, and from 120 to 150 wild ones; 68 *l*. 6 *s*. 3 *d*. was derived from this source in 1861.

Horses.—Four, one of which is to be given to Mr. Nobbs' son, in lieu of a cow, according to the engagement made by Sir William Denison.

Sheep 1,600 or 1,700.—In 1861 sheep sold amounted to 266 *l*. 5 *s*. 9 *d*., besides the proceeds of wool, which amounted to 210 *l*. The average income from this source would be at present 250 *l*., but subject to deduction for care of sheep, driving, shearing, &c.

School.—There are 66 children on the school register, and all in regular attendance. School hours from nine a. m. to two p. m. The children either play or work from 11 to 12 o'clock. Children who are absent without leave are fined 6 *d*. for each day they are absent. Only sickness and family bereavement are sufficient excuses for absence. Children attend from six to 14 years of age, but nearly all remain to a greater age.

Jemima Young teaches the girls sewing two hours each day, taking half the number of girls on alternate days, for which she receives 15 *l*. per annum.

Six children read fluently; can do fractions, decimals, and other rules, parse readily, write from dictation, &c.

Three children read as above, work compound rules and fractions, write from dictation, parse and learn geography.

Ten children read easier books, compound and simple rules, write on paper.

Eleven children read easier books, simple rules, write copies, and dictation on slates.

Eighteen children read easier books, learning to write on paper.

Eighteen children read easier books, the elements of reading and writing.

Cultivated Land.—There is at present about 35 acres of land under cultivation, and this is in about 200 different pieces scattered over half the island, but principally in the settlement or Government reserve. The different plots were carefully measured by men employed for the purpose; they vary from one pole to an acre and a half (only one of this last size); the plough is rarely used; only twice or three times in two years and nine months; the men work with the hoe.

Despatches from the Secretary of State.

— No. 1. —

(No. 1).

COPY of a DESPATCH from the Right Hon. Sir *E. B. Lytton*, Bart., M.P., to Governor Sir *W. Denison*, K. C. B.

Sir,

Downing-street, 16 July 1858.

I HAVE to acknowledge your Despatch, No. 5,* of the 28th October last, informing my predecessor, Mr. Labouchere, of your having effected your intention of visiting Norfolk Island, and transmitting copy of the laws and regulations which you had enacted for the island, and also of the Commission which you had issued to the chief magistrate and his two councillors.

2. The acknowledgment of this Despatch has been delayed, as it appears to have been the wish of my predecessor to take some steps as to the Ecclesiastical Government of the Island, on which subject I must, for the present, suspend my decision.

3. I must, however, express to you the satisfaction of Her Majesty's Government with your proceedings in this matter, and their hopes that the welfare of the little community thus entrusted to your charge will be promoted by the judicious manner in which you have exercised your powers of legislation at the outset of their establishment in Norfolk Island. I must, at the same time, point out that it is possible that exception might be taken, in point of law, to some parts of these regulations. I enclose for your guidance copy of a report from Sir Frederic Rogers, indicating the points which seem defective.

4. It would, I think, be desirable that you should submit this report to the Law Advisers of the Government of New South Wales, and bespeak their assistance for the purpose of revising and amending the regulations in point of law; desiring them also to report on the proposal of Sir F. Rogers respecting the enactment to be made by the Legislature and Assembly of New South Wales in order to authorise the Supreme Court at Sydney to deal with any cases of a serious nature which appear to you, in your capacity of Governor of Norfolk Island, to be beyond the competency of an island jury. It will then be your duty to propose to that body such measures as, after hearing the opinion of our Law Advisers, you may think advisable.

5. For this purpose, you will retain those gentlemen on the part of Her Majesty's Government, and the fees and expense attending their investigation will be defrayed from the Parliamentary Estimate for the Island.

I have, &c.
(signed) *E. B. Lytton*.

Enclosure in No. 1.

Sir,

Emigration Office, 27 February 1858.

IN obedience to the directions of the Secretary of State, conveyed in your letter of the 17th instant, I have perused and considered a "body of laws and regulations," framed for the inhabitants of Norfolk Island, by the Governor of New South Wales.

2. By these rules the principal authority in Norfolk Island is vested in a Chief magistrate, who must hold land, and be 28 years of age, with two assistants or councillors, who must be resident in the Island, and must have attained the age of 25. These officers are to be elected annually by all male inhabitants above the age of 20, who can read or write. They possess the whole executive and legislative, and a considerable part of the judicial authority in the island. Disputes and minor offences are brought, in the first instance, before the chief magistrate. If he cannot compose them, they are to be tried by himself and his councillors, and (if the cause of dispute does not exceed 50*s.*, or if the offence is common assault, and the fine not more 10*s.*), may be disposed of without appeal.

3. Larger questions of disputed property, thefts, and aggravated assaults, not accompanied by danger to life or limb, will be tried by juries of seven, taken by lot from the "elders," i.e. from the male inhabitants of the island, above the age of 25. The largest punishment which a jury can inflict, is a fine of 10*l.*

4. Offences

4. Offences of a graver kind are to be reported to the Governor of New South Wales, "for the consideration of the Courts of Justice at Sydney."

5. Children are to attend school from the age of six to 14, under a penalty of 6 *d.* a day for non-attendance. No wine, beer, or spirituous liquor is to be imported, except for medical purposes, and if so imported, is to be placed in charge of the chaplain, who is to superintend the schoolmaster, to ascertain and certify that children absenting themselves from school, on the plea of sickness, are really sick, and to preside at the election of the chief magistrate and councillors.

6. This brief summary will sufficiently show that these rules are framed with reference to the simple character of the people, and ought not to be subjected to any close legal criticism. They appear to be sensible, clear, and in general, not unreasonably vague.

7. A technical difficulty, however, arises, on the 20th clause.

8. Till the 24th of June 1856, Norfolk Island was part of the colony of Van Diemen's Land. The Order in Council of that date separated it from Van Diemen's Land, and ordered that it should be a "distinct and separate settlement," of which the officer administering the Government of New South Wales was to be the Governor, with the power of constituting judges and other officers "in the said island, for the administration of justice" (clause 6), and of making laws (clause 7).

9. The present regulations first revoke all existing "laws, ordinances, and regulations" whatever, and in establishing the particular kind of constitution above described enact (as I have said), that more serious offences are to be "reserved for the consideration of the courts at Sydney."

10. Now, in this, there are two difficulties; first, that the New South Wales court has not, and is not bound to accept any jurisdiction in the "separate settlement of Norfolk Island." Next that (all existing laws being repealed), there is no criminal law in that settlement, by which the decisions of the court could be regulated.

11. These difficulties might, I conceive, be escaped if Sir W. Denison, as Governor of Norfolk Island, were to enact that offences beyond the cognisance of the jury of elders should be referred to the Supreme Court of New South Wales, and tried by that court according to the law of New South Wales; and if the legislature of New South Wales were to pass a law authorising and requiring the Supreme Court to entertain these cases.

12. If, in the 6th clause of the Order in Council, the words, "in the said Island," are transposed to the end of the sentence, the Governor might appoint the chief justice of New South Wales to be chief judge of Norfolk Island, which would, I imagine, solve the question of jurisdiction; but it would still be necessary to declare the law by which his decision should be regulated.

13. But, on a matter of this kind, which may involve a question of life or death, and depends on a somewhat indeterminate principle of colonial law, the Governor should, I conceive, be supported by the opinion of the English or colonial law officers of the Crown.

14. The rules should also indicate clearly, whether, as I presume it is intended, that juries should be unanimous.

15. Lastly, it will be observed, that the Governor's power of legislation is subject to such regulations as may be prescribed by Her Majesty, "with the advice of the Privy Council, under Her sign manual and signet."

16. No such rules having been laid down, it does not appear that any particular form of passing or transmitting these laws, nor any allowance on the part of Her Majesty is necessary; nor is it clear, whether, and by what means (other than by Order in Council), the prerogative of disallowance may be exercised.

17. I would suggest that it would be expedient to issue such instructions on these points, as may secure regularity in the legislation of Norfolk Island, and may enable Her Majesty to disallow objectionable regulations in the usual manner, *i.e.*, I presume, by Despatch from the Secretary of State.

I have, &c.
(signed) *Frederic Rogers.*

Herman Merivale, Esq.
&c. &c. &c.

— No. 2. —

(No. 2.)

COPY of a DESPATCH from the Right Honourable Sir *E. B. Lytton*, Bart. M. P.,
to Governor Sir *W. Denison*, K. C. B.

Sir,

Downing Street, 18 December 1858.

I HAVE had before me your Despatch, No. 6,* of 30 October 1857, containing a very clear and interesting account of the position, requirements, and prospects of the Pitcairn Islanders in Norfolk Island, and setting forth your own views in regard to the best means of improving their social position and teaching them the arts of civilised life. For the furtherance of these objects you suggest the introduction into the island, on certain specified conditions, of a schoolmaster and storekeeper, those officers to be either combined or separate, together with some mechanics of different trades, who should go out as settlers, and whose qualifications might be such as would enable them to be of service in the instruction of the islanders. With respect to the schoolmaster and storekeeper, my predecessor concurred in your opinion that it would be most expedient to amalgamate the one office with the other, making, however, the former the principal function, and it was considered the best course to employ the Emigration Commissioners in the selection of such a person, and also of the required number of mechanics.

By their two reports, of which copies are annexed, you will learn the terms on which they have succeeded in engaging Mr. Rossiter to undertake the double office above referred to, the conditions on which he accepts it, and the time at which he and his family will be prepared to quit this country.

You will likewise perceive that the Commissioners have as yet failed to find any eligible artisans of the kind indicated in your Despatch; but, pending their arrival, I approve of the aid which you propose to employ in executing the repairs of the various buildings which are more immediately required, as well as the expense incurred in the survey of the allotments of land in Norfolk Island by the two Sappers who, as stated in your further Despatch, No. 1, of the 4th June last, had been sent there with their families for that purpose.

I have to add that both of your Despatches have, with their several enclosures, been brought under the notice of the Pitcairn Fund Committee, who in expressing their readiness to co-operate in the measures thus taken for the benefit of the islanders by Her Majesty's Government, have represented their funds available for the object to be about 400 *l*.

I have, &c.
(signed) *E. B. Lytton*.

— No. 3. —

(No. 3.)

COPY of DESPATCH from the Right Honourable Sir *E. B. Lytton*, Bart. M. P.,
to Governor Sir *W. Denison*, K. C. B.

Sir,

Downing-street, 24 January 1859.

I HAVE to acknowledge the receipt of your Despatch, No. 4,* of the 28th October, forwarding copies of two additional laws which had been enacted by the inhabitants of Norfolk Island, and submitted for your approval, together with the copy of a letter which you had addressed to the chief magistrate on the subject.

I have, &c.
(signed) *E. B. Lytton*.

— No. 4. —

(No. 5.)

COPY of a DESPATCH from the Earl of *Carnarvon* to Governor Sir
W. Denison, K.C.B.

Sir,

Downing-street, 4 May 1859.

I HAVE received your Despatch, No. 1,* of the 22d of January last, relating to the amendment of the regulation enacted in October 1857, for the Government of the inhabitants of Norfolk Island.

I entirely concur with you as to the inexpediency of applying to the simple society, like that which exists in Norfolk Island, the necessarily artificial system of jurisprudence which has grown up in England, and I approve, therefore, the changes which you propose to make in the regulations of the 14th October.

A slight alteration, will, however, be necessary in the first clause. The Order in Council under which you act, does not, of course, empower you to repeal any Acts of Parliament which extend to Norfolk Island as to other dominions of the British Crown; and there may be also some fundamental principles of law of so high a kind as to attach necessarily on the persons of British subjects, under the circumstances of the inhabitants. The state of the law is not, I apprehend, sufficiently clear on this point, to enable you to deal with this difficulty otherwise than indefinitely; nor should I think any enactment advisable which would introduce more than is absolutely unavoidable of technical English law. It would be sufficient, therefore, to introduce in the first clause, after the words "Norfolk Island," the words "so far as the Governor is competent to repeal them."

I should wish you also to consider whether it would not be advisable to make some definite regulation with regard to the devolution of property on the death of the owner, and on the mode of bequeathing it; and I must remind you that the mode of registering the ownership and transfers of land, is a matter which, while it presents little difficulty in the infancy of a settlement, becomes rapidly embarrassed, unless it is placed at once on a satisfactory footing. The particular dispositions to be made on either of these points, I leave with entire confidence to your discretion; and you will therefore be at liberty to bring into operation such rules as you may find suited to the circumstances of the settlement and the wishes of the people, without sending them previously to this country for the approval of the Home Government.

You will be at liberty to adopt the mode which you propose in your Despatch, of dealing with serious offences through a judge, sent out, as occasion may require, from Sydney. Nor will there be any objection to transportation to Western Australia of persons guilty of such offences, in case the arrangements for their conveyance can be effected without a wholly disproportionate amount of expense.

I will only add, that the greater the simplicity of those rules, consistently, of course, with their applicability to varying circumstances, the more satisfactory will be their operation.

I have, &c.

(signed) *Carnarvon*.

(In the absence of Sir E. B. Lytton).

—No. 5.—

(No. 6.)

COPY of a DESPATCH from His Grace the Duke of *Newcastle* to Governor Sir *W. Denison*, K.C.B.

Sir,

Downing-street, 26 September 1859.

I HAVE to acknowledge the receipt of your Despatch, No. 2,* of the 7th June last, reporting the arrival of the "Palmyra," with the schoolmaster and other emigrants selected for service in Norfolk Island, and stating the measures which you had adopted on that occasion.

I referred a copy of that Despatch to the Lords Commissioners of the Treasury, and I transmit to you the copy of a letter which has been received in reply, expressing their Lordship's approval of the arrangements which you have made.

I have also instructed the Emigration Commissioners to transfer the charge of the passages of those emigrants who have been detained at Sydney to their account with the New South Wales Government.

I have, &c.
(signed) *Newcastle.*

Enclosure in No. 5.

Sir,

Treasury Chambers, 17 September 1859.

WITH reference to your letter of the 6th instant, enclosing a copy of a Despatch from the Governor of New South Wales, reporting the arrival in that colony of the ship "Palmyra," with the schoolmaster and other emigrants for Norfolk Island,—I am directed by the Lords Commissioners of Her Majesty's Treasury to acquaint you, for the information of the Duke of Newcastle, that they will not object to his signifying to Sir William Denison his approval of the arrangements which have been made by the Governor on this occasion, as detailed in his Despatch.

They trust that the expense to be incurred will not render necessary further application to Parliament on account of Norfolk Island.

H. Merivale, Esq., c.B.
&c. &c. &c.

I have, &c.
(signed) *Geo. A. Hamilton.*

— No 6. —

(No. 37.)

COPY of a DESPATCH from His Grace the Duke of Newcastle to Governor Sir W. Denison, K.C.B.

Sir,

Downing-street, 14 November 1859.

I HAVE received your Despatches of the numbers and dates mentioned in the margin*, respecting the state of the Pitcairn's people, established on Norfolk Island.

I am glad that you are able to present a report which is on the whole so favourable of the condition of these settlers.

I consulted the Lords Commissioners of the Treasury on your instructions to the storekeeper, and you will see by the enclosed letter that their Lordships deem them unobjectionable.

I have at the same time to call your attention to their Lordships' observations on the necessity of endeavouring to keep the expenditure for this island within the amount of its local resources.

I have, &c.
(signed) *Newcastle.*

Enclosure in No. 6.

Sir,

Treasury Chambers, 10 November 1859.

WITH reference to Mr. Elliot's letter of the 6th ultimo, enclosing a copy of a Despatch from the Governor of New South Wales, forwarding a copy of the instructions which he has issued to Mr. Rosssiter, as storekeeper at Norfolk Island, I am directed by the Lords Commissioners of Her Majesty's Treasury, to acquaint you, for the information of the Duke of Newcastle, that they see no objection to these instructions so far as they relate to questions of expense.

They would observe, however, that the statement relating to the ordinary expenses of the island, referred to in the latter part of Sir William Denison's Despatch, is not attached to the correspondence enclosed in Mr. Elliot's letter.

They are unable therefore to judge how far the funds of the island will be able to bear the proposed charge of 50 l. for the salary of the chaplain, who has hitherto only received 50 l. per annum from the Society for Promoting Christian Knowledge.

They

They would suggest that the Governor should be informed that this, and similar charges, should be contingent upon the state of the finances of the island, as they would be very unwilling to ask Parliament for any further amount on account of this Colony, than that which has been already authorised.

H. Merivale, Esq., c.B.
&c. &c. &c.

I have, &c.
(signed) *Geo. A. Hamilton.*

— No. 7. —

(No. 24.)

COPY of a DESPATCH from His Grace the Duke of *Newcastle* to Governor
Sir William Denison, K.C.B.

Sir,

Downing-street, 2 March 1860.

I HAVE to acknowledge your Despatch, No. 10*, of the 1st November last, transmitting copy of the regulations for the transfer and dealing with land in Norfolk Island, to which, as you inform me, the consent of the inhabitants has been given.

I have every hope that this simple code of law may be found to answer its purpose under the present circumstances of this little community, and I have to inform you that Her Majesty has been pleased to allow the same.

I subjoin, however, for your information, certain remarks on it which have been suggested to me by the Land and Emigration Commissioners, who are experienced in this class of business.

I wish to add one or two other questions which have occurred to this department.

By Clause 9, the Registrar is to sell land in certain cases. May he sell to a stranger without permission to reside? I conclude it is not intended he should have this power, but it does not seem to be expressly withheld from him.

By the last clause, the inhabitants are not allowed to sell "or alienate in any way" land to such a stranger. But they are not prohibited from devising land to such a stranger.

These are not deficiencies likely to be of any practical consequence in the present state of things at all events, but I have thought it advisable to point them out to you for correction whenever an occasion may present itself.

I have, &c.
(signed) *Newcastle.*

Enclosure in No. 7.

EXTRACT of a LETTER from the Emigration Commissioners, dated 22 February 1860.

Clauses 9 and 10, however, appear to us to contain certain omissions or ambiguities in respect of the devolution of property which it would be advisable to obviate.

(1.) (Clause 9.) "Shall descend to his wife."—How is the case of a surviving husband to be provided for?

(2.) "To his children."—Is the estate to go to children living at the death of the intestate, or living at the death of the widow? The former construction is the most expedient, as it avoids the creation of any contingent estates, but the words are not unequivocal. If the latter construction is to prevail, what is to happen if the widow survives the children? Also, ought the children of a deceased child to be excluded from the inheritance?

(3.) "The land or the interest."—Suppose one child of 11, and another of 22, or even of 16. Ought the Registrar to have the power of selling the share of the elder?

(4.) (Clause 10.) In case of a surviving widow or husband, without children, what is to happen after the expiration of their life estates?

(5.) "Father and mother . . . and the survivor." What is the object of this unusual joint estate? If the phrase is to be read father or mother, which is to take the property if both are living? No doubt the father; but this is not said.

(6.) "Brother or sister." Should not the children of deceased brother and sisters be allowed to inherit?

We annex the draft of three clauses which appear to us calculated to give effect to the intentions of the Governor, without any unnecessary complexity or indistinctness; and we have drawn attention to the above points in order to explain the objections with a view to which these clauses are framed.

We would suggest that the regulations as now sent home should be approved; but that the annexed draft clauses should be communicated to Sir W. Denison, in case he should think it advisable to adopt them, or in some other way to obviate the objections which we have pointed out, which, technical as they appear, may embarrass the person charged with carrying out the law, or disappoint the expectations of its framers.

DRAFT CLAUSES.

9. If any person having an estate in land shall die intestate, leaving a husband or wife surviving, the estate shall descend on such husband or wife during his or her life.

10. Subject to such life interest, the estate shall go to the children of the intestate in equal shares, the share of any deceased child being equally divided among his or her descendants, if any. If there be no such children or descendants living at the death of the intestate, the estate shall go to the father of the intestate; if no father, to the mother; if no mother, to the brothers or sisters of the whole or half blood in equal shares, the share of any deceased brother or sister being equally divided among his or her descendants, if any. If there are no such relations as aforesaid the estate, subject to the life interest above mentioned, shall go to the Crown.

In case any person under the age of 21 years shall be at any time entitled to any estate or interest in land under the last preceding regulation, the Registrar (if he deem it expedient) shall sell such estate or interest, and may at his discretion deliver the proceeds to the person entitled to it, or place the same in the hands of his or her friend or guardian, or apply the same towards his or her support.

Provided that no such sale shall be made without the consent of any such person who is above the age of 12 years, or without the consent of the parent, if living, of any such person who is below that age.

— No 8. —

(No. 25.)

COPY of a DESPATCH from His Grace the Duke of *Newcastle* to Governor
Sir *W. Denison*, K.C.B.

Sir,

Downing-street, 3 March 1860.

I HAVE received your despatch, No. 11,* of the 2d of November last, forwarding a copy of the laws and regulations for the government of Norfolk Island, as amended, in pursuance of the suggestion contained in my predecessor's despatch, No. 5,† of the 4th of May last.

I have to express my approval of these regulations as they now stand.

I have, &c.
(signed) *Newcastle*.

— No. 9. —

(No. 1.)

COPY of a DESPATCH from His Grace the Duke of *Newcastle*, to Governor
Sir *William Denison*, K.C.B.

Sir,

Downing Street, 11 April 1860.

WITH reference to your Despatch No. 6 of the 6th of August last, I transmit to you, the copy of a letter from the Board of Treasury, respecting the Estimate to be submitted to Parliament on account of Norfolk Island; and a copy of the answer from this Department.

In pursuance of the wish expressed by the Lords Commissioners, I have to instruct you to endeavour to prevent any further demand on the Imperial Treasury on account of the Pitcairn's Islanders.

I have, &c.
(signed) *Newcastle*.

Enclosure 1, in No. 9.

Sir,

Treasury Chambers, 31 March 1860.

With reference to your letter of the 17th instant, enclosing a copy of a letter from the Governor of New South Wales, reporting that he has realised a sum of 427*l.* 13*s.* 9*d.* for the service of Norfolk Island, and showing the manner in which he has appropriated this money, I am directed by the Lords Commissioners of Her Majesty's Treasury to acquaint you, for the information of the Duke of Newcastle, that it would appear from the last paragraph of Sir William Denison's Despatch No. 6, of the 6th August last, that he anticipates that the instructions given to Mr. Rossiter, the storekeeper, will secure a sufficient fund for all the "ordinary expenses" which may be incurred on account of the Pitcairn's Islanders in Norfolk Island.

From the accounts which have been furnished by Sir W. Denison, their Lordships are led to presume that the salary of the schoolmaster is not included among such expenses, but that Sir W. Denison still expects that that charge should, for the present, be provided for by Parliament.

I enclose herewith, a copy of a statement, which has been prepared in this department, of the expenditure incurred during the past year, which shows an excess of 243*l.* 15*s.* 3*d.* beyond the sum provided in the estimates for 1859-60.

It appears to their Lordships, that it will be expedient to submit an estimate to Parliament, to provide for this excess, for the salary of the schoolmaster, and for some portion of the cost of the conveyance of emigrants to and from Norfolk Island, as set forth in the statement.

This statement does not include the sum of 163*l.* 9*s.* 10*d.* drawn from the Treasury Chest, on account of certain stores, which was shortly afterwards repaid to the Chest.

I am to add, that their Lordships are of opinion that this country should be relieved as soon as possible, from further charge in respect of the Pitcairn's Islanders. They hope that the Governor of New South Wales will endeavour to carry out the arrangements which he has already commenced, so that the whole of the expense to be incurred on account of these people, may be shortly met from their own resources.

I am, &c.

G. Arbuthnot.

H. Merivale, Esq., C.B.

Pitcairn's Islanders in Norfolk Island.

Amount provided in Estimates for 1859-60.				Expenditure incurred.			
	£.	s.	d.		£.	s.	d.
Balance	-	-	-	336	-	-	-
Schoolmaster	-	-	-	300	-	-	-
Survey	-	-	-	200	-	-	-
Furniture	-	-	-	150	-	-	-
Contingencies	-	-	-	314	-	-	-
	£.1,300	-	-		£.1,543	15	3

	£.	s.	d.
Expenditure	-	-	-
Estimates 1859-60	-	-	-
Excess	-	-	-
	£.243	15	3 to be provided.

Proposed Estimate 1860-61. :-

	£.	s.	d.
Excess of expense of survey and furniture, beyond the sum provided	244	-	-
Salary of schoolmaster	-	-	-
Conveyance of emigrants to and from Norfolk Island			
per "Coral Queen,"	-	-	-
Deduct, for back freight, (say)	-	-	-
	125	-	-
	£.669	-	-

Enclosure 2, in No. 9.

Sir,

Downing-street, 16 April 1860.

In reply to Mr. Arbuthnot's letter of the 31st ultimo, respecting the estimate to be submitted to Parliament on account of Norfolk Island, I am directed by the Duke of Newcastle to request that you will state to the Lords Commissioners of the Treasury, that he would

CORRESPONDENCE RELATING TO

recommend that the estimate proposed in the statement which accompanies Mr. Arbuthnot's letter, be inserted in this year's Estimates, Class VII. I am to add that the Governor will be instructed to endeavour to prevent any further demand on the Imperial Treasury on account of the Pitcairn's Islanders.

G. A. Hamilton, Esq.

I am, &c.
(signed) *T. Fred. Elliot.*

— No. 10. —

(No. 2.)

COPY of a DESPATCH from His Grace the Duke of *Newcastle* to Governor
Sir *W. Denison*, K.C.B.

Sir,

Downing-street, 21 May 1860,

I HAVE had the honour to receive your Despatch, No. 1,* of the 28th of February, with a further report on the condition of Norfolk Island, but more especially on its revenue and expenses.

It is unnecessary for me to say more at present than that this intelligence is very satisfactory, and that I trust that after such aid as may be granted to the settlement by Parliament this year, the resources which you describe will render the island independent of further assistance from this country.

I have, &c.
(signed) *Newcastle.*

— No. 11. —

(No. 3.)

COPY of a DESPATCH from the Secretary of State to Governor
Sir *W. Denison*, K.C.B.

Sir,

Downing-street, 18 November 1860.

I HAVE to acknowledge the receipt of your Despatch, No. 3,† of the 25th June last, and, in reply, I have to inform you that the Lords Commissioners of the Treasury have intimated that they will not object to making application to Parliament for the salary of 300 *l.* per annum of the schoolmaster of the Pitcairn's Islanders, at Norfolk Island, until the termination of his engagement of three years, which will take place about the end of January 1862.

I have, &c.
(signed) *G. C. Lewis.*

— No. 12. —

(No. 15.)

COPY of a DESPATCH from his Grace the Duke of *Newcastle*, K.G., to
the Right Honourable Sir *John Young*, Bart., K.C.B.

Sir,

Downing-street, 19 March 1861.

I ENCLOSE for your information copies of two letters which I have caused to be addressed to Sir *W. Denison* and to the Treasury, respecting the continuance of Mr. Rossiter's employment at Norfolk Island. I send them to you in order that you may be aware of my views in case you should be called upon to give any opinion on the subject.

It is not, perhaps, very likely that you will have the opportunity at present of examining into the expediency of retaining Mr. Rossiter's services, and the cost to this country at which this can be done; but should you have any such opportunity I shall be glad to learn any opinion on the points which you may form.

You will see that I cannot at present authorise you to hold out to Mr. Rossiter any expectation of continued employment, but I wish you to be aware that the subject is under consideration.

I have, &c.
(signed) *Newcastle.*

Enclosure 1, in No. 12.

Sir,

Downing-street, 19 March 1861.

I SHALL feel much obliged to you if you will favour me with your opinion on a subject which is connected with the Government of New South Wales, and in which you have taken considerable interest.

When Mr. Rossiter, the schoolmaster at Norfolk Island, was selected for the post which he now holds, he was informed that "the appointment was offered him in the expectation that it would prove permanent, and that there was nothing to suggest that it would prove otherwise;" but it was added, that if any unforeseen circumstances not arising from any fault of his own should render it necessary to dispense with his services within three years of his leaving England, he would receive a free passage from the island to Sydney, and 150 *l*.

In your Despatch, Norfolk Island, No. 3, of 25th June 1860, you requested that Mr. Rossiter might continue to receive his salary for the three years, for which he is engaged; and, for the reasons which appear in that Despatch, you seem to have subsequently informed him that at the expiration of the above period, all contributions to his salary from England would probably cease. I am, however, unwilling to terminate abruptly, and at the first moment at which under the letter of Mr. Rossiter's engagement it is possible to do so, an appointment which may be of considerable advantage to a body of people of whom Her Majesty's Government have taken charge under somewhat peculiar circumstances; and before arriving at any final decision on the matter, I shou'd be very glad to learn from you to what extent you consider that Mr. Rossiter's continuance in Norfolk Island is really valuable to the islanders; for what period (if any) he ought to be allowed to remain there in order to ensure that what he has already done will not be thrown away; whether any effectual inducement to remain (in the way of a grant of land or otherwise) could be offered him in lieu of the whole or part of his present salary; and whether any reduced contribution from imperial funds, to last for a certain definite period, might elicit from the islanders an offer of such additional remuneration as might be sufficient to retain his services in the island.

As Mr. Rossiter is naturally anxious about his prospects, I should be very much obliged to you if you would favour me with your opinion on these points as soon as you conveniently can.

Sir Wm. Denison, K.C.B.,
&c. &c. &c.

I have, &c.
(signed) Newcastle.

Enclosure 2, in No. 12.

Sir,

Downing Street, 19 March 1861.

WITH reference to my letter of the 9th October last, and your answer of the 17th of the same month, I am directed by the Duke of Newcastle to state, for the information of the Lords of the Treasury, that he has received an application to reconsider the question of Mr. Rossiter's employment as schoolmaster in Norfolk Island. It will be remembered that in 1856, Her Majesty's Government, on grounds of benevolence, took steps to remove the inhabitants of Pitcairn's Island to Norfolk Island; various measures were adopted to secure that the small colony which, had thus been transplanted from its own home, should form an improving and thriving community under British authority. Among these was the engagement of a schoolmaster, under the circumstances stated in the enclosed copy of a letter which has been addressed to Sir W. Denison, at whose suggestion the appointment was made.

For the reasons also stated in that letter, the Duke of Newcastle is unwilling to withdraw abruptly the salary allowed to Mr. Rossiter by the Imperial Government, especially as he is led to believe that Mr. Rossiter has been doing his work well and honestly; and as it is obvious that a few years of conscientious and intelligent teaching at this moment may exercise a permanent and most important influence on the future character of the community. His Grace has, therefore, requested Sir W. Denison to state his opinion on this subject; and as the obtaining that opinion, its consideration, and the subsequent correspondence with New South Wales and Norfolk Island may occupy a considerable time, he would be very glad if their Lordships would authorise the continuance of Mr. Rossiter's salary for six months certain beyond the expiration of the three years certain for which he was engaged.

He left England in January 1859, and his salary must have commenced from about that time.

G. A. Hamilton, Esq.
&c. &c. &c.

I have, &c.
(signed) F. Rogers.

— No. 13. —

(No. 45.)

COPY of a DESPATCH from His Grace the Duke of *Newcastle*, K.G., to
the Right Honourable Sir *John Young*, Bart., K.C.B.

Sir,

Downing-street, 31 July 1861.

I HAVE the honour to transmit to you a copy of the Estimate submitted to
Parliament for the Pitcairn's Islanders.

I assume that the vote of 300 *l.* for the salary of the schoolmaster will be
required again next year, but unless any unforeseen necessity shall have arisen,
it is not proposed to submit any other demand to Parliament for these
islanders.

I shall be glad to hear from you by an early opportunity on this subject.

I have, &c.
(signed) *Newcastle.*

Enclosure in No. 13.

No. 14.—Pitcairn's Islanders.

Balances in the Exchequer on 31st December 1860:—	£.
Of the vote for 1859-60 - - - - -	600
Ditto 1860-61 - - - - -	669
	<u>£.1,269</u>

ESTIMATE of the Sum required to be Voted to defray the Expense of the Pitcairn's Islanders
in Norfolk Island, for the Year ending the 31st of March 1862.

Five Hundred Pounds.

Salary of Schoolmaster - - - - -	£.
Contingencies - - - - -	300
	200
	<u>£. 500</u>

This Estimate last year, amounting to 669 *l.* appeared in Class VII. It included 369 *l.*
for small charges which will not recur, but 200 *l.* may possibly be required for
unforeseen contingencies. The net reduction, therefore, is 169 *l.*

— No. 14. —

(No. 55.)

COPY of a DESPATCH from His Grace the Duke of *Newcastle*, K.G., to the
Right Honourable Sir *John Young*, Bart., K.C.B.

Sir,

Downing-street, 19 September 1861.

WITH reference to my Despatch, No. 15,* of the 19th of March, inclosing
copies of two letters which had been addressed respectively to Sir W.
Denison and the Board of Treasury, respecting the continuance of Mr. Ros-
siter's employment at Norfolk Island, I transmit, for your information, a copy
of the reply which was received from Sir W. Denison, and also of the answer
of the Lords Commissioners of the Treasury to the communication which was
addressed to them, of which a copy is likewise enclosed, on the receipt of the
above letter.

You will perceive that the Lords Commissioners are desirous of obtaining
more detailed information in connexion with this subject, and I should be glad
if you could take an early opportunity of visiting Norfolk Island, for the pur-
pose of supplying me with explicit answers to their Lordships' questions, in
order to enable Her Majesty's Government to decide whether any further
application should be made to Parliament for funds in aid of the local resources
of the island.

I have, &c.
(signed) *Newcastle.*

Enclosure 1, in No. 14.

My Lord Duke,

Government House, Madras, May 2, 1861.

I HAVE the honour to acknowledge the receipt of your Grace's letter requesting my opinion upon certain matters having reference to the settlement of the Pitcairn Islanders on Norfolk Island, and more especially to the position held by Mr. Rossiter as storekeeper and schoolmaster.

In my Despatch, No. 3, of 25th June 1860, your Grace states that I requested that Mr. Rossiter might continue to receive his salary for the three years for which his engagement was made positive; but this request was drawn from me by a Despatch, in which it was stated (to the best of my recollection) that it was not the intention of Her Majesty's Government to continue Mr. Rossiter's salary beyond the then existing year. I am very glad to learn from your Grace that it is not your intention to terminate so abruptly the engagement with Mr. Rossiter, who is, I believe, doing a great deal of good among the inhabitants, both by the training which he is giving to the children, and by the example of energy and activity which he exhibits to the adults. With reference, however, to the specific questions to which your Grace requires an answer, I should say that I can see no possible objection to the issue of a grant of land to Mr. Rossiter, should he be disposed to accept of it in lieu of a certain portion of his income; indeed, I should be very glad to see some additional settlers, whose character and attainments might make them useful to the islanders located in the island.

With reference to the second question, whether the islanders would be willing to offer some additional remuneration to that reduced allowance given by the Government which would induce Mr. Rossiter to remain among them; I must say, that I do not think that the means of these people would enable them to make such a contribution, but I may point out to your Grace that there is a revenue arising from Government property which ought to exceed 200 *l.* per annum; a portion of which might be paid over to Mr. Rossiter, as a portion is already paid to the Rev. Mr. Nobbs.

Will your Grace, while I am on the subject, allow me to point out that steps should be taken, without much delay, to provide a successor to the Rev. Mr. Nobbs. That good man, for so I believe him to be, has often expressed a wish to be relieved from his pastoral duties, and as he has a grant of land for himself, and other allotments for his children, his position is different from that of a chaplain who has nothing but his salary to depend on. At present Mr. Nobbs is in receipt of 50 *l.* per annum from the Government, and 50 *l.* from the Church Missionary Society (I believe). This latter sum would, of course, cease to be paid when Mr. Nobbs ceased to perform his ministerial duties; it might be a matter for your Grace to consider whether the 50 *l.* granted from island funds might not be continued to Mr. Nobbs during the term of his natural life. The clergyman might be placed in possession of a good house, a garden, some glebe land, a few cows, and perhaps a few sheep; these, with a sum of 50 *l.* from the society, and such a sum as might be spared from the income of the colony, might be sufficient to induce a decently educated man to take up his abode on the island.

The clergyman ought to have some knowledge of medicine and surgery, as he is often called upon to administer medicine and to perform trifling surgical operations.

Trusting that your Grace will excuse the liberty I have taken in adding these few suggestions to the answers to the questions propounded,—

The Right Honourable His Grace
The Duke of Newcastle, K.G.
&c. &c. &c.

I have, &c.
(signed) *W. Denison.*

Enclosure 2, in No. 14.

Sir,

Downing-street, 5th August 1861.

WITH reference to the letter to you from this department, dated the 19th of March last, and to your answer dated the 11th April, respecting the salary of the schoolmaster at Pitcairn's Island, I am directed by the Duke of Newcastle to enclose, for the consideration of the Lords Commissioners of the Treasury, the accompanying copy of an answer from Sir W. Denison to the inquiry which was addressed to him on this subject.

It is evident that Mr. Rossiter, the schoolmaster, proves to have been a fortunate selection, and that he is working much good amongst the simple community in which he is placed. His duty, it must be remembered, is not confined to teaching, but includes the keeping of accounts and stores, besides rendering more general assistance than would be required in any less peculiar society. On the whole, therefore, the Duke of Newcastle would strongly recommend, that the application for the sum of 300 *l.*, required for his salary, should not be put an end to, but should be continued annually. This would be the only aid requested from Parliament for an interesting and deserving people, who have so long retained their British allegiance in the South Sea, without requiring any public assistance, until by their becoming too numerous for Pitcairn's Island, it became necessary to remove them to their present settlement in Norfolk Island.

G. A. Hamilton, Esq.,
&c. &c. &c.

I have, &c.
(signed) *T. Frederick Elliot.*

Enclosure 3, in No. 14.

Sir,

Treasury Chambers, 16 August 1861.

WITH reference to your letter of the 5th instant, relative to the continuance of the salary of 300 *l.* a year to Mr. Rossiter, schoolmaster and storekeeper in Norfolk Island, I am directed by the Lords Commissioners of Her Majesty's Treasury to acquaint you, for the information of the Duke of Newcastle, that although my Lords would be indisposed to deprive the present inhabitants of Norfolk Island, under the peculiar circumstances connected with their history and location, of the advantages which it may be hoped they derive from the instruction of Mr. Rossiter; yet their Lordships think it necessary to observe, that his Grace, in his letter to Sir W. Denison, of 19 March* last, requested information preparatory to a final decision, which does not appear as yet to have been afforded.

1st. Sir W. Denison was requested to state to what extent he considered that Mr. Rossiter's continuance in Norfolk Island was really valuable to the islanders:

2d. For what period, if any, he ought to remain there, in order to insure that what he has already done, will not be thrown away:

3d. Whether any effectual inducement to remain, in the way of a grant of land, or otherwise, could be afforded to him in lieu of the whole, or a part of his present salary:

4th. Whether any reduced contribution from Imperial funds, to last for a certain definite period, might elicit from the islanders an offer of such additional remuneration as might be sufficient to retain his services in the island:

My Lords concurred with the Duke of Newcastle in the propriety of calling for such information before any final decision should be arrived at, and with a view to ample time being afforded for the due consideration of the subject, their Lordships sanctioned the continuance of the arrangement with Mr. Rossiter for an additional period of six months, namely to July 1862.

Sir W. Denison, instead of giving the information asked for on the several distinct points contained in the letter from the Colonial Office, states, generally, that he believes Mr. Rossiter is doing a great deal of good among the inhabitants, both by the training of the children, and by example, to the adults.

My Lords cannot regard this assurance as a sufficient substitute for the detailed information which they have been expecting to receive, and they can only express their regret, that in their present state of information, they do not feel justified in acceding to the Duke of Newcastle's proposal, that Mr. Rossiter's salary should become an annual charge upon the revenues of this country.

T. Frederick Elliot, Esq.

I am, &c.
(signed) *George A. Hamilton.*

— No. 15. —

(No. 1.)

COPY of a DESPATCH from His Grace the Duke of *Newcastle*, K.G. to Governor the Right Honourable Sir *John Young*, Bart. K.C.B.

Sir,

Downing-street, 26 March 1862.

I HAVE the honour to acknowledge your Despatch, No. 1,* of the 13th of November last, relative to the expenses of the Pitcairn's Islanders in Norfolk Island.

Under the circumstances represented by you, the Lords Commissioners of the Treasury have concurred with me in the propriety of continuing to pay the salary of the schoolmaster for the year ending the 31st of March 1863; out of Imperial funds, and a vote of 300 *l.* has accordingly been placed on the Colonial Estimates for this purpose.

I have, &c.
(signed) *Newcastle.*

— No. 16. —

(No. 43.)

COPY of a DESPATCH from His Grace the Duke of *Newcastle*, K.G. to Governor the Right Honourable Sir *J. Young*, Bart. K.C.B.

Sir,

Downing-street, 8 June 1862.

I HAVE the honour to acknowledge the receipt of your Despatch, No. 30,* of the 20th March, informing me that you were about to proceed on a visit of inspection

inspection to Norfolk Island in Her Majesty's ship "Pelorus," and reporting the views entertained by your responsible advisers, as to the measures which your absence from the colony would render necessary.

You are of course aware that whatever view may be taken by your ministers of your journey to Norfolk Island as a matter of convenience, you will in point of law have been absent from your government during that journey, since Norfolk Island is a separate government, held together with that of New South Wales, but not forming part of it; or included in any sense within the limits of the colony.

I have, &c.
(signed) Newcastle.

— No. 17. —

(No. 67.)

COPY of a DESPATCH from His Grace the Duke of Newcastle, K.G., to
Governor the Right Honourable Sir John Young, Bart. K.C.B.

Sir,

Downing-street, 8 September 1862.

I HAVE received your Despatch of the 10th May last, Norfolk Island, No. 1,* reporting the result of your visit to that island.

I have much pleasure in acknowledging the care and judgment with which you have dealt with various questions which came before you for your consideration, having reference to the condition of the present inhabitants of Norfolk Island; and whilst expressing my general concurrence in your views, I have no hesitation in leaving it to you to decide upon the various matters of detail for giving effect to them.

I agree with you that the introduction of a Melanesian college cannot be permitted, and I have little doubt that on your communicating with Bishop Patteson, by whom a proposition for that object appears to have been submitted to the chief magistrate, he will readily abandon his intention of doing so.

As regards the continuance of Mr. Rossiter's salary, I did not fail to bring before the Lords Commissioners of the Treasury the strong testimony you have borne to his services, and the importance you attached to their being retained for some time longer, and I now transmit to you for your own information and for communication to Mr. Rossiter, a copy of the letter received from their Lordships in reply, showing the conditions upon which the salary will be continued for a limited period.

I have, &c.
(signed) Newcastle.

Enclosure in No. 17.

Sir,

Treasury Chambers, 25 August 1862.

IN reply to your letter of the 12th instant, I am directed by the Lords Commissioners of Her Majesty's Treasury to acquaint you, for the information of the Duke of Newcastle, that my Lords will not, under the circumstances, object to sanction the continuance, for a limited time, in the Estimates submitted to Parliament, of an item for the salary of Mr. Rossiter, the schoolmaster to the Pitcairn's Islanders located in Norfolk Island; but they do not consider it advisable to hold out the expectation of that salary being continued for the whole period recommended by Sir J. Young; and, in any communication that may be made to Mr. Rossiter on the subject of his continuing to act as schoolmaster, it should be distinctly explained to him, that his salary is subject to an annual vote, and that he will have no claim to compensation in the event of his engagement being terminated at short notice.

Should the local funds improve, as with judicious management it is apparent they might be made to do, my Lords think that, next perhaps to the opening of the harbour, the service undertaken by Mr. Rossiter, and at present paid out of an Imperial grant, is that to which they should first be applied.

Sir F. Rogers, Bart.

I am, &c.
(signed) F. Peel.

