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HISTORICAL RECORDS
OF
AUSTRALIA.

COMMONWEALTH OF AUSTRALIA.

✓ Australia Parliament Joint Library Committee

HISTORICAL RECORDS

OF

AUSTRALIA.

SERIES I.

GOVERNORS' DESPATCHES TO AND FROM ENGLAND.

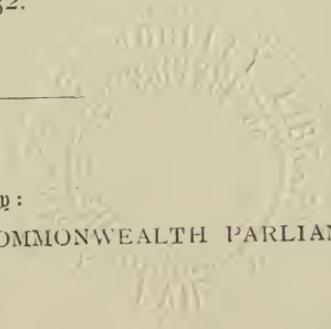
VOLUME XVI.

1831—1832.

Published by:

THE LIBRARY COMMITTEE OF THE COMMONWEALTH PARLIAMENT.

—
1923.



SYDNEY :
ALFRED JAMES KENT, ACTING GOVERNMENT PRINTER.

1923.



INTRODUCTION.

GOVERNOR BOURKE.

RICHARD BOURKE was the eighth governor-in-chief of the territory of New South Wales and its dependencies, and the second governor-in-chief in and over the island of Van Diemen's land (Tasmania).

As governor-in-chief of New South Wales, he exercised a salutary influence in the development and expansion of reforms initiated under his predecessor, in the firm establishment of changes ordered by the British cabinet, and in the introduction of new methods which he realised were necessary from his previous administrative experience. During his government, religious freedom was recognised; the powers of patronage held by his predecessors were finally curtailed; the legislative council acquired full control over the expenditure of the colony; the first principles of modern land laws were introduced; trial by jury was developed on the principles of British law; immigration was subsidised from land revenue; and the long-continued feud between the free settlers and the emancipists was gradually lost in oblivion.

As governor-in-chief of Van Diemen's land, his influence was nominal. By the provisions of his commission, in the event of his death or absence from the territorial limits of the island, the government devolved on the lieutenant-governor of the island. As he never visited the island, he exercised no control over the civil administration, although, as captain-general, he held a general direction over the military.

Richard Bourke was born on the 4th of May, 1777.* He was the son of John Bourke of Thornfield, co. Limerick, Ireland, by his marriage with Anne, daughter of Edward Ryan of Dublin, and of Boscobel, co. Tipperary. John Bourke was the grandson of Richard Bourke of Drumsally, co. Limerick. The family

* This date is recorded in the *Annual Register* and *Gentleman's Magazine* for 1855. The date recorded on his tombstone is said to be 1778.

claimed descent from De Bourgo, the senior line of whose descendants is represented by lord Clanricarde. Kinship was also claimed with the great orator, the right honourable Edmund Burke; the alteration in the spelling of the surname was explained by the dropping of the "o" by the immediate ancestors of Burke.

Richard Bourke was educated at Westminster school, and Oriel college, Oxford, where he matriculated in 1793. In 1798, he graduated as B.A. at Exeter and qualified as a barrister. During his education, he spent many of his vacations at Beaconsfield, the seat of Edmund Burke, who had great influence on him during the critical years of a man's life. In consequence of this association, he was one of the witnesses to Burke's will before he died in 1797. In the meantime, Richard Bourke had succeeded to his father's estates at Thornfield in the year 1795.

Bourke soon forsook the profession of law for that of arms, and, in the year 1798, he entered the army as an ensign in the 1st regiment of foot guards. In the following year, he served with his regiment on active service in Holland at the Helder. He participated in the actions of the 27th of August, the 10th and 19th of September, and the 2nd and 6th of October. He distinguished himself by his gallantry, but was severely wounded in both jaws and invalided to England. He bore the marks of these wounds for the rest of his life. On the 25th of November, 1799, he obtained the rank of lieutenant and captain in his regiment.

When he recovered from his wounds, he was placed on the staff in England, and, for a short time, he was superintendent of the junior department in the royal military college at Marlow. On the 5th of December, 1805, he attained the rank of captain and was attached to the 1st garrison battalion.

In the year 1806, he was appointed principal officer of the quartermaster-general's department in South America and was present at the actions of the 19th and 20th of January, 1807, and at the siege and storming of Montevideo. In 1806, general Beresford succeeded in gaining possession of Buenos Ayres with a force of twelve hundred men, but was compelled to retire. British merchants at this period desired to extend their spheres of influence for trading purposes. Accordingly the British government appointed general John Whitelocke in February, 1807, to the command of an expedition, with instructions to recapture Buenos

Ayres, to take possession of the province, and to establish a civil government under himself. Richard Bourke was appointed quartermaster-general under Whitelocke. On the 28th and 29th of June, the expedition, consisting of nine battalions of infantry and two and a half regiments of cavalry, was landed thirty miles below Buenos Ayres. Whitelocke proved himself weak and vacillating as a commander, and the expedition entirely failed. After losing two thousand five hundred men, and capturing only a part of Buenos Ayres during the first week in July, Whitelocke was forced to conclude a treaty, whereby he not only withdrew from Buenos Ayres, but also surrendered Montevideo. For his misconduct and incompetence, Whitelocke was court-martialled and cashiered at the beginning of the year 1808, Bourke being one of the principal witnesses.

On the 2nd of June, 1808, Richard Bourke was promoted to the rank of major, and about the same time was appointed a permanent assistant in the quartermaster-general's department.

In the years 1809, 1812, 1813 and 1814, he served with the British army in the Peninsula. He possessed the confidence of Sir Arthur Wellesley (afterwards the duke of Wellington), and was employed in confidential negotiations with allied generals. On the 4th of June, 1814, he was promoted to the rank of colonel, and, on the 4th of June in the following year, he was created a military companion of the most honourable military order of the Bath.

For some years after the battle of Waterloo, he was on the half-pay list; and, on the 19th of January, 1821, he was promoted to the rank of major-general.

In the year 1825, some action was necessary at the Cape of Good Hope, corruption was rampant, and serious charges of mal-administration had been brought against the governor lord Charles Somerset. Somerset was thereupon ordered to England, and, on the 5th of July, 1825, Richard Bourke was gazetted lieut.-governor of the eastern district of the colony with power to act as governor during the absence of Somerset. Bourke assumed the government on the 8th of February, 1826, and continued the administration until relieved by Sir Galbraith Lowry Cole on the 9th of September, 1828, after which relief he sailed for England on the 7th of November.

During the two years and seven months of his administration at the Cape, Bourke proved most capable and successful. During this brief period, many notable changes were introduced. A new charter of justice was granted to the colony; John Wylde was appointed chief justice; two puisne judges were associated with him on the bench; and the appellate jurisdiction of the governor was abolished. But the greatest change was made by Bourke on his own initiative. By his ordinance numbered 49, he repealed all former laws prohibiting intercourse with Kaffirs, and permitted them, nominally with passes, to have free entry into the colony. For this action, Bourke was severely criticised, and it is doubtful if the ordinance was an act of statesmanship.

After his return to Great Britain, Bourke did not long remain out of public service. It was decided to recall Governor Darling at the termination of six years' service, and Bourke was chosen to succeed as governor-in-chief of New South Wales, his commission* being dated 25th June, 1831. It is improbable that a more successful appointment could have been made, and Bourke won almost universal praise both from supporters and opponents. The Reverend John Dunmore Lang was a candid critic of several administrative acts of Bourke, and he summarised Bourke's character as follows:—"Of a capacious mind and of superior intellectual acquirements, he was evidently capable of the most comprehensive views in matters of state-policy and civil government, though perhaps somewhat averse to the technicalities of practical detail. Strictly just and constitutionally humane, he was nevertheless inflexibly attached to his own opinions, and, like most military men, impatient of opposition or contradiction."

Governor Bourke arrived at Sydney in the ship *Margaret* on the 2nd of December, 1831. He commenced his administration under the most favourable circumstances. Governor Darling had sailed from the colony a few weeks earlier in an atmosphere of unpopularity, and the colonists were enthusiastic in the welcomes tendered to Bourke, whose excellent reputation as a soldier and civil administrator had preceded him.

The story of his administration will be found in the introductions to succeeding volumes, which contain the papers relating to the events discussed.

* See page 837 *et seq.*

Governor (then Sir Richard) Bourke held office until the 5th of December, 1837, when he sailed for Valparaiso in the ship *Samuel Winter*. The termination of his office was due to his resignation, which was caused by the refusal of the secretary of state to confirm his suspension* of C. D. Riddell as a member of the executive council.

During the period of his administration of New South Wales, Richard Bourke was created a knight-commander of the most honourable order of the Bath on the 26th of January, 1835, in recognition of his services, was promoted to the rank of lieutenant-general on the 10th of January, 1837, and was appointed colonel of the 64th regiment of foot on the 29th of November in the same year.

Bourke was a bad sailor, and, to avoid the passage of cape Horn on his return to England, he landed at Valparaiso, crossed the Andes by way of the pass of Uspallata and the town of Mendoza in easy stages, and re-visited Buenos Ayres, the scene of some of his early military career; from thence, he sailed for England *via* Montevideo and Rio de Janeiro.

After his return to Great Britain, Bourke was offered but declined further official employment. He settled on his estates in Ireland. In 1839, he was high sheriff of the county of Limerick, and subsequently a magistrate of the county and city of Limerick. He also retained the colonelcy of the 64th regiment until his death. He was an ideal country gentleman and a just and humane landlord, and became a notable figure in the countryside during the declining years of his life. In the year 1851, he was promoted to the rank of general.

In the year 1844, in collaboration with Charles William, the 5th earl Fitzwilliam, Bourke edited the "Correspondence of the Right Honourable Edmund Burke between the year 1744 and the period of his decease in 1797" which was published in four volumes octavo.

Bourke died very suddenly. On Sunday, 12th August, 1855, he was attending church at Castleconnel, apparently in his usual health. He was taken ill and immediately drove home to his seat, Thornfield, when he died ten minutes after his return from ossification of the heart in the eighty-eighth or ninth year of his life.

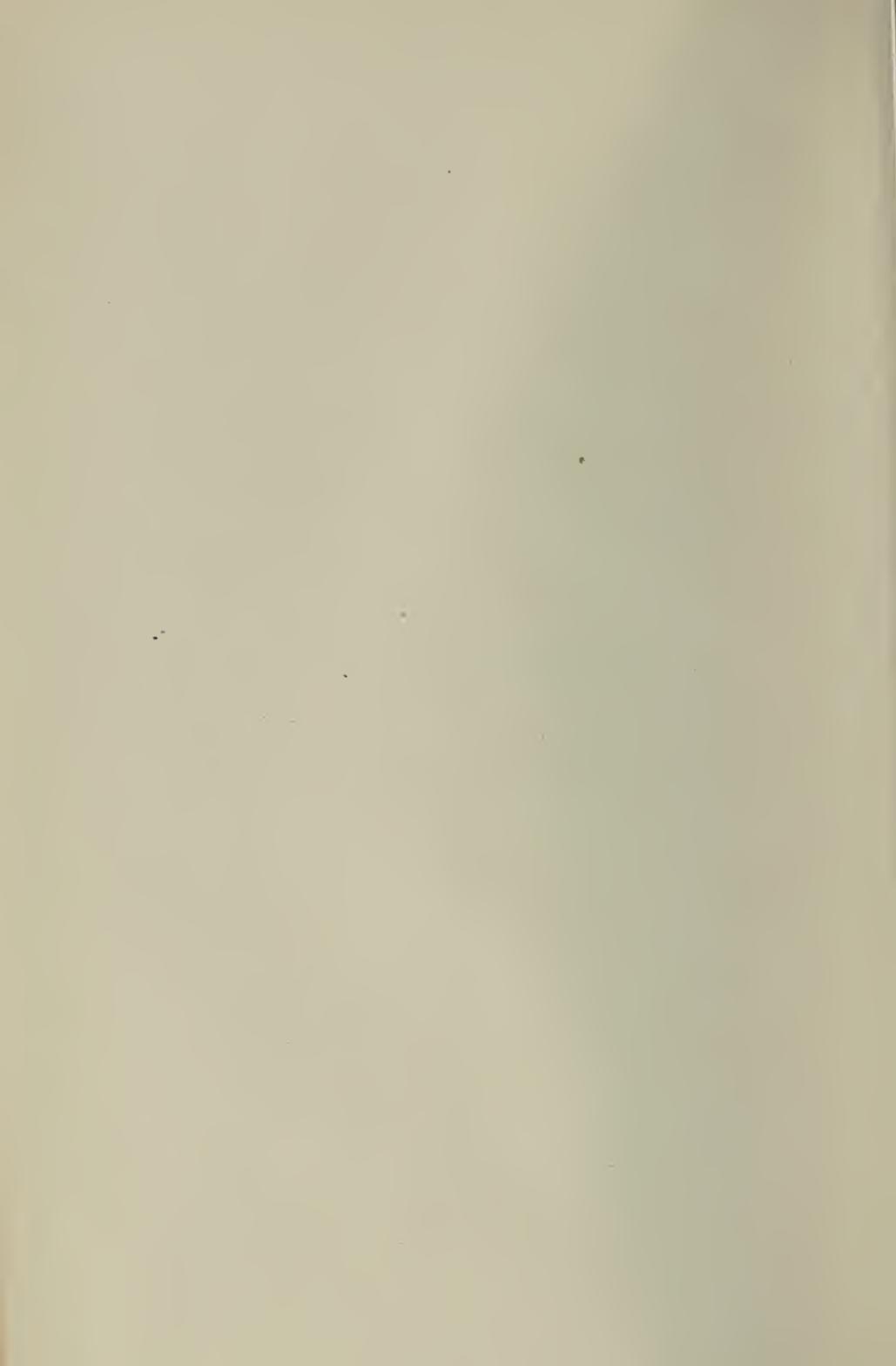
* See succeeding volumes.

Richard Bourke had married in March, 1800, Elizabeth Jane, the daughter of John Bourke of Lothbury, London, and of Carshalton, Surrey, who was receiver-general of the land tax for Middlesex and a descendant of the Bourkes of Urey. His wife died at Parramatta, New South Wales, on the 7th of May, 1832. Bourke had three sons and five daughters. The sons were John, born in 1802, but who predeceased his father; Edmund, died in childhood; and Richard, a barrister-at-law, who succeeded to his father's estates. The daughters were Mary Jane, who married D. M. Perceval, the fourth son of Spencer Perceval, the chancellor of the exchequer; Anne, who married E. D. Thomson, afterwards colonial secretary of New South Wales; Frances, who married the Reverend John Jebb; Georgina, who died young; and Lucy, who died unmarried.

FREDK. WATSON.

30th March, 1923.

DESPATCHES.



HISTORICAL RECORDS

OF

AUSTRALIA.

SERIES I.

THE SECRETARY OF STATE TO THE GOVERNOR.

1831.

THE following despatches,* written in the year 1831, have been Despatches omitted:— omitted.

Despatch dated	numbered	Transmitting
21st January	17	approval of pardons for R. Brown, P. O'Neil, W. Lackey and W. Galvin.
8th August	11	approval of pardons for Michael Gorman, Samuel Horne and John Pearce.
16th September ...	17	proposal for conditional pardon for James McCooly.
12th December ...	44	proposal for free pardon for Thomas Matthews after serving eight years of sentence.
29th December ...	57	authority for pardon for Patrick Conolly on condition of banishment from United Kingdom.

UNDER SECRETARY OF STATE TO THE GOVERNOR.

THE following despatches,* written in the year 1831, have been omitted:—

Despatch dated	Transmitting
18th August	request for report <i>re</i> convict William Chadwick.
31st August	inquiry <i>re</i> property left at death by convict, Francis McNamara.
11th October	request by Jane Duggan to join her convict husband.
21st October	recommendation of convict, Denkin, for indulgence.
28th November.....	petition from convicts, Charles McMahon and John Reikie, for transfer to Tasmania.
29th November.....	statement <i>re</i> convict, Andrew O'Brien.
18th December	request for report <i>re</i> convict, Thomas Black.

ASSIGNMENTS OF CONVICTS.

DURING the year 1831, letters, which enclosed the assignments of convicts (not available) *per* the ships named, were written by the under secretary of state to Governor Darling, with dates as under:— Assignments of convicts.

Date of letter.	Ship's name.	No. of convicts.
16th February	Eleanor	133 Male.
4th March	Exmouth	290 ,,
23rd March	Camden	198 ,,
30th March	Georgiana	182 ,,

* Note 1.

1831.

GOVERNOR DARLING TO THE SECRETARY OF STATE.

Despatches
omitted.

THE following despatches,* written in the year 1831, have been omitted:—

Despatch dated	Despatch numbered	Transmitting
8th February	20	minutes of executive council to December, 1830.
21st February	27	rules and regulations for supreme court.
10th March	28	return of crime and punishment.
11th March	29	list of one hundred and five convicts applying for passages for their families.
9th April	35	report on conditional pardon granted to William Robertson.
3rd May	44	return of land grants.
28th May	separate	return of prisoners, whose assignments had been revoked.
1st June	46	return of expenditure of medicines.
7th June	49	return of eight absolute or conditional pardons granted in years 1827 to 1830.
18th June	52	monthly return of troops for November, 1830.
18th July	60	three quarterly returns of convicts, who have absconded.
3rd August	65	blue book for 1830.
17th September ..	76	annual report for 1830 of colonial botanist.
3rd October	85	monthly returns of troops for May to September, 1831.
4th October	86	minutes of executive council to 30th June, 1831.
20th October	94	six absolute pardons.
20th October	95	fifty-eight conditional pardons.

GOVERNOR DARLING TO THE UNDER SECRETARY OF STATE.

THE following despatches,* written in the year 1831, have been omitted:—

Despatch dated	Transmitting
24th January	report on convict, John Gauble.
14th March	return of despatches written in year 1830.
16th March	printed copies of thirteen acts of council passed in year 1830.
16th March	volume of acts and ordinances for half-year to June, 1830.
20th March	notification of transmission of accounts to commissioners of colonial audit.
4th April	report on death of David Stormann, convict.
28th April	series of <i>Sydney Gazette</i> for year 1830.
2nd July	requisitions for medicines.
3rd July	volume of acts and ordinances for half-year ending December 1830.
3rd October	book of regulations <i>re</i> rations for convicts.

GOVERNOR DARLING TO SIR GEORGE MURRAY.

(Despatch marked "Separate," per ship Royal Admiral.)

Sir,
Government House, 1st January, 1831.1 Jan.
Reasons for
transfer of
D. McHugh to
Moreton bay.

Having been confined to my room by Indisposition, when my Despatch of the 22nd Decr. last, No. 75, was written, I perceive I omitted to draw your attention, as I intended to have done, to the circumstances, stated in the Colonial Secr.'s letter, of McHugh having been sent to Moreton Bay in the ordinary Service of the Government for the purpose of breaking the connexions he had formed here, and preventing his continuing the depredations in which he had been concerned and not with a view to his being subjected to punishment. This will no doubt appear, as it is stated in the order† for his removal. But I have

* Note 1.

† Note 2.

thought it as well to advert to the fact, lest it might have escaped observation, as Messrs. Hall and Wentworth will not fail, by their exaggerated and distorted Statements, to endeavour to convey such an impression of every trivial occurrence, as they may think likely to conduce to their dishonest purposes.

I have, &c.,

RA. DARLING.

1831.
1 Jan.

Reasons for
transfer of
D. McHugh to
Moreton bay.

GOVERNOR DARLING TO SIR GEORGE MURRAY.

(Despatch No. 1, per ship Royal Admiral.)

Sir, Government House, 2nd January, 1831.

2 Jan.

In reference to my Despatch of the 13th April last, No. 31, respecting the Security to be entered into by the Registrar of the Supreme Court, I now do myself the honor to transmit for your information the Copy of a Correspondence, which has passed between the Chief Justice and Myself on that Subject. Mr. Forbes has Stated the Amount at £600, which he Considers sufficient, having reference to the precautions which are taken by the Court in the case of the personal Estates of Persons dying intestate, without however, as the Chief Justice observes, making provision for the security of the Monies necessarily lodged in the Registrar's hands from time to time for the payment of Witnesses attending the Supreme Court and other Incidental Expenses of a similar Nature, which is sometimes considerable.

Transmission of
correspondence
re security to
be furnished
by registrar of
supreme court.

I have Consulted the Colonial Secretary and the Auditor General on the Subject, who are of opinion that the Amount of the Security to be furnished by the Registrar should not be less than £2,000; and I confess I am disposed Under all Circumstances to concur with them. It will be seen by the Chief Justice's letter of the 19th October last, Enclosure No. 2, that Mr. Manning's Brother of Lincoln's Inn will do what may be necessary in his behalf.

I have, &c.,

RA. DARLING.

[Enclosure No. 1.]

GOVERNOR DARLING TO CHIEF JUSTICE FORBES.

Sir, Government House, 29th September, 1830.

Having had under consideration your Letter of the 26th February last pointing out the course which is pursued in the case of The Registrar, who has been authorised by the Supreme Court to dispose of Estates, and to collect the Monies arising therefrom, subject to the orders of the Court, it has occurred to me that, with reference to the proceedings of the late and former Registrar, it would be expedient to call on the Officer, authorised by the Court to collect the Monies above alluded to, to enter into Security as in

Security to be
furnished by
registrar.

HISTORICAL RECORDS OF AUSTRALIA.

1831.
2 Jan.

other Cases, so as to secure as far as may be practicable the Public and Individuals from sustaining any Loss. I therefore beg to suggest that the person, authorised by the Court to receive the Monies in question, be required to enter into Security to such an Amount, as may be deemed adequate to the Trust, until Instructions shall be received from His Majesty's Government on the subject.

I have, &c.,

RA. DARLING.

[Enclosure No. 2.]

CHIEF JUSTICE FORBES TO GOVERNOR DARLING.

Sir,

Sydney, 19 October, 1830.

Security
required from
registrar.

I have the honor to acknowledge Your Excellency's Letter to me of the 29 Ultimo, suggesting that Mr. Manning the Registrar of the Supreme Court should be required to enter into Security for the due discharge of the trusts of Intestate Estates, confided to him under the Act of Parliament. I have Communicated with Mr. Manning upon the subject, and he states that for many reasons, namely, that he was appointed by His Majesty to his office without being informed that Security would be required, that as a Stranger in this Colony he could not find such Security without paying a considerable premium, or being liable to be called upon to afford a similar accommodation, he is not prepared to enter into a general Security for the discharge of his office. He adds, however, that he shall be quite prepared to enter into all requisite Security in England, and if His Majesty's Government should so determine that his Brother, James Manning, Esq., Barrister of Lincoln's Inn, will do what may be required in his behalf.

Security
proposed in
England.

I have already stated to Your Excellency that it did not appear to me, that I was Invested with power to compel Mr. Manning to enter into a Condition not required by His Majesty at the time of appointing him. But, to prevent any possibility of loss to Suitors in the Supreme Court, I shall, with the concurrence of the Assistant Judges, direct that all Monies arising from the Sale of Intestate Estates, be placed in the Banks, subject to the disposal of the Court, in like manner as the larger Amounts of Monies in hand are at present Invested.

I have, &c.,

FRANCIS FORBES, Ch. Justice.

[Enclosure No. 3.]

CHIEF JUSTICE FORBES TO GOVERNOR DARLING.

Sir,

Sydney, 30 November, 1830.

Amount of
security
proposed by
F. Forbes.

In reply to the Letter addressed to me by Your Excellency under date the 25 Instant, requesting my sentiments as to the Amount of the Security, which it might be proper to require of the Registrar of the Supreme Court, and the grounds on which my opinion might be formed. I have the honor to acquaint Your Excellency that I think the Sum of Six hundred Pounds will be reasonably sufficient to protect parties against any presumable loss, which may arise from the temporary Custody of the personal Estates of Intestate Persons Committed to the Registrar by the Court under the Statute 9 Geo. 4. C. 83. Sec. 12. having reference to the present practice and precaution of the Court. In the Instructions of The Right Honble. the Earl Bathurst to the Governor of

New South Wales in 1824, accompanying the nomination of Mr. Mackaness as the first Sheriff of New South Wales, the Security for the fulfilment of that office was fixed at One thousand Pounds. The Amount of Monies, which pass through the hands of the Sheriff, is many times greater than any Sum which can be supposed to come under the uncontrolled disposal of the Registrar, and it is partly in reference to the Amount fixed for the Security now given by the Sheriff that I am led to Name the Sum of Six Hundred Pounds as a reasonable Security to be required of the Registrar. In fixing this Sum, I do not include any Sums of Money, which may be advanced by Your Excellency's order for the payment of Crown Witnesses, that being a matter of arrangement, over which the Court has no Control, and resting entirely in the discretion of Your Excellency.

1831.
2 Jan.

Security given
by J. Mackaness
as sheriff.

I have, &c.,

FRANCIS FORBES, Ch. Justice N. S. Wales.

GOVERNOR DARLING TO SIR GEORGE MURRAY.

(Despatch No. 2, per ship Royal Admiral; acknowledged by Viscount Goderich, 13th October, 1831.)

Sir, Government House, 3rd Jan., 1831.

3 Jan.

I do myself the honor to enclose for your information, Copies of two letters addressed to me by the Chief Justice, requesting Authority for the employment of an Additional Clerk, in consequence of the duties which have devolved on the Supreme Court by reason of the "Insolvent Act,"* which was passed last year by the Colonial Legislature.

Additional clerk
in supreme
court.

I have Authorised the Appointment as recommended by the Chief Justice, and I request your Sanction for the Charge of £80 a year being Admitted in the public Accounts from the 24th day of May, 1830.

I have Stated in my late correspondence that the Business in all the Departments of the Government had lately very much encreased, and I beg to offer this case as some evidence of the fact, every Establishment as well as the Supreme Court (the Police and Convict Departments more especially) requiring Additional means to meet the duties to be performed, in Consequence of the Measures to be carried into effect in pursuance of the Acts of Council which have been passed.

Increase of
business in
government
departments.

I have, &c.,

RA. DARLING.

[Enclosure No. 1.]

CHIEF JUSTICE FORBES TO GOVERNOR DARLING.

Sir, Sydney, 15 October, 1830.

I had the honor to communicate verbally with Your Excellency, some Months since, upon the Subject of the Duties, which had devolved upon the Supreme Court by reason of the Insolvent Act passed by the Legislature of the Colony; and I mentioned at the time that it became necessary to keep an office open, separate

Duties due to
passing of
insolvent act.

* Note 3.

1831.
3 Jan.

from the Office of the Supreme Court, for the Deposit of the Books and Papers of Insolvents, which might be consulted at all times during Office Hours by Creditors in the presence and under the Superintendence of a responsible Clerk. Recurring to the same subject, I have the honor to inform Your Excellency that, finding it impossible to carry into effect the Insolvent Act without the aid of another Clerk, I am under the necessity of requesting Your Excellency's sanction to the appointment of one, agreeably to the 9th Section* of the Charter. I have temporarily appointed a Son of Captain Steele, and I think that a Salary of Eighty Pounds a Year will be an adequate remuneration for the mere Clerical Duty required to be performed. As the subject is pressing, owing to the very great mass of Books and Papers already accumulated in the Master's Office, and the necessity for their being open to Public Inspection under proper Care, I have to request that Your Excellency will honor me with as early an answer as may be convenient.

Additional clerk
required to
fulfil duties.

I have, &c.,

FRANCIS FORBES, Ch. Justice.

[Enclosure No. 2.]

CHIEF JUSTICE FORBES TO GOVERNOR DARLING.

Sir,

Sydney, 19 October, 1830.

Request for
approval of
salary for clerk.

I understand that it is required by the Rules for the observance of the Auditor of Public Accounts that Your Excellency's Sanction should be given both to the Amount of Salaries and the time from which the same are to be paid. Referring to the Communication I had the honor to address to, and receive from Your Excellency respecting the appointment of Mr. Steele in the Master's Office, I have to request that the Sum of Eighty Pounds per Annum be approved by Your Excellency as the Salary of Mr. Steele to be computed from the 24 day of May last, the day on which Mr. Steele entered upon his Duties, in consequence of the necessity of immediately having a responsible Clerk to receive and take charge of the Books and Papers of the numerous Insolencies declared in the Supreme Court.

I have, &c.,

FRANCIS FORBES, Ch. Justice.

GOVERNOR DARLING TO SIR GEORGE MURRAY.

(Despatch No. 3, per ship Royal Admiral; acknowledged by Viscount Howick, 20th August, 1831.)

4 Jan.

Sir,

Government House, 4th January, 1831.

Request for
building
allotment by
C. Windeyer.

I do Myself the honor to forward the accompanying application from Mr. Windeyer, Chief Clerk of the Police Office, requesting to be allowed an Allotment of Land for the purpose of erecting a House for his residence. Mr. Windeyer is a very useful and respectable man, has a numerous family and small Income, and well deserves the indulgence he solicits.

I have, &c.,

RA. DARLING.

[Enclosure.]

1831.
4 Jan.

MR. C. WINDEYER TO SIR GEORGE MURRAY.

Sir, Sydney, New South Wales, 21 December, 1830.

I take the liberty of intruding on your valuable time to solicit that, in Consideration of my large Family (consisting of a Wife and Eleven Children) and the limited Income I derive from a Situation, which Claims and occupies the whole of my attention, that you will be pleased to dispense in my behalf with that Regulation, which precludes His Excellency The Governor from making Grants of Crown Land to Individuals in the Civil Service of the Government of this Colony, and that you will be pleased to direct that an Allotment on the Woolloomooloo Estate may be granted to me, which will enable me to erect a House sufficient for my Family at an Expense very insignificant, when compared with my present heavy Charge for House Rent.

Request for
building
allotment by
C. Windeyer.

I have, &c.,

CHARLES WINDEYER, Pl. Clerk of Police.

VISCOUNT GODERICH TO GOVERNOR DARLING.

(Despatch No. 9. per ship Eleanor.)

Sir, Downing Street, 5th Jany., 1831.

5 Jan.

I have the honor to enclose the copy of a proposal, which has been submitted to me by the Governors of the Foundling Hospital at Cork, for sending out to New South Wales a number of females, who have been brought up in that Institution, and who, having now reached the age of 14, it has become necessary to provide for to make room for the younger Classes. I am so fully impressed with the advantage to be derived to the Colony by the introduction of this Class of females, that, after communication with the Treasury, I have readily undertaken on the part of His Majesty's Government to dispose of a number not exceeding fifty in the manner proposed.

Females from
foundling
hospital at
Cork to be sent
to colony.

Arrangements will be made as soon as possible for the conveyance of these young persons to their destination; but in the meantime, I deem it advisable that you should be informed of the Intention of sending them out to the Colony, in order that you may ascertain the demands for female Servants, and be enabled to distribute them upon their arrival. In the event, however, of the whole of the females not being immediately engaged in the service of private families, you will of course allot to those, who may remain, temporary accommodation in the female Orphan School or in some other safe asylum, where their morals will be attended to, until such time as you shall be able to obtain desirable situations for them.

Instructions
re disposal
of females.

I am, &c.,

GODERICH.

1831.
5 Jan.

[Enclosure.]

MR. J. C. BERNARD TO VISCOUNT GODERICH.

My Lord,

Cork, 31st Decr., 1830.

I have been directed by the Governors of the Foundling Hospital of this City to solicit your Lordship's attention to a suggestion, which they trust your Lordship will consider important in a public point of view, and for the adoption of which they, in reference to the Institution over which they preside, feel deeply interested.

By a local Act for this City passed in the year 1735, Governors were appointed, whose duty it became to take charge of all the deserted Children within this City.

From that period, the Establishment has been maintained, and vast numbers of Children of both sexes have, from time to time, been educated within it and been bound out from it.

There happens at this time to be on the Establishment an unusual number of Females whom, in consequence of the peculiar state of this Country at the present period, the Governors find it difficult to dispose of satisfactorily.

These Children have been brought up with great care, and have not only been taught those Works, which are suited to Females in their situation in life, but have received religious Instruction from the time at which they were respectively capable of being benefited by it. The Act, under which the Institution was founded, made it requisite that the Children should be brought up Members of the Established Church, and those Girls are therefore all of the Protestant religion.

It has occurred to the Governors that, in consequence of the very great disproportion of Males to Females at present in New S. Wales, it would be extremely beneficial to that Colony to have introduced there some young Females properly educated and of virtuous habits.

Under ordinary circumstances, it would of course be impossible to confer such a benefit on the Colony without at the same time increasing the proportion of Male Settlers, as no father would consent to have his daughter go from him without the protection of accompanying relatives or friends.

Here however the opportunity is afforded of sending females, who are without any of the usual ties, to this Country, and who can therefore be transferred to the Colony unattended by any of those incumbrances which under other circumstances would be unavoidable.

Your Lordship will have no difficulty in believing that, in making this suggestion, the Governors of the Hospital are acting under the conviction that, in the event of the plan meeting your Lordship's approbation, such measures will be adopted on the part of the Govt. as shall ensure to those Females, who shall be sent out, not only protection during the Voyage but a suitable reception when they shall have arrived at the Colony; and the Governors direct me to add that in no other circumstances than under the protection of the Government would they be induced to permit their interesting charge to be removed to so distant a quarter of the World.

Foundling
hospital
at Cork.

Proposal to
send females
to colony.

The Governors of the Hospital direct me to state that there are at present in the Establishment upwards of 50 girls above 14 years of age, calculated for the proposed destination, and whom the Governors could have ready for embarkation in any reasonable time that the Government should fix upon.

1831.
5 Jan.

Females
available as
immigrants.

Should the plan, which I have thus had the honor on the part of the Governors of the Foundling Hospital to lay before your Lordship, meet your approbation, the Governors would feel much obliged by your Lordship's having the goodness to direct that your Lordship's opinion shall be made known to them; and they take the liberty to request that they may at the same time be made acquainted with such details as your Lordship may think proper to communicate in reference to the mode, by which Government shall propose to carry the measure into effect, and to the preparatory steps which may have to be taken by the Governors.

Request
for details.

I have, &c.,

JULIUS C. BERNARD,

Secretary of the Govrs. of the Foundling Hospital of Cork.

[Sub-enclosure.]

FOUNDLING HOSPITAL, CORK.

AMONG the Charitable Institutions at Cork is one for the reception of Foundling Children. It is supported by a Tax on Coals and by collections at the Churches, &c.

Management
of hospital
at
Cork.

The number received annually averages about 300. The Children are brought up Protestants and are instructed in reading, writing and arithmetic; the females are accustomed to assist in the various Domestic employments; they make their own clothing, &c.

The Boys as they grow up are apprenticed to trades, sent to sea, or provided with service; but, for the girls, no adequate employment can be found; a few are put to needlework, &c., &c., and a few more find situations as domestic servants; but, in a densely peopled country like Ireland, every Family generally speaking has its own connections and Dependants, and many are not disposed to receive into their Houses persons, whom they must in an especial manner provide for and often protect from the taunts of their fellow servants, &c.

Difficulty
in finding
employment
for girls.

There are now in the Hospital about 50 Girls above 14 years of age, who must be provided for in some way to make room for the younger classes, and that as speedily as possible; to open the gates of the Institution and turn into the streets (singly or *en masse*) such a number of youthful Females, who have neither parents, relatives nor Homes, humanity forbids; it would be an outrage on Society, and it is impossible that they can remain where they are.

An idea has been suggested whether such a class of persons would not be a valuable acquisition to some of our newly formed colonies; they are young, healthy, well-taught, and of pure morals, and might be employed advantageously as domestics or become the wives of Settlers. Leaving no ties behind, they would speedily attach themselves to the soil that sheltered them, and both the old and new Country would be benefitted by the transaction.

Emigration
proposed
to colonies.

The Governors would give a small sum as an outfit, provided security was given for the safety and kind treatment of the individuals thus provided for.

Subsidy
proposed by
governors of
hospital.

1831.
5 Jan.

GOVERNOR DARLING TO SIR GEORGE MURRAY.
(Despatch No. 4, per ship Royal Admiral.)

Sir, Government House, 5th January, 1831.

Abolition of
establishment
at Wellington
valley.

I have the honor to acquaint you, in reference to your Despatch of the 21st of April last No. 26, that the Superintendent at Wellington Valley, whose Salary was £250 a year has been discontinued from the end of last year, and that the Establishment* generally has been broken up, with the exception of the Assistant Superintendent who is necessarily retained until the Cattle are finally disposed of.

Disposal
of cattle.

Finding it impracticable to dispose of them by Sale, I made an arrangement, which commenced with the present year, to supply several of the public Stations with fresh Beef, instead of entering into Contracts for the purpose as hitherto; and by this means the whole of the Cattle fit for Slaughter will be disposed of at no distant period. As soon as they have been all brought down from Wellington Valley, it is my intention to dispose of that Establishment, or to Lease it, if a Tenant can be found, which I doubt, considering its distance from Sydney.

Difficulty in
disposal of
"educated
convicts."

That Establishment being now broken up, I beg your attention to the difficulty, which will be felt in providing for the "Educated Convicts," who on their arrival in the Colony were usually sent to Wellington Valley, and assigned from thence if their Conduct rendered them deserving the indulgence. I am now without any means of disposing in a satisfactory manner of Persons of that Class; and, if at once assigned as other Convicts, the evils, which by the proceedings† in the House of Commons last year were erroneously supposed to exist, will in all probability occur, and I should therefore recommend that Educated Convicts be not sent to this in future.

Inability
to abolish
establishment
at Emu plains.

As to the Establishment at Emu Plains, which you have expressed a wish should also be done away, I am at a loss to conceive how it could under present circumstances be dispensed with. Whenever it can, I shall most willingly discontinue it; but, so long as the Government is charged with the Roads, an Establishment will be necessary for the Horses and Cattle, and I am not aware of any Situation equally eligible for that and other necessary purposes. I again request your authority for the employment of Mr. Bennett, as applied for in my letter of the 1st of October, 1829, No. 106. His appointment was preparatory to the final disposal of the Stock, which it was necessary to divide, and Mr. Maxwell could not attend both at Emu Plains and

* Note 5.

† Note 6.

Wellington Valley, which are 200 Miles apart. Mr. Kinghorne had not been accustomed to such a Charge, and he had besides the Educated Convicts and the Agricultural Establishment to attend to,

I have, &c.,

RA. DARLING.

1831.
5 Jan.

— — — — —

VISCOUNT GODERICH TO GOVERNOR DARLING.

(Despatch No. 10, per ship *Eleanor*; acknowledged by Governor Darling, 28th July, 1831.)

Sir,

Downing Street, 6th January, 1831.

6 Jan.

Since I assumed the Seals of this Department, I have had before me two apparently unanswered dispatches* from you, respecting an Act for amending the existing law of Libel in New South Wales. I have attentively considered both the Act in question and the reasons and arguments which you advance in its support. The result of this examination, and of a careful review of all the circumstances of the case, is my conviction that I ought not to give my sanction to the measure you have proposed.

Disapproval
of proposed
amendment of
law of libel.

I entirely concur with you in thinking that the extreme virulence of the Colonial Press is an evil of a very serious nature; and I am also convinced that those, by whom it is conducted, have without regard to truth or decency been engaged in a systematic and persevering endeavour to bring into contempt those to whom the Administration of the Colony has been entrusted. That such conduct ought not to escape with impunity, I am quite prepared to maintain; but, at the same time, it must be remembered that the object in view in punishing offences of this kind is to support the dignity and defend the character of the Colonial Authorities, and that there is no little danger that, by too much eagerness in severely repressing the Attacks to which it may be exposed, the Executive Government may most effectually promote the views of its enemies, and aggravate the evil which it wishes to remove. Experience has shewn that such is the invariable result of new measures of strong coercion, when they are adopted as a permanent system, acquiring the authority of settled Law, instead of being confined, under the pressure of extreme necessity, to the occasional exigency of some particular case; and the system itself has a dangerous tendency to lower in public estimation not so much those who suffer punishment, as those by whom it is inflicted.

Criticism of
colonial press.

Objections
to strong
repressive
action.

It appears to me that the law, as it stood before the introduction of the present Bill, was at least sufficiently severe. The

* *Marginal note.*—26th Jany., 1830; 4th Feby., 1830.

1831.

6 Jan.

Opinion *re*
existing law.

sentence of 3 years' imprisonment, pronounced against Mr. Hall, shews that the means of coercion are not wanting, while the fact, which you state, that a fine of £100 imposed on Mr. Hayes had been defrayed by subscription, would lead me to the conclusion that, in the opinion of at least a considerable portion of the Public, these means had already been too rigorously employed.

Objections to
more severe
law.

Under these circumstances, a new law of increased severity may indeed prevent the appearance of Libels against the Executive Government; but I fear it would only do so by putting an end to any thing like free discussion and enquiry, by silencing rather than allaying the irritation and discontent, which you fear that these Libels may produce, and which will not be the less active when thus deprived of their accustomed vent.

Instructions
re treatment
of libels.

These considerations induce me to advise His Majesty to disallow the Act you have transmitted, and to recommend to you, as the best means of defeating the machinations of the Libellers of your Government, to enforce the existing Law firmly but without harshness, in order to shew that, whilst the Government can ensure that the Law be respected, its power is solely called forth for public objects and on public grounds.

Article *re*
libel act in
Sydney Gazette.

I am happy to find from your statement that the article in favor of the proposed Act from the *Sydney Gazette*, which accompanies your Dispatch, was not written by any Officer of the Government, as nothing could so much tend to lower the character of those, who are vested with authority, as their suffering themselves to be drawn into a controversy in the Columns of a Newspaper; and I cannot too strongly impress upon you the necessity of carefully avoiding on your own part, and on the part of all persons holding responsible stations in the Government, a connection with any portion of the periodical press. The mere suspicion of such a connection would give to those measures of severity, which I fear it must sometimes be necessary to adopt, the appearance of a wish to silence arguments which it is difficult to refute.

Officials
to avoid
participation
in press.

I take this opportunity of expressing the deep regret with which I have learnt that the Editor of the *Sydney Gazette* is a Clergyman of the Established Church; the character of a political partizan is one at all times most unbecoming to a clergyman, and it is peculiarly so in New South Wales, where his professional services are so much required, and where party divisions and animosities have been carried to so extreme a length. You will inform Mr. Mansfield of the opinion I have now expressed, and of my expectation that he will see the propriety of discontinuing all connection with any Newspaper whatever. The mere

Objections
to Revd.
R. Mansfield
as editor of
Gazette.

fact of his having been liable to a prosecution* for libel, whether merited or not, as detailed in your dispatches lately received (on which I shall take an early opportunity of again addressing you), affords a striking illustration of the inconvenience of his present situation.

I have, &c.,

GODERICH.

1831
6 Jan.

VISCOUNT GODERICH TO GOVERNOR DARLING.

(Despatch No. 11, per ship Eleanor.)

Sir,

Downing Street, 7 Jan., 1831.

7 Jan.

With reference to Sir George Murray's despatch No. 52 of the 27th June last, conveying to you his sanction of the issue, which you had made to Mr. Icely in liquidation of his claim to the remission of the duties levied on certain Spirits imported by him into New South Wales in the year 1824, I have the honor to acquaint you that, as was anticipated, Mr. Icely has appealed against the decision which you had formed on his case. The subject was, in consequence, again brought under the consideration of the Lords Commissioners of the Treasury, who, upon a review of all the circumstances of Mr. Icely's claim, have declared your decision to be correct, and in conformity with their Lordships' intentions when the case was brought before them in the year 1825. You will, therefore, inform Mr. Icely that His Majesty's Government cannot admit that he has any claim to the further compensation which he seeks for his losses arising out of this transaction.

I am, &c.,

GODERICH.

Confirmation
of decision by
R. Darling *re*
claims of
T. Icely.

P.S.—I enclose for your information a copy of the letter which has been received from the Treasury upon this subject.

[Enclosure.]

MR. J. STEWART TO VISCOUNT HOWICK.

My Lord,

Treasury Chambers, 22d December, 1830.

The Lords Commrs. of H.M. Treasury having had under their consideration your Lordship's letter of the 4th Inst., transmitting the copy of a despatch from Lt. General Darling, relative to the compensation granted to Mr. Icely, a Merchant of New S. Wales, for the losses he sustained by an importation of Spirits into that Colony, I am commanded to acquaint you, for the information of Secretary Viscount Goderich, that it appears to my Lords that the decision on this case, which Sir Ralph Darling has made, is correct and in conformity with the intentions of this Board, communicated to Lord Bathurst on the 5th June, 1825, by which Mr. Icely has received the difference between the old and new rate of duty in respect of such importations of Spirits as were ordered by directions sent from New S. Wales before it was known in that Colony that the import duty had been raised.

I am, &c.,

J. STEWART.

* Note 7.

1831.
8 Jan.

VISCOUNT GODERICH TO GOVERNOR DARLING.

(Despatch No. 12, per ship Eleanor.)

Sir, Downing Street, 8th January, 1831.

Establishment
for natives at
Lake Macquarie.

I have received your Dispatch No. 47 of the 9th of August last on the subject of the Establishment undertaken and until recently maintained by the London Missionary Society at Lake Macquarie, with a view to form an acquaintance with the Native Languages of the Country and to attempt the Civilization of its aboriginal Inhabitants.

Approval of
employment of
L. E. Threlkeld.

I agree with you in opinion that the Civilization of the Natives of New South Wales is of so much importance that no steps, which have been undertaken with that object in view, should be abandoned until every possible effort has been made towards the accomplishment of it; and I acquiesce, therefore, in your continuing, with the approbation of the Council, to make an annual payment to Mr. Threlkeld at the rate of £150 per Annum, with the other advantages, proposed in your Dispatch, to induce him to persevere in his Labours. As I observe, however, from the Letter addressed to you by Mr. Hankey, Treasurer of the London Missionary Society, that the "Behaviour and Proceedings" of Mr. Threlkeld, so far as regards his Expences, had not been such as to give them satisfaction, and that, in fact, "their endeavours to regulate his Expenditure were treated with disregard and disrespect," I deem it advisable that no agreement should be made with him in respect to the payment of his allowance, which may not be terminated at the pleasure of the Colonial Government; and I further approve of the recommendation of the Archdeacon that Mr. Threlkeld should be required at the commencement of each year to satisfy him of the progress he has made during the previous twelve months in the translation of the Gospel into the native Language, care being at the same time taken that he does not pursue the same course, of which the Society have complained, of involving the public in any expence not previously sanctioned by the local authorities.

Conditions
imposed on
L. E. Threlkeld.

I am, &c.,
GODERICH.

GOVERNOR DARLING TO SIR GEORGE MURRAY.

(Despatch No. 5, per ship Royal Admiral: acknowledged by Viscount Goderich, 26th August, 1831.)

Sir, Government House, 8th January, 1831.

Transmission
of memorials
from surveyors.

In forwarding the accompanying Memorials of Surveyors Hoddle, Richards, Finch and Ralfe, for your favorable consideration, I shall endeavour to state their case as briefly as possible.

On receiving the late Mr. Secretary Huskisson's Despatch of the 31st of March, 1828, No. 19, fixing the Salaries of the Officers and Civil Servants employed in the several Departments, I issued a Minute (No. 114) of which the enclosed is a Copy, stating the Amount of the Salaries of the different Branches of the Surveyor General's Department.

1831.
5 Jan.

Regulation of
salaries of
surveyors.

It will be observed that the "*Maximum*" Salaries of the four Surveyors are specified, to which is immediately subjoined the necessary information as to the progress, by which the Assistant Surveyors, promoted to the situation of Surveyor, are respectively to arrive at the highest rate of Salary.

Minute No. 115, Copy of which is enclosed, was issued *subsequently* as the Number indicates, Notifying the promotion of the four Gentlemen, whose Memorials are enclosed, from the Situation of Assistant Surveyors to that of Surveyor, it being of course intended that their Salaries should be regulated according to the principle laid down in the preceding Minute, No. 114.

From some Misapprehension, it appears to have been supposed that the above principle was not intended to apply to the four Surveyors appointed in the first instance, that is, to these Memorialists, but to such asst. Surveyors as should hereafter succeed; and the abstract was accordingly prepared at the Maximum rates and placed by the Auditor General in Warrant, and it was not until the beginning of last year that, in looking into the Salaries of the Officers of the Surveyor General's Department, I discovered the mistake which had taken place.

Error in
payment of
salaries to four
surveyors.

The consequence has been that an over issue has occasioned as follows, vizt. :—

To Surveyor Hoddle, £380; Richards, £330; Finch, £180;
Ralfe, £130;

their full Salaries having been drawn for two years from the 1st of January, 1828, whereas the last Par. of Minute No. 114, Enclosure No. 5, shews, they were not entitled even to the Authorised encrease until the 1st of January, 1829.

The Auditor General having been called on for an explanation of the view which he had taken of the matter and which appears to have led to the mistake, I do myself the honor to enclose a copy of his letter in reply, with my remarks thereon.

Report by
W. Lithgow.

I beg to observe that the mistake was no fault of these Gentlemen, and that it would be quite out of their power to refund, even by Instalments, the Sums over issued to them out of their present Salaries, the two former being in the receipt of only £200 a year each, the latter of £250.

Inability of
surveyors to
refund over-
payments.

1831.
8 Jan.

Adjustment
proposed.

Example of
adjustment.

As the loss in this case is the consequence of an official error, and the parties have not the means of refunding the Amount, I beg to submit for your consideration whether it would not be equitable in this case to allow these Gentlemen to take credit for their Services from the date of their respective appointments, supposing them generally to have commenced at the Salary of £200, being the established Salary of an Assistant Surveyor (though the Salaries of Messrs. Finch and Ralfe were originally £250), and allow them an encrease of £20 annually after the expiration of their first year's Service. By this arrangement, they would derive the same benefit from their Services as the present Assistant Surveyors, which it is just and equitable they should. Applying this proposition for example to the case of Mr. Hoddle, the Senior Surveyor, his situation would be as follows:—

Mr. Hoddle was appointed Assistant Surveyor in September, 1823. From September, 1824, to September, 1830, he would consequently be entitled to an encrease of Salary for each year at the rate of £20 a year, which would be £120, making his Salary £320, being £5 less than the Salary of a Junior Surveyor. He might then be allowed the Salary of Junior Surveyor from the 1st of January, 1831, that is, £325, to which in fact he would be entitled the £5, being only equivalent to his Services from September last to the 1st of January.

The Salaries of the other Surveyors might be regulated in the same manner.

On obtaining the Salary of Junior or fourth Surveyor, they might, after one year's service, be allowed an encrease of £25 Annually, Until they attained their respective Stations, And an Arrangement of this nature in fact Appears necessary to the formation of the Establishment.

Position of
R. Hoddle.

It is necessary you should be informed that the case of the Senior Surveyor is peculiarly unfortunate, Mr. Hoddle having, in consequence of the improved nature of his Situation as he supposed at the time of his promotion, sent Home for his Wife and Family, who arrived here some time since, whom he has now to support on an Income totally inadequate to the purpose.

I beg to observe that this Communication has been delayed from the circumstance of some of the Surveyors having been employed in the Interior, which prevented their forwarding their Memorials for a Considerable time.

I have, &c.,

RA. DARLING.

[Enclosures Nos. 1, 2, 3 and 4.]

1831.
8 Jan.

Memorials.

[These memorials from Robert Hoddle, James B. Richards, Henage Finch and James Ralfe have been omitted, as their contents were summarised in the despatch, and the conclusion of each was the same, viz., an appeal for relief from the refund of the over-payments.]

[Enclosure No. 5.]

MINUTE No. 114.

Government House, 28th October, 1828.

LET it be notified that the Right Honble. the Secretary of State has been pleased to Authorise (Despatch dated 31st March, 1828, No. 19) the following arrangement with respect to the Salaries and Allowances of the Officers and other Persons employed in the Department for the Survey of this Territory, "Vizt.":

Regulations
re salaries of
officers of survey
department.

Surveyor General to receive £1,000 per An., which is to include House Rent, Travelling Expenses, or Forage for the Number of Horses Necessary for the performance of his duties and all other Allowances.

Deputy Surveyor General to receive on his appt. £500 per ann. (which is to include the Several Allowances specified under the head of Surveyor General) with an encrease of £50 per Annum after the first Year's Service, until it reach £650.

Surveyors To receive as follows, "Vizt.":

(Four) First £400; Second £375; Third £350; Fourth £325.

The above is the Maximum.

Salary of the respective Gradations. An Assistant Surveyor promoted to the Situation of Surveyor is not immediately to receive the Salary of the latter office, unless he shall have attained by his Standing in the Department the Maximum Salary (£300 per Annum) of his Appointment as Assistant. His Salary, if under this Sum, is to encrease progressively at the rate of £20 per Annum; and, when he shall have enjoyed the Maximum Salary of Assistant for one year, he is to be placed on the Scale as fourth or Junior Surveyor, on which Salary he will remain until removed a higher Step.

Assistant Surveyor to receive on Appointment £200 per Annum with an encrease after one Year's Service of £20 per Annum, until it reach £300.

The Surveyor and Assistant Surveyors will receive an Allowance of 2s. 6d. per diem for a Horse, when actually kept by them for the performance of their duties, to be certified upon Honor, and one ration each when employed in the Field; but no other Allowance whatever.

Draftsmen to receive on Appointment £150 per annum, with an encrease after one Year's Service of £10 per Annum until it reach £200.

The above Arrangement, in those cases to which it applies, is to take effect from the 1st of January, 1828, which will entitle the Persons then employed on the Establishment to the Augmentation of Salary above specified on the 1st of January, 1829. The Allowance for Lodging Money, which the Assistant Surveyors have hitherto received, will be continued to the end of the present Year, from which time the Augmentation of Salary will take place.

RA. DARLING,

1831.
8 Jan.

[Enclosure No. 6.]

MINUTE No. 115.

Government House, 28th October, 1828.

Promotion
of assistant
surveyors.

LET it be notified that the Assistant Surveyors hereinafter Named have been appointed to the Situation of *Surveyors* in the Department of the Surveyor General, until the pleasure of the Secretary of State shall be known; "Vizt.":

Mr. Robert Hoddle; Mr. J. B. Richards; Mr. Heneage Finch; Mr. James Ralph.

Salary for
J. Thompson.

2nd. The Secretary of State has been pleased to direct that Mr. John Thompson, who is at the head of the Drawing Branch of the Department, shall receive the same encrease of Salary and Allowances as an Assistant Surveyor.

Status of
R. Hoddle.

3rd. The Appointment of Mr. Hoddle as Surveyor has rendered it unnecessary that he should continue to Act as Deputy Surveyor General; his Appointment to the latter Situation is therefore Cancelled, by which the inconvenience that would attend his receiving only Half Salary as Deputy Surveyor General will be avoided.

RA. DARLING.

[Enclosure No. 7.]

MR. W. LITHGOW TO COLONIAL SECRETARY MACLEAY.

Sir, Audit Office, Sydney, 1st February, 1830.

Report by
W. Lithgow re
over-payment
of salaries of
surveyors.

In reply to your letter requesting me to explain the grounds, on which Messrs. Hoddle, Richards, Finch and Ralfe were placed in the Salaries of Surveyors from the 1st of January, 1828, I have the honor of acquainting you that the Words in Minute No. 114 of 28th October, 1828, Notifying the revised Establishment of the Surveyor General's Department, "Vizt.":

"The above arrangement, in those Cases to which it applies, is to take place from the 1st January, 1828." were Understood both by the Surveyor General and Myself as authorising the Promotion of the four Assistant Surveyors above named, which were Notified in Minute No. 115 of 1828 as having been made in pursuance thereof to date from the 1st of January, 1828.

It was in Consequence Considered the special intention of the Minutes Nos. 114 and 115, so far as regarded officers of the Rank of Surveyors, that the four Vacant Situations of 1st, 2nd, 3rd and 4th Surveyors should be filled up from 1st of January, 1828, more particularly as in your letter No. 840 of 10th December Mr. Finch was expressly designated third and Mr. Ralfe fourth Surveyor, and as it appeared only reasonable that the previous Services of these Officers should be taken into consideration at the time of the organisation of the Department according to the new arrangements, which had been authorised.

In regard to the limitation forming part of Minute No. 114, and quoted in Your letter, as it was considered the four Officers Named had been specially appointed to the Salaries of 1st, 2nd, 3rd and 4th Surveyors, it was Concluded that this limitation was intended to apply prospectively only to such individual Cases, as might occur subsequently to the Completion of the first organisation alluded to, which the said Minutes were considered to regulate as above explained.

The view entertained of the purport of the Minutes and Communications above referred to was considered at the time to be their true intention and meaning; but, should they have been unintentionally misinterpreted, it may not yet be too late to revert to the arrangement, which the said Minutes, correctly interpreted according to their real intention, were actually meant to sanction and authorise.

I have, &c.,

WM. LITHGOW, Auditor General.

1831.
8 Jan.

[Remarks by Governor Darling on 1st and 2nd paragraphs.]

How is this possible! Minute No. 114 laid down the general principle in which Salaries of the Surveyors and Ass'ts were to be advanced, and No. 115 Notified certain Promotions under the principles laid down in the preceding Minute.

Criticism
of report by
R. Darling.

Of course, because they had been appointed to those Situations. Minute No. 114 expressly pointed out the rate at which their Salaries were to be advanced.

VISCOUNT GODERICH TO GOVERNOR DARLING.

(Despatch No. 13. per ship Eleanor.)

Sir, Downing Street, 9th January, 1831.

9 Jan.

My attention has lately been drawn to the present system of granting land in the Colony over which you preside, in consequence of finding on my assuming the Seals of this Department that answers had not been returned to your despatches of the dates noted in the margin;* and the conclusion to which I have come, after a careful investigation of the subject, and after considering the various documents relating to it in this office, is first that the Regulations now in force have not had the intended effect of preventing large tracts of land from being appropriated by Persons unable to improve and cultivate them, and Secondly that they are founded upon an erroneous view of the true interest both of the Colony and of the Mother Country.

Failure of
regulations
for granting
lands.

The comparative Return of the quantities of land granted, cleared, and cultivated, affords the most decisive proof how little the regulation, requiring cultivation, has been attended to; this result does not surprise me, nor do I think it implies any want of activity on the part of those, whose duty it is to enforce compliance with the condition referred to; the term cultivation is so vague, the amount of capital required to be expended is so small, and the difficulty is so great of resuming a Grant after seven years (until the expiration of which no right of interference exists), that I am inclined to believe that any serious attempt generally to act up to the Regulations would be odious and invidious in the extreme, and at last fail to surmount the obstacles

Neglect of
regulation re
cultivation.

* Marginal note.—No. 93, 2d Augt., 1828; No. 106, 27 Augt., 1828; No. 115, 4 Sept., 1828.

1831.

9 Jan.

Effect of
regulations *re*
land grants.

with which it must necessarily be met. But, though the existing Regulations have not prevented grants of land from being obtained for other purposes than the legitimate one of occupation and cultivation, there is no doubt that they must have been the cause of no trifling inconvenience (from the restrictions imposed on the transfer of land, and from the necessity of proving their possession of a certain capital) to those who bona fide entertained such intentions. The Government they have placed in the disagreeable situation of either suffering Regulations, they have sanctioned, to become a dead letter, or of interfering in a manner which must necessarily have the appearance of being arbitrary and capricious, from the impossibility of laying down any positive rule or defining exactly the required degree of cultivation.

Objections
to system of
quit rents.

The scheme of deriving a Revenue from quit Rents seems to me also to be condemned both by reason and experience. The difficulty and expences of collecting them cannot be expected to diminish, while the great bulk of the land, on which they are due, continues unimproved; and, when it shall be cultivated, the encrease of population and wealth, which such a state of things supposes, will render the Revenue, to be derived from so small a tax as twopence an acre, of trifling importance and easily to be supplied from other sources.

Possible
allegations
of partiality.

There is also another and very strong objection to the existing system, viz., the suspicion to which it unavoidably exposes the Colonial Authorities of improper partiality to Individuals. I am sure you must have found the impossibility of giving satisfaction to all the applicants for land and of reconciling contending interests, and that you will gladly be relieved from the irksome and ungracious task of endeavouring to do so.

Objects of
system of
granting lands.

In calling your attention to the second question, which I proposed, namely, whether or not (supposing them to have been as effectual as could be desired) the existing Regulations were founded on correct views of the true interest of the Mother Country and of the Colonies, I must, in the first place, observe that I conceive these views to have been directed chiefly to promote the greatest possible extension of cultivation, and the emigration of Persons possessed of more or less capital; considering Emigration as a means of relieving the Mother Country, it is quite clear that no such relief can possibly be afforded by the mere removal of Capitalists; that it is the emigration of the unemployed British Labourers, which would be of real and essential service; while I think it also appears that this would be the most useful class of Emigrants, even as regards the Colony, from the extreme difficulty which is now complained of in obtaining

Absence of
relief to
England by
emigration.

Labourers, and the competition for the service of Convicts; together with the glut which so frequently takes place of Agricultural produce at the price at which, under the present system, it can be afforded. The latter circumstance seems likewise to prove that a mere extension of cultivation is much less desirable than is generally supposed. Wheat, it appears, is sometimes at so high a price as 14s. 9d. a Bushel in Sydney, a price which even in this country would be deemed extravagant. Indeed I believe the average price of Wheat in Sydney Market would be found equal to that, which it bears in Great Britain, and yet the want of demand for their produce is to the Colonists a subject of loud and frequent complaint. These two apparently inconsistent evils of a high price and of a want of demand lead me to believe that cultivation has been too widely extended, and that it would have been more for the interests of the Colony, if the Settlers, instead of spreading themselves over so great an extent of territory, had rather applied themselves to the more effectual improvement and cultivation of a narrower surface. With concert and mutual assistance, the result of the same labour would probably have been a greater amount of produce; and the cost of transporting it to market would have been a less heavy item in the total cost of production. A different course however has been pursued, chiefly, as it appears, owing to the extreme facility of acquiring land, by which every man has been encouraged to become a Proprietor, producing what he can by his own unassisted efforts. If these views be correct, what is now required is to check this extreme facility, and to encourage the formation of a class of labourers for hire, as the only means of creating a Market for the Agricultural produce of the Colony, of effecting various improvements, and of prosecuting the many branches of industry which are now neglected, while at the same time, by enabling the Agriculturist to apply the great principle of the division of labour, his produce will be increased and afforded at a more reasonable rate.

To carry these views into full effect would perhaps require greater alterations than can at present conveniently be adopted. Something has, however, been already done by the alteration of the Law, which renders indentures entered into by Labourers more binding than they have heretofore been, thereby holding out some additional inducement to those possessed of the means to assist in defraying the expence of their emigration.

Another and important advance towards a better system may, I think, be made by a measure, simple and easy in itself, and which will at the same time have much more effect in preventing the occupation of land by persons unable or unwilling to improve

1831.
9 Jan.

Problems of
agriculture.

Necessity to
limit possibility
of acquiring
large areas of
land.

Strengthening
of indentures
for labourers.

1831.
9 Jan.

Proposed
system for
sale of land.

it than the present complicated and, in practice, nugatory Regulations. The measure, to which I allude, is that of declaring that, in future, no land whatever shall be disposed of otherwise than by sale, a minimum price (say five shillings an acre) being fixed, but this price not to be accepted, until upon proper notice it shall appear that no one is prepared to offer more, the highest bidder being in all cases entitled to the preference, ten per Cent. on the whole of the purchase money to be paid down at the time of sale, and the remainder at an early period after the sale and previous to possession being granted. This last Regulation I conceive to be of great importance, and it ought uniformly to be adhered to. When land was formerly disposed of by sale, the plan seems to have failed in consequence of the long credit which was given.

Such is the general object of the Regulations, which I hope shortly to be enabled to send out to you in more detail and authorized by His Majesty's signature. In the meantime, I should wish you to suspend all further grants of land, excepting to persons to whom you may already have made positive promises, and to those who may have received from this office the printed Regulations hitherto in force, and have proceeded to the Colony on the faith of obtaining land accordingly. To immediate sales of land upon the principle I have now laid down, I do not object if they can conveniently be effected, before you receive more particular Instructions.

I am, &c.,

GODERICH.

Suspension of
further grants
of land.

VISCOUNT GODERICH TO GOVERNOR DARLING.

(Despatch No. 14, per ship Eleanor.)

12 Jan.

Sir,

Downing Street, 12th January, 1831.

Proposals
submitted
by Revd.
J. D. Lang.

The enclosed papers have been put into my hands by the Revd. Dr. Lang, Minister of the Scotch Church at Sydney, who is now in this Country on Leave of Absence, viz.:

No. 1. "Outline of a Prospectus of an Academical Institution, which it is proposed to be established in Sydney, New South Wales."

No. 2. "Proposal that, in the event of the Presbyterian Settlers in any District of the Colony contributing from Sixty to one hundred Pounds per Annum for the support of the Scottish National Church, a similar amount shall be allotted from the Colonial Revenue."

Necessity for
educational
facilities.

The importance of providing additional facilities for Education in the Colony, over which you preside, has induced me to promise him some assistance towards carrying into effect the plan which he has proposed. I have not, however, deemed it

advisable to enter into any Engagement involving the necessity of immediately advancing from the Colonial Treasury the large sum, which he originally proposed, without having had an opportunity of previously ascertaining from you how far it might be convenient to do so; I have, therefore, only consented to promise him the advance, on the terms there stated, of the smaller Sum mentioned in the accompanying Memorandum. This Sum, I trust, you will be able to provide without difficulty, especially as the amount of the Revenue will probably be augmented by the Sale of Land belonging to the Crown which has hitherto been reserved, but which you have now been directed to dispose of by my Dispatch of the 9th Instant, and by the Instructions which His Majesty has been pleased to approve. Should it, however, prove inconvenient to advance the whole sum in the time proposed, you might probably arrange the means, in concert with Dr. Lang, of spreading the payments over a longer period.

1831.
12 Jan.

Advance
authorised
to Revd.
J. D. Lang.

The other paper which accompanies this Dispatch is a Memorial (also delivered to me by Dr. Lang) praying for assistance towards supporting additional Ministers of the Church of Scotland.

With this request, I have thought it right to comply, and I have therefore to desire that, in the event of the Presbyterian Settlers of any District in the Colony contributing from Sixty to One hundred Pounds a year to a Minister of the Scotch National Church, you will bring under the consideration of the Council the propriety of causing a similar Sum to be paid to him from the Colonial Treasury. I should not however wish this assistance to be extended, at the present, to more than two additional Clergymen.

Subsidy for
stipends of
clergy.

I am, &c.,
GODERICH.

[Enclosure No. 1.]

OUTLINE of a Prospectus of an Academical Institution which it is proposed to establish in Sydney, N. S. Wales.

Prospectus
for academic
institution
at Sydney.

THE establishment of an Institution, for the education of youth in the higher as well as the elementary branches of useful learning, has been for several years past a great desideratum in New S. Wales. Various attempts have accordingly been made in the Colony to establish such an Institution, but the extravagant ideas of some of the Colonists of influence, and the jealousies and distrust of others have hitherto prevented their coalition for the accomplishment of an object so desirable and rendered these attempts completely abortive.

Confident however of the entire practicability of establishing an Institution in N. S. Wales on the liberal and economical principles of the Schools and Colleges of Scotland, and confident also

1831.
12 Jan.
Organisation
of schools.

that such an Institution would afford an adequate remuneration in the shape of interest for the capital required for its commencement as well as the ultimate repayment of that capital itself, the writer of this Prospectus* proposes to establish an Academical Institution in the Town of Sydney, N. S. Wales, on the plan of the Belfast Institution in the North of Ireland, combining a series of elementary schools with a suitable and gradually increasing provision for the higher branches of Education. The School Department of the proposed Institution would comprise :

1. An English School for the various branches of elementary education.
2. A Writing School for the various branches of Mercantile education.
3. A Grammar School for the Latin and Greek Languages exclusively.

The Superior Department would comprise Instruction :

1. In the higher branches of Classical education ;
2. In Mathematics and Natural Philosophy ;
3. In the various branches of Natural History.

The Institution would be commenced with four Masters, to whom other two would afterwards be added. These Masters would be selected by the Professors of the University and the Clergy of the City of Edinburgh, and the whole Institution would be under the direction of a Rector or President to enforce discipline, to superintend the moral and religious culture of the Pupils, and to deliver frequent courses of Lectures to the more advanced Students on subjects connected with Literature, Philosophy, Science or Morals.

Salaries for
masters and
fees for pupils.

The Masters should each have a small Salary not exceeding £100 per annum from the Funds of the Institution, a free house adapted for the reception of Boarders, and a small fee from each of the Pupils or Students attending their respective Classes. To meet this expenditure, each Pupil should pay a Fee of £5 per Ann. to the funds of the Institution in addition to a small fee to each of the Masters whose Classes he should attend ; but the cost of education to any Pupil would not exceed from £10 to £12 per Ann. a rate considerably lower than that of the inferior Schools of the Colony hitherto.

Capital
required.

To effect the establishment of an Institution of the kind proposed, a capital of £10,000 would be requisite ; but, if £6,000 of that sum could be raised in the first instance by way of Loan to commence the Institution, and to afford a Nucleus around which the sober-minded Colonists would gather, the Writer of this Prospectus pledges himself to raise the other £4,000 in the Colony by shares of £50 each, and to take shares to the amount of £1,000 for his own family.

Advantages
of proposed
institution.

Besides the direct and incalculable benefits which such an Institution would secure to the Colony of New S. Wales, it would enable men of eminence in the Departments of Philosophy and Science in the Mother Country to procure valuable specimens and valuable information relative to their several pursuits, from the Australian Colonies, while it would afford facilities for the education of Colonial Youth to go forth as Missionaries to civilize and to christianise the South Sea Islands and eventually to extend British Commerce over the vast Pacific.

* The Revd. Dr. Lang, Minister of the Scots Church, Sydney.

[Enclosure No. 2.]

1831.
12 Jan.

MEMORANDUM.

LORD GODERICH consents to the advance from the Colonial Treasury, in aid of the projected Academical Institution in Sydney, of a sum not exceeding £3,500 in different payments in the course of the Eighteen months next after Dr. Lang's landing in New South Wales, on condition that, previous to each advance, the Governor shall be satisfied that an equal sum has been actually expended from the private contributions of the promoters of the undertaking.

Conditions for advance by government for academical institution.

It is to be understood that, for the sum of £7,000 thus provided, namely one half by Subscription and the other by the Government, all the Buildings necessary for the opening of the Institution on a reduced scale are to be completed, care being taken that they are so arranged that it may be possible either to increase the Establishment to the extent originally proposed, or to confine it to what shall have been done in the first instance.

The proposed Buildings to be erected on the ground belonging to the Scotch Church, and Security to be given on them for the repayment in five years of the money advanced from the Colonial Treasury. The five years to be calculated on each Instalment from the date of its being advanced to the Trustees.

[Enclosure No. 3.]

MEMORIAL

To the Right Honble. H.M.'s Principal Secretary of State for the Colonies.

Memorial soliciting subsidy towards stipends of Presbyterian ministers.

WE, the undersigned Members of Council and Magistrates of New South Wales, beg most respectfully to state that, in several extensive Districts of this Territory, there is a very considerable number of Free Settlers, who belong to the Church of Scotland and who are sincerely desirous of enjoying the dispensation of the Ordinances of Religion agreeably to the Institutions of the Presbyterian Church.

We beg also respectfully to state that a considerable number of these Settlers would willingly contribute to a moderate amount, provided they could obtain the sanction, countenance and assistance of H.M.'s Government, for the support of one or more Presbyterian Ministers to itinerate from Farm to Farm, and to dispense the Ordinances of Religion wherever their services might be required; and we conceive that, by such means, religious instruction would be much more extensively enjoyed by the Convict Population of the interior than it can possibly be without such provision.

Feelingly alive therefore to the state of reckless depravity so alarmingly characteristic of the lower orders of our Colonial Population, but entertaining the hope that an extension of the means of religious instruction to the Scotch and other Presbyterian Settlers throughout the Territory would prove influential in repressing that depravity, relying at the same time on the enlightened policy which H.M.'s Govt. has in other Colonies beneficially pursued in regard to the Presbyterian Church, but impressed with the belief that without the assistance of Govt. so desirable an object would not be attainable, we beg most respectfully to recommend that the Right Honble. the Secretary of State for the Colonies would be graciously pleased to order that, in the event of the Presbyterian

1831.
12 Jan.
Memorial
soliciting
subsidy towards
stipends of
Presbyterian
ministers.

Settlers in any District of this Colony contributing from £60 to £100 per annum for the support of a Minister of the Scottish National Church, a similar amount shall be allowed from the Colonial Revenue.

Grateful for the many marks of paternal solicitude which the inhabitants of this Colony have already received from H.M.'s Govt.,

We the undersigned beg to subscribe ourselves, &c.,

Members of Council	{	ROBERT CAMPBELL.	J. BLAXLAND.
		RICHARD JONES.	
Magistrates of the Territory	{	GEO. INNES.	THOMAS RAINE.
		GEO. RANKEN.	THOS. MACVITIE.
		A. B. SPARK.	J. E. MANNING.
		W. JEMMETT BROWN.	T. L. MITCHELL.

VISCOUNT GODERICH TO GOVERNOR DARLING.

(Despatch No. 15, per ship Eleanor.)

13 Jan.

Sir,

Downing Street, 13th January, 1831.

Approval of
compliance by
judges with
opinion of
English counsel.

I have the honor to acknowledge the receipt of your Dispatch No. 43 of the 2d of August last, transmitting the copy of a letter addressed by you to the Judges of the Supreme Court, in consequence of my Predecessor's dispatch of the 30th of January, 1830, relative to the power you possessed of withdrawing assigned Servants, together with the reply returned by those Officers; and I have only to express to you the satisfaction, which I feel at the present appearance of readiness on the part of the Colonial Judges to decide, in all future Cases connected with the above question, in a manner agreeable to the view already taken of it by the Law Officers in this Country, in consequence of which no further interference upon the subject by His Majesty's Government will be rendered necessary.

I have, &c.,
GODERICH.

GOVERNOR DARLING TO UNDER SECRETARY HAY.

(Despatch per ship Royal Admiral.)

15 Jan.

Sir,

Government House, 15th January, 1831.

Salary due to
C. S. Rumker.

I have the honor to transmit, in reference to your Letter of the 22nd July last, the accompanying Copy of a Letter from the Audit office, by which it appears Mr. Rumker did not receive any Salary here as Astronomer for the period claimed by him, Viz., from the 1st of January, 1828, to the 1st of January, 1829. and that the same appears to be due to him at the rate of £300 per annum.

I have, &c.,
RA. DARLING.

[Enclosure.]

1831.
15 Jan.

MR. G. TOMKINS TO COLONIAL SECRETARY MACLEAY.

Sir, Audit Office, Sydney, 13 January, 1831.

In reply to your Letter of the 10th Instant, No. 31/4. annexing the Copy of a Letter from Mr. C. S. Rumker to R. W. Hay, Esq., dated London, 5 July, 1830, applying for Arrears of Salary due to him as Government Astronomer in this Colony from 1st January, 1828, to the 1st of January, 1829, I do myself the honor, in the absence of the Auditor General, of stating that it does not appear from the Records in this Office that Mr. Rumker received his Salary in the Colony to a later date than the 31 December, 1827, his Salary from the 5 May, 1826, to that date at the rate of £300 per Annum, having been paid to him by a Warrant on the Deputy Commissary General, dated 19th January, 1828, No. 14.

Salary due to
C. S. Rumker.

I have, &c.,

GEORGE TOMKINS, Chief Clerk.

GOVERNOR DARLING TO UNDER SECRETARY HAY.

(Despatch per ship Royal Admiral.)

Sir, Government House, 17th January, 1831.

17 Jan.

I have the honor to acknowledge the receipt of your letter of the 25th of April last, relative to an application made by Lt. Governor Arthur, that a Regiment might be added to the Force allotted for the Service of the Colony under his Government and desiring, as a Regiment could not be spared for this purpose, that I would afford him such assistance from hence as circumstances might permit.

Request by
G. Arthur
for military
reinforcements :

I avail myself of the opportunity of transmitting, for the information of the Right Honble. the Secretary of State, Copy of a Despatch addressed to me by Lt. Governor Arthur on the same subject, in which he requests that the Detachment of the 57th Regiment, consisting of 178 Rank and File which has been stationed for some time past at Van Diemen's Land, may not be withdrawn, as any diminution of the Force employed in that Colony at present might be attended with very serious consequences.

and for non-
withdrawal of
troops from
Tasmania.

You will perceive by the enclosed Return of the Troops employed at Van Diemen's Land that, in addition to the 63d Regt. and the 178 Men of the 57th, there are also 195 Rank and File of the 17th Regiment.

Military
stationed in
Tasmania.

As much inconvenience is experienced by Regiments being divided in this manner, it is my intention, as I am now making arrangements preparatory to forwarding the 57th to India, in conformity with the Orders I have received from the General

Distribution
of troops.

1831.
 17 Jan.
 Distribution
 of troops.

Commanding in Chief, to replace the Detachment of the 17th at Van Diemen's Land, which will join its Head Quarters here, by an equal Number of the 57th Regt. from this, and to send on the rest of this Corps with the Head Quarters to India, which I expect to have an opportunity of doing in the course of a short time. I shall afterwards forward the part of the 57th employed at Van Diemen's Land whenever it can be spared from that service, or I may have the means of relieving it without inconvenience from this Command.

I have, &c.,
 RA. DARLING.

[Enclosure No. 1.]

LIEUT.-GOVERNOR ARTHUR TO GOVERNOR DARLING.

Sir, Government House, 13 December. 1830.

I have the honor to enclose Copy of a Communication, which I have received from the Under Secretary of State with its Enclosure from the Horse Guards.

Your Excellency will perceive by these Papers that I have submitted to His Majesty's Government the necessity of a larger Military Force being permanently allowed for the protection of Van Diemen's Land, and that Lord Hill has, on the representation of Sir George Murray, suggested whether additional strength may not be given from New South Wales without increasing the Military Establishment of this Command by the augmentation of another Regiment.

Aware as I am that a very considerable force is required in New South Wales to Control the Convict Population which must be extremely impatient, under the strictest discipline which has been so judiciously introduced since Your Excellency's accession to that Government. I cannot but feel extremely sensible of the liberality with which you have always afforded Military Aid to Van Diemen's Land; but the aggressions of the Savages in this Colony have been so great, and are so continued, that, in addition to the Military Posts which are essential for the Security and Management of the Convict Population, a less force than two Regiments is wholly unequal to the urgent and pressing necessities of the Colony.

In consequence of the accession of strength which I have recently derived from the arrival of the Detachments of the 17th Regiment from England. I should not, at this time, deem it necessary to address Your Excellency upon the subject, were I not apprehensive that it may be in your Contemplation to send the Detachment of the 57th Regiment on to India, and the very probable injury, which must be contemplated to result to this Community by the Abstraction of this Force just now, would be so painfully distressing that I trust some discretionary power may rest with Your Excellency to avert the serious Consequences which would result from such a Measure.

I have, &c.,
 GEORGE ARTHUR.

Military
 required for
 service in
 Tasmania.

[Enclosure No. 2.]

RETURN of Troops stationed at Van Diemen's Land, 1st February, 1831.

1831.
17 Jan.

Return of
troops stationed
in Tasmania.

	Officers.	Serjeants.	Drummers.	Rank and File.
63rd Regiment	37	36	15	635
57th Regiment	8	8	—	178
17th Regiment	5	6	1	195
Total	50	50	16	1,008

GOVERNOR DARLING TO UNDER SECRETARY HAY.

(Despatch marked "Confidential," per ship Royal Admiral; acknowledged by Viscount Howick, 15th August, 1831.)

Sir, Government House, 18th January, 1831. 18 Jan.

I have the honor to enclose the Copy of a Letter, addressed to me by the Archdeacon, explaining the Grounds on which he has felt it necessary to recommend that the Revd. John Vincent should be detained as supernumerary Chaplain in Sydney rather than be sent to Newcastle or any other Station which is unprovided.

Employment
of Revd.
J. Vincent
at Sydney.

Mr. Vincent was employed some time since at Moreton Bay, from which Settlement it became necessary to remove him in consequence of the misunderstandings which took place between him and the Commandant. The Archdeacon feels that Mr. Vincent is not calculated to fill the vacancy with advantage, which has been occasioned at New Castle by the suspension of the Revd. Frederick Wilkinson.

Objections to
his employment
at Moreton Bay.

In acquiescing in the employment of Mr. Vincent as a supernumerary Chaplain in Sydney, I have been influenced not only by the reasons urged by the Archdeacon, but from a conviction that Mr. Cowper and Mr. Hill, the established Chaplains of this Town, require at least some temporary assistance in the performance of their laborious duties. The Health of both these Gentlemen has suffered from the fatigue of mind and body, to which they have for many Years past been incessantly exposed, and Mr. Vincent's employment here was necessary for a time in order to afford them the relaxation, which their exhausted Health so urgently required.

Necessity for
assistance
for Revds.
W. Cowper
and R. Hill.

The Archdeacon will consider the best means of disposing of Mr. Vincent; and, knowing how anxious he is to make such arrangement as may prove advantageous, I shall most readily give effect to his wishes, whenever he may find an opportunity of making a convenient arrangement.

I have, &c.,

RA. DARLING.

[Enclosure.]

ARCHDEACON BROUGHTON TO GOVERNOR DARLING.

Sir,

Sydney, 13th November, 1830.

Difficulty in
appointing
chaplain for
Newcastle.

The suspension of the Revd. Frederick Wilkinson, with reference to which I have had occasion so frequently to communicate with Your Excellency, occasions me additional uneasiness from the inability, which I labour under to supply his place in a manner likely to be satisfactory to the Public or advantageous to the cause of religion. Having no other resource, I have recommended that the Revd. J. Vincent should be stationed at New Castle; but I at the same time felt and consider myself justified in stating to Your Excellency an assurance that Mr. Vincent is not likely to command attention or to conciliate general esteem. Indeed I am under a full persuasion that, if he were to be stationed at New Castle, not many Months would elapse before a fresh arrangement would become necessary. However unpleasant the alternative may be of leaving so large and populous a District destitute of the Services of a Clergyman, I consider it would be the least evil of the two that such should be the Case, until the arrival of the Gentleman who in recent Despatches is stated to have been appointed to a Chaplaincy, and whom we may presume to be already on his Voyage to this Country. I trust Your Excellency will allow me to consider that portion of my Letter, which refers to Mr. Vincent as altogether Confidential. It is very painful to me to be obliged to speak in disparagement of a Clergyman, the Father of a very numerous Family and of whose moral Character I have never had reason to entertain any unfavourable opinion. It is, however, indismissible that I should put Your Excellency in possession of the Causes of the Embarrassment, which I experience in providing for the Public Service, and of the reasons which Compel me to advise the detention of a Supernumerary Chaplain in Sydney, while other Stations are unprovided with any.

I have, &c.,

W. G. BROUGHTON.

GOVERNOR DARLING TO UNDER SECRETARY HAY.

(Despatch per ship Royal Admiral.)

Sir,

Government House, 19th Jan., 1831.

19 Jan.
Despatch
acknowledged.

I have the honor to acknowledge the receipt of your letter of the 15th of June last, transmitting a Communication from the Treasury, relative to the Hire of the Ship Waterloo for the Conveyance of Prisoners to Moreton Bay, as reported in my Despatch of the 5th of August, 1829, and calling my attention to the Instructions conveyed to me in the Despatch of the late Mr. Secretary Huskisson, dated the 31st of May, 1828, No. 1.

Reduction
in naval
expenditure

I beg to assure you, for the information of the Secretary of State, that I have lost no opportunity of reducing the Expense in the Naval, as in every other Branch of the Service when practicable.

Four Vessels have been sold or wrecked since the Settlements on the Northern Coast have been abandoned, viz.:

1831.
19 Jan.

Vessels sold
or wrecked.

Brig Amity, 148 Tons; Schooner Alligator, 91; Cutter Mermaid, 92, Wrecked in Torres Straits; Dart, 22.

There are now only four Vessels belonging to this Government, which are barely sufficient for supplying the Settlements of Norfolk Island, Moreton Bay and Port Macquarie, and conveying Prisoners to and from the two former Settlements, vizt.:

Vessels
belonging to
government.

Barque Lucy Ann, 208 Tons; Brig Governor Philip, 179; Mary Elizabeth, 88; Schooner Isabella, 116.

I have, &c.,

RA. DARLING.

21st February, 1831.

21 Feb.

P.S.—As soon as the "Lucy Ann" returns from the Service, on which she is at present employed in removing the People from Pitcairns Island,* and the Settlement at King George's Sound shall have been transferred to the Government of Western Australia, which is now in progress, I propose giving orders for the Sale of one of the four Vessels now retained.

Proposed sale
of vessel.

VISCOUNT GODERICH TO GOVERNOR DARLING.

(Despatch No. 16, per ship Eleanor.)

Sir, Downing Street, 20th January, 1831.

20 Jan.

I have received your Dispatches Nos. 38 and 39 of the 5th and 21st of June last, enclosing two applications for Land from persons filling Civil Situations under your Government, the one from Mr. George Busby, Assistant Surgeon, the other from Mr. Cotton, Collector of Customs.

Refusal of land
grants for
G. Busby and
M. C. Cotton.

In consequence of the new Regulations which have been adopted for the disposal of the unappropriated Crown Lands in the Australian Colonies, as communicated to you in my Dispatch of the 9th Instant, I am prevented from authorizing Grants to be made to those two officers upon the original terms. They will, however, enjoy the same facilities, as all other persons, of acquiring Land either for Building or other purposes; and they cannot, therefore, experience any inconvenience by being the first to come under the operation of the new system.

I am, &c.,

GODERICH.

* Note S.

1831.
21 Jan.

GOVERNOR DARLING TO SIR GEORGE MURRAY.
(Despatch No. 6, per ship Royal Admiral; acknowledged by
Viscount Goderich, 26th September, 1831.)

Sir, Government House, 21st January, 1831.

Despatches
acknowledged.

I do myself the honor to acknowledge the receipt of your
Several Despatches, as dated in the Margin,* relative to the
Establishment of the Surveyor Generals and Road Department.

Regret at
confirmation of
appointments of
J. McLeod and
W. R. Davidson.

I am informed, by your Despatch of the 8th of May last, that,
having received very favorable testimonials of the qualifications
of Mr. John McLeod and of Mr. W. R. Davidson, you had been
induced "to confirm the appointments of these Gentlemen as
Draftsmen." Major Mitchell did recommend these Gentlemen
for the appointment of Draftsmen, but, as there was no vacancy
on the Establishment, I was unwilling to trouble you on the
Subject; and I cannot but regret that his recommendation made
directly to the Secretary of State should have been confirmed
without any reference to the Governor. I do not make this
observation with any view of objecting to either of the appoint-
ments in question, but because I perceive from the tone, which
Major Mitchell has lately assumed and which I apprehend it
will be my duty to bring specially under your Notice, that he is
fully disposed to dispute the authority of the local Government,
and its power to interfere with his arrangements.

Independent
policy of
T. L. Mitchell.

Of the Seven Draftsmen Notified in your Despatch of the
8th of May last, four only are now employed, viz.:

Draftsmen
employed in
survey office.

Mr. White; Mr. Larmer; Mr. D'Arcy; Mr. Davidson,
Bemi, who stands at the head of the List in your Despatch, is a
Convict and was Dismissed for highly improper Conduct, having
clandestinely furnished an Individual with the Copy of a Map,
which enabled him to obtain a Cause against the Government
in the Supreme Court. I do not hesitate to state that the Sur-
veyor General was extremely averse to *Bemi's* removal, though
well acquainted with the cause. Mr. Docker, the second Drafts-
man, was removed on the representation of the Surveyor General,
and Mr. McLeod had proceeded to India before the receipt of
your Despatch, so that in fact, there are three Vacancies on the
Establishment of Draftsmen.

Having called on the Surveyor General, in pursuance of the
Instructions contained in your Despatch, to report on the merit
and qualifications of the several assistant Surveyors, I have the
honor to enclose a Copy of his letter in reply, by which it will
be seen that he does not consider any alteration in the present
arrangements necessary.

I have, &c.,

RA. DARLING.

* *Marginal note.*—21st April, 1830, No. 24; 8th May, 1830, No. 37; 13th July,
1830, No. 59.

[Enclosures.]

[Copies of these papers are not available.]

1831.
21 Jan.

VISCOUNT GODERICH TO GOVERNOR DARLING.
(Despatch No. 18, per ship Eleanor.)

Sir, Downing Street, 22d January, 1831. 22 Jan.

I have received your Dispatch marked "Separate" of the 27th July last, accompanied by a Letter from Mr. E. S. Hall, Editor of the Monitor Newspaper, with your Statement in answer to certain points of accusation which that person has thought proper to allege against you; and I avail myself of the earliest opportunity of informing you that the answers, which you have prepared to such of the charges contained in Mr. Hall's Letter as are not so vague as to admit of no answers being given to them, are completely satisfactory to His Majesty's Government.

Approval of
replies to
charges by
E. S. Hall.

I am, &c.,
GODERICH.

P.S.—You will communicate a copy of this Despatch to the Judges.

GOVERNOR DARLING TO UNDER SECRETARY HAY.

(Despatch per ship Royal Admiral; acknowledged by
Viscount Howick, 7th August, 1831.)

Sir, Government House, 22d January, 1831.

I have the honor to acknowledge the receipt of your letter of the 7th of April last, with its Enclosures, relative to the application of Mr. Davidson for an Additional Grant of Land, and, having considered the same in Council, I do myself the honor to forward an Extract from the Minute of Proceedings, by which you will perceive that, under the circumstances of Mr. Davidson's case, the Council was of opinion that he should be allowed 5,000 Acres in addition to the Grant of 2,000 Acres, which he formerly received and still appears to possess in the Cow Pastures.

Land grant
proposed for
W. S. Davidson.

If Mr. Davidson supposes that any Person has received a Grant of Land from the local Government, as I infer by what is stated in your letter, beyond the extent allowed by the Secretary of State, I can assure him it is not the fact. I do not recollect one case in which this Government has granted land beyond the limited quantity of four square Miles, without the Secretary of State's Authority.

Erroneous
statement by
W. S. Davidson.

I have, &c.,
RA. DARLING.

[Enclosure.]

[The minute No. 35, dated 19th October, 1830, of the executive council will be found in a volume in series II.]

1831.
23 Jan.

VISCOUNT GODERICH TO GOVERNOR DARLING.

(Despatch No. 19, per ship Eleanor; acknowledged by Governor Darling, 10th September, 1831.)

Sir, Downing Street, 23d January, 1831.

Proposed
emigration of
labourers from
England.

Propositions have recently been made to His Majesty's Government with the view of calling their attention to the importance of endeavouring to relieve the distress prevailing amongst the agricultural labourers of the South of England by enabling Parishes to remove to the Colonies those who are without employment.

New South Wales might, it is represented, receive with advantage a considerable number of such emigrants; and, in case the Government should decide to adopt any such plan, I think it material that you should take the subject into your immediate consideration.

Subsidy
required
from colony.

The points to be more particularly looked to relate to the means, which the Colony may possess of contributing something towards defraying the expense of the voyage. Should the Parishes, now burthened by a greater number of labourers than they can employ, seek to relieve themselves in the manner contemplated, their object will naturally be to do so on the easiest terms they can; and they will, therefore, rather direct their emigrants to North America than to the Australian Colonies. The latter will consequently lose what would be to them an advantage of the greatest importance, unless means can be devised of making up to the Parishes for the increased expense resulting from a longer voyage.

Methods for
raising funds.

In considering the best means of providing the necessary funds for this purpose, it has occurred that recourse might be had to a tax upon the labour of convicts, to an extension of the sale of Land, and to advances which might be obtained from such Settlers as might desire to secure, for a limited time, the services of the emigrants.

Tax proposed
on labour of
convicts.

A tax upon the labor of convicts is suggested (in the Report* herewith transmitted to you) by the Commissioners appointed by His Majesty to enquire into the revenue and expenditure of the Colonies. The tax, proposed by them, is only ten shillings a year for each assigned convict, and was intended merely for general purposes, without reference to the object I have now in view. That object is, however, one to which it seems there would be a peculiar propriety in applying the revenue to be derived from such a tax, if it is to be imposed; nor do I see any reason against doing so, or even against making it heavier than the Commissioners have proposed.

* Note 9.

The deficiency of free labourers and the consequently high rate of wages gives to those, who are able to obtain the services of convicts, a great advantage over their fellow-settlers; and the natural consequence has been loud complaints from those who have not participated in this advantage. I believe that no degree of caution on your part could possibly have silenced these complaints. However impartially you may have distributed the convicts you have had to assign, it is scarcely to be expected that those, whose claims have been rejected, should acknowledge the propriety of your decision; and I therefore think any measure, which goes to diminish the extreme eagerness of the competition which now takes place for the services of Convicts, would tend to relieve you from a disagreeable and irksome duty. To this end both the tax and the manner of applying it's produce would contribute; by the former, the labour of convicts would be rendered less cheap to their employers; by the latter, the supply of free labour would be increased, and wages consequently lowered; so that the advantage to be derived from the employment of the one class in preference to the other would thus be doubly diminished.

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23 Jan.

Demand for labour of convicts.

Effect of proposed tax.

The amount of the tax should be as high as possible without preventing the colonists from continuing to employ the convicts; it would be for yourself, with the assistance of the Council, to determine what this rate should be, and also to arrange the various questions of detail which will arise, such as whether the payments should be uniform or vary according to the occupations and acquirements of the individuals, and whether the plan should apply (which I am inclined to think it ought not) to females.

Details of proposed tax.

I have therefore to request that, upon receiving this despatch, you will lose no time in proposing this subject to the consideration of the Council, and I trust you will find no difficulty in devising an advantageous mode of executing the measure, which I have now suggested, and which might prove highly beneficial to the Colony, even if it should not form part of an extensive plan of emigration.

I have no means of estimating what might be the probable produce of such a tax, as I am not in a situation to judge of the rate at which it should be fixed; nor can I discover from any documents in this office the precise number of assigned Convicts. The number of 9,278, which is obtained by deducting those maintained by the Government from the total return of male Convicts, as given in the Blue Book, is I conclude the number of those who are either in the enjoyment of tickets of leave or in the situation of assigned servants; what proportion these two classes

Want of information re convicts.

1831.
23 Jan.

Tax to be levied
on convicts
holding tickets
of leave.

Revenue from
extension of
land sales.

Proposed
contribution
from
prospective
employers.

bear to each other, I have not been able to ascertain, as the Returns only give the number assigned or having received tickets of leave in each year, without stating the number of deaths or of those who have obtained their freedom. I should wish that this defect should be remedied in the next annual returns. In requesting from you this additional information, I do not, however, by any means, intend to exclude from the consideration of yourself and the Council the propriety of extending the tax on convicts to those having tickets of leave; on the contrary, I am inclined to believe that it would be proper to do so; it seems desirable that there should be more difference than at present exists between their situation and that of free labourers.

The next source, from which it has been supposed that a fund might be raised for the purpose of promoting emigration, is from an extended sale of land; I have some doubts, however, whether any increase of revenue is likely for a considerable period to be thus obtained, and also whether it would be necessary for this purpose under present circumstances; I rather look to it as a resource, which will hereafter become available for the purpose of maintaining free labourers, should so large a number be sent out as to make it difficult to obtain employment for them; in that case, they would be thrown on the Government, and might be employed at moderate wages in improving the Crown Lands, intended for sale, the increased value of which would, in some degree at least, defray the expense they would occasion. This is, however, a state of things of which there is, at most, but a remote prospect. It is much more likely that, even should a large number of emigrant labourers arrive, there would be an active competition for their services, and that, consequently, some assistance towards paying the expense of their passage might, as I have already suggested, be obtained by requiring them to enter into indentures to serve, for a limited time, those willing to make such advances. The information, I have received from various sources, induces me to believe that such an arrangement might be practicable, particularly a letter I have seen from a respectable settler in Van Diemen's Land, stating his own readiness and that of thirty of his fellow-settlers to pay a large proportion of the expense of conveying labourers and their families from England. On this subject, I should wish you, without loss of time, to collect all the information it may be possible for you to obtain, as to the number of emigrants who might be thus disposed of, the proportion of the expense of their passage, which their employers might be willing to take upon themselves, and the terms which they would consequently expect.

I think that labourers might either hire themselves for a stated time, not more than seven years, at fixed wages; or that they might receive the ordinary wages of the Colony, subject to a deduction not exceeding one fourth of their amount until the advance, with interest, should have been discharged. It will be for you to consider and report to me upon the respective advantages of these or any other modes of effecting the object in view.

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23 Jan.
Repayment
of advance
given
by labourers.

There is also another means of inducing the present occupants of land to assist in promoting this object, and that is, by making an abatement from the quit-rents which are due from them, in proportion to the number of persons whom they may have enabled to reach the Colony.

Abatement of
quit rents in
proportion to
assistance given
to immigration.

Some years ago an arrangement* of this kind was made with the Van Diemen's Land Company, by which they were permitted to carry out 50 persons, an allowance being made towards the redemption of their quit rent of £20 for every woman and £16 for every man, whom they might thus convey. This indulgence was not extended, because Colonel Arthur represented that, if the Company were to receive it, others would expect the same, and that almost every Settler would be glad to redeem his quit-rent on the same terms. At that time, great importance was attached to the plan of deriving a revenue from quit-rents; the expectations entertained of being enabled to do so have, however, been disappointed.

I think, therefore, that, though the collection of the quit rents, which are due, should certainly be enforced, it is desirable that their redemption should be encouraged, both with a view to getting rid of the expense of collecting them, and in order to introduce uniformity in the tenure by which land is held. Perhaps there is no method by which this redemption could be effected with so much advantage to the publick and with so little inconvenience to individuals, as by adopting some such arrangement as I have now suggested.

Redemption
of quit rents.

Before closing this Despatch I have only to add that it is not to be understood as an intimation that any positive measure has actually been resolved upon by His Majesty's Servants, but merely as conveying to you some suggestions upon a most important subject, in order to bring under your immediate consideration the practicability, in the present situation of the Colony which is committed to your charge, of taking steps which may, at all events, do much to encourage individuals in their efforts to promote emigration, and, at the same time, be of the utmost use as preparations, in the possible event of your being

* Note 10.

1831.
23 Jan.

called upon to concur in the execution of a measure of the kind I have described, which the Government of this Country may have decided to adopt, but on which the time required for communicating with you may have prevented their consulting you.

I have, &c.,

GODERICH.

VISCOUNT GODERICH TO GOVERNOR DARLING.

(Despatch No. 20, per ship *Eleanor*.)

29 Jan.

Sir,

Downing Street, London, 29th Jany., 1831.

Report required
re banks in
colony.

I have the honor to transmit to you the copy of a letter from Mr. Ellice, requesting, by command of the Lords Commissioners of the Treasury, to be furnished with detailed information relating to the constitution, Regulations, Capitals, and Resources of the several Banking Establishments at present existing in the Colonies therein mentioned. Their Lordships also require precise information as to the principles upon which the Paper issues of the Banks are regulated; and what accommodations or benefits, superior to those granted to private depositors, the Banks might be disposed to afford to the Public in consideration of the larger amount of the Funds that might be expected to be entrusted to them on the behalf of the Government; and I am to request that you will procure and transmit to me detailed answers to their Lordships' enquiries as far as relates to the Colony of New South Wales.

I am, &c.,

GODERICH.

[Enclosure.]

MR. E. ELLICE TO VISCOUNT HOWICK.

My Lord,

Treasury Chambers, 13 January, 1831.

Custody of
military chests.

The Lords Comrs. of H.M. Treasury having had under their consideration the subject of the Military Chests in the custody of the Commissariat Officers serving in the Colonies, and being desirous of ascertaining whether an improvement might not, at least in some cases, be made in the existing modes of managing the Funds appropriated for the Expenditure on Foreign Stations out of the Grants of Parliament; I am commanded to request that your Lordship will be pleased to cause the respective Governors of U. and L. Canada, N. Scotia, the Cape of G. Hope, Mauritius, New S. Wales and Van D. Land to be called upon to furnish every information they may themselves possess, or which they may have the means of collecting, relating to the Constitution, Regulations, Capitals and resources of the several Banking Establishments at present existing in those Colonies, and to instruct them to procure from the Presidents or Directors of the Principal Banks explicit statements for the information of this Board of the nature and extent of the Securities, they might be prepared to offer in case the Govt. should see fit to transfer to their custody the funds

Reports
required
re banks.

Proposed
government
deposit in
banks.

usually deposited in the Military Chests, for the purpose of being drawn out from time to time upon the cheques of the Officers duly authorised, as the exigencies of the Public Service may require.

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29 Jan.

As such an arrangement would naturally conduce in a certain degree to an increase of the Paper Issues of the respective Banks, it is particularly important to obtain precise information as to the principles upon which those Issues are regulated; and it is also desirable to learn what accommodations or benefits, superior to those granted to private depositors, the Banks might be disposed to afford to the Public in consideration of the larger amount of the Funds that might be expected to be entrusted to them on the behalf of the Govern. My Lords, therefore, trust that the reports of the respective Governors will include the fullest information upon both of these essential points.

Paper issues
by banks.

Concessions
expected on
public account.

I have, &c.,

EDWARD ELLICE.

GOVERNOR DARLING TO SIR GEORGE MURRAY.

(Despatch No. 7, per ship Royal Admiral.)

Sir, Government House, 29th January, 1831.

I have the honor to forward the accompanying Memorial, addressed to you by Mr. James Busby, and to state at his request my opinion of his Services.

Transmission
of memorial.

Entertaining a favorable opinion of Mr. Busby's qualifications as a Man of Business, I appointed him Collector of Internal Revenue on the formation of that office, as also a Member of the Land Board, in both of which situations, he acquitted himself to my satisfaction. It may be proper to observe here that I distinctly apprised Mr. Busby, at the time of his appointment to the Internal Revenue, that he was not to expect to be confirmed in that situation, as I did not intend to recommend him for it. He therefore could not have experienced any disappointment in being superseded by Mr. McPherson.

Appointments
held by
J. Busby.

Mr. Busby did mention to me, as he states, a Plan for re-organising the Land Board; but, as it appeared to me that the effect of that Plan, which I think was to make him first Commissioner or Member and Secretary to the Board, would have given him more power than it would be prudent to place in the hands of any Individual, I thought it sufficient to inform him that I should consider the matter when I had more time.

Plan proposed
for land board
by J. Busby.

Captain Dumaresq, one of the Members of the Board, having recently urged his wish to retire from it, I then found it necessary to take immediate steps for placing the Board on an efficient footing, and, wishing to do it in the most economical manner, I considered myself fortunate in prevailing upon three of the Officers of Government to form a Board and act without Salary, intending to have given Mr. Busby, as Clerk to the

Reorganisation
of land board.

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Board, the Salaries of the three Members, that is £300 a year, and thus have saved the additional Salary, which is now given to a less experienced person who is employed as Clerk.

Refusal of
J. Busby to
act as clerk.

After I had arranged the matter with the New Members, whose sentiments it was necessary to ascertain before I could communicate with Mr. Busby, as their Salaries were to be appropriated to his benefit, I sent for that Gentleman and apprised him of the arrangement. He demurred, and I had a long conversation with him, wishing to remove his objections; but he requested permission to state his sentiments to me in writing, rather than give a final answer at the time. He wrote accordingly, but accompanied his letter with a short abrupt note to the Private Secretary, signifying, as he found it had been mentioned to the Members, before he was consulted, that he was to be Clerk to the Board, an appointment which he could never think of accepting, he should not attend the Board again. This placed me in a very embarrassing situation, as the old Board required his assistance, he having in fact done the business of Clerk, while the arrangements were Under Consideration, and the New Members, being unacquainted with the Business, could not proceed without a Clerk who was conversant with it.

This, Sir, is a plain statement of the facts as they occurred. My regret at being under the necessity of troubling you with the detail can only be equalled by my surprize at Mr. Busby's want of prudence in adverting to the matter in a public Memorial. I should not otherwise have noticed it.

Testimony
to services
of J. Busby.

Having put you in possession of the Circumstances of Mr. Busby's retiring from office and returning to England to seek at your hands the reward to which he considers his services to entitle him, I can have no hesitation in stating that, in the several Duties on which Mr. Busby has been employed, he has always acquitted himself to my satisfaction and has proved a Zealous and Useful Servant of the Government.

I have, &c.,
RA. DARLING.

[Enclosure.]

Memorial of
J. Busby.

THE Memorial of James Busby of New South Wales, Esquire, late Collector of the Internal Revenue of that Colony and member of the Land Board,

To the Right Honorable Sir George Murray, G.C.B., His Majesty's
Principal Secretary of State for the Colonies.

Humbly Sheweth,

That your Memorialist emigrated to the Colony of New South Wales in Company with his father who was sent out by His

Majesty's Government in the year 1823 to accomplish some important undertakings in the line of his profession of Mineral Surveyor and Civil Engineer.

1831.
29 Jan.

Memorial of
J. Busby.

That, with a view to his settlement in the Colony, Memorialist had previously spent some months in the Wine districts of France for the purpose of acquainting himself with the Culture of the Vine and the making of Wine; and, subsequently to his arrival, he published at Sydney a Treatise* on these subjects compiled from the Works of Chaptal and other French Writers, and from his own notes and observations.

Treatise on
viticulture.

That, having tendered his services to the Colonial Government, Memorialist was engaged by the Trustees of the Orphan Institutions to take charge of the Orphan School Estate of 12,300 acres, for the purpose of organizing thereon an "Agricultural Institute" on the plan of that of M. Fellenberg at Hofwyl in Switzerland; and more particularly with the view of educating the boys maintained at the Orphan School in the Art of Cultivating the Vine, and of raising other products, which might be considered suitable to the climate, but which had hitherto been neglected by the Agriculturists of the Colony.

Engagement
as manager
of orphan
school estate.

That, these objects having been abandoned on the establishment of the Corporation for the management of Church and School Lands, Memorialist's claim for remuneration, which was to have arisen from a share of the increase of the Sheep and Cattle belonging to the Institution, as well as of the Agricultural produce, and which was therefore chiefly prospective, was submitted to the Arbitration of indifferent persons, who awarded Memorialist a Salary of £500 per annum for his Services during the two years and a half he had been Connected with the Institution.

Salary awarded
by arbitration.

That, immediately after the termination of his engagement with the Orphan Institution, Memorialist was offered by His Excellency Governor Darling the temporary appointments of Collector of the Internal Revenue of the Colony (an Office then first instituted) and Member of the Land Board. It being understood that, should the person recommended to the Secretary of State for these appointments not come to the Colony, as there was some reason to suppose, Memorialist would be considered as having the first claim to be permanently appointed, it having been customary at that period for the Secretary of State to confirm the appointments made by the Governor; and that, in the other event, Memorialist should be provided for by another situation, His Excellency being of opinion that there would be several appointments to be filled.

Appointment
as collector
of internal
revenue and
member of
land board.

That Memorialist continued to act as Collector of the Internal Revenue for two years and seven months, and at the end of that period, after Memorialist by the most indefatigable exertions had succeeded in organizing the Department, and, having heard of no successors being appointed, had begun to reckon with some degree of confidence upon his being confirmed in the Office, Memorialist was superseded by the arrival of Mr. McPherson, the present Collector.

Tenure of office
as collector.

That Memorialist on this occasion received from Governor Darling the most gratifying assurances of the satisfaction his

* Note 11.

1831.
29 Jan.

Memorial of
J. Busby.

Duties of
offices.

services had always given, and of the concern which it gave His Excellency that he was now to be deprived of them, there being no vacancy in the Establishment to which Memorialist could be appointed.

That, independently of the duties of Collector of the Internal Revenue of the Colony, Memorialist found the duties which devolved upon him as a Member of the Land Board (at which Board he was associated with His Honor the Lieutenant Governor, and the brother-in-law of His Excellency the Governor) not only exceedingly onerous from their extent, but of such a nature as to involve questions of the highest importance in the administration of the Government of the Colony; and consequently to require from him much earnest study, and to occasion much anxious Solicitude.

Employment
on boards
of inquiry.

That, besides having discharged the regular and stated duties of these departments, Memorialist has been associated with almost every Officer of Rank in the Colony, as a Member of Boards for the consideration of Matters of importance, having been, as he has reason to believe, more employed in such cases during the years 1828 and 1829 than any other officer of the Government, with the exception perhaps of the Auditor General.

Inquiry re
Port Macquarie.

That, in the year 1828, His Excellency having conceived it necessary to institute an enquiry into the manner in which the Penal Settlement of Port Macquarie had been conducted, Memorialist was associated, as joint Commissioner of Enquiry,* with Lieutenant Colonel Morrisset, in that delicate and important duty.

That, in the whole series of the arduous and responsible, and, he may add, in many cases difficult and delicate services with which Memorialist has been entrusted, he has had the most satisfactory assurances that his conduct has given satisfaction.

Your Memorialist further humbly sheweth,

That, on being superseded in the office of Collector of the Internal Revenue, he felt that he must either retire altogether from the Service of Government, or obtain such an appointment as would not degrade him from that Station in the Colony which the employments he had filled given him.

Proposed
reorganisation
of land board.

That having submitted to His Excellency the Governor the necessity which would arise for new modelling the Constitution of the Land Board after the intended retirement of Captain Dumaresq (the only other Member who was at all acquainted with the duties of the office) and himself, Memorialist proposed to undertake the Office of First Member, or Standing Member of the Board, upon whom the whole weight of the business should devolve, the other Members being merely expected to take such a share in the business as would divide the trust and responsibility, provided His Excellency would recommend him to the Secretary of State for that appointment with an adequate salary, and on the express condition that, should the recommendation not be acceded to, Memorialist should be entitled to nothing beyond the £100 per annum which was allowed to the ordinary Members.

That Memorialist did not obtain a decided answer to this proposition either in the affirmative or the negative, but was induced to continue at his post, and to give up a resolution he had formed of proceeding to England, had it been refused, by the representations

* Note 12.

made to him by the Private Secretary to His Excellency the Governor that Memorialist's going to England would prevent the Governor, who considered him entitled to a situation and who was desirous of retaining him in the service of Government, from providing for him should a vacancy in the Establishment occur in the interim; and that, without anticipating the question of New Modelling the Land Board, some new arrangement must necessarily take place on Captain Dumaresq's retirement.

1831.
29 Jan.

Memorial of
J. Busby.

That, with the hope and confident expectation of being at length suitably provided for, Memorialist has accordingly continued to discharge for fifteen months the duties required of a Member of the Land Board, duties of higher trust, he believes, than are deputed to any other officer of the Government, without receiving more than the allowance of £100 per annum; and in reality almost gratuitously having expended two-thirds of what he did receive upon Public objects, in which he could have no private interest beyond the strengthening of that fair claim which Public services are considered to establish upon those entrusted with the administration of Public affairs.

Duties as
member of
land board.

That Memorialist during the above period, as well as during the whole course of his employment under the Government, has almost to the exclusion of every thought about his private affairs, given his whole mind to Public business and to Public objects.

That, during the last twelve months, conceiving that a favourable crisis had occurred for again calling the attention of the Colonists to the importance of establishing Vineyards in the Colony, Memorialist published another more practical Treatise* upon the subject, which was addressed chiefly to the native youth of the Colony and the settlers of the lower classes.

Treatise on
viticulture.

That he also entered into a correspondence with persons possessed of Vines, and became the Medium of distributing upwards of 20,000 Vine Cuttings among from forty to fifty individuals; that the Newspapers of the Colony have since taken up the subject; that the attention of the Settlers has been decidedly directed to it; and Memorialist might, he thinks, be justified in stating, that the general plantation of Vineyards in the Colony may hereafter date its commencement from the appearance of his last publication upon the subject.

Encouragement
of viticulture.

That, on the 29th December last, His Excellency the Governor communicated to Memorialist his intention to New-Model the Land Board; that he had obtained the Consent of three officers of his Government to act as Members without Salary; and that he proposed to offer to Memorialist the Situation of Clerk to the Board with the £300 a year, which the Secretary of State had authorised as the expenditure on account of the Land Board, as a Salary.

Proposed
appointment
as clerk to
land board.

That Memorialist conceiving that he could not, with honor, become the Clerk to a Board of which he had been certainly not the least efficient Member during three-fourths of the period of its existence, respectfully declined the proposal; and the same evening wrote to His Excellency stating, in the most respectful terms, the grounds of his refusal, and his intention to submit to His Excellency a Memorial to the Right Honorable the Secretary of State for the Colonies soliciting a better appointment.

Refusal of
appointment.

* Note 11.

1831.
29 Jan.

Memorial of
J. Busby.

That, on the following morning, Memorialist having found that it had been communicated to the New Members of the Land Board, apparently as a matter of course, and before it had been mentioned to him that he was to be their Clerk, Memorialist conceived it to be due to himself and becoming to the character which the Public has a right to expect in Officers holding high appointments, to disavow the new Character, with which he had thus been invested; and he accordingly communicated to his Excellency his intention to decline any further attendance at the Board.

Refusal to
attend further
meetings of
land board.

That Memorialist next day received an intimation from the Colonial Secretary that his letters had been received, but that his conduct, in abruptly withdrawing himself from the duties of his office, rendered it impossible for His Excellency to take any further notice of these letters, than to desire that all papers of a public nature should be left by Memorialist at the office from which he had withdrawn himself.

That whatever view General Darling may have taken of Memorialist's conduct on this occasion, which is the only one in which he is aware of having given him the slightest offence, Memorialist has too firm a reliance upon his justice and good faith to feel any apprehension in submitting this Memorial through His Excellency as the proper Channel, and soliciting that he will append thereto such a testimonial to the nature and importance of Memorialist's Services, and to the talents and integrity with which he has discharged the trusts committed to him: as well as such an opinion of his qualifications for an employment of trust and responsibility under His Majesty's Government, as, upon a review of the whole matter, he may think them entitled to.

Request for
testimonial
from
R. Darling.

That, Supported (as he trusts to be) by such testimonial, and by the letters and documents attached to this Memorial, Memorialist Submits his Case with perfect Confidence to the Wisdom and justice of His Majesty's Government, humbly representing, that, in his own opinion and that of his friends, had he devoted the same zeal, industry and talents, which he has uniformly and exclusively executed in the Service of Government, to other pursuits which were open to him upon his arrival in the Colony, he could scarcely have failed to realize a competence, if not to have placed himself in independent circumstances. And earnestly entreating that they will take into their most serious consideration, whether it would be consistent with the honor of His Majesty's Government, or with that benignity with which they are wont to regard individuals who have devoted their best energies to His Majesty's Service, that Memorialist, after nearly seven years' employment, during the greater part of which he has been entrusted with duties of the highest and most confidential character, should, at the end of that period, be left without any provision to support the station these employments have given him, at the same time that his qualifications (as he humbly trusts will be acknowledged) are such as could not fail of making his services valuable to the Colony: and he only desires an opportunity of exerting them in a suitable station.

Request
for relief.

And Your Memorialist will ever pray, &c.,

JAMES BUSBY.

Sydney, New South Wales, 10th January, 1831.

[Sub-enclosure.]

1831.
29 Jan.

SCHEDULE of letters and documents accompanying the duplicate of the foregoing Memorial, to be taken to England by Mr. Busby in person.

Schedule of papers attached to memorial.

PARTICULARS.

First Class.

Original letters shewing the nature and extent of Mr. Busby's services, independently of his regular and stated duties.

No. 1, 23 August, 1827.—Letter from the Colonial Secretary with instructions to meet His Honor the Lieutenant Governor and the Colonial Auditor, for the purpose of forming a Board to investigate certain claims preferred by the Reverend William Cowper and the Reverend Richard Hill.

Note.—In this case Mr. Busby having differed in opinion with the majority of the Board, he presented a separate report, and his view of the case was confirmed by the Secretary of State.

No. 2, 7 February, 1828.—Letter* from the Colonial Secretary, with instructions to meet the Deputy Commissary General and the Commissary of Accounts, to form a Board for the examination and revision of the Annual Estimates for 1823, previous to their transmission to England.

No. 3, 16 May, 1828.—Letter* from the Colonial Secretary with instructions to meet the Colonial Auditor and the Commissioner of the Court of Requests, to form a Board for the purpose of considering what fixed salary should be assigned to the Registrar of that Court, as a Commutation for Fees, and other matters.

No. 4, 3 and 5 June, 1828.—Two letters* from the Colonial Secretary conveying instructions to proceed to the Penal Settlement of Port Macquarie for the purpose of enquiring, in conjunction with Lieutenant Colonel Morriset, into certain matters therein detailed; as well as into the general conduct of the settlement.

No. 5, 15 December, 1828.—Letter* from the Colonial Secretary with instructions to meet the Collector of Customs and the Principal Superintendent of Convicts, to form a Board of Enquiry into the duties of the department of the Surveyor of Distilleries.

No. 6, 3 February, 1829.—Letter from the Colonial Secretary with instructions to meet the Colonial Auditor, the Director of Public Works and the Clerk of the Councils, to form a Board for considering the arrangements best calculated for the establishment of a Government Gazette.

No. 7, 6 March, 1829.—Letter* from the Colonial Secretary with instructions to meet the Deputy Commissary General, and the Commissary of Accounts, to form a Board for the revision of the Annual Estimates for 1829.

No. 8, 9 March, 1829.—Letter from the Colonial Secretary with instructions to meet the Colonial Auditor and the Assistant Secretary to form a Board of Enquiry into the State of the Treasury.

No. 9, 25 March, 1829.—Letter* from the Colonial Secretary, with instructions to meet the Principal Superintendent of Police, and the Clerk of the Councils, to form a Board for framing a Code of Regulations for the Conduct and Discipline of Penal Settlements.

No. 10, 23 July, 1829.—Note from the Private Secretary, enclosing "Memoranda" by the Governor on the question of the expediency of Granting Lands as Marriage portions, and requesting opinion upon the Subject.

No. 11, 7 January, 1830.—Letter* from the Colonial Secretary with instructions to meet the Deputy Commissary General, the Commissary of Accounts, and the Collector of Internal Revenue, to form a Board for Revising the Estimates for 1830.

No. 12, 22 June, 1830.—Letter from the Colonial Secretary informing Mr. Busby that the Governor had been pleased to select him for the employment of digesting into a Code the regulations from time to time established by the Civil Government.

Second Class.

Documents illustrative of the attention Mr. Busby has bestowed upon matters connected with the Welfare of the Colony, and of his qualifications for Official employment.

No. 13, 4 August, 1828.—*Sixth Section* of the Report of the Commissioners of Enquiry into the State of the Penal Settlement of Port Macquarie, comprising their General observations on the best mode of conducting Penal Settlements.

No. 14, — July, 1829.—*Memorandum*, submitted to His Excellency the Governor, on the question of the Expediency of Granting or refusing Lands to the Native Youth of the Colony.

No. 15, — August, 1829.—*Observations*, submitted to the Governor, on the Question of the expediency of Granting Lands as Marriage portions.

No. 16, 27 Oct., 1829.—*Observations*, submitted to the Governor, on the General Question of the Alienation of Crown Lands.

* *Note.*—In the Cases marked by an asterisk, the Reports were written by Mr. Busby.

1831.
29 Jan.
—
Schedule of
papers attached
to memorial.

No. 17, — Novr., 1830.—*Memorandum* submitted to His Excellency the Governor on the assignment and distribution of Convict Labourers.

No. 18, 1825.—*Printed Treatise** on the Culture of the Vine and the Art of making Wine, published at Sydney.

No. 19, 1830.—*Manual of Plain Directions** for Planting and Cultivating Vineyards, and for making wine in New South Wales do.

No. 20, 1831.—*Appendix** to the Australian Almanac for 1831 containing Advice to Newly arrived Settlers.

Sydney, New South Wales, 10th January, 1831.

GOVERNOR DARLING TO SIR GEORGE MURRAY.

(Despatch No. 8, per ship Royal Admiral; acknowledged by Viscount Goderich, 15th August, 1831.)

Sir, Government House, 29th January, 1831.

In reference to your Despatch of the 12th of April last, No. 71, and the communication which I had the honor to address to you in reply, I now beg leave to transmit, at the desire of Lt. Col. Morisset, Copy of a letter which I have received from that officer on the subject.

In your Despatch above referred to, you were pleased to desire that Lt. Colonel Morisset should be required to refund the Amount of any Civil or Military allowances he might have received since he assumed the Command at Norfolk Island. In my reply, I informed you that he had been called on to pay into the Military Chest the full amount of the Allowances issued to him since his arrival in this Colony (which was some months prior to his going to Norfolk Island) for the reasons stated in my Despatch.

As Lt. Colonel Morisset has suffered a serious loss by the death of his Horses, and it might subject him to much embarrassment, if required to refund the Amount of the Allowances issued to him from the date of his arrival here, I shall in consequence suspend acting on the order I had given, and direct that the stoppage shall take place only from the time of his arrival at Norfolk Island, as directed in your Despatch, until I receive further Instructions on the Subject.

I have, &c.,

RA. DARLING.

[Enclosure.]

[A copy of this letter, dated 20th November, 1830, is not available.]

GOVERNOR DARLING TO SIR GEORGE MURRAY.

(Despatch No. 9, per ship Royal Admiral; acknowledged by Viscount Goderich, 21st August, 1831.)

Sir, Government House, 29th Jany., 1831.

Having transmitted to Archdeacon Broughton an Extract of that part of your Despatch of the 12th of June last, No. 46, which relates to the Revd. Thos. Reddall, I do myself the honor

* Note 11.

Refund
required from
J. T. Morisset.

Modification
of order *re*
refund.

to forward for your information Copy of a Communication from the Archdeacon with Mr. Reddall's reply in original to the Allegations contained in Mr. Scott's report.

1831.
29 Jan.

It only remains for me to confirm what Mr. Broughton has stated respecting Mr. Reddall. But I must add that his pecuniary embarrassments are so serious an extent that I am at a loss to conceive, with his small Income and large Family consisting of his Wife and ten Children, how he can ever extricate himself from his difficulties.

Financial
position
of Revd.
T. Reddall.

I should observe that the Archdeacon made a proposition to me some time since, Mr. Reddall being pressed at the time by some of his Creditors, to advance him the sum of £250; and, concurring with Mr. Broughton that it was highly desirable to prevent the discredit which might be brought on the Clerical profession by one of its Members being imprisoned for Debt, I was anxious to afford every reasonable assistance, and a long correspondence took place in Consequence. But I was under the necessity of declining to afford the assistance required, Mr. Reddall being already indebted to the Government to the Amount of near £700 on account of advances which had been made to him during the Administration of my predecessor.

Proposed
advance
of money
to Revd.
T. Reddall.

Such, Sir, is the situation of this unfortunate Man with a Numerous family to support, to which his Income is totally inadequate, being at the same time indebted to the Government to a large Amount and pressed by private Creditors without any means or prospect of being able to satisfy them.

The situation, in which the Government is placed by such occurrences, is not only painful but embarrassing, and I regret to say that Mr. Reddall's is not a solitary instance. My Despatches by this opportunity will apprise you that several of the Officers of the Government have lately availed themselves of the Insolvent Act, a proceeding which it is necessary should be provided for by some special Instructions.

Insolvency
of officials.

I have, &c.,

RA. DARLING.

[Enclosure No. 1.]

ARCHDEACON BROUGHTON TO GOVERNOR DARLING.

Sir, Church Corporation House, 2 December, 1830.

In accordance with Instructions conveyed to me in Your Excellency's Letter of the 12th Ultimo I communicated to The Reverend Thomas Reddall the purport of the Charges alleged against him in the Communication made to Your Excellency by The Secretary of State. At the same time I called on Mr. Reddall for such explanations as he might be desirous of offering on the points in question.

Charges
submitted
to Revd.
T. Reddall.

1831.
29 Jan.

Financial
position
of Revd.
T. Reddall.

I have the honor now to transmit the Accompanying Statement which has been forwarded to me by Mr. Reddall.

That he is involved in great pecuniary difficulties is I fear not to be disproved but, in justice to him, I take the liberty of stating that I do not trace any Evidence of his having embarked in *Commercial Speculations* as distinguished from those of Farming nor upon reference to Archdeacon Scott's Report (dated 1st September, 1829) do I perceive that in the Paragraph relating to Mr. Reddall's affairs any such Charge is expressed.

His political
sentiments.

It may also be permitted me I trust to state that since my appointment to the Archdeaconry I have not had any occasion to Charge Mr. Reddall with neglect of duty or with the display of political feeling nor have I any reason to suspect that he at this time entertains any objectionable political Sentiments.

I have, &c.,
W. G. BRIGHTON.

[Enclosure No. 2.]

[*A copy of the statement* by the Reverend T. Reddall will be found in a volume in series VII.*]

GOVERNOR DARLING TO SIR GEORGE MURRAY.

(Despatch No. 10. per ship Royal Admiral; acknowledged by Viscount Goderich, 4th August, 1831.)

Sir, Government House, 29th January, 1831.

Instructions
acknowledged.

I have the honor to acknowledge the receipt of your Despatch dated the 19th of October, 1829, No. 158, having reference to the Reports of His Majesty's Sloop Satellite, respecting proceedings at Otaheite and other Islands in the Pacific; and, having received a Communication from Admiral Sir Edward Owen, Commanding in Chief in India, on the same subject, informing me that he had directed Captain Sandilands of His Majesty's Sloop Comet to place himself in Communication with me for the purpose of effecting the removal of the people, † alluded to in Captain Laws' Report, from Pitcairn's Island to Otaheite agreeably to the intention of His Majesty's Government; I now do myself the honor to acquaint you that the necessary arrangements were immediately made, and that Captain Sandilands proceeded in His Majesty's Sloop Comet for Pitcairn's Island on the 26th of December last, taking the Government Barque Lucy Ann, which Vessel I appointed to assist in this service, under his orders.

Departure of
H.M. sloop
Comet and
barque Lucy
Anne for
Pitcairn island.

I enclose herewith, for your information, the Copy of a Correspondence which passed between Captain Sandilands and

* Note 13.

† Note 8.

myself on this occasion, and beg to draw your attention to the Letter of the Honble. Captain Waldegrave of His Majesty's Ship Seringapatam and to the communication which I made to Captain Sandilands in Consequence.

1831.
29 Jan.

Captain Sandilands having expressed a desire that some person, who was well acquainted with the Islands, should accompany him, a Man of the name of Henry, Son of a Missionary at Otaheite, was engaged and is to receive the sum of £50 for his services. I request you will be pleased to authorize this sum being charged in the Public Accounts, as also the sum of £228 16s., which was expended in the purchase of some Articles necessary to the comfort of the people to be removed, and a few Presents, which Captain Sandilands applied for, conceiving they might be distributed with advantage amongst the Natives.

Engagement
of Henry for
voyage.

Money expended
on supplies and
presents for
natives.

I have, &c.,

RA. DARLING.

[Enclosure No. 1.]

COMMANDER SANDILANDS TO GOVERNOR DARLING.

H.M. Sloop Comet,

Sydney Harbour, 15th December, 1830.

Sir,

I have the honor to transmit, for your Excellency's information, the copy of a letter addressed to Rear Admiral Sir Edward W. C. R. Owen or the Senior Officer of His Majesty's Ships and Vessels at Sydney, from Captain The Honble. William Waldegrave, Commanding His Majesty's Ship Seringapatam, dated at Tongataboo, May 17th, which letter reached me this morning, having been brought to this Colony by the Rev. Mr. Crook, Missionary to the Society Islands.

Transmission
of letter.

I have, &c.,

ALEXR. A. SANDILANDS,

Commander and Senr. Officer.

[Sub-enclosure.]

CAPTAIN WALDEGRAVE TO SIR E. OWEN.

His Majesty's Ship Seringapatam.

Tongataboo, 27th May, 1830.

Sir,

Having visited the Society and Friendly Islands, in obedience to the orders of Rear Admiral Baker, Commander in Chief on the South American Station, I beg leave to state that I was requested by several Masters of Merchant Vessels, trading amongst the Feejee and Friendly Islands, to go to the Island of Rotumah in Lat. 12° 30' S. and Long. 177 East, to take away thirty English persons, one half of which were said to be Convicts, the other half deserters from British Merchant Vessels, who were residing on that Island to the terror or all Merchant Vessels Visiting that Island, as their habits were such as to excite the Natives to evil; their intention was supposed to be to seize upon some small Merchant Vessel and commence Piracy. I regret to add that the Friendly Islands, the Navigators Islands abound with evil disposed

Request for
removal of
escaped convicts
and deserters
from islands.

1831.

29 Jan.

Shipwrecked
crew at Turtle
island.

Proposal to
send brig to
remove
undesirable
persons.

Presents
required
for natives.

Sailors, deserters and Convicts, who do much injury to the British interests by exciting the Natives to wrong. I was also requested to take away eight of the late Crew of the Brig *Minerva*, of Port Jackson, Peter Bays Master, from Turtle Island, wrecked in September, 1829, in Lat. 19° 48' South, Long. 178° 3' West; but I deemed it too hazardous to take my ship thither, and I could not arrange any suitable plan of removing them by a Merchant Vessel, except at an enormous expense; Under these Circumstances, I take the liberty of suggesting that a Man of War brig, or a Sloop of War, be forthwith sent to clear these Islands of such dangerous subjects; it is hazardous to send a large Frigate, as the Sea room amongst these Islands is small. A Pilot and information may be obtained of the Missionaries at Nicolofa in the Island of Tongataboo; presents of Handkerchiefs, large Hatchets, large table Knives, blue beads and printed Manchester goods, given to the Chiefs on the delivery of the persons, will be most pleasing. I recommend a mild and calm conduct towards the Chiefs and Natives, and that Powder and fire arms should not be given as presents, or permitted as Barter, as I have invariably refused them and have obtained abundant supplies with other Articles. My orders did not permit me to Visit Rotumah or the Navigators Islands.

I have, &c.,

WILLIAM WALDEGRAVE, Captain.

[Enclosure No. 2.]

GOVERNOR DARLING TO CAPTAIN SANDILANDS.

Sir,

Government House, 24th December, 1830.

Having had several personal communications with you on the subject of Rear Admiral Sir Edward Owen's letter of the 20th of July last, which I had the honor to receive through you, it is unnecessary for me to enter in this place into those points which have been already fully discussed. I will therefore confine myself at present to observing that, having since my last interview seen the Revd. Mr. Crook, the Missionary, who has recently returned from Otaheite, where he had been employed for many years and who appears to be well acquainted with the sentiments of the Chief and People of that Island, I no longer see any objection to your proceeding direct to Pitcairn's Island, as coupling the information which I have received from Mr. Crook with that contained in the Report of Captain Laws of His Majesty's Sloop *Satellite*, there can be no doubt that the people, whom it is proposed to remove from Pitcairn's Island, will be received without hesitation at Otaheite. This appears the more desirable, as much time would be lost by your proceeding in the first instance to Otaheite, while, according to the information given by Mr. Crook, the object to be obtained by your so doing, would not be commensurate with the inconvenience which would be experienced. I will only repeat here, that I have given directions that the Government Barque *Lucy Ann* be placed under your orders, for the purpose of conveying the people who may be disposed to remove from Pitcairn's Island to Otaheite, and that a person Named Henry, who is understood to be well acquainted with those Islands, has been engaged by this Government to accompany you, and who I trust will prove

Proposals for
removal of
settlers from
Pitcairn island.

useful. I have further given directions that some Articles as Presents for the Chiefs and Natives be provided and placed at your disposal. They will I have no doubt be a means of facilitating the object of the Service on which you are employed, and of strengthening that good disposition which the Natives have always evinced for the English.

1831.
29 Jan.
Presents
for natives.

I avail myself of this opportunity of acknowledging the receipt of your Letter of the 15th inst., enclosing the Copy of one addressed to the Officer Commanding His Majesty's Ships on this Station, by the Honble. Captain Waldegrave of His Majesty's Ship Seringapatam, dated Tongataboo, the 27th of May last. I have only to observe, if you can effect the object proposed by Captain Waldegrave, of bringing the Men alluded to from the Island of Rotumah, consistently with the orders you have received from Rear Admiral Sir Edward Owen, it appears to me desirable you should do so, as there is every reason to believe that the Interests of Great Britain are much injured by the Lawless proceedings of the Prisoners, who escape from these Colonies and by the Men who desert from the Ships employed in the Whale Fishery, and take up their residence in the Islands to the Eastward.

Letter
acknowledged.

Proposed
removal of
escaped convicts
and deserters.

I have, &c.,

RA. DARLING.

[Enclosure No. 3.]

COMMANDER SANDILANDS TO GOVERNOR DARLING.

His Majesty's Sloop Comet,

Port Jackson, 25th Decr., 1830.

Sir,

I have the honor to acknowledge the receipt of your Excellency's letter of yesterday's date.

The mode of proceeding for the removal of the Inhabitants of Pitcairn's Island to Otaheite, together with the information your Excellency has recently obtained upon this subject, and which you have been pleased to communicate to me, coupled with the report of Captain Laws of His Majesty's Sloop Satellite, leaves no doubt upon my mind as to the propriety of proceeding direct to Pitcairn's Island instead of going in the first instance to Otaheite.

Proposed
voyage.

I have therefore to inform your Excellency that, taking the Colonial Government Barque Lucy Ann under my Convoy, I shall forthwith proceed to sea in pursuance of my orders to accomplish the service entrusted to my Charge.

I beg to assure Your Excellency that I will use every care in the distribution of the Presents for the Chiefs and Natives, with a confident hope they may be the means of strengthening their good disposition towards the English.

Presents
for natives.

I will endeavour to gain all the information in my power relative to the Men at the Island of Rotumah, mentioned in the Honble. Captain Waldegrave's letter, and which information I shall endeavour to use as beneficially as possible for the good of the public Service, and the circumstances under which I may be placed at the time will admit of.

I have, &c.,

ALEXR. A. SANDILANDS,

Commander and Senior Officer.

[Enclosure No. 4.]

1831.
29 Jan.Presents for
natives and
supplies for
Pitcairn
islanders.STATEMENT of Articles shipped on board the Lucy Ann for presents
at the Society and Friendly Isles, and for the Persons intended
to be removed from Pitcairn's Island.

	s.	d.	£	s.	d.		
20 Axes	@	3	0	ea.	3	0	0
20 Handles for Axes		0	6		0	10	0
112 Lbs. of Nails		0	6	pr. lb.	2	16	0
10 Hammers		1	0	ea.	0	10	0
24 Hoes		2	0	"	2	8	0
1,000 Fish Hooks (per 100)		2	6		1	5	0
24 Spades		3	4	ea.	4	0	0
6 Hand Saws		5	6	"	1	13	0
2 Cross Cut Saws		35	0		3	10	0
20 Saw Files		0	9		0	15	0
12 Handles for Hoes		0	6		0	6	0
50 Duck Frocks		2	6		6	5	0
50 Pr. do. Trowsers		2	6		6	5	0
6 Pieces of Calico		10	0		8	0	0
12 Pick Axes		4	6		2	14	0
725 Needles					0	5	0
6 Lbs. of thread (per Lb.)		2	0		0	12	0
1 Siene					15	0	0
100 Blankets		7	0	ea.	35	0	0
an assortment of Garden Seeds					0	10	0
12 Reaping Hooks		1	6	"	0	18	0
48 Clasp Knives		1	6	"	3	12	0
6 Broad Axes		5	0	"	1	10	0
12 Tomahawks		2	0		1	4	0
6 Socket Chisels					0	12	0
2 Pit Saws		35	0	ea.	3	10	0
12 Knives		1	0	"	0	12	0
1,000 Fish Hooks (per 100)		2	6		1	5	0
12 White Shirts		2	6	"	1	10	0
12 Striped Cotton do.		2	0	"	1	4	0
12 Pair of Scissors		1	6	"	0	18	0
6 Palampores		12	6	"	3	15	0
12 Pieces ribbon		18	0	"	10	16	0
20 Strings large blue beads		2	0	"	2	0	0
6 Pieces Spotted print		30	0	"	9	0	0
6 do. Dungaree		12	0	"	3	12	0
2 do. White Shirting		25	0	"	2	10	0
6 do. India Print		6	6	"	1	19	0
4 Large Beaver Hats		15	0	"	3	0	0
36 Tobacco Pipes		0	1	"	0	3	0
4 Lbs. of thread (per lb.)		2	9		0	8	0
12 Red Caps		1	6	"	0	18	0
6 Planes with irons		5	0	"	1	10	0
2 Umbrellas		8	0	"	0	16	0
1,080 lbs. of Maize, say 20 bushels		2	8		2	13	4
100 Lbs. of Soap (per lb.)		0	6		2	10	0
100 Lbs. of Tobacco		3	9		18	15	0
1,098 Lbs. of Rice		0	2		9	3	0
3,360 Lbs. of Biscuit (30 cwt.) per		29	10		44	15	0
4 Lbs. of Barley (per lb.)		0	2½		0	0	10
4 Lbs. of Arrowroot		0	2		0	0	8
4 Lbs. of Sago		0	5		0	1	8
4 Barrels with 20 hoops		8	6		1	14	0
30 Bread Bags		1	5		2	2	6

£228 16 0

Commissariat Office, Sydney, 9th Feby., 1831.

JAMES LAIDLEY, D.C.G.

GOVERNOR DARLING TO SIR GEORGE MURRAY.

1831.
29 Jan.

(Despatch No. 11, per ship Royal Admiral.)

Sir, Government House, 29th January, 1831.

I have the honor to transmit for His Majesty's Most gracious approbation and Allowance Three Absolute Pardons in favor of the undermentioned Persons, vizt.:

Submission
of pardons
for approval.

Michl. Gorman, Saml. Horne and John Pearce.

This indulgence is solicited for the two former in consequence of the assistance they afforded in the Capture of a Party of Bushrangers, who had been at large for Several Years, and in Conformity with the Enclosed Government Notice,* dated 31 May, 1830.

Reasons for
proposed
pardons.

Donahoe, the leader of this Party, and Macnamarra, his most desperate associate, were Shot in two Separate rencounters, and in which the Prisoners alluded to were engaged.

Finding on Enquiry that John Pearce's Conduct has been such as to entitle him to the benefit of the recommendation, contained in your Despatch of the 27th April last, No. 33, his Name is Submitted for a Pardon accordingly.

I have, &c.,

RA. DARLING.

GOVERNOR DARLING TO UNDER SECRETARY HAY.

(Despatch per ship Royal Admiral.)

Sir, Government House, 29th January, 1831.

I have the honor to acknowledge the receipt of your letter of the 19th of July and 10th of August last on the subject of a Claim made by Mr. Bannister, late Attorney General of this Colony, for arrears of Salary supposed to be due to him from the 1st to the 14th of October, 1826; and I beg to transmit the accompanying Copy of a Report from the Auditor General, by which it would appear that Mr. Bannister's Salary for the period in question has been already issued.

Claim by
S. Bannister
for arrears of
salary.

I have, &c.,

RA. DARLING.

[Enclosure No. 1.]

[The report by William Lithgow, dated 28th January, 1831, stated that the balance of salary as attorney-general £19 14s. 6d. was paid to S. Bannister by a warrant, dated 20th October, 1826.]

[Enclosure No. 2.]

[This was a memorandum by W. Wemyss, dated 15th December, 1826, stating that the salary of S. Bannister had been paid to 12th October, 1826, the date of his resignation.]

1831.
31 Jan.

GOVERNOR DARLING TO SIR GEORGE MURRAY.
(Despatch No. 12, per ship Royal Admiral.)

Sir, Government House, 31st January, 1831.

Despatch
acknowledged.

I have the honor to acknowledge the receipt of your Despatch, dated the 9th of April last, No. 19, calling for an explanation of the circumstance of so large a number of Persons appearing to have received Medical treatment during the year 1828, which was stated in a return, transmitted with my Despatch, No. 103, dated 15th September, 1829, to have amounted to 36,925, while it appeared by another Return, forwarded at the same time, that the daily number of Hospital Patients, who had been admitted within the four preceding years and also in 1828, presents an average of 452.

Explanation
submitted.

I have the honor to enclose an Extract from a Letter from the Inspector of Civil Hospitals on the subject, and beg to observe that the Patients, alluded to in the former Return, are not all Hospital Patients properly so termed, a portion of them being "Out Patients," who are not treated in Hospital.

The largeness of the number is accounted for by the Inspector from the circumstance which you suppose, that is, the same Individual having been treated on several occasions, and each being considered and accounted for as a distinct case.

I have, &c.,
RA. DARLING.

[Enclosure.]

Explanation
by J. Bowman
of hospital
returns.

EXTRACT of a Letter from the Inspector of Hospitals to the Colonial Secretary, dated 7th September, 1830.

"IN reply to your Letter of the 1st Instant, transmitting an Extract of a Despatch from The Right Honble. The Secretary of State for the Colonies, dated the 9th April, 1830, requiring me to explain an apparent discrepancy in the Hospital Returns for the Year 1828, I have the honor to inform you that these Returns were made out in strict accordance with the Instructions, contained in your Letter of the 3rd June, 1829, wherein you request me to forward to you with as little delay as possible a Return of the Number and description of Persons, admitted into the Colonial Hospitals during the last Year, and upon an average of the last five Years, together with a Return of all other Patients not Inmates of the Public Hospitals, to whom Medical Aid, etc., may have been afforded.

"It will be seen by reference to that Return 282 Patients remained in the Colonial Hospitals at the end of the Year 1827, and, during the following Year 1828, 6,425 were admitted, making a Total of 6,707 *treated* in the Hospitals during that Year; and, in the Column 'out Patients,' which Includes 'all other Patients not Inmates of the Public Hospitals,' there appears to have been 30,219 Patients, to whom Medicines have been administered, shewing a Total of 36,925 under Medical Treatment in the Year 1828.

"It may be necessary to explain that every person, receiving Medicines at the Dispensary and not admitted into Hospital, is

entered as an 'out Patient'; and each time the same Individual applies for relief with another disease he is again put on the Books as a fresh Patient, by which you will understand that, although 30,219 trifling Cases of Disease have been treated as out Patients in the Year 1828, the same Individual may have labored under several distinct diseases in the course of that Year, and each fine have a Separate Entry. In this manner, the Number of Sick under Treatment in one Year may appear to exceed the whole population of the Colony."

1831.
31 Jan.

Explanation
by J. Bowman
of hospital
returns.

J. BOWMAN.

GOVERNOR DARLING TO SIR GEORGE MURRAY.

(Despatch No. 13, per ship Royal Admiral.)

Sir,

Government House, 31st January, 1831.

I have the honor to acknowledge the receipt of your Despatch of the 11th of August last, No. 71, respecting the arrangements for garrisoning the Settlement at King George's Sound.

Despatch
acknowledged.

As I presumed there would be no objection to the measure being immediately carried into effect, provided it could be done without inconvenience to the Service, and the present season affording a favorable opportunity for it, I have been induced without waiting for further Instructions to send a Subaltern and 20 Rank and File of the 63rd Regiment to relieve the Detachment of the 39th, which I have ordered to rejoin the Head Quarters of that Regiment.

Relief of
military at
King George's
sound.

The inconvenience which has been experienced, and the Expense which has been occasioned in communicating with King George's Sound, have induced me not to delay the measure. The present season has afforded an opportunity of effecting the relief by the Passage to the Southward, which will be accomplished without delay or difficulty. After the middle of April and until the end of October, it is necessary to proceed by the Northern Passage through Torres Straits, and thus all supplies have been forwarded, which have been required, at that season of the year. The Passage in that direction has never been effected in less than three months, and the Navigation is most intricate and dangerous. Four or five Vessels,* which proceeded from hence in company about 12 months ago, were all wrecked in the Straits, one of which belonged to this Government, and had been Despatched for the relief of the Settlement at Raffle's Bay.

Passage to
King George's
sound *via*
Torres strait.

I have written fully to Lieut. Governor Stirling on the subject of King George's Sound, and have directed that the Vessel with the Detachment of the 63rd shall proceed in the first instance to Swan River, so as to afford him an opportunity of making such arrangements as he may think necessary on the occasion. King George's Sound was Victualled by this Government to the end of September next; but, as the Convicts sent from hence will

Provisions at
King George's
sound.

* Note 15.

1831.
31 Jan.

Removal of
convicts from
King George's
sound.

Military
stationed in
West Australia.

be withdrawn with the Detachment of the 39th Regiment, the whole consisting of about 70 Persons in number, the supplies will I conclude answer for a much longer period, as free people will not be disposed to reside there and the Settlement will consequently be on a much smaller Scale than hitherto.

I beg to add that the Detachment of the 63rd Regiment, employed in Western Australia,* now consists as follows, Vizt.:—

1 Captain; 2 Lieutenants; 2 Ensigns; 4 Serjeants; 74 Rank
and File.

I have, &c.,

RA. DARLING.

GOVERNOR DARLING TO SIR GEORGE MURRAY.

(Despatch No. 14, per ship Royal Admiral.)

Sir,

Government House, 31 January, 1831.

I do myself the honor to forward for your favorable consideration the accompanying Copy of a Memorial, addressed to me by the Widow of the late Captain Logan, 57th Regiment, Commandant at Moreton Bay, who was Murdered by the natives while employed in completing a Survey of the Country in the Neighbourhood of that Settlement.

Captain Logan was a very Active and Zealous Officer and had held the Command of the Settlement for a period of four years and a half, which, though of the most troublesome character, he conducted in a manner highly advantageous to the Government.

I regret to add that, being devoted to his public Duties, he paid little or no attention to his private concerns and has died very much in debt. His Widow and Children are consequently left without any means of support.

It is on this ground, the Services of Captn. Logan and the distressing circumstances of his death, that I am induced, notwithstanding the communication† which I lately had the honor to receive from you, to forward Mrs. Logan's application in the hope, as the case is one of an Unusual Character, that you may be of opinion that there is sufficient reason for departing from the rule which His Majesty's Government has found it necessary to lay down, and grant Mrs. Logan such addition to her Pension from the Military Department as may enable her to support her family in a suitable manner. It will be observed by her Memorial that Captn. Logan purchased all his Commissions and was present at four general Actions in the Peninsula.

I do myself the honor to enclose the Copy of a Government order, which was issued on the occasion of Captain Logan's death; and I beg further to acquaint you that I have forwarded

Transmission
of memorial.

Services of
P. Logan.

Financial
distress of
family.

Recommend-
ation of pension
for widow of
P. Logan.

* Note 16.

† Note 17.

to the Secretary at War an application from the Officer Commanding the 57th Regiment, that Mrs. Logan and her children may receive the Pension to which the Families of Officers are entitled under the existing regulations, who lose their Lives in the performance of their duty.

I have, &c.,

RA. DARLING.

[Enclosure No. 1.]

MRS. LOGAN TO GOVERNOR DARLING.

New South Wales, 13 December, 1830.

THE Memorialist humbly Sheweth that her late Husband Captain Logan of the 57 Regiment entered the Army in the Year 1810 by the purchase of an Ensigncy, succeeded to a Lieutenantcy in 1813, and was placed on half Pay with the additional Lieutenantcy in 1817, and again returned to full Pay in 1819 by paying the regulated difference, and purchased his Company in 1823. He was present at the Battles of Vittoria, Pyrenees, Nive and Nivelles.

1831.
31 Jan.
Military pension recommended.

He was sent as Commandant to the Penal Settlement of Moreton Bay, New South Wales in March, 1826, which troublesome and arduous Command he conducted with Credit to himself, the entire satisfaction of Government, and importance to the Colony, until the 23rd October, 1830 (four Years and Seven Months) when, in the execution of the Duties of his Command, he was barbarously murdered by the Natives near that Station, and has left his afflicted Widow in a very precarious and delicate state of health, and two young Children unprovided for to lament his untimely end.

Services of
P. Logan in
army ;

and as
commandant at
Moreton bay.

His murder
by natives.

The Memorialist beseecheth your Excellency will be graciously pleased to take this case into your favorable Consideration, and strongly recommend them to the Notice of the Home Government for a Colonial Pension and Gratuity, which has been granted on former occasions to Families of others who did not die by violence.

Request of
widow for
pension.

LETITIA ANNE LOGAN.

[Enclosure No. 2.]

GOVERNMENT ORDER No. 22.

Colonial Secr.'s Office, 17th November, 1830.

HIS EXCELLENCY The Governor publishes, with feelings of deep concern, the following Copy of a letter from Captain Clunie, 17th Regiment, conveying intelligence of the Melancholy fate of Captain Logan, 57th Regt., late Commandant at Moreton Bay, who was Murdered by the Natives when Completing a Survey, which he had Commenced last year.

Government
order issued
on death of
P. Logan.

It would be painful to dwell on the particulars of this distressing event. Everyone, who is capable of estimating Captain Logan's Character, his Zeal, his Chivalrous and Undaunted Spirit, will deplore it.

He had held for a period of four years the Command at Moreton Bay, a situation, from the character of the Settlement, of the most troublesome and arduous description. He did not however confine himself to the immediate duties of his Command, but had, on several occasions, at great personal risk explored the Country to a considerable extent, and on one of these discovered a River, which in compliment to his Services was named the "Logan," as will be seen by the Government Order of the 16th July, 1827, No. 27.

1831.
31 Jan.
Government
order issued
on death of
P. Logan.

The Circumstances of Captain Logan's death prove that the Ardor of his Character was not to be restrained by personal considerations. His Life was devoted to the Public Service. Professionally he possessed those qualities, which distinguish the best Officers; and, in the conduct of an extensive Public Establishment, his Services were highly important to the Colony.

The Governor, though he deeply regrets the occasion, is gratified in expressing his sentiments of Captain Logan's character and services. He is assured that every feeling mind will sympathise with the afflicted Widow, who, with her Infant Family, has, by an Act of savage barbarity, sustained a loss which cannot be repaired.

As a tribute to the Memory of this meritorious officer, His Excellency requests that the Gentlemen of the Civil Service will join the Military in attending the Funeral, of which due Notice will be given.

By His Excellency's Command,
ALEX. MCLEAY.

CAPTAIN CLUNIE TO COLONIAL SECRETARY MACLEAY.

Sir,

Moreton Bay, 6th Novr., 1830.

Report by
J. O. Clunie
re murder of
P. Logan by
natives.

It is with feelings of unfeigned sorrow, the duty devolves on me of reporting to you, for the information of His Excellency The Governor, the Melancholy death of Captain Logan, late Commandant of this Settlement.

The particulars relative to this unfortunate event as nearly as follows.

On the 9th ultimo, Captain Logan, accompanied by his servant and five Prisoners, proceeded from Brisbane Town to the neighbourhood of Mount Irwin and the Brisbane Mountain, with a view of completing his Chart of this part of the Country. It appears that, when near the Pine Range, the party were attacked by a large assemblage of Natives, who however, on a shot being fired, ceased to annoy them; the party then proceeded on their Journey, and Captain Logan after traversing part of the Country was on his return Home on the 17th ultimo, when, not far from the foot of Mount Irwin, he left the party, desiring them to proceed to a place he pointed out, and where he said he would join them in the Evening. From some unfortunate Misunderstanding, however, he was unable to do so; and on the 18th the party, believing he would proceed immediately to the Lime Stone Station, took their departure also for that place, where they arrived the following Evening. Finding that Captain Logan was not there as they expected, and having seen many Natives on the day previous, their fears were naturally excited, and three of them immediately returned to the place where Captain Logan had left them, while the others came here to announce the distressing intelligence.

As we naturally concluded he had fallen into the hands of the Natives, and hoped he might be a Prisoner and alive. Parties were sent out in every direction to endeavour to meet them; while, in the meantime, his servant and party found his Saddle, with the stirrups cut off as if by a Native's Hatchet, about ten Miles from the place where Captain Logan had left them, in the direction of the Lime Stone Station. Near to this place also were the marks of his horse having been tied to a Tree, of his having himself slept upon some Grass in a Bark Hut, and having apparently been

roasting Chesnuts, when he had made some rapid strides towards his Horse as if surprised by the Natives. No further traces could however be discovered, and, though the anxiety of his Family and Friends was most distressing, hopes were still entertained of his being alive, till the 28th Ultimo, when Mr. Cowper, whose exertions on this occasion were very great, and for which I feel much indebted, discovered the dead Horse sticking in a Creek, and not far from it, at the top of the Bank, the body of Captain Logan, buried about a foot under ground; near this also were found papers torn in pieces, his boots and part of his Waistcoat stained with Blood.

From all these circumstances, it appears probable that, while at the place where he had slept for the Night, Captain Logan was suddenly surprised by the Natives, that he mounted his Horse, without Saddle or bridle, and, being unable to manage him, the horse, pursued by the Natives got into the Creek, where Captain Logan, endeavouring to extricate him, was overtaken and Murdered.

Mrs. Logan, having a decided objection to the remains being interred here, has requested they may be forwarded to Sydney by the Isabella, while she and her family proceed by the Governor Philip; and, it being the opinion of both the Medical Officers here that, in her delicate state of Health, proceeding without a Medical Attendant would be attended with much danger, I have been induced to sanction Assistant Surgeon Murray accompanying Mrs. Logan, as, in the present healthy state of the Settlement, the Services of one Medical Officer can be dispensed with for a short time.

I have, &c.

J. O. CLUNIE,

Capt., 17th Regiment, Comg. Detachment.

1831.
31 Jan.

Report by
J. O. Clunie
re murder of
P. Logan by
natives.

Removal of
body to Sydney.

Return of
Mrs. Logan and
family to
Sydney.

GOVERNOR DARLING TO SIR GEORGE MURRAY.

(Despatch No. 15, per ship Royal Admiral.)

Sir,

Government House, 1st February, 1831.

1 Feb.

I do myself the honor to transmit to you, as required by the 39th Clause of the Charter, the final Report of the Trustees of the Clergy and School Lands from the 1st of March to the 31st of December, 1830, on which day the functions of the Trustees terminated, five Commissioners* having been appointed to succeed them from the 1st day of the present year.

Transmission
of final report
from trustees
of church and
school lands.

I beg to state generally that, as far as the interposition of the local Government can be useful or necessary, that every assistance shall be given and attention paid to the several objects adverted to in the Reports.

I have already been in communication with the Surveyor General on the subject of the Lands to be appropriated for the Church Establishment in Cumberland; but it will be necessary to bring the matter under the consideration of the Executive Council, before it can be finally arranged.

Lands for
church in
Cumberland.

As to the Trustees not having been able to obtain payment of the Monies due to the Corporation by Individuals, the

1831.

1 Feb.

Inability to
collect debts.

disappointment has been general and the Local Government has suffered in an equal degree from the distress which has prevailed. To have pressed the Parties indebted would have ruined them without benefitting the Government, as the Value of Property of every description has been reduced to the lowest degree by the frequency of the Sheriff's Sales.

New church
proposed at
Sydney.

As to building an additional Church in Sydney, which is indeed indispensable to the accommodation of the Inhabitants and certainly most desirable on every account, I can only refer you to a Letter from the Archdeacon of the 19th of June last, which was transmitted with my Despatch of the 20th September following, No. 55. Whenever the arrangements is matured, I shall do myself the honor of communicating the proposed details for your consideration and Instructions.

Proposed
new school.

I can only express my regret that the allotment, applied for at the extremity of Cumberland Street for the purpose of building an additional School House, had been previously appropriated to the opening a New Street; No exertions, however, shall be spared to afford every necessary accommodation in a matter of so much importance to the rising generation.

I will not conclude, Sir, without expressing my hope to be enabled to transmit to you by the next opportunity a detailed report of the measures, which have been adopted for carrying into effect The King's Instructions for placing the management of the Church and School Establishment in the hands of Commissioners.

I have, &c.,

RA. DARLING.

[Enclosure.]

[A copy of this report will be found in a volume in series VII.]

GOVERNOR DARLING TO UNDER SECRETARY HAY.

(Despatch per ship Royal Admiral.)

Sir,

Government House, 1st Feby., 1831.

Transmission
of explanation
re accounts.

I have the honor to acknowledge the receipt of your letter of the 16th of June last, transmitting Copies of a letter and its Enclosures from the Secretary to the Treasury on the subject of certain advances by and repayments to Deputy Commissary General Wemyss on Account of the Colonial Revenue, as stated in his Accounts for the year 1826, and, having called on the Auditor General for an explanation of the circumstance in question, I do myself the honor to forward Copy of his report, which I trust will afford the information required by the Commissioners of Audit.

I have, &c.,

RA. DARLING.

[Enclosures.]

[Copies of these papers are not available.]

1831.
1 Feb.

GOVERNOR DARLING TO SIR GEORGE MURRAY.

(Despatch No. 16, per ship Royal Admiral.)

Sir,

Government House, 2nd February, 1831.

2 Feb.

I do myself the honor to forward for your consideration the accompanying Papers, being Copy of a Correspondence and other Documents relating to the escape of four Convicts named in the margin* who appear to have left this port in the Brig Elizabeth, owned and commanded by Lt. Thomas McDonnell of the Royal Navy. It is proper to observe that, though Mr. McDonnell's letter No. 1 is dated some days previous to the Investigation reported in No. 2, he did not make the communication for some time after his return to this Port, nor until informed that *Deale* had given information of the matter.

Transmission
of papers re
escape of
convicts in brig
Elizabeth.

I beg your attention to enclosure No. 3, being a letter from the Attorney General, stating his opinion that no case could be made out against the Master of the *Elizabeth*, as also to Enclosure No. 2, the Copy of a letter from the Principal Superintendent of Police and the statement annexed to it.

I have the honor further to transmit to you the Copy of a letter from Messrs. E. I. Connell and Co., Merchants at Manilla, stating that Mr. McDonnell had refused to receive a Convict on board his Brig, who had escaped from this in the Ship *Sarah*, and was delivered over to them by the Master of that Ship for the purpose of being returned to this Government.

Refusal to ship
escaped convict
at Manilla.

It is proper to observe, in reference to the last case, that this Government has just now been cast in Damages† to the amount of £400 for detaining two Men, sent here by Lt. Govr. Stirling in H.M. Sloop *Comet*, supposing them to be Runaway Convicts either from this Colony or Van Diemen's Land, who he also informed me had been guilty of a Felony, but that he had no means of bringing them to Trial. It is said that the two Men, alluded to, were transported to Van Diemen's Land but are now free. The Damages in this case appear excessive; But, as I have no reliance on any legal steps we could take with our present means, I shall avoid incurring the further Expense which would be occasioned by moving for a New Trial.

Damages
against
government for
detention of
two men from
Swan river.

I have, &c.,

RA. DARLING.

* Marginal note.—John Broadhead, Thos. McDonald, William Jones, Charles Roche.

† Note 19.

1831.
2 Feb.

[Enclosure No. 1.]

LIEUTENANT McDONNELL TO COLONIAL SECRETARY MACLEAY.

Sir, Brig Elizabeth, Sydney, 28th Sept., 1830.

Stowaways on
brig *Elizabeth*.

I beg leave to acquaint You, for the information of His Excellency the Governor, that the Brig Elizabeth left this Port for China on the 13th of December last: that, on the 21st of the same month, while at sea, Four Men were discovered secreted in the Hold whose names will be found in the Margin.* It is possible that these men may have been Convicts, although they denied being so on my questioning them, and, as there were no British Authorities at Lintin, I had no opportunity of ascertaining the fact, as to whether they were or were not Prisoners.

I further beg leave to state that I proceeded up to Canton, leaving my Vessel at Lintin, and, on my return, found that the men alluded to had absconded.

I have, &c.,

THOS. McDONNELL, R.N.,
Commandg. the Elizabeth.

[Enclosure No. 2.]

MR. F. ROSSI TO COLONIAL SECRETARY MACLEAY.

Sir, Police Office, Sydney, 30th Sept., 1830.

Transmission
of information.

Herewith I have the honor to transmit the information of John Deale, a seaman belonging to the Brig Elizabeth of which Thomas McDonnell is Master and now lying in Port Jackson, relative to the escape of Four Convicts,† Prisoners of the Crown from this Colony on Board that vessel in the month of December last; and I request that the opinion of His Majesty's Attorney General may be obtained for my guidance, as to the steps (if any) proper to be taken by me under the circumstances.

I have, &c.,

F. Rossi, P. Supt. of Police.

P.S.—Deale's narrative can be corroborated by Mr. Henry Miller, Peter Higgins and Jas. Dugrant, Seamen on Board the Elizabeth.

F.R., J.P.

[Sub-enclosure.]

STATEMENT BY J. DEALE.

Monday, 27th Sept., 1830.

Statement by
J. Deale re
escape of
convicts on
brig *Elizabeth*.

JOHN DEALE, Seaman belonging to the Brig Elizabeth now lying in Sydney Harbour, has this day stated that, on Sunday, December 12th, 1829, the said Brig sailed on her Voyage from Sydney to China; that, after two or three days' sail from Sydney at Sea, Four Men were brought up from the Hold, and placed upon Deck; the names of the said four men were as follows, viz. :—

1. *Thos. Fowler*, a Carpenter in Sydney Lumber Yard.
2. *Michael Taylor*, a Taylor belonging to Mr. Pendray.
3. *Willm. Creed*, a Taylor belonging to Mr. Pendray.
4. *John Holloway*, or *Oliver*, occupation not known.

John Deale further states that a Seaman named John Henry Miller found the said four Men in the hold, and, when they were brought on Deck, the Captn. Thos. Macdonald called all hands on

* *Marginal note*.—Jno. Broadhead, Thos. McDonald, Wm. Jones, Chas. Roche.

† Thos. Fowler, Mich. Taylor, Willm. Creed, John Holloway or Oliver.

the Quarter Deck and enquired if any of them knew the said Four Men. John Deale said, Yes, I know Fowler, he was a Carpenter in the Lumber Yard.

James Clifford, Cook of the said Brig, also said, I know Mich. Taylor. He is a Tailor, and worked at Pendray's, the Tailor at Sydney, and so did William Creed. Holloway or Olliver I do not know, but Deale said I know his face some where in Sydney.

Upon this, the Captain stamped his foot on the Deck, and said, I do not want to know who they are, I only want them to walk over my Shipside, the first Land we make; the Captain then ordered them to go forward, and said keep yourselves together and I will use you well.

Thus they proceeded on the Voyage, Fowler acting as Carpenter, and the other three as Landsmen to pull and haul. Deale further states that the Four Men were not Confined, they shared in common fare in all respects as the rest of the Ship's Crew and under no restriction during the whole of the voyage to China.

Deale also says that, during the Voyage, when off Norfolk Island, the Captain Called the said Four Men, and pointing over the Ship side, there is Norfolk Island, but did not attempt to Land or put in, but stood off with a light Breeze.

When they arrived at China, the said four Men were under no restraint whatever. They went up to Wampow in a China Boat, without any restriction; they had liberty the same as the rest of the Ship's Company.

Fowler and Holloway, at Wampow, slipped on board the Two Friends of Boston, and Taylor Shipt on Board the Thos. Scathergood of Boston; what became of Creed, Deale says he does not know.

Deale says this Statement was made to John Fletcher, Chief Constable at Hobart Town, and he Fletcher directed him to state the whole of the transaction to the Chief Constable at Sydney.

the
JOHN X DEALE.
mark of

Read over and Sworn, this 30th September, 1830, Before
F. Rossi, J.P., Supt. of Police.

Deale further stated that he was not able to Come on shore before to give this information for this reason; he says, the Captain is very unwilling to let the Crew Come on shore, and he Deale came this day with the Boat, and, in the absence of the Captain, came on the sly to the Police Office and will make Oath, if required, that this statement is true.

[Enclosure No. 3.]

ATTORNEY-GENERAL BAXTER TO COLONIAL SECRETARY MACLEAY.

Sir, Attorney General's Chambers, 2nd October, 1830.

In acknowledging the receipt of your Letter of the 1st inst., transmitting therewith to me a Letter from the Principal Superintendent of Police, and the deposition of Jno. Deale, Seaman on Board the Brig Elizabeth, Thos. McDonnell, Master, relative to the Escape of the Four Prisoners named in the Margin,* from the Colony in that Vessel to China.

Letter
acknowledged.

* Marginal note.—Thos. Fowler, Mich. Taylor, Wm. Creed, Jno. Holloway or Oliver.

1831.
2 Feb.

Statement by
J. Deale re
escape of
convicts on
brig Elizabeth.

1831.
2 Feb.
Legal opinion
against
prosecution of
T. McDonnell.

In reply to your request that I should give my immediate opinion as to the measures proper to be taken in this Case, and whether the Captain's Conduct ought not to be investigated, I have the honor to state, for the information of His Excellency the Governor, that I am of opinion that no Case could be made out against the Captain either under the local ordinance, or the Act of Imperial Parliament, 9 Geo. 4, Cap. 83.

I have, &c.,
ALEX. M. BAXTER, Atty. Genl.

[Enclosure No. 4.]

MR. F. HELY TO COLONIAL SECRETARY MACLEAY.

Principal Superintendent of Convicts' Office,

15th October, 1830.

Sir,

Report by
F. Hely on
escaped
convicts.

With reference to your Letter of the 11th inst. No. 30/837 enclosing a Letter from the Principal Supt. of Police with the deposition of John Deale, a Seaman on board the Elizabeth, relative to the Escape of the four Prisoners named in the Margin* from hence in that Vessel, I have the honor to inform you.

1. That William Fowler, pr. Prince Regent 4, is a Runaway from Hyde Park Barrack. This man had the indulgence of sleeping out of Barrack, and was absent from Sunday Muster on the 12th December last, and was discharged as a Runaway from the Barrack on the 15th of the same Month. He was at the time employed as a Carpenter in the Lumber Yard, and, being an out of Barrack Man, might have been absent a day or two previously without being missed, as he would likely have the Saturday at all events to work for himself.

2. Mich. Taylor, pr. Eliza, was reported as a Runaway from the Service of Mr. Wm. Pendray on the 11th December, 1829, and has not since been apprehended.

3. John Oliver, pr. Asia, was reported as a Runaway from the Service of Mrs. Jas. Chisholm since the 9th Decr., 1829, and has not since been apprehended.

4. These three Prisoners were advertized in the Gazette on the 19th December, 1829.

5. I can find no account of "William Creed." but the Prisoner named in the Margin† absconded from the General Hospital on the 8th December, 1829, and was advertized on the same day, with the others before mentioned. This Man was by Trade a Taylor and did occasionally work for Mr. Pendray, and, not having been heard of since the day of his absconding, I have little doubt of his being the Man called "Creed."

I have, &c.,
FREDK. HELY.

[Enclosure No. 5.]

COLONIAL SECRETARY MACLEAY TO LIEUTENANT McDONNELL.

Sir, Colonial Secretary's Office, 22nd November, 1830.

On the 30th September last, I received and communicated to the Governor Your Letter, dated the 28th of that month, acquainting me, for His Excellency's information, that, on the 21st of

* Marginal note.—Thos. Fowler, Mich. Taylor, Wm. Creed, Jno. Holloway or Oliver.

† Marginal note.—William Sullivan Guilford.

December last, Eight days after the Brig Elizabeth had sailed from hence for China, Four Men, whom you name as in the Margin,* were discovered secreted in the Hold, and that they may have been Convicts, altho' they denied being so, and You had had no opportunity of ascertaining the fact; but that during your absence from the Vessel while she lay at Lintin they absconded.

I am now directed by His Excellency to transmit to You the enclosed Copy of a declaration made by John Deale, one of the Seamen of Your Vessel on the 27th September and sworn to before the Principal Superintend't of Police on the 30th, the day on which I received Your Letter. This declaration, which it is said can be corroborated by Three other Seamen of the Elizabeth, states that the names of the Men, who were discovered in the Hold, are Thos. Fowler, Mich. Taylor, Wm. Creed and John Holloway or Oliver; and that you were expressly informed at the time that they were recognized as Runaway Convicts from this Colony, but that nevertheless You took no measures whatever for securing them or putting them under any kind of restraint.

This Statement differs so materially from that Contained in Your Letter, that His Excellency is desirous that You should have an opportunity of Explaining Your Conduct in the matter; and I am Commanded to inform You that, unless Your Explanation be perfectly satisfactory, His Excellency will feel it his indispensable duty to report the case to the Lords Commissioners of the Admiralty.

I am also directed by His Excellency to transmit to You the Copy of a Letter from Messrs. Connell and Co. of Manilla, dated the 11th of May last, stating that, as the Brig Elizabeth was there at that place, bound direct for Port Jackson, they had applied to You thro' your Agent to receive on Board of your Vessel a British Convict, who had secreted himself in the Ship Sarah, when she had sailed from hence in January last, and Escaped from that ship at Manilla; but that you positively refused to take him, although you were offered every reasonable remuneration for his Passage. His Excellency commands me to observe that he is disposed to believe that there is some mistake in this statement; but he thinks it proper that you should have an opportunity of answering it; and I have the honor to request that You will state to me for his Excellency's Information whether or not You refused to receive the Convict alluded to on Board of Your Vessel, for Conveyance to this Colony; and if so, the Cause of such refusal, the same being Contrary to Law as well as inconsistent with the Conduct expected from a British Officer under such circumstances.

I have, &c.,
ALEX. MCLEAY.

[Enclosure No. 6.]

LIEUTENANT McDONNELL TO COLONIAL SECRETARY MACLEAY.

Sir, Elizabeth, 30th November, 1830.

I have the honor to acknowledge the receipt of your Letter of the 22nd inst., accompanied by a "Statement of John Deale," as also a Copy of a Letter addressed to You by Messrs. Connell and Co. of Manilla. Letter acknowledged.

In reply, I beg leave to state that they are both incorrect.

* *Marginal note.*—Jno. Broadhead, Thos. McDonald, Wm. Jones, Chs. Roche.

1831.
2 Feb.

Letter
acknowledged.

Statement
by J. Deale
submitted
for reply.

Request for
reply to
statement by
E. I. Connell
and Co.

1831.
2 Feb.

Reply by
T. McDonnell
to charges by
J. Deale;

I left this Port in the Elizabeth on the 13th December last. On the 22nd of the same month whilst at Sea, I discovered by accident that Four Men, whose names are noted in the Margin,* were secreted in the Hold; I had them brought on Deck; they positively denied being Convicts, nor did John Deale intimate to me the Contrary. He merely observed that he had *seen* one of them at Sydney, but this was no proof of their being Convicts. I however took every precaution that prudence and my limited means would permit to prevent disturbance.

I divided these Men into Watches, and armed my Officers, giving them strict injunctions to watch them narrowly, though, judging from their appearance, I did not apprehend danger. On the 25th of December, the Elizabeth's Log Book states "at 4 p.m. down Larboard studding Sails; at 5 a Heavy Squall, bore up and shortened Sail, at 8 discovered Norfolk Island."

I offer this remark from my Log Book in refutation of Deale's "Statement." That I could have called up Four Men supposed to have been Deserters from Sydney, *at Night*, when the "Island bore S.S.W. 7 or 8 Leagues" and *in the face of my officers and Crew*, "and pointing over the Ship's side, said, there is 'Norfolk Island'" is too ridiculous to admit of Credit.

Is it possible, Sir, that I could have so far forgotten what was due to myself, as to have Committed such a flagrant breach of duty and propriety. I have to request that you will be pleased to make known to His Excellency that I am incapable of the Conduct that this Man would fasten on my Character, and that, while I court investigation, I am fearless of the result. I had neither Irons nor Handcuffs on Board, which, in some measure, obliged me to adopt this line of treatment to the Men in question that I pursued. On my arrival at Lintin, there was no authority with whom I could lodge them; I proceeded in a China Boat to Canton, and on my return to the Vessel found that they had Escaped. I am quite ignorant as to where they went.

With regard to Mr. Connell's Charge, I beg leave to acquaint you that I do recollect a *Verbal* Application being made to me by a Mr. Kerr, a Clerk in the Employ of Messrs. Symes and Co. of Manilla, for the Passage of a Person supposed to have been a Convict from New South Wales; but as the Applicant to Mr. Kerr *refused* to Communicate with me on the subject, as the Master and Owner of the Elizabeth, for I had no Agent, I did not feel authorized to take such a serious responsibility on myself as the Imprisonment of a British Subject, without some document or sufficient reason to justify the Act.

Trusting that my Explanation, in both cases, may prove satisfactory to His Excellency,

I have, &c.,
THOS. McDONNELL, Lt., R.N.

[Enclosure No. 7.]

MESSRS. E. I. CONNELL AND CO. TO COLONIAL SECRETARY MACLEAY.

Sir,

Manilla, 11th May, 1830.

We beg leave to acquaint You for the information of His Excellency the Governor of New South Wales that, on arrival here of the Ship Sarah, from Your Port 9th January, her Commander

* *Marginal note.*—Jno. Broadhead, Thos. McDonald, Wm. Jones, Chs. Roche.

and by
E. I. Connell
and Co.

Captain Henry Colombine reported having two Men on board, who had secreted themselves in the Ship previous to her departure from Port Jackson, and were not discovered until they were some days at sea.

There being no British Consul here, or any other Person authorized to take charge of them, it was Captn. Colombine's intention to deliver them up to the Resident of Singapore, or to the proper Authorities at the first British Settlement he might touch at; but one of them, who calls himself Thomas Simpson, found means to escape from the Ship when she was about getting under weigh from this Port bound to Cadiz, and could not then be found, but has since been taken and lodged in Prison, where he still remains.

Before the Ship would be allowed to depart, we, as the Consignees of her, were obliged to become securities to this Government (conformably to the regulations of the Port) to be answerable for the Expenses of apprehending him, and maintaining him until means were found of sending him away.

The Brig Elizabeth being here, and bound direct to Port Jackson, we made Application to her Commandant, Captn. Macdonnell, thro' his Agent, to take Simpson back, at the same time offering him any reasonable remuneration for his Passage he might require; but he positively refused to take him on any terms, unless Compelled which we had not the means of doing.

We made application to this Government for the purpose, who declined to interfere in the business, further than to give the Enclosed Certificate of Simpson being in Prison.

We Exceedingly regret being disappointed in our wishes to send him back, the more especially as he must now be kept in Prison until specially claimed by some British Authority, which is a very great hardship, as he probably does not deserve it; and it is also very unpleasant to us to be obliged to maintain him in that situation for an indefinite period.

We therefore beg leave to request that You will please to lay the Case before His Excellency the Governor, whom we trust will give early directions for the removal of Simpson; as well as for the payment of any Expenses we may have been at for his maintenance.

We beg further to mention that, in the Event of any of His Majesty's Ships touching here shortly, we shall report the business to the Commanding Officer, in hopes that he may remove him.

We have, &c.,

E. I. CONNELL and Co.

GOVERNOR DARLING TO SIR GEORGE MURRAY.

(Despatch No. 17, per ship Royal Admiral; acknowledged by Viscount Goderich, 6th November, 1831.)

Sir, Government House, 3rd February, 1831.

3 Feb.

I have the honor to forward for your information, in pursuance of the intention expressed in my Despatch of the 5th of October last, No. 63, Copy of a General Order, containing the arrangements for the Augmentation of the Mounted Police, which indisposition and a variety of pressing Business have prevented me transmitting before the present moment.

Increase of mounted police.

1831.
2 Feb.

Statement by
E. I. Connell
and Co. re
escaped convict
per ship Sarah.

1831.
3 Feb.

Statement
re police
submitted.

Regret at
disapproval of
increase of
police.

Police engaged
in pursuit of
bushrangers.

Necessity for
augmentation
of mounted
police.

In order to your seeing at one view the former and present scale of this Establishment and the Expense attending it, I do myself the honor to enclose for that purpose a comparative statement of the number of men employed and the rates of Pay allowed, a reduction of 1d. per day in the Pay of the Corporals and of 2d. in that of the Privates having taken place.

I regret, Sir, to find by your Despatch of the 21st of April last, No. 27, which I received on the 21st of October by the Lord Melville, that you were not disposed to sanction the augmentation in the Mounted Police, which was reported in my Despatch of the 2nd October, 1829, No. 107.

You are pleased to observe that, unless the Bushrangers appear at one and the same moment in different directions, that a portion of the Police might be detached from one station to another. My letter, above alluded to, shews that this was the case; that two distinct Bodies of Bushrangers were actually out at the same time and at a *very considerable distance* from each other, the one at Bathurst having defeated the Party of the Mounted Police, which had been sent in pursuit, with the loss of some men and Horses. The Party, which pursued the Bushrangers from Hunter's River, were out *eight weeks* before it succeeded in capturing them. *Six* of these have been executed and *ten* of those taken at Bathurst.

You may be assured, Sir, there is no desire on my part to extend the Mounted Police beyond the number necessary for the service on which that Description of Force can be employed with advantage. Feeling that I am responsible for the security and tranquillity of the Colony, it is my duty to state to you what I consider necessary for these purposes; and I now beg respectfully to express my opinion that the present Establishment of the Mounted Police cannot consistently with these objects be reduced. *Walmsley* and *Webber*, the last of *Donahoe's* party,* who so long infested this part of the Country and were a terror to the Inhabitants, have been taken about 30 Miles from this, shewing that *three* Parties were out at the same time and proving the necessity of the Mounted Police being of sufficient strength to admit of its being dispersed. When the extent of this Colony is considered and it is recollected that Convicts under sentence are working in every direction without even the common means of security, which, to avoid Expense, have not been resorted to, the Employment of a Hundred Men at an Expense of £1,642 10s. a year cannot I think under such circumstances be considered unnecessary or extravagant.

Being anxious to remove any erroneous impression, which may have been received as to the Police Stations being unnecessarily

* Note 14.

numerous in this Colony, I have been led to compare the numbers with those at Van Diemen's Land; and I find that, notwithstanding the great disproportion of the two Colonies both in extent of Territory and amount of the Population, the Stipendiary Magistrates are not only more numerous at Van Diemen's Land, but receive much higher Salaries. It appears by the Almanach that *eleven* Magistrates are employed in that Colony. In this, there are only *eight*. In Hobart Town, there is a Chief Police Magistrate and an Assistant. In Sydney, which is infinitely larger, with a Population of the very worst description, there is only the Chief Magistrate without an Assistant. At Van Diemen's Land, the Police Magistrates are generally Civilians, paid I believe from £300 to £400 a year with allowances for a House and Forage for a Horse. Here, there are only two civilians employed, who receive £300 a year each, without any allowances. I have been able to make arrangements for the employment of officers of the Military Service in several of these situations, in order that the duty might be performed at the least possible Expense, and these Officers receive only £150 a year. I beg not to be understood as intending to mean that the Police Magistrates at Van Diemen's Land are paid at too high a rate, but, on the contrary, that the Civilians *here* are paid much too low. For example, it was stated to me not long since that the Magistrate at Parramatta (the Second Town in the Colony, where the Police Court has a great deal of Business) who received only £300 a year, paid £120 for a House. It is evident, therefore, he does not possess the means of supporting his situation with even common respectability. I have instanced these facts, Sir, as a proof that I have shewn the very reverse of want of attention to economy. I have on the contrary pushed it to an extreme, which perhaps has occasioned me some Enemies and might have rendered my Government unpopular. I have, however, steadily pursued the direct Path of my public duty without regarding the consequences.

I now beg, Sir, to assure you that it would not be possible to discontinue the Police Magistrate at the "Stone Quarry Creek," until some other arrangement be made, without occasioning such inconvenience to the Inhabitants as it would not be proper to subject them to. That station was established in consequence of the Bench at "Cawdor" having been necessarily discontinued, which is at the distance of 8 miles from the "Stone Quarry." The Magistrate, Mr. William McArthur, who was in the habit of attending the Cawdor Bench, was at too great a distance to assist at the "Stone Quarry." Mr. Antill's appointment was

1831.
3 Feb.

Police
magistrates
employed in
Tasmania and
N.S.W.

Necessity
for police
magistrate at
Stonequarry
creek.

1831.
3 Feb.

therefore not a matter of choice but of necessity, who was the only Magistrate near that place, and could not be expected to do the whole of the duty gratuitously.

Reforms
proposed
in police
establishment.

I have for some time past had in view the revision of the Police Arrangements of the Colony generally; but my Hands are so completely tied that I know not how to proceed. I am in fact afraid to incur any Expense, tho' the arrangement would ultimately have the effect of saving ten times the sum. For instance, in pursuance of the above intention, I was anxious to establish a Bench in a Central situation, which could do the Business at present transacted at "Campbell Town," "Bringlely" and the "Stone Quarry." A situation was pointed out, but Buildings necessary for the purpose are required, the erection of which would cost a few hundred Pounds. I have not proceeded in this, though calculated to produce a considerable saving, fearing it might not be approved. The three Benches mentioned must therefore be continued, until some arrangement of the nature alluded to can be made. Another object of the revision of the Police Establishment was the employment of Prisoners of the Crown, instead of free Men (who though now free were formerly Convicts) as constables. I have myself little doubt the duty would be at least as well performed, if certain advantages were held out as an inducement to good conduct, and a saving of no inconsiderable sum might be made. I have also had it in contemplation to reduce the Scale of gratuities to Prisoners employed as overseers, etc., from three Classes to two, which will be more simple and less Expensive. But the business of this Government is encreasing to such an extent as to leave those employed in conducting it without one moment's time for the consideration of matters, which require more than ordinary attention.

Practise of
economy.

I will not close this communication without again assuring you that my exertions are invariably directed to give effect to the views of His Majesty's Government, and I trust you will be satisfied, on a review of the facts stated in this letter, that my proceedings have been governed by the strictest attention to economy. If, from a sense of public duty, I am occasionally under the necessity of pointing out objections which cannot be foreseen at Home, or of proposing arrangements the necessity or advantage of which can hardly be judged of at the distance of 16,000 Miles, I do so in the persuasion that an intimate knowledge of local Circumstances, the result of five years' experience, will justify the opinions I have formed and give them some weight in your estimation.

Reasons for
proposing
reforms.

I have, &c.,

RA. DARLING.

[Enclosure No. 1.]

1831.
3 Feb.

GENERAL ORDER.

Sydney, 16th October, 1830.

HIS EXCELLENCY The Governor has been pleased to place the Mounted Police on the following Establishment, with the rates of Pay and Allowances specified, viz. :—

Establishment for mounted police.

	Per diem. s. d.	Allowance in lieu of Forage at 2/6 per diem.
1 Captain Commandant	7 6	2 horses.
3 Subalterns of Division	4 0	1 do.
1 Serjt. Major and Pay Serjt. . .	1 6	————
6 Serjeants	1 0	————
16 Corporals	0 9	————
77 Troopers	0 6	————

The above to take place from the 25th of last Month.

2nd. The Governor has further been pleased to appoint Captain Forbes, 39th Regiment, Captain Commandant of the Mounted Police, and Lieut. Blackburne, 17th Regiment, to the charge of a Division of that Corps. Location of officers.

3rd. The Head Quarters will be at Sydney.

Lieut. Brown Commanding the 1st Division will continue at Bathurst.

Lieut. McAllister Commanding the 2nd Division will be stationed at Goulburn Plains; and

Lieut. Blackburne Commanding the 3rd Division at Maitland.

4th. The Officers of Divisions will report on all points Connected with the arrangement, Distribution and Equipment of their Divisions to the Commandant, and the Commandant will, as may be necessary, make his application to the proper Departments. Reports by officers of divisions.

5th. On such matters as relate to the Police of the Colony, Officers Commanding Divisions will communicate with the Colonial Secretary, for the information of the Governor. The necessary orders will then be given through the Colonial Secretary, to the Commandant of the Corps, who will make such arrangements as circumstances may require and communicate with the officers of Divisions accordingly.

6. Those officers will constantly keep in mind the object of their appointment, and will use their best exertions to preserve the tranquillity of the Neighbourhood in which they are employed. They will Communicate with the Magistrates and Co-operate with the Superintendents of Police of their respective Districts, taking care at the same time not to harass their Men and injure their Horses by employing them on every idle rumour. One means of avoiding this will be a judicious distribution of their Divisions, by placing small Parties at convenient Stations and relieving the Men *individually*. Duties of officers and men of divisions.

7. The Officers and Men, as they cannot otherwise perform their duty effectually, will make a point of obtaining a knowledge of all the "Bush Roads." The men must be frequently removed from Station to Station, and the Commandant will Continue the present system of sending them from one District to another according to the Regulations at present in force.

8th. The Expenses of this Corps will be paid from the Military Chest, and are to be Charged under the head of "Convict Establishments." Expenditure on mounted police.

1831.
3 Feb.

Relief of
P. Aubin.
Duties of
commandant.

9th. According to the foregoing arrangement, Captain Aubin will be relieved from the Superintendence of the Mounted Police at Maitland.

10th. The Commandant of the Mounted Police will assist the Major of Brigade in carrying on the general duties of the Command, when those of his own Corps permit.

By Command,
K. SNODGRASS.

[Enclosure No. 2.]

[A copy of this return is not available.]

GOVERNOR DARLING TO SIR GEORGE MURRAY.
(Despatch No. 18, per ship Royal Admiral.)

5 Feb.

Sir, Government House, 5th February, 1831.

Reorganisation
in establish-
ments of public
departments.

I have the honor to report for your information that the following arrangements and additions have taken place in the Establishments of the Public Departments specified, "Vizt.":

Governor's
office.

Governor's Office.—1st. I find I omitted to report at the time that a Clerk was transferred from this Office to the Colonial Secretary's in the Month of September last, so that my Office consists at present of the Private Secretary and one Clerk only. In making this arrangement, I endeavoured to transfer part of the Business which had previously been transacted here; but I am not sanguine as to the success of the measure, the Colonial Secretary, who is as competent to his duties as any Man can be and whose information and experience have rendered his services important to the Government, having already more to do than he can attend to, and the Business of his office being consequently much in arrear. In stating that my office now consists of the Private Secretary and one Clerk, I beg to be understood as meaning Persons *paid by the Government*, as, since the latter end of the year 1827, I have employed an Additional Person for whom however no charge has been made. The Business, which I have myself personally to attend to, is in fact so burthensome that I should be extremely glad to be relieved from a great portion of it. I beg to refer you to the Despatches forwarded on the present occasion as an instance of the extent of it in this individual branch, independent of the Multifarious local matters, which require my constant attention.

If you should take the trouble of looking at the despatches forwarded by the present opportunity, you will be satisfied that their preparation must have required much time and attention, and I persuade myself you will agree with me that, as in the Governments of India, the Despatches should generally speaking be prepared by the Secretary to the Government, and not by the Governor. It is I think very important that the Governor should

Preparation
of despatches.

not be so much occupied as I have been by mere office Business; but, anxious as I have been to relieve myself of a portion of it, I confess I have not been able to discover any means by which it could be properly accomplished. To effect it, some new arrangement will be necessary and additional assistance will be required. I find that I adverted to this subject on the 22d of April, 1829, in a Separate letter, which I had the honor to address to you at that time, and to which I now beg leave to refer you.

1831.
5 Feb.

Dockyard.—2nd. I beg to report that I have discontinued the situation of Storekeeper in this Establishment from the commencement of the present year. The Salary of the office was £150 per annum. But, in providing for the due performance of the Duties, I have been under the necessity of raising the Salary of the Clerk of that Department from £61 to £91 5s., and to appoint a *free* Person to the situation in the place of a Prisoner holding a Ticket of Leave, it appearing highly injudicious to employ Persons of this Class in any place of trust. The saving by this arrangement will be £118 15s. per annum.

Post Office.—3rd. In consequence of the increased duties of the office and the retirement of the Clerk, who received £170 a year, I have appointed two Clerks, that number being indispensable, one at the rate of £120, and the other at £80, which occasions an additional Expense of £30 a year; The revenue of the Post Office amply admits of this, as it has considerably increased of late.

Land Board.—4th. My Despatch No. 7* by the present opportunity will inform you of the steps that were taken to retain the services of Mr. Busby and prevent additional Expense. The arrangement having failed, I have been under the necessity of appointing a Clerk to the Board at a Salary of £130 a year. The Services of this Board, which embraces the assignment of Convicts and which is frequently called on to report on different matters as they occur, are very important, and could not be made available without a competent Clerk. Different expedients have been resorted to from time to time to have the Clerical Duties performed, when the employment of a permanent Clerk became necessary to the efficiency of the Board.

Carters' Barracks.—5th. The Salary of the Superintendent of this Establishment has been raised £22 5s., that is, from £127 15s. to £150 per annum. The enclosed Copy of a letter from Mr. Murray, which was submitted to the Executive Council, will I trust satisfy you, as it did the Council, of the justice of his Claims.

1831.
5 Feb.

Request for
approval.

I request Sir, that you will be pleased to sanction these arrangements, and I trust you will be satisfied that, in their adoption by the Local Government, every possible attention has been paid to economy.

I have, &c.,

RA. DARLING.

[Enclosure.]

MR. A. MURRAY TO COLONIAL SECRETARY MACLEAY.

Sir, Carters' Barracks, 3rd January, 1831.

I have the honor to request you will allow me to approach His Excellency the Governor through You, and that you will be pleased to submit to His consideration the pecuniary Circumstances of my situation as Superintendent of Carters' Barracks; and, whilst I express my grateful sense of the favors and promotion I have already received from His Excellency, I hope, on his consideration of the following statement, He will be graciously pleased yet further to extend to me the liberality of the Government.

The Salary of the Superintendent of Carters' Barracks is at present £127 15s. per Annum, whilst that of the Superintendent of Hyde Park Barracks and Grose Farm and Longbottom is £150 each. The duties of Carters' Barracks are however in my opinion at least equal to, if not greater than those of either of these Establishments. For, though the Number of Prisoners at Carters' Barracks is much less than at the former, and the extent of Land in charge much less than at the latter, yet, when it is recollected that the Superintendent of Carters' Barracks has in charge from forty to fifty Horses and a corresponding Number of Carts and Harness for the supply of the Public Departments, and that he has the distribution of those every day to meet the requisitions of those Departments; that he has not only the Barrack discipline of about two hundred Prisoners generally, but the particular management of from eighty to one hundred boys, who are certainly more difficult to control than a like Number of men, as also the Superintendence of a Lumber Yard for their instruction, and in Charge a supply of Stores for their employment, which is accountable for and renders attested accounts of every quarter; that the Tread Mill is also under his Superintendence, and that he manages the Cultivation of a Government Garden for the growth of Vegetables for Prisoners in Sydney, which yielded, in the Unfavorable Season of 1829, at the Contract price, vegetables to the Amount of £405; it will appear that the duties of Carters' Barracks collectively are at least equal to those of either of the Establishments named.

I have on the 12th inst. had the honor to serve Government Nine Years, and, with the exception of Mr. Fraser, have been longer in the service in the Colony than any Superintendent now under Government. How I have discharged my duties during that period is not for me to say, but happily I have come within the Notice of yourself and the officers of His Excellency's Staff, and, on your and their good opinion, I can Confidently rely for a favorable answer to any reference His Excellency may deem necessary to make.

I am extremely reluctant to trouble His Excellency for any encrease of Salary; but, as I have now held the Situation of Carters' Barracks upwards of three Years at a considerably smaller

Duties of
superintendent
of carters'
barracks.

Services of
A. Murray.

Request by
A. Murray for
increase of
salary.

Salary than the Superintendents referred to, I trust His Excellency, considering the equality of duties and the length of my Servitude, will not deem my application premature, and pardon me when I now respectfully request that my Salary may be advanced equal to that of the Superintendent of Hyde Park Barracks.

I have, &c.,

A. MURRAY, Supt., C.B.

1831.
5 Feb.

Request by
A. Murray for
increase of
salary.

GOVERNOR DARLING TO SIR GEORGE MURRAY.

(Despatch No. 19, per ship Royal Admiral; acknowledged by
Viscount Goderich, 5th August, 1831.)

Sir,

Government House, 7th February, 1831.

7 Feb.

I have to request your authority that the charge of £174 1s. 11d. may be admitted in the public accounts, being the Amount of Costs and Damages awarded in an Action of Trespass brought by Mr. E. S. Hall against Archdeacon Scott.

Request for
approval of
costs and
damages in suit
of E. S. Hall
v. Revd.
T. H. Scott.

In order to a full understanding of the case, I do myself the honor to refer you to my Despatch, dated the 25th August, 1829, No. 99, and to your reply of the 20th of May last, No. 41, and to state that, when Mr. Scott was proceeding to embark for England on the 26th of October, 1829, Notice was served upon him that an Action of Trespass had been commenced against him at the suit of Mr. Hall. The case was tried before Mr. Justice Dowling and a special Jury on the 6th of April, 1830, and a verdict of £25 Damages given for the Plaintiff. Should you wish for more particular information, I would respectfully beg leave to refer you to the Sydney Gazette of the 10th and 13th of April last, which contain a Report* of the Trial.

I do myself the honor to enclose the Copy of a letter from Mr. Charles Cowper, applying, on the part of Mr. Scott, that the Expences might in this case be paid by the Government; and also an Extract from the Minutes of the Executive Council, which explain the ground on which the Council recommended the same.

I have, &c.,

RA. DARLING.

P.S.—I should propose the sum being charged to the *Church and School Fund*.

[Enclosure No. 1.]

MR. C. COWPER TO COLONIAL SECRETARY MACLEAY.

Sir,

Sydney, 27th July, 1830.

I have the honor to enclose the Bills of Costs in an action of Trespass brought by Mr. E. S. Hall against Archdeacon Scott, which was tried before Mr. Justice Dowling and a special Jury in April last, when a Verdict of £25 damages was given to the Plaintiff.

Request for
payment of
costs of suit.

1831.
7 Feb.

Request for
payment of
costs of suit.

On behalf of Archdeacon Scott, I respectfully solicit that His Excellency will authorise the Expenses to be defrayed from the Colonial Revenue. I have, &c.,

CHARLES COWPER.

Keith, £96 11s. 2d.; Norton, £52 10s. 9d.; Verdict, £25; £174 1s. 11d.

[Enclosure No. 2.]

[A copy of the minute of the executive council, dated 17th August, 1830, will be found in a volume in series II.]

VISCOUNT HOWICK TO GOVERNOR DARLING.

(Despatch per ship Eleanor.)

10 Feb.

Details required
re New
Zealand flax.

Sir,

Downing Street, 10th February, 1831.

The Lords Commissioners of the Admiralty being desirous that you would cause strict enquiry to be made as to the quantity of New Zealand Flax or Hemp (the Phormium Tenax) that could annually be procured from those Islands, and at what price per Ton it would be delivered at Sydney and also in England, I am directed by Viscount Goderich to request that you will transmit to this office such information as you may be enabled to obtain upon this subject.

I am, &c.,

HOWICK.

GOVERNOR DARLING TO SIR GEORGE MURRAY.

(Despatch marked "Separate." per ship Royal Admiral; acknowledged by Viscount Goderich, 19th September, 1831.)

Sir,

Government House, 10th February, 1831.

Proposed
appointment of
A. M. Baxter
as judge.

In acknowledging the receipt of your Despatch of the 22d July last, No. 66, informing me of the proposed appointment of Mr. Baxter, the Attorney General of this Colony as a Judge at Van Diemen's Land, it becomes an indispensable duty on my part to put you in possession of certain recent occurrences here as connected with Mr. Baxter, in order that you may determine as to his eligibility for the office in question.

Reports re
conduct of
A. M. Baxter.

Having received information when on a visit lately to the District of Hunter's River, which I was recommended to make in consequence of the state of my Health, that Mr. Baxter's conduct in the Supreme Court and in the Police Office had evinced a state of mind, which appeared to render him unfit for the performance of his duties; I immediately addressed a letter to the Judges, of which the enclosed is a Copy, but I did not receive their answer until my return to Sydney. I enclose herewith a copy of it for your information, which I regret is not

more explicit; but, conceiving, as the Attorney General had previously sent in his resignation, that the object of the reference made to them would be answered, they expressed their wish, as you will observe that their opinion on the "delicate subject" referred to them might not be required.

1831.
10 Feb.

Resignation of
A. M. Baxter.

I did not think it necessary to press the matter, as Mr. Baxter was declared Insolvent by the Supreme Court on Monday the 31st of last Month, which circumstance, I am informed, would of itself disqualify him from officiating as a Judge.

Insolvency of
A. M. Baxter.

As your Despatch, which I have now the honor to acknowledge, intimates that Mr. Baxter is to continue in the discharge of his duties until the arrival of his Successor, I was induced on my return to Sydney to consult the Executive Council as to the expediency of permitting him to retire, though fully satisfied myself he could not, with any degree of propriety from the notoriety of his proceedings, be permitted any longer to Act as Attorney General.

Advice sought
from executive
council.

As the best means, Sir, of putting you fully in possession of this unpleasant matter, I do myself the honor of transmitting for your information two Minutes of the Proceedings of the Executive Council which have taken place upon it. The Deposition of Mrs. Baxter contains a detail of her Husband's inhuman treatment of her, which a knowledge of his disreputable habits, being addicted to drinking to great excess, would alone render credible.

Illtreatment
of wife by
A. M. Baxter.

This unfortunate Woman is now in a state of complete destitution, her Husband having abandoned her. I was induced in consequence to bring her situation under the consideration of the Executive Council, it appearing desirable, from the respectability of her connexions, she should not be left with her children dependent on the charity of the Public.

You will perceive, Sir, by the Enclosure No. 4, that the Council recommended that the Sum of £150 should be advanced to enable Mrs. Baxter to return to England, and she expressed a desire to avail herself of an opportunity which then presented itself; but, Mr. Baxter having taken one of their Children and persisted in his refusal to allow it to accompany her, she could not be prevailed on to proceed and remains here without any means of support.

Advance
proposed
to wife of
A. M. Baxter.

Reasons for
non-departure
of wife from
Sydney.

In order to complete the series of the correspondence, I herewith enclose the reply to Mr. Baxter's letter of resignation, which Document will be found in the Minute of Proceedings of Council of the 1st inst. Enclosure No. 3. The reply was forwarded as soon as the Council broke up. I have adverted to this circumstance

1831.
10 Feb.

though perhaps unnecessarily as you will perceive by Enclosure No. 8 that Mr. Baxter comments on the date of the Letter accepting his resignation.

Conduct of
A. M. Baxter
at police office.

I also beg to transmit a statement of Mr. Baxter's conduct at the Police Office on the 17th ultimo, as adverted to in the previous part of this Letter.

Correspondence
with
A. M. Baxter.

It will be seen on reference to Enclosure No. 4, appendix G, that Mr. Baxter applied for information as to the Communications which he had been apprised it was my intention to make to you and the Lieut. Governor of Van Diemen's Land. On receiving the Colonial Secretary's letter in reply, appendix H, Enclosure No. 4, He addressed a letter to him acknowledging its receipt, of which I do myself the honor to forward a Copy. It is not necessary to remark on that letter or on another, a Copy of which I also enclose, which was received with the former. They both speak for themselves.

Habits of
A. M. Baxter.

Having adverted to Mr. Baxter's disreputable habits, it may not be improper to instance the preference he has always shewn for the Society of Persons with whom he ought not to have associated. It will be seen by his Letter of the 24th Ultimo, Enclosure No. 3, that he speaks of having tendered his resignation to the Colonial Secretary in presence of *his friend Mr. Nicholls*. This person is a native of the Colony, *the Clerk of Mr. Moore, the Crown Solicitor*, whose principles may be known by perusing a letter* bearing his signature in the Monitor Newspaper of the 2nd inst., which is enclosed.

Effect of
inefficient
legal advisers.

I may I hope be permitted to ask, what must be the situation of this Government with such advisers and such supporters. It cannot be a matter of surprise that it has failed in every thing it has undertaken, as it always must do, when the legal advisers are not competent, Zealous or well disposed. Mr. Nicholls is the person, who has been employed by the Crown Solicitor to Strike the special Juries, and to attend on the part of that officer at the taxing the Bills of Costs. It will be seen, on reference to my Despatch No. 25† by the present opportunity, the manner in which this duty has been performed.

Difficulties of
government.

It is, Sir, I assure you very painful to me to have had occasion so frequently to bring matters of this Unpleasant nature under your Notice. I trust, however, that these occurrences will serve to convince you of the Arduous Nature of this Government. The Archdeacon's report‡ of Mr. Wilkinson's Conduct, which is forwarded by this opportunity, will furnish some proof of it. I have been no party in that matter. I cannot however avoid repeating that no one can have an idea of the difficulty of conducting Public Business here without a personal knowledge of

* Note 22.

† Note 23.

the Individuals I have had to deal with, and of the nature of this Anomalous Community and equally Anomalous Government. The labour and fatigue, which I have consequently endured, cannot easily be conceived. I am myself unfortunately too sensible of it.

I have, &c.,

RA. DARLING.

P.S.—I have omitted to mention that, expecting Mr. Kinchela's early arrival, I have not appointed a person to Act as Attorney General; indeed, I am not aware where I could conveniently have found a competent one.

I have, &c.,

R.D.

1831.
10 Feb.

Expected
arrival of
J. Kinchela.

[Enclosures.]

[Copies of these papers are not available.]

GOVERNOR DARLING TO SIR GEORGE MURRAY.

(Despatch No. 21, per ship Royal Admiral; acknowledged by Viscount Goderich, 25th September, 1831.)

Sir, Government House, 11th February, 1831.

11 Feb.

I have the honor to acknowledge the receipt of your Despatches of the 1st of January and the 12th of June last year. Nos. 1 and 46, and beg to transmit, for your consideration and decision, the accompanying documents, which relate to the Revd. F. Wilkinson, one of the Chaplains to whom your Despatches allude.

Transmission
of documents
re Revd.
F. Wilkinson.

No. 1. Copy of the Archdeacon's letter of the 20th September last, with the correspondence between him and the Revd. F. Wilkinson from the 9th of July to the 13th of Sept., 1830.

No. 2. Copy of the Archdeacon's letter of the 18th of October, with the correspondence which had passed between him and Mr. Wilkinson, from the 7th to the 27th of September, 1830, and

No. 3. Copy of the Archdeacon's letter of 9th of February, with correspondence between him and Mr. Wilkinson, from the 25th of October to the 11th of November, 1830.

The Enclosures No. 1 relate to the Report, which the Archdeacon was called on to make in consequence of your Despatch No. 1 of the 1st of January, 1830, having reference to the representation made of Mr. Wilkinson's Conduct by Archdeacon Scott.

The Enclosures No. 2 relate to a proceeding which took place during the period of the correspondence which is contained in the Enclosures No. 1.

The Enclosures No. 3 comprise Mr. Wilkinson's remonstrances against the Archdeacon's proceedings, with Mr. Broughton's replies.

1831.
11 Feb.

Suspension
of Revd.
F. Wilkinson.

Concurring in the view taken by the Archdeacon of Mr. Wilkinson's proceedings, I was induced to Act on the Authority conveyed to me in the last paragraph of your Despatch of the 1st of January, 1830, and I accordingly directed Mr. Wilkinson's suspension from the functions of his Office.

I have not thought it necessary to enter into the particulars of Mr. Wilkinson's proceedings on the recent occasion, as the Enclosures afford every information that can be required, while the Archdeacon's letters appear to me to convey a very clear and correct view of the matter.

It being Mr. Wilkinson's intention to remain here, until your decision on his case shall be received, I have authorised the issue of his Salary in the mean time, though, as he declined to avail himself of the offer of a Passage to England, I should not have felt it necessary to allow him his Salary, had it not appeared to the Archdeacon and myself, by your Despatch of the 12th of June last, that his final removal from the Service was to await your decision.

Reasons for
issue of salary
to Revd.
F. Wilkinson.

Should you determine to remove Mr. Wilkinson from the Service, I request I may be informed whether he is to be furnished with a Passage to England at the Public Expense and to what period he is to be allowed Salary.

Instructions
requested.

I have only, Sir, further to state for your information, that the Communication directed by your Despatch of the 1st of January, 1830, to be made to the Revd. Mr. Wilton, was addressed to him accordingly through Archdeacon Broughton.

Censure
conveyed
to Revd.
C. P. N. Wilton.

I have, &c.,
RA. DARLING.

[Enclosures.]

[Copies of these papers will be found in a volume in series VII.]

VISCOUNT GODERICH TO GOVERNOR DARLING.

(Despatch No. 21, per ship Eleanor.)

14 Feb.

Sir,

Downing Street, 14 Feby., 1831.

Instructions
re disposal of
lands.

I have the honour of transmitting to you His Majesty's Instructions on the subject of my Despatch of the 9th of January, together with a copy of the printed terms, which have in consequence been issued for the information of persons intending to become settlers, and of the general Order which has been promulgated to the Army in reference to Military Officers. I take the opportunity of adding what further observations seem to be requisite in order to enable you fully to understand the views which have led to the change of policy, which will be thus carried into effect.

The first point, to which I shall call your attention, is the omission of that part of your former instructions,* by which you were required to reserve $\frac{1}{4}$ th of the Crown Lands, in each Hundred and County, for the purpose of maintaining the Church and School establishments.

1831.
14 Feb.

Abolition of instructions for reserves for clergy and school estates.

This change has been made in compliance with the recommendation contained in the Report* of the Commissioners of Enquiry, already transmitted to you. The reasons they have assigned for this recommendation sufficiently prove the propriety of adopting it. I may add that, as these lands, in their present state, are of little or no value, and any they may in future possess must be derived from the industry of the Owners of the adjoining lands, any income to be derived from them for publick purposes must in fact, like every other branch of the revenue, be a tax on the industry and capital of the Colonists. It comes, therefore, simply to be a question, whether it is the best means of raising the sum which is required; a question on which there cannot be a doubt, when it is remembered, that, while they cause very serious inconvenience to the Settlers, these reserves, at the present moment, do not even pay the expense of management; that the whole cost of the Church Establishment is defrayed out of the ordinary revenue; and that, therefore, the effect of the system is to lay a heavy tax on the Colony, at the present moment, with a view to a future exemption from taxation. The policy of the proposed change is to afford an immediate relief and to trust for the means of meeting the future expense of the Church Establishment to the same sources from which it is at present defrayed, and which will, of course, become more productive as the colony advances in wealth and population; if that advance is promoted, as there is every reason to believe, by the sale of lands hitherto reserved, they will by that means at least as effectually contribute to the relief of the revenue hereafter as if they were retained in the hands of those by whom they are now managed.

The next subject, to which I have to refer, is the manner in which Naval and Military Officers are to receive the advantages, which it has been deemed right to afford them in order to encourage their emigration.

Remission of purchase money on lands for naval and military officers.

It is obvious that grants cannot be made to any without entirely destroying the principle, which I have been most anxious to establish, of all lands being indiscriminately offered for publick competition; I therefore propose that, whenever it is wished to favour either officers or individuals who have claims from their publick services, it should be done not by making them grants of land, but by remitting a certain sum from the

1831.
14 Feb.

Abolition of
discretionary
power in
allotment of
lands.

price of that which they may purchase. The general Order which accompanies this Despatch has been framed accordingly.

It has been deemed right to discontinue the discretionary power, which has hitherto been possessed, of refusing to individuals, under peculiar circumstances, the power of acquiring land. There might be very good reasons for withholding grants from persons of objectionable character, but these do not, it appears to me, apply when the question is, whether they should be permitted to purchase; indeed I know not how such persons can give better security that they will not make an improper use of the wealth they may acquire, than by converting it into land. I mention this in order to prevent the possibility of your misunderstanding that part of the printed terms delivered from this office, in which persons wishing to purchase are directed to apply for such portions of land as they may select. This is retained not to deprive of the power of purchasing those who may neglect to make such applications, but because it is supposed you may possibly avoid the inconvenience of exposing to sale land for which there is no demand, by knowing beforehand what is required.

Regulations
by executive
council.
Difficulties
expected in
introduction
of change of
policy.

All regulations of detail as to the time and mode of sale are for the consideration of yourself and the Council.

It is perhaps too much to expect that some difficulty should not at first be experienced in carrying into effect the proposed change of policy; such is almost always the case when a long established system, however faulty it may have been, is abandoned. I am, therefore, quite prepared to hear from you that it may for a time be impossible to effect sales of land, and of loud complaints from those who are desirous of obtaining grants. Representations will doubtless be made that the value fixed upon land is too high, that large tracts are necessary for grazing, that a great hardship is inflicted upon those whose applications have been too late, and that some warning ought to have been given of the proposed change. This last objection is perhaps plausible; but, upon consideration, is clearly without any real force, as it is obvious that any long warning of the change of system would, in fact, be to postpone its operation for an indefinite period, from the number of grants which would be previously obtained.

Objections to
valuation of
land.

With respect to the price which has been fixed upon land, it will I doubt not be thought extravagant by those who have been accustomed to obtain it, practically speaking, for nothing; were the price not higher than that which it has hitherto been attempted to realize, it would not effect one of the chief objects in view, a great restriction of the extreme facility of acquiring land, which now exists. This is absolutely essential for the

purpose of checking the dispersion of Settlers, to which is mainly to be attributed the heavy expense, in proportion to the population, of every branch of the Colonial establishment. Every facility, which can be afforded to those who are engaged in rearing cattle, consistently with the attainment of this object, will be given by continuing the practice of letting to the best bidder the lands which cannot be sold; it being however clearly understood that such lands are only to be let from year to year, and that, if applied for, they are to be exposed to sale according to the rules already laid down.

1831.
14 Feb.

Annual grazing
leases to be
granted.

I have in a former dispatch fully explained to you the reasons which have induced His Majesty's Government rather to trust to the interest of purchasers to secure their cultivating the land they may acquire, than to any regulations requiring them to do so and preventing its alienation; it becomes, however, a question of some difficulty what course is to be followed with regard to those to whom land has already been granted under such conditions. It is obvious that, if they are now allowed to dispose of it, they will obtain an advantage never contemplated at the time their grants were made; on the other hand, if prevented from doing so, they may be unable to improve it, while, until the expiration of seven years from the date of their grants, their neglect would give to the Government no right to interfere, and it would therefore remain unproductive to the Colony. Under these circumstances a middle course, perhaps, will be the best; and I should wish you to consult your Council on the expediency of giving up the enforcement of the conditions referred to, and substituting for them a small tax on all uncultivated land, permitting at the same time, the holders to dispose of it (notwithstanding the engagement they are under to the contrary) on the payment of a fine.

Regulation re
cultivation in
former land
grants.

With respect to the arrears of quit-rents, I think it is a necessary consequence of the new regulations that all claims to indulgence with regard to them should cease, and that those, who have acquired their lands on terms so much more favourable than will in future be granted, should at least be required to abide by the bargain they have made.

Necessity for
payment of
arrears of quit
rents.

The same principle will apply to the Instalments due on the Lands purchased during the administration of Sir Thomas Brisbane, for the postponement of which a Memorial from the parties interested was transmitted in your Despatch of the 20th of May, 1828, and which appears to have been already refused by His Majesty's late Government.

I have, &c.,

GODERICH.

1831.
14 Feb.

[Enclosure No. 1.]

[A copy of these instructions* will be found in a volume in series II.]

[Enclosure No. 2.]

Proposed
general order
re concessions
to military
settlers.

DRAFT OF PROPOSED GENERAL ORDER.

H.M. GOVT. having deemed it expedient to substitute new Regulations for those at present in force, respecting the system of granting land in the Australian Colonies, and according to which no land will in future be disposed of otherwise than by Public Sale, it has become necessary to make a corresponding change in the arrangements, which have hitherto been in force with respect to the Military Settlers, and which have been published to the Army in the General Orders, † dated June 8, 1826, May 16, 1827, and August 24, 1827.

His Majesty has accordingly been graciously pleased to declare that all the advantages held out to the Officers of the Army under those Orders, as far as relates to the Sale of Commissions, shall continue and remain in force; and, with a view that each individual Officer may derive the same benefit with respect to an allotment of land as has been held out in those Orders respectively, His Majesty has been pleased to command that the following arrangements shall be promulgated for the information of those Officers, who may be disposed to become Settlers in New S. Wales and Van D. Land in substitution for those contained in the General Orders above alluded to.

The Officers of the Army, wishing to become Settlers, shall like all other individuals procure land only by purchase at the Public Sales; but they shall be entitled to have a remission of the purchase money to the following amount, provided that they shall produce from the General Commanding in Chief satisfactory testimonials of good conduct and of unexceptionable character.

Officers, who have served 20 years and upwards, shall have a remission of £300.

Officers, who have served 15 years and upwards, £250.

Officers, who have served 10 years and upwards, £200.

Officers, who have served 7 years and less than 10, £150.

Each individual Officer, who may obtain this remission, will be required to give security that he or his family shall reside at least 7 years in the Settlement, and he will also be required to provide for his own passage to the Colony and for that of his family.

GOVERNOR DARLING TO SIR GEORGE MURRAY.

(Despatch No. 22, per ship Royal Admiral; acknowledged by Viscount Goderich, 15th October, 1831.)

15 Feb.

Sir,

Government House, 15th February, 1831.

Claims
by Revds.
S. Marsden and
R. Cartwright.

The Revd. Mr. Marsden and the Revd. Mr. Cartwright having set forth claims similar to those on the part of the Revd. Mr. Cowper and the Revd. Mr. Hill, which I had the honor

* Note 25.

† Note 26.

to refer to you in my Despatch of the 1st of February, 1828, No. 13, which was replied to by yours of the 18th April, 1829, No. 105, I directed that the Auditor General should be called on to report on Mr. Marsden's Claims, Mr. Cartwright's not having at that time been received. I now enclose the Auditor's Report thereon for your consideration.

1831.
15 Feb.

Claims
by Revds.
S. Marsden and
R. Cartwright.

The Revd. Mr. Cartwright having renewed his Claims, which he had in the first instance preferred to Archdeacon Scott, but who did not forward them to me, I referred his case to Archdeacon Broughton, conceiving he might be able to ascertain the cause and to report from the Documents in his office on Mr. Cartwright's right to the compensation he Claimed.

It appears that Archdeacon Broughton obtained from the Auditor General a Copy of the enclosed Report, No. 1, on Mr. Marsden's case, and you will perceive by Mr. Broughton's letter, which is forwarded herewith, that he has stated his view of that Gentleman's Claims, as well as of Mr. Cartwright's. I did not think it necessary, after receiving Mr. Broughton's Report, to refer the Claims of the latter Gentleman to the Auditor.

The cases are so fully and so clearly stated in the two Reports which I have now the honor to transmit, as to render it quite unnecessary for me to do more than draw your attention to the circumstance of Archdeacon Broughton having debited in his Statements the Revd. Mr. Marsden and Mr. Cartwright with the Land they received from the Government at the rate of 2s. 6d. per acre, for which he has given his reasons in his Report.

Value of land
debited against
claims.

It is proper I should apprise you that neither the Revd. Mr. Cowper nor Mr. Hill were debited for the Land they had received from the Government, and it appears only fair, as the Claims of all these Gentlemen rest nearly on the same ground, that they should be placed on the same footing with respect to Compensation. Besides the Chaplains, who have come out since their time, have generally speaking received Land, though they had no Claim to Rations or the other Allowances promised to the Chaplains, who are the subject of this communication, and they will not of course be charged for the land they have received.

It only remains for me to forward the accompanying Copy of a letter, which I received yesterday from Archdeacon Broughton, transmitting a Memorial addressed to you by the Revd. Mr. Cartwright. I observe that he states in his Memorial that neither himself nor his family have received equal proportions of land with other Chaplains or Civil Officers. In reference to which, I beg to observe that no Chaplain has received more than

Memorial
from Revd.
R. Cartwright
re land grant.

1831.
15 Feb.

the quantity limited by His Majesty's Government during my administration, and orders have been given some time since for extending the benefit of the recently established Regulations to the Chaplains and their Families generally.

I have, &c.,
RA. DARLING.

[Enclosures.]

Summary
of papers
transmitted.

[*These voluminous papers have been omitted. The claims were made by the Reverends S. Marsden and R. Cartwright for fuel, rations and slops for a convict servant, and rations for themselves and families; the latter also made a claim for neglect to provide him with a glebe. The amount of the claim of the former was £1,381 8s. 7d. and of the latter £2,250 10s. 10d. The amount recommended by William Lithgow for the former was £840 3s. and by archdeacon Broughton for the former £533 6s. 9d. and for the latter £242 4s. 5d.*]

GOVERNOR DARLING TO UNDER SECRETARY HAY.

(Despatch per ship Royal Admiral.)

16 Feb.

Sir,

Government House, 16th February, 1831.

Necessity
for prompt
instructions
re disposal of
lands.

I beg to draw your attention to my Despatch, Specified in the Margin,* submitting certain arrangements for the consideration of His Majesty's Government respecting the granting and disposal of the Crown Lands. The inconvenience, which has been occasioned waiting so long for a decision on the subject, has I assure you been of a very serious nature. I have resorted to various expedients from time to time, in order to prevent the difficulties to which the Inhabitants would have been subjected, had they been obliged to wait until Instructions were received from Home. These expedients, which were only intended to meet the exigencies of the moment, will, I apprehend by their having been continued in the expectation of receiving Instructions from day to day, occasion many difficulties, though I hope not of a serious nature. But I am now induced to request, should the subject of the Land not yet have been brought forward, that you will expedite it as much as possible, as the longer the decision is delayed the greater will be the embarrassment.

Protest
expected
against
quit rent.

I understand that the Settlers, from the experience of the late unfavorable seasons and the dread of a similar visitation, are likely to remonstrate against the proposed Quit Rent of two pence per Acre, as being higher than the Land generally can bear. At present most of them are in a lamentable condition from the pressure of the late seasons and the great fall which has taken place in the price of Stock. Many of those, who supplied themselves on Credit two or three years ago, when Cattle

* *Marginal note.*—93, 1828 (see note 27).

and Stock in general sold at an extravagant rate, have been completely ruined. Their Lands have passed into the hands of Mr. Terry and people of that Class, who lend money at an exorbitant interest and soon obtain possession of the Estates of their Debtors. The Emancipists are thus Monopolizing to a considerable extent.

I have, &c.,

RA. DARLING.

1831.
16 Feb.

Financial
distress of
settlers.

GOVERNOR DARLING TO SIR GEORGE MURRAY.

(Despatch No. 23, per ship Royal Admiral; acknowledged by Viscount Goderich, 17th September, 1831.)

Sir, Government House, 17th Feby., 1831.

17 Feb.

I have the honor to forward the accompanying application addressed to me by Mr. Langa, the Comptroller of Customs. Soliciting to be allowed an Allotment in the Neighbourhood of Sydney for the purpose of erecting a House for his residence and a Grant of Land, similar to that given to the other Civil Officers of his Class; and to state that I am not aware there is any objection to his request being complied with.

Request by
B. Langa for
town allotment
and land grant.

I have, &c.,

RA. DARLING.

[Enclosure.]

MR. BURMAN LANGA TO GOVERNOR DARLING.

Sir, Sydney, 17th February, 1831.

I have the honor to request that Your Excellency will be pleased to prefer my solicitation to His Majesty's Secretary of State for the indulgence of a Town allotment and a Grant of Land, such as have been usually afforded to the Civil Officers of the Colony.

I have, &c.,

BURMAN LANGA, Comptroller of Customs.

GOVERNOR DARLING TO UNDER SECRETARY HAY.

(Despatch marked "Private," per ship Royal Admiral.)

My dear Sir, Government House, 17th February, 1831.

I have been favored within the last few days with the receipt of Your private Letter of the 25th of August last, and am sorry to find that the Measures, which it was considered necessary to adopt with respect to the Press, have not been approved. Nothing in fact was done that was not, nor indeed as much as was suggested in the Secretary of State's Despatch of the 31st of July, 1828, marked "Separate," with the exception of the Banishment of the Parties* on a second conviction for the publication of a seditious Libel. In resorting to that measure,

Regret at
disapproval
of action re
control of
press.

* Note 28.

1831.
17 Feb.

Reasons for
imposing
penalty of
banishment.

the local Government and the Council considered that they were following the same course, which had been pursued by His Majesty's Government and Parliament, and which proceeding, with reference to the circumstances of a Convict Colony, was perhaps more necessary in New South Wales than could possibly have been in England. I now observe that an Act* of Parliament was passed during the last Sessions repealing the Act above alluded to; still the intention to repeal that Act was not known here, when the Colonial Act was brought under the consideration of the Council, and the local Government felt not only that it was fully borne out in the adoption of the Measure by the licentiousness of the Press, but by the Law, which existed at Home and which in fact suggested it.

No stamp duty
imposed.

In observing that the local Government did not go to the full extent of the suggestions of the Secretary of State, I mean as far as regards imposing a Stamp Duty, as an Act to that effect has not been passed.

Leniency
towards
E. S. Hall.

With respect to the severity of the measures which have been adopted, I can only say that Mr. Hall has but little reason to complain in this respect. Though the Act has been in force twelve months, he has not yet entered into the recognizance required, nor has it been possible to urge the Crown Lawyers to any effectual proceeding against him. From compassion for his large family and the length of time he had been imprisoned, I availed myself of the opportunity afforded by His Majesty's Accession, which was proclaimed here on the 6th of November last, to release Mr. Hall from Jail.† His Sense of this Act of Grace, nearly two Years of his several Sentences being unexpired, is exemplified by his continuing his Calumnies and persevering in not entering into the recognizance required. His object, which indeed he has avowed† to the Secretary of State himself, is to be paid for publishing the Acts, Advertisements, etc., of the Govt.; but I have no idea of purchasing his "good word" by an unnecessary expenditure of the Public Money.

Testimony
in favor of
Rev. W. G.
Broughton.

I quite agree with You that Archdeacon Broughton is admirably suited to his Situation. He is remarkably clear in his views, cool and dispassionate, and possessing a sound judgement, and cannot fail to prove an acquisition to this Government. I fear, however, that he is already impressed with the difficulties of his situation; but I trust he will not allow himself to be overcome by the vexations he has experienced, and is still further likely to meet with.

Boundaries
assigned for
settled districts.

You will excuse me for observing, in reference to the last Paragraph of Your letter, that You appear to have been misinformed, precise boundaries being established beyond which Settlers are

* Note 29.

† Note 30.

not allowed to receive Grants or to lease Land; but it is impossible to prevent their sending their Cattle to graze beyond those limits.

1831.
17 Feb.

You will be satisfied of my disposition to encourage Settlers to establish themselves to the Southward, when You are informed that an Expedition was sent more than twelve months ago in order to ascertain the possibility of opening a Communication in that direction. The result was most satisfactory; but Captain Sturt, the officer charged with this service, having immediately after his return been sent to Norfolk Island, I have not yet been enabled to transmit a complete Report of his Proceedings. If interested in this matter, You will find a Sketch of his operations in a Govt. Order* in the enclosed Gazette, and I shall be glad to find that the result is satisfactory to you.

Exploring
expedition
by C. Sturt.

I have, &c.,

RA. DARLING.

[Enclosure.]

[*This "Gazette" was dated 13th May, 1830.*]

GOVERNOR DARLING TO SIR GEORGE MURRAY.

(Despatch No. 24, per ship Royal Admiral; acknowledged by Viscount Goderich, 18th September, 1831.)

Sir, Government House, 18th February, 1831.

18 Feb.

1st. I have the honor to submit for your consideration the accompanying Copy of a letter, addressed to me by the Archdeacon, recommending the employment of the Revd. Mr. Wilton to assist Mr. Marsden in the performance of the Clerical duties of the Parish of Parramatta.

Proposed
assistant
to Revd.
S. Marsden.

It may be proper to state for your information that Mr. Wilton, the present Master of the Female orphan School, is Chaplain of the Parish of "Kissing Point," about 8 miles from Parramatta, where he performs Divine Service every Sunday Morning.

Duties of Revd.
C. P. N. Wilton.

Being satisfied from my own observation of the necessity of assistance being afforded Mr. Marsden, whose duties are very extensive and fatiguing, and which he has continued to discharge with Zeal and fidelity for a period of *thirty eight* years, I have not hesitated to authorise the arrangement proposed by the Archdeacon, until I receive your Instructions on the subject.

Tentative
approval of
assistant
to Revd.
S. Marsden.

2nd. I beg further to request your attention to that part of the Archdeacon's Letter, which relates to the appointment of a Master of the Female Orphan School. Mr. Broughton has explained so fully what is required in this respect that I feel it unnecessary for me to offer any observations on the subject,

Master proposed
at female
orphan school.

1831.
18 Feb.

though I cannot withhold my concurrence in his suggestion that the interest, which Archdeacon Scott took in the success of the School and his knowledge of the Institution, point him out as well qualified, in the event of any difficulty being found in filling the situation of Master, to select a Competent Individual for the office.

I have, &c.,

RA. DARLING.

[Enclosure.]

ARCHDEACON BROUGHTON TO GOVERNOR DARLING.

Sir, Church Corporation Office, 17th February, 1831.

Necessity for
an assistant
to Revd.
S. Marsden.

I beg leave to acquaint Your Excellency that, from my own observation, as well as from Communications made to me by the Revd. Mr. Marsden himself, I am satisfied it is beyond his power to perform, as he has hitherto done, the very fatiguing clerical duties of the parish of Parramatta. On a recent visit to that Church, I considered it so just to an old, zealous and faithful Servant, as Mr. Marsden by the consent of all has been, and at the same time so necessary for the due performance of divine Service in his parish that assistance should be granted him, as to direct the Revd. Mr. Wilton to attend for the purpose of officiating on the afternoon of Sundays, which he has accordingly done since the early part of January last. It was not in my power to apply for Your Excellency's approval of this measure previously to your departure for the Country; but I beg now to request your Consideration of its propriety, and your permission to make Mr. Wilton an Allowance of 15s. for every Sunday on which he may be so engaged in assisting Mr. Marsden. The duties of the parish of Parramatta, I beg leave to add are as follows:—

Duties in
parish of
Parramatta.

Two full services in the Church and one at the Female Factory every Sunday.

Services during the Week at the Jail and Hospital alternatively.

Baptisms, Marriages, Attendance on the Sick and Funerals in a District 15 Miles long by 6 Miles wide, including the Town of Parramatta itself.

Request for
appointment
of master at
female orphan
school.

Having also laid before your Excellency, by Mr. Wilton's desire, his resignation of the Mastership of the Female Orphan School (retaining however his Appointment of Chaplain), I have to prefer a request to the Right Honble. the Secretary of State, that a fresh appointment may be made to the Vacant office. In justice to the gentleman who may succeed to the same, I think it right to Notice that the duty of instructing the numerous Children, and of duly Superintending the establishment in all its details will be fatiguing and probably irksome, and must so occupy all the time he can spare from parochial services, as rarely to admit of his absence even for a single day. Under all circumstances, I am of opinion that it will be a most difficult task to engage the Services of any gentleman duly qualified to discharge the office of a parish Minister, and at the same time contentedly to submit to toil and Confinement of attending to the orphan School. It will indeed be in vain to expect that it should be done except by a person, who can find his reward chiefly in the consciousness of sacrificing his time and attention to the welfare of a most useful and important Institution. I would with submission observe that, as there is no person in

England who could be expected to enter so warmly into the Welfare of this School as Mr. Archdeacon Scott, so it is certain there can be none so well qualified to judge of the disposition and qualities of the person who would prove an efficient Successor to Mr. Wilton. The Nature of the Office renders it advisable that it should be filled by a Married Man, but the apartments allotted to the Master in the Institution are not adapted for a family of children.

1831.
18 Feb.

Proposed
reference
to Revd.
T. H. Scott.

I have, &c.,

W. G. BROUGHTON.

GOVERNOR DARLING TO SIR GEORGE MURRAY.

(Despatch No. 25, per ship Royal Admiral; acknowledged by
Viscount Goderich, 14th October, 1831.)

Sir, Government House, 19th Feby., 1831.

19 Feb.

I have the honor to transmit to you, at the desire of the Chief Justice, the accompanying Copy of a letter on the subject of the Bills of Costs in the cases, therein stated not having been duly taxed by the Master of the Supreme Court. A Communication was in consequence made to Mr. Carter, the Master, and also to Mr. Moore, the Crown Solicitor, and I beg to forward Copies of the Explanations received from those Gentlemen in reply.

Correspondence
re neglect to
tax bills of
costs.

It will be observed that Mr. Carter states, in his letter, that "Mr. Nicholls stated, that the fact was that he (Mr. Nicholls) was not zealous in the cause, and therefore he was indifferent as to what charges were inserted in the Bills in question"; while Mr. Moore on the other hand asserts, as appears by his letter, that he understood from Mr. Nicholls "that he did object to the Master's allowance of such parts of the Costs as relate to obtaining the writs of Certiorari and some other charges being allowed by him as Costs in the cause, on the ground of such Costs being only allowable between an Attorney and his Client and not between party and party to the Suit."

Contradictory
statements.

I have not thought it necessary to make any further reference, as nothing satisfactory could be expected to result from it. Mr. Nicholls is the person alluded to in my Despatch, marked "Separate," of the 10th inst. respecting Mr. Baxter. I can only say that the manner, in which the legal proceedings have been conducted, is a reflection on any Government; but, circumstanced as this Government is, it is totally impossible for it to obviate or remedy the evils which have or may occur.

Inefficiency
in legal
proceedings.

In the case of the Costs in question, it was recommended that the matter should be referred to the Supreme Court with a view to obtaining an order that the Bills should be retaxed, and the Crown Solicitor received Instructions accordingly. Finding that

Proposed order
for re-taxing
costs.

1831.
19 Feb.

Proposed order
for re-taxing
costs.

the matter had not proceeded according to the directions given, Mr. Moore's attention was called to the subject, and I do myself the honor to enclose a Copy of his reply for your information. On being put in possession of Mr. Moore's letter, I immediately wrote a private note to the Chief Justice, and have the honor to enclose a Copy of his answer, from which I apprehend the result of the reference made to the Supreme Court will not be favorable. We have only to hope that the situation of the Government will be improved by the information and experience of the newly appointed Attorney and Solicitor General.* It could hardly succeed in any proceeding, when their predecessors, as I am informed, were ignorant of even the common forms of pleading.

I have, &c.,

RA. DARLING.

[Enclosure No. 1.]

CHIEF JUSTICE FORBES TO GOVERNOR DARLING.

Sir,

Sydney, 22nd October, 1830.

On a recent occasion, when I was honored with an interview with your Excellency upon the Subject of the decision of the Supreme Court as to the Construction of the 9th Section† of the New South Wales Act, Your Excellency was pleased to call my attention to the large Amount of Law Expenses, which the Colonial Government had incurred in defending certain Actions brought in the Supreme Court against the Principal Superintendent of Police and other Magistrates, and the Principal Superintendent of Convicts respectively, for taking away the assigned Servants of Mr. Hall and Mr. Hayes. It appearing to me to be probable that the Bills of Costs, in the cases alluded to, could not have been duly taxed by the proper Officer, I have since caused enquiry to be made into the subject, and I find that a very Considerable reduction ought to have been made beyond the Amount taken off the original bills by the Master.

Improper taxing
of costs in
law-suits.

It has been reported to me by the Chief Clerk of the Supreme Court that the Bill of Costs, in the Case‡ of Hall v. Rossi and others, amounting to £208 18s. 10d., which was taxed by the Master at £156 14s. 10d., ought to have been reduced to £82 15s. 11d.; that, in the action of Hall v. Hely, the Bill amounting to £140 19s. 10d., taxed by the Master at £105 17s. 11d., ought to have been reduced to £73 12s. 4d.; and that, in the action of Hayes v. Hely, the Bill Amounting to £148 13s. 10d., taxed by the Master at £113 11s. 11d., ought to have been reduced to £82 2s. 2d., making together a total reduction from the three Bills of Costs of £138 19s. 3d.

Amounts
overcharged in
bills of costs.

I feel it to be my duty to make your Excellency acquainted with this circumstance, and I have respectfully to request that Your Excellency will be pleased to transmit a Copy of this letter by the next Ship for England, for the information of the Right Honble. The Secretary of State for the Colonies, upon a Matter in which the proceedings of the Supreme Court in these several actions might be supposed to be involved.

Request for
transmission
of letter to
England.

I have, &c.,

FRANCIS FORBES,

Chief Justice, Supreme Court.

* Note 32.

† Note 33.

‡ Note 34.

[Enclosure No. 2.]

1831.
19 Feb.

MR. W. CARTER TO COLONIAL SECRETARY MACLEAY.

Sir, Master's Office, Sydney, 2nd November, 1830.

I have had the honor to receive your Letter of the 27th inst., stating that the Chief Justice had represented to His Excellency The Governor that the Bills of Costs in the Cases of Hall v. Hely and others had not been properly taxed, and requiring me to state whether any person had attended the taxation on the part of Government, and requiring me to explain how the impropriety arose.

Report by
W. Carter *re*
taxation of bills
of costs.

As those bills have not been sent to me, I am not aware what charges are considered as having been improperly allowed.

Mr. Nicholls, a Clerk to Messrs. Moore and Moore, attended on behalf of the Crown. The cases, to which those bills refer, had been put off some terms in consequence of some delay as to the Jury bill or Jury Lists. This delay was the occasion of many of the Charges in the bills in question. I frequently appealed to the Plaintiff's Solicitor, if the business charged had been actually done, and I was answered in the affirmative. The papers in these Causes were not in my office, and I had no means of ascertaining what had been done, excepting from the information I received from the parties who attended. The Crown Solicitor was of course well aware of the whole of the proceedings in those Causes, and, had he attended, any improper Charges would have been disallowed.

The usual Mode, if any objection is taken to a taxed bill, is to refer it back to the Master to re-view his taxation, and, had the Crown Solicitor attended, and any charges had been allowed by me which he considered incorrect, the usual mode would of course have been adopted.

Mr. Nicholls (the Clerk of Messrs. Moore and Moore) was attending at my office this Morning, taxing some other bills. I referred to the bills in question and stated my regret that the Crown Solicitor had not attended himself upon their taxation. Mr. Nicholls stated that the fact was, that he (Mr. Nicholls) was not zealous in the Cause, and, therefore, he was indifferent as to what charges were inserted in the bills in question.

Reason alleged
for over-
charges.

It is not my wish to impute blame to anyone, but the above statement will account for Charges having been allowed in the taxation of the bills in question, which ought to have been struck out.

I have, &c.,

WILLIAM CARTER, Master to Court.

[Enclosure No. 3.]

MR. W. H. MOORE TO COLONIAL SECRETARY MACLEAY

Sir, George Street, Sydney, 12th November, 1830.

In answer to your letter of the 20th September last, and 27th ultimo, respecting the Bills of Costs in the cases of Hall v. Rossi, Hall v. Hely and Hayes v. Hely, the latter of which letters I did not receive until my return from Bathurst, I have the honor to inform you, for the information of His Excellency the Governor, that I had not obtained the office Copies of the whole of these Bills from the Supreme Court Office, when I left Sydney to attend the Bathurst Circuit, a delay which was partly occasioned by Mr. Keith raising every obstacle to filing the Bills in question, and partly by the press of business in that office during the sittings of the Court, both on the Criminal and Civil side; at the same time, I

Report by
W. H. Moore
re taxation of
bills of costs.

1831.
19 Feb.

Report by
W. H. Moore
re taxation of
bills of costs.

have also the honor to inform you that I did not personally attend the Master on the taxation of the Bills in question, having been prevented so doing by other business; but I requested as a matter of favor that the Clerk from the office of Messrs. Moore and Moore, who always attends to that part of their business, would in my absence attend on my behalf, which he accordingly did, and I understand from him that he did object to the Master's allowance of such parts of the Costs as relate to the obtaining the Writs of Certiorari, and some other Charges being allowed by him as Costs in the Cause, on the ground of such Costs being only allowable between an Attorney and his Client, and not between party and party to the Suit. These objections were overruled by the Master at the time, and the Costs were settled by the Master in the form, which appear in the office Copies of the Bills I now transmit to You. Not having attended the Master myself, I never had an opportunity of inspecting the Bills until within these few days, the rules of the Court for the sake of economy to the Suitors not requiring the Attorney for one party to furnish the Attorney on the opposite side with such Copies. It appears to me that the principal part, of what may be considered as overcharges in these Bills, consists in the allowance of items which ought not to be allowed as between the parties to the suit, and which the plaintiff's Attorney therefore would have to call on his Client for the payment of.

Over-charges
in bills.

Proposed
motion for rule
for re-taxing.

I shall therefore on the first sitting of the Court move for a rule to shew Cause, why the former taxation of these Bills should not be revised by the Master, and if any overpayments should appear on such revision to have been made that the same may be refunded to the Defendants.

I have, &c.,

W. H. MOORE.

[Enclosure No. 4.]

MR. W. H. MOORE TO COLONIAL SECRETARY MACLEAY.

Sir, George Street, Sydney, 17 February, 1831.

Motions for rule
for re-taxing.

In answer to your Letters of 7th and 14th Instant, respecting the Bills of Costs in the late Actions of Hall and Hayes against Hely and Rossi Esqrs., I have the honor of informing you, for the Information of His Excellency, that the matter was brought before the Consideration of the Supreme Court every day during the late Term that the Court sat in full Bench, and the Court took time to Consider what order should be made, until it adjourned yesterday to the 1st March next without making any order on the subject.

I have, &c.,

W. H. MOORE.

[Enclosure No. 5.]

CHIEF JUSTICE FORBES TO GOVERNOR DARLING.

My dear Sir, Sydney, 19th February, 1831.

Legal points
involved in
order for
re-taxation.

I fear that, in consequence of the adjournment of the Court until the 1st of next month, the question of costs in the cases of Hall and of Hayes against Hely and Rossi will not be determinable before that time. The question is, whether the Court has the power to refer the Costs for re-taxation by the Master, after they have been regularly taxed by the Master, in the presence of the parties or their Attornies, and final judgment signed, and the Amount settled and acquiesced in for several terms. The Causes are out of Court, and the only point is whether we have the power

to re-open them in the way required of us. Mr. Moore has prudently confined himself to very general remarks; the details of the several proceedings will shew that *the Case never rested with the Judges until the 14th inst., the last appointed day of term*; the point was for the first time argued on its merits on that day, and was adjourned, to give the Judges time to look into the practice, and see if they have the power to reopen a bill of Costs, as between *party and party* to a cause, after it has been finally settled and the Cause out of Court.

I remain, &c.,

FRANCIS FORBES.

1831.
19 Feb.

Legal points
involved in
order for
re-taxation.

GOVERNOR DARLING TO SIR GEORGE MURRAY.

(Despatch No. 26, per ship Royal Admiral; acknowledged by Viscount Goderich, 25th August, 1831.)

Sir, Government House, 19th Feby., 1831.

I do myself the honor to transmit for your consideration the enclosed Copy of a letter addressed to me by the Chief Justice, reporting for your information, that Mr. Carter, the Master of the Supreme Court, has been declared an Insolvent Debtor under the local ordinance of the 10th Geo. 4th, No. 7.

Insolvency
of W. Carter.

In making this communication, I take the opportunity of requesting your attention to your Despatch of the 22d April last, No. 28, as, from Mr. Carter's Situation, it will be totally out of his power to refund the sum, which was issued to him by the advice of the Executive Council, a large portion of his Salary having, as I understand, been assigned for the benefit of his Creditors.

Inability to
obtain refund
from
W. Carter.

I have, &c.,

RA. DARLING.

[Enclosure.]

CHIEF JUSTICE FORBES TO GOVERNOR DARLING.

Sir, Sydney, 22nd October, 1830.

A very painful duty devolves upon me of officially communicating to Your Excellency, for the Information of the Right Honorable The Secretary of State for the Colonies, a circumstance, which materially involves as I apprehend the due administration of one Department of the Supreme Court of New South Wales.

Report *re*
insolvency of
W. Carter.

It is officially known to me that, on the 11th Instant, William Carter, Esq., who holds the appointment of Master of the Supreme Court, was declared an Insolvent Debtor under and by Virtue of the Local Ordinance, 10th Geo. 4, No. 7.

Having regard to the important and responsible nature of this Gentleman's Office (which is for many purposes Judicial). I have thought it my duty to bring this matter under the consideration of Their Honors the Assistant Judges of the Supreme Court, and they concur with me in thinking that it is incumbent on the Judges (painful as the Duty is) to communicate officially with your Excellency upon the Subject for the Information and guidance of The Right Honorable The Secretary of State.

I have, &c.,

FRANCIS FORBES, Ch. Justice.

1831.
22 Feb.

GOVERNOR DARLING TO UNDER SECRETARY HAY.

(Despatch marked "Private," per ship Royal Admiral.)

Dear Sir, Government House, 22nd February, 1831.

Status of
civil officers
on being
declared
insolvent.

I am desirous of requesting your attention to the circumstance of some of the Civil Officers having taken the benefit of the Insolvent Act, entertaining some doubt, as I do, whether they can with propriety continue to perform their duty. My Despatches by the present opportunity report the circumstance of Mr. Baxter, the late Attorney General, and Mr. Carter, the Master of the Supreme Court, having been declared Insolvent. The former having resigned his Office, there is an end to the question as far as relates to him; but the Chief Justice, as will be seen by his Letter which accompanied my Despatch of the 19th instant, No. 26, is evidently of opinion that Mr. Carter cannot be continued in his Situation

Insolvency
of C. Wilson.

There is also another Case which, being under reference, I am not enabled to report fully upon by this opportunity. I allude to Captain Wilson, the Director of Public Works. He has been here only about 18 months, and his debts, I understand, amount nearly to £4,000.

Sale of effects
of bankrupt
officers.

The whole of the Property and Effects of these Gentlemen have been taken possession of, and sold; and I understand, they have besides appropriated a considerable portion of their salaries to assist in the liquidation of their Debts. They are evidently thus reduced to a condition inconsistent with their Public Situation and which, it is possible, might interfere with the proper discharge of their Duties.

Position of
C. Wilson.

You will perhaps recollect that Captain Wilson applied, not long since, for an addition to his Salary, considering his Income of £700 a Year inadequate to the proper support of his Situation. It may fairly be asked then, how he can live on a reduced sum, his Furniture and everything he possessed having been seized and sold. I confess, I cannot but consider it highly discreditable to the Government that its officers should subject themselves by their proceedings to be in such a situation. Captain Wilson is the more extraordinary, as he has been here so short a time. I admit that it appears only reasonable, that the Officers of the Government should be allowed to employ the Savings from their Incomes or any money they may possess for the benefit of their Families; but then it becomes difficult to draw the Line, and the Man, who has a thirst for speculation, which I fear has been too general of late, indulges his passion without the local Government having the means of checking it.

Speculation by
civil officers.

You will perceive, by my Despatch of the 23rd September last, No. 58, that I brought the Subject under the consideration of the Executive Council some time back. The Council, thoughtfully impressed with the impropriety of the Officers of the Government entering into speculations, were at a loss to suggest any means for checking it, and could only recommend that all Persons receiving appointments should be bound by such conditions as His Majesty's Government should deem it proper to impose in this respect. I also suggested, on that occasion, that the Officers of the Government should be allowed a "Town Allotment" to enable them to build a House for the residence of their Families, and two or three Square Miles of Land at the utmost for the purpose of a Dairy. I should now reduce the quantity to one Square Mile, to be taken in the County of Cumberland, so as to render it as available as possible for the purpose for which it is granted. Land in Cumberland has become so valuable from local advantages that I felt it necessary to bring the subject under the consideration of the Council, and it has been determined that no Individual shall in future be allowed more than one Square Mile in the County. That quantity near Sydney is considered preferable in most cases to a large Grant in a more remote situation.

It would be very convenient, if an early decision were come to in the proposition now submitted for giving Land to the Civil Servants.

I have, &c.,

RA. DARLING.

1831.
22 Feb.
Deliberation
by executive
council *re*
speculation by
officers.

Town allotment
and land grant
proposed for
civil officers.

Limitation of
land grants
in county of
Cumberland.

GOVERNOR DARLING TO UNDER SECRETARY HAY.

(Despatch per ship Royal Admiral.)

Dear Sir, Government House, 23rd February, 1831.

23 Feb.

I have felt it necessary, in consequence of the delay which has taken place in preparing the Blue Book for the Year 1829, to request Mr. McLeay to explain the cause by Letter, in order that I might transmit it to you and let him speak for himself. In forwarding the enclosed Copy of his Letter, I am bound in justice to him to state that it is quite impossible for him to get through the Business he has to transact, which is not only very extensive but multifarious, without additional means. I can state from my own observation and knowledge that no Man can be more zealous or indefatigable; Besides which, there are few so competent as Mr. McLeay, his official experience enabling him to get through business with greater facility than almost any person I ever met with. I have observed, with much concern, that his health has lately given way, and I am quite satisfied the

Delay in
preparing
"blue book."

Necessity for
assistance for
A. Macleay.

Testimony to
services of
A. Macleay.

1831.
23 Feb.

failure is to be attributed to his close application to the duties of his office. I have said so much at different times with respect to the accumulation of Business that I recur to it with extreme reluctance, apprehensive that I may appear troublesome or desirous of exaggerating the Duties of the Government.

Legal affairs
attended by
A. Macleay.

I perceive that Mr. McLeay has adverted to the manner in which a considerable portion of his time has been occupied by the legal Affairs of the Government. This was occasioned by Mr. Baxter's idleness and incompetency, which was the cause of much time being lost in interviews, and urging him by repeated letters to proceed in matters in which the Government was concerned. He was thus a dead weight rather than any Assistance to it. Mr. Sampson, the Solicitor General, was equally inefficient. Should their Successors prove to be good practical Lawyers, as I trust they will, it will be a great relief to the Government.

Proposed
preparation of
"blue book"
by auditor-
general.

I perceive on reference to my Despatch No. 85, of the 7th July, 1829, that I stated my reasons for thinking the Blue Book would be better in the hands of the Auditor General than the Colonial Secretary, and I am the more satisfied of this from the necessity I am now under of writing this Letter. You will perhaps concur with me that the local Government should determine how the Business generally can be most conveniently and advantageously carried on, and it might be an object to Your Office to be relieved from such details.

I have, &c.,

RA. DARLING.

[Enclosure.]

COLONIAL SECRETARY MACLEAY TO GOVERNOR DARLING.

Sir,

Sydney, 23rd Feby., 1831.

Reasons for
delay in
completion of
"blue book."

I am sorry to have to report to Your Excellency that the Blue Book for the Year 1829 is not yet quite ready for transmission to the Secretary of State's Office; and I feel that my own Responsibility is so much involved with the unexpected delay, which has attended the completion of this Book, that, independently of the expression of Your Excellency's great anxiety on the subject, I should have considered it necessary to explain to You, in the best manner in my power, how this delay has arisen.

The fact is that, in the Month of April, all the materials for the Blue Book were collected, and a fair Copy was made of it on detached Sections of Paper according to the form observed in the printed Book for 1828; but the blank Book to be filled up for 1829 was not received here until late in May; and the Press of Official Business occasioned my deferring, from day to day, to abstract from a branch of my Office, always weak and greatly in arrear, the Clerk who is best qualified for filling up the Blue Book, trusting that some comparative Leisure might intervene to enable him to complete it sufficiently early for its being in London before the usual time of the meeting of Parliament. I did certainly expect

that it would have been ready to be forwarded by the Ship "Royal Admiral," and I am sadly disappointed in having now to report to Your Excellency that it will be yet some days before it be complete.

1831.
23 Feb.

I feel, however, that I should not do justice to myself or to the Individuals employed under me, if I were not to embrace this opportunity of requesting of Your Excellency to submit to the consideration of His Majesty's Secretary of State the vast multiplicity of the Business in my Office, which is daily encreasing in an extraordinary degree, although there is no encrease of the number of Clerks to conduct it. I need not tell Your Excellency how much my own time continues to be occupied by Business which ought to have been entirely conducted by the Law Officers; but of this I hope to be soon relieved by the arrival of the new Attorney and Solicitor General; and, if my health, which has been recently considerably impaired by close confinement to Business, should be re-established, I hope that Your Excellency will see no cause to be dissatisfied with the despatch, with which the Blue Book for the last Year will be made up; but I beg leave to observe that the printed Books, which are sent to us to be filled up, are, in most of the Forms, not applicable to this Colony, and that our Returns must therefore be less perfect than they otherwise would have been.

Increased business in office of colonial secretary.

Forms for "blue book."

I have, &c.,

ALEX. MCLEAY.

VISCOUNT GODERICH TO GOVERNOR DARLING.

(Despatch No. 22, per ship Palambam.)

Sir, Downing Street, 28th February, 1831.

28 Feb.

With reference to my Despatch No. 9 of the 5th Ultimo, a Duplicate of which is herewith enclosed, I have the honor to acquaint you that the Females, therein alluded to, are about to embark in the Convict Ship "Palambam," accompanied by a Matron and her husband. The instructions, contained in that Despatch respecting the disposal of those Females, are so explicit that I have only to add that I shall not object to your conferring some small appointment in the Orphan or other Public School upon either the Matron or her husband, provided you be satisfied that their characters and habits are such as to entitle them to the favorable consideration of the Government. I am, &c.,

Embarkation of females from foundling hospital at Cork.

Appointment proposed for matron.

GODERICH.

VISCOUNT HOWICK TO GOVERNOR DARLING.

(Despatch per ship Exmouth.)

Sir, Downing Street, 1 March, 1831.

1 March.

I have the honor of transmitting to you, herewith, the Copy of a Letter from the Secretary of the Treasury relative to certain allowances of Fuel and Light which appear to be issued in New South Wales for the use of the different Departments;

Allowances of fuel and light.

1831.
1 March.

Instructions *re*
allowances.

and I am directed by Viscount Goderich to call your attention to that part of Mr. Stewart's letter, which recommends that the period to which the Winter allowances to the Military have been reduced, viz., from five to four months, and that the proportion of Coals allowed, viz., 40 lbs. in Winter and 20 lbs. in Summer, should be adopted as a Guide in fixing all future allowances of the same nature to the offices of the Civil Establishment.

As the several Enclosures referred to in Deputy Commissary General Laidley's Letter can be furnished by the Colonial Secretary, it has not been deemed necessary to send, with this letter, copies of the papers in question.

I have, &c.,
HOWICK.

[Enclosures.]

[Copies of these papers dated 8th February, 1831, and 2nd July, 1828, are not available.]

VISCOUNT HOWICK TO GOVERNOR DARLING.

(Despatch per ship Exmouth; acknowledged by acting governor Lindsay, 22nd October, 1831.)

2 March.

Claim by
wife of
J. Gray for
support.

Sir, Downing Street, 2 March, 1831.

I am directed by Viscount Goderich to transmit to you a copy of a letter from a person, who represents that she is the Wife of Mr. John Gray, Deputy Harbour Master at Sydney, by whom she has been deserted and left in the greatest possible distress. Upon referring to the Blue Book for 1828, it does not appear that there was then any person of that name in the Public Service, or that there was a Deputy Harbour Master. But, as it is possible that Mr. Gray may have been subsequently appointed to some situation, Lord Goderich has desired me to request that you will acquaint Mr. Gray that his Lordship cannot permit the Wife of a Public Officer to become a burthen upon her Parish, and that you have therefore received the authority of the Secretary of State to supersede him in his situation unless he remits to the Writer of the enclosed letter, through your means, such a sum of money annually as shall be sufficient for her support. Should Mr. Gray be prepared with any evidence that the party has no legal claim upon him, or can adduce any circumstances in justification of his conduct, Lord Goderich desires that you will refer home for further instructions before you deprive him of his situation; but in no other case will his Lordship permit him to retain it, excepting upon the conditions prescribed.

Instructions
re treatment
of J. Gray.

I am, &c.,
HOWICK.

[Enclosure.]

MRS. GRAY TO VISCOUNT GODERICH.

1831.
2 March.

My Lord.

13 February, 1831.

Suffering under the greatest privations, I am induced to address your Lordship and earnestly crave you will have the goodness to cause my situation to be made known to the Governor of the Colony of Sydney, New S. Wales.

Request by
I. Gray for
assistance in
securing
support from
husband.

Which is as follows:—My husband John Gray having left England in the year 1819, March 4th, as Mate of the Ship Daphne, Captn. Mattison, bound to Sydney, which Colony she arrived at. When my husband left her, and became Commander of a Vessel that sailed out of Sydney, and in a short time after was made Deputy Harbour Master of the Harbour of Sydney, which situation he now holds. And my object in troubling your Lordship to make my situation known is to obtain pecuniary assistance for my support, as my husband has so far forgotten his duty to himself and me as to be cohabiting with a Female in the Colony, whom he falsely represents as his wife, and deserting me without any just cause, exposed to every difficulty; and, thro' the death of my Relatives in whom I found protection, I shall be under the necessity of becoming a burthen on my Parish without some support from him, which I have endeavored to obtain in private without success; and, considering the situation he holds, it would be a hardship on the Parishioners and an act of the greatest cruelty on his part towards me, which induces me to humbly crave your Lordship will have the goodness to cause my situation to be made known to the Governor of the Colony of Sydney. And as in duty bound, &c.,

5 King Edward St., Wapping.

ISABELLA GRAY.

P.S.—I beg to state I was married at the George's Church East on the 5th of June, 1818, Isabella Mackenzie, Spinster to John Gray, both of the Parish of Shadwell.

VISCOUNT HOWICK TO GOVERNOR DARLING.

(Despatch per ship Exmouth; acknowledged by
Governor Bourke, 8th January, 1832.)

Sir,

Downing Street, 3 March, 1831.

3 March.

Dr. Card, a very respectable Clergyman who holds the Living of Great Malvern, has particularly interested himself in behalf of Mrs. Hundley of No. 25 Hunter Street, Brunswick Square, who has claims upon Mr. W. H. Moore, the Crown Solicitor at New South Wales, of which the enclosed is a statement. As Mr. Moore is represented to have taken no notice of Mrs. Hundley's repeated appeals to him, although informed of her distressed situation, I am directed by Viscount Goderich to request that you will call upon that gentleman to furnish an explanation of the causes which have occasioned so great a delay in liquidating Mrs. Hundley's claims upon him. I am, &c.,

Claims on
W. H. Moore.

HOWICK.

[Enclosure.]

[A copy of this paper is not available.]

VISCOUNT GODERICH TO GOVERNOR DARLING.

1831.
4 March.

(Despatch No. 23, per ship Exmouth; acknowledged by Governor Darling, 8th August, 1831.)

Sir, Downing Street, 4 March, 1831.

Delay in transmission of effects of deceased persons to England.

I have the honor to enclose, for your information, the copy of a letter, which has been addressed to my Under Secretary, Mr. Hay, by the Agent for New South Wales, pointing out the inconvenience which has arisen respecting the transmission from that Colony of the property of deceased persons to parties, resident in England, who may be entitled to the succession.

Statutory procedure.

On referring to the Statute 9th Geo. 4th, Cap. 83, Sec. 12, I find that this difficulty has been anticipated, and that, under that Act and the Charter of Justice, it is the duty of the Registrar of the Supreme Court, in the absence of any other Representative, to collect the effects of deceased persons, and to hold them subject to such Orders as the Court shall make respecting the custody or disposal of that property, or respecting the transmission of it to England. It would seem very desirable that the Judges of the Supreme Court should have their attention called to the propriety of exercising the powers thus vested in them. To their discretion and superior knowledge, the duty of framing the necessary regulations must of course be confided.

System proposed for remittance of proceeds of estates.

You will, however, suggest for their consideration, whether it might be practicable to employ any Commercial House of sufficient responsibility, or any safe Banking Establishment in the Colony as Agents for this purpose; and whether such Agents might not be required to give security for the due application, by their own correspondents in this Kingdom, of any money received on this account.

I am, &c.,

GODERICH.

[Enclosure.]

MR. E. BARNARD TO UNDER SECRETARY HAY.

Sir, No. 2 Little Charles Street, 9th Decr., 1830.

Inquiry re estate of A. Megran.

I have the honor to acknowledge your letter of the 13th Ulto., conveying to me the Instructions of Secretary Sir George Murray to report for his information the result of the application on behalf of the Relatives of Ansley Megran, as communicated to me by the letter of Mr. H. Twiss, dated 23d June, 1828. In reply, I have the honor to acquaint you that the first communication on this subject was made to me by Lord Dufferin in the year 1824, and that I consequently made a reference to New South Wales in the month of May in that year, and ascertained that a Sum of money, amounting to £88 9s., was in the hands of the Registrar of the Supreme Court at Sydney on account of the legal Representatives, which result I

communicated to James Megran the person interested, who, through Lord Dufferin, had addressed to me the original application, adding that I would write to him again on the proper course for recovering the money.

1831.
4 March.

Much difficulty, however, existed in making the Agent for the Colony the medium of the conveyance of such Money as is due to the legal Representatives of Persons dying in N. S. Wales and Van Diemen's Land, as it is possible that legal proceedings might be instituted in case any dispute between the parties interested might arise. I have not, therefore, felt justified in involving the Colonial Agent in such difficulty as the actual receipt and payment of money in such cases through his hands might entail upon him, altho' he is properly the Channel thro' which all previous communications should be made.

Objections to remittance of money through agent for colony.

On the 23d Oct., 1828, I addressed a Letter to Mr. Twiss with the view of effecting the object and obviating this difficulty; and I requested the sanction of the Secretary of State for communicating in certain cases with some professional person in the Colonies, to whom I considered the execution of such business (being wholly of a private nature) might be more properly entrusted; but, as the answer of Mr. Twiss of 8th Nov. did not sanction any Communication but with the Governor, and being aware that, as Governor, he could not be the person to administer to the effects of Private Individuals, I have been wholly at a loss how to proceed further. It is of course necessary, where property is left in the Colonies to Individuals resident in Great Britain, that the parties should forward the proofs required of their identity, and that they should execute a Power of Attorney to Some person in the Colony to Act on their behalf and to take out Letters of Administration, etc.

Procedure proposed by E. Barnard.

It appeared to me that Mr. James Norton, who is a Solicitor of great respectability, and the Registrar of the Archdeacon's Court at Sydney, might be the best person to act for the parties interested; and, if it is considered that some official name should be added for security, Powers of Attorney might be forwarded with the name of the Colonial Secretary in Addition to that of Mr. Norton, with power to name a third if necessary, and the money could be transmitted to the parties themselves in any manner that the Secretary of State for the Colonies may think proper.

Proposed appointment of J. Norton.

In the case of Megran, Everything has been done by me as far as my power extended in getting the particulars of the Property; and I have only been prevented by the difficulty above stated from putting the parties in the way of receiving their Money.

I have, &c.,

EDWD. BARNARD.

VISCOUNT GODERICH TO GOVERNOR DARLING.

(Despatch No. 24, per ship Camden.)

Sir, Downing Street, 10th March, 1831.

10 March.

I have received your despatch, dated the 12th of August last No. 52, respecting the amount of the charges made by the different Officers and Persons, employed in attending the adjourned or, as they are termed, the Circuit Courts in New South Wales.

Charges for attendance at circuit courts.

1831.
 10 March.
 Expenses of
 principal legal
 officers.

I observe that the sums allowed for the expences of the Attorney General, the Sheriff, the Registrar, and the Clerk of Arraigns were not considered by the Council as sufficient to cover the expences, to which those officers would be subjected by their journies to and from the different circuit Towns; but it was thought that the Government could not reasonably be expected to pay all those expences, because the salaries of the different Officers in question had been probably fixed with reference to their occasional employment out of Sydney. I find, in the Records of this office, no reason to think that the employment of any of the officers, to whom I have referred, beyond the limits of the seat of Government was contemplated, when those appointments were first made in this Country. On the contrary, I should infer that it was expected that their functions would be discharged exclusively at the Capital Town, and in the immediate vicinity of the Supreme Court. The Act of Parliament, which was at that time in force, was framed on the supposition that the Court would be stationary, and His Majesty's Government could not have intended to give to the Officers of that Tribunal any remuneration for services, which were not expected from them, until some years after their appointments had been made and their salaries fixed.

But while I find myself unable to adopt the principle upon which the decision of the Council is vindicated, I do not adopt a different conclusion from theirs. If upon the whole the officers of the Supreme Court are adequately paid, I do not think it necessary to enquire with great minuteness, how far their actual duties exactly correspond with the original design. All Public Servants must expect and should calculate upon some variations in the demands made upon them; and this is peculiarly necessary in a Country of which the Population and resources are daily expanding.

Salary of
 attorney-
 general.

The Salary* of the Attorney General appears to be very liberal, and is I think adequate to the demands made upon him, although I willingly admit that his duties are peculiarly confidential, arduous and important. A pecuniary estimate of the value of such services can be made only by enquiring how far the emoluments, allowed to the existing officer, would be sufficient to induce a Person of adequate experience and skill to undertake the same office were it now vacant. There is not the least room to doubt that, amongst the Members of the Legal profession in England and Ireland, many Gentlemen possessing every requisite qualification would offer themselves as Successors to the Attorney General of New South Wales at his present rate of Official Income, if the opportunities were offered.

* Note 35.

The charges, made by the Attorney General for his personal Expenditure during his attendance on the Circuit, is £5 per diem. The Council have, I think, with great reason reduced the charge to Forty Shillings. I am perfectly aware of the insuperable difficulty of making an accurate assessment in this country of charges to be incurred under any particular head of Expenditure in a Colony so remote as New South Wales, and in which many of those circumstances, with which an Inhabitant of this Kingdom is familiar, are so completely changed and even reversed. Still I cannot believe that in New South Wales it can be necessary or proper that a single man should daily incur Table expences amounting to Thirty Shillings, or that Twenty Shillings a day can be a reasonable charge for the maintenance of a Person who, though designated as a Clerk, is rather in a Menial Employment. The charge of two pounds per diem for Horses and Coachman can hardly be counted essential on an occasion, where the same journey is performed by many Gentlemen at the same time; and, although the state of the Country may require the attendance of a Mounted Policeman, yet it is a charge not to be allowed, unless it is essential to the personal security of the Attorney General.

If the preceding observations should appear needlessly minute, you will understand that they are made not so much with a view to the particular case, as in illustration of a principle of permanent and very general importance. It is impossible not to discover, in the demands made by the Attorney General, the influence of an error which, if unchecked, may be of fatal injury to the best interests of the Colony. The Attorney General appears to assume that his Public appearance ought to be marked by a certain degree of official Pomp and splendour, and that his Table, Equipage and attendants should be such as to denote the rank he holds in the Colonial Society. It is easy to understand how views of this nature are transferred from Europe to a new and distant Settlement. But whatever weight is due to the arguments, by which in an old European Monarchy the expence of a certain external pomp in the Public appearances of the higher officers of Government are justified, such arguments must be inapplicable to the case of the Australian Colonies.

The Attorney General of New South Wales would, I am convinced, not weaken his hold on Public respect, were he to defray the charges of his circuit at the sum awarded by the Council, A sum, as I am informed, which would cover the daily charge of the most expensive Circuits, which the Gentlemen of the Bar in England are accustomed to perform.

1831.
10 March.

Criticism of charges by attorney-general on circuit.

Desire of attorney-general for display.

1831.
10 March.
Approval of
allowances
proposed for
other officers.
Statement
submitted by
crown solicitor.

For the reasons already given, I think the sums appropriated by the Council for the expences of the Sheriff, Registrar, the Clerk of Arraigns, and Crown Solicitor are sufficiently high. The last of those Gentlemen has transmitted a very full account of certain inconveniences, to which he was exposed in one of these journies from the want of a better equipage. The narrative seems to me rather to shew that, in New South Wales as in all other Countries, travelling is often attended by incommodities, which may be borne patiently without any great exertion of fortitude, and which can be averted only by management and foresight.

Additional
payment
proposed to
W. H. Moore.

The same Gentleman advances a much more serious cause of complaint in stating that the expence of collecting and bringing together witnesses in support of Public Prosecutions is at present defrayed by himself. If such be the case, Mr. Moore is plainly entitled to relief. His salary is moderate in amount, and not more than sufficient for his maintenance. It never was intended to make him responsible for the necessary and unavoidable charges of public prosecutions. His Salary is given merely as a compensation for his own personal services, not as a Fund out of which the costs of one Branch of the Public Administration was to be defrayed. Mr. Moore is entitled either to such an increase of salary, as will probably cover contingent charges of this nature, or he is entitled to the payment of such moderate Bills, as he may bring against the Public in respect of these inevitable expences. You will consider, in conjunction with the Council, by which of these methods of payment the Public Service will be most economically and effectively advanced. I assume of course the accuracy of Mr. Moore's representation of the facts. If they are not accurately stated by him, the preceding Instructions will afford no rule for your conduct.

Approval of
discretion *re*
charges by
judges.

I can readily appreciate the motives, which have induced you not to question the demands made by the Judges for their expences; and, considering the very delicate relation in which you stand to those Gentlemen, and the great importance of maintaining a good understanding with them, I approve the caution which you have shewn on this occasion. With reference to your wish to be supplied with a rule for your guidance on this part of the subject, I can refer only to very general principles in the application of which you must be governed by your own discretion, aided by the local information, which, though so much beyond my reach, is entirely at your command. His Majesty's Government can sanction no allowance for these Functionaries, which might have in view nothing more than their own personal indulgence and gratification. Whatever may be

Instructions
re allowances
for judges.

necessary to their moderate and reasonable maintenance must be allowed, but nothing further. I can readily suppose that, in New South Wales as in England, objects of serious importance may be promoted by the decent splendour of the appearance of the Chief Officers of Justice, on their arrival to administer the Law in places remote from the seat of Government. So long as all unnecessary and frivolous parade is avoided, His Majesty's Government are not averse from sanctioning such moderate expences as may be incurred on this account. But, as charges of this nature are very readily augmented by the indifference or vanity of subordinate Agents, it will be most convenient to make to each Judge a distinct allowance for Circuit expences on the understanding that he will be expected to appear on those occasions in a style, corresponding to his station and calculated to produce an impression of respect on the minds of those who are affected by such external indications of authority.

1831.
10 March.

Appearance to be maintained by judges.

Proposed fixed circuit allowance for judges.

You will communicate to the Judges, the Attorney General and to the other Parties concerned, copies of those passages of my present despatch, which relate to their respective offices.

The preceding despatch has been written in reference merely to the question proposed in your despatch of the 12th of August last. I have purposely abstained from adverting to the general question of the Establishment of Circuits, without reference to the Royal Authority, because the opinions of His Majesty's Government on that subject were fully explained by Sir George Murray in his despatch of the 16 of May, 1830, No. 40.

General question of circuit courts.

I am, &c.,
GODERICH.

VISCOUNT HOWICK TO GOVERNOR DARLING.

(Despatch per ship Georgiana.)

Sir, Downning Street, 11th March, 1831.

11 March.

I am directed by Viscount Goderich to transmit to you the accompanying letter from the Revd. Dr. Wrench, with a statement of certain debts contracted by the Revd. C. P. N. Wilton in the Parish, in which he resided, prior to his obtaining the appointment of Assistant Chaplain at New South Wales. You will communicate the contents of Dr. Wrench's Letter to Mr. Wilton, acquainting him that the Secretary of State expects that he will make arrangements for settling the amount of these pecuniary claims, unless he is prepared to shew that the parties preferring them have no just demands upon him.

Claims against Revd. C. P. N. Wilton.

Debts to be liquidated.

I am, &c.,
HOWICK.

1831.
11 March.

[Enclosure.]

REV. DR. WRENCH TO VISCOUNT GODERICH.

My Lord.

Underdean, 9th March, 1831.

Debts owing
by Revd.
C. P. N. Wilton
in England.

Your Lordship will find, upon referring to the Records of your office, that the Revd. Charles Pleydell Neale Wilton holds the Situation of one of His Majesty's Chaplains in New South Wales, to which he was appointed by the Earl Bathurst. Previous to this, he was Curate of Owen in Gloucestershire, in which Parish I reside. Upon leaving this Cure in August, 1826, he stood indebted to 8 Individuals, several of them in very low Circumstances, in a Considerable Sum of Money, a part of which has since been paid; The remainder, however, amounting in the whole to £78 17s. 10d., has been repeatedly applied for, as well to Mr. Wilton, as to his Relatives, but wholly without success. Mr. Wilton's Creditors, my Lord, are of opinion that your Lordship, in your official Capacity of His Majesty's Secretary of State for the Colonial Department, possesses the means of retaining a part of Mr. Wilton's salary, in order to the liquidation of these his just Debts; and that, by laying a statement of their case before your Lordship, they will receive your Lordship's favorable Consideration. If however they should entertain an erroneous opinion upon this subject, they trust that they shall not be deemed presumptuous in begging your Lordship to condescend to give them your advice how to proceed in the Matter.

The Circumstances of the Parties, for whom I feel much interested, must be my apology for presuming to trouble your Lordship in this unpleasant Affair.

I have taken the liberty of subjoining the several Items of the Amount in question.

I have, &c..

C. J. GEORGE WRENCH.

List of
creditors.

James Clifford, Saddler, Newnham	£2 11 8
Wm. Jefferies, Glazier, etc., Blakeney	0 11 8
Charles Jennings, Victualler, etc.	8 16 6
Richd. Lewes' Wife, Laundress, Forest of Dean	14 0 0
Thos. Minchin and Co., Shopkeepers, Blakeney	11 7 10
Thomas Pirkes, Tailor, Blakeney	6 16 8
Charles T. Phillips, Surgeon, Newnham	9 13 6
Hester Sparrow, Shopkeeper, Blakeney	25 0 0
	<hr/>
	78 17 10
Interest for 4 $\frac{3}{4}$ years @ 5 p. ct.	18 2 2
	<hr/>
	£97 0 0

VISCOUNT GODERICH TO GOVERNOR DARLING.

(Despatch No. 25, per ship Camden.)

14 March.

Sir,

Downing Street, 14th March, 1831.

Despatch
acknowledged.

I have received your Despatch No. 41 of the 13th of July last, relative to a claim advanced by Sir Edward Parry, on behalf of the Australian Agricultural Company, to be relieved from the expence of maintaining the Police Establishment in that

part of the Territory of New South Wales in which their Location has been fixed.

1831.
14 March.

I agree in the opinion, expressed by my Predecessor in his Dispatch of the 5th of May last, No. 35, that the Company have a just claim to participate in the protection afforded by the Colonial Magistracy on equal terms with other Settlers; but that, on the other hand, they have no right to expect that I should relieve them more than I should think it proper to do in the case of private Settlements generally, from any inconvenience or risk to which their Establishments must be exposed by their Location in a distant and isolated quarter of the Territory. In your arrangements, therefore, for disposing of the Civil and Military force of the Colony, you will take care that, in your endeavors to meet the wishes of the Company as respects the protection of their Property, you do not interfere with the maintenance of order and security in other parts of the Colony.

Claim by
A.A. company
for magisterial
and police
protection :

In regard to the further claim preferred by the Company's Agent, viz., to the benefit of Medical attendance at the public expence for their Convict Servants, I deem it sufficient to refer you to Sir George Murray's Dispatch of the 23d of Decemr., 1829, coinciding in the opinion expressed by him that any Medical attendance required by a Convict should be provided at the expence of his Employer; and I am now not disposed to exempt him from this charge, unless a tax be imposed, as suggested in my Dispatch of the 23d of January last No. 19, upon all Convicts who may be assigned by the Government.

and for medical
attendance
on convict
servants.

I am, &c.,

GODERICH.

VISCOUNT HOWICK TO GOVERNOR DARLING.

(Despatch per ship Camden.)

Sir, Downing Street, 14th March, 1831.

With reference to my Letter of the 2d Instant, I am directed by Viscount Goderich to transmit to you, for your information, a copy of a further letter from Mrs. Gray, enclosing the Certificate of her marriage, and also an original letter from her reputed husband, which may possibly facilitate the identifying the party.

Transmission
of letter from
I. Gray.

I am, &c.,

HOWICK.

[Enclosure.]

MRS. GRAY TO VISCOUNT GODERICH.

My Lord, 5 King Edward Street, Wapping. 26 Feby., 1831.

With the feelings of gratitude for your Lordship's kindness in noticing my case, and in compliance with your recommendation, I have enclosed my marriage certificate; Also a letter in my

Papers
transmitted.

1831.
14 March.
Name assumed
by J. Gray.

Husband's handwriting, which may be of service, should he be in the service of the Government of the Colony; and I beg to state I have been informed by a person lately from Sydney that my Husband is under a person of the name of Nicholson, and his duty is to see the Vessels moored and unmoored in the Harbour. And I also beg to state my Husband frequently signs his name John M. Gray, he being Christened John Mury Gray. I am, &c.,

ISABELLA GRAY.

[Sub-enclosures.]

[Copies of these papers are not available.]

GOVERNOR DARLING TO SIR GEORGE MURRAY.

(Despatch No. 30, per ship Dryade.)

Sir,

Government House, 14th March, 1831.

Delay in
receipt of
despatch *re*
death of H.M.
George IV.

I was not honored with the receipt of your Despatch of the 29th of June last, communicating the Melancholy intelligence of the death of His late most gracious and excellent Majesty King George the Fourth, until the 11th inst., the Ship Kains, by which it was brought out, having put into and been detained for some time at the Cape of Good Hope.

Having been informed in the month of November last, by means of the London Gazette, of the demise of His late Majesty and the accession of His present most Sacred Majesty and the proceedings, which took place at Home in Solemnizing these events, the same were duly observed here, and His Majesty King William the Fourth was proclaimed accordingly on Saturday, the 6th day of November, 1830.

I have, &c.,

RA. DARLING.

Proclamation
of H.M.
William IV.

GOVERNOR DARLING TO SIR GEORGE MURRAY.

(Despatch marked "Separate," per ship Dryade.)

Sir,

Government House, 14th March, 1831.

Advance to Mrs.
A. M. Baxter
for passage to
England.

I have the honor to acquaint you in reference to my Separate Letter of the 10th of last month, that the sum of £200 has been advanced to enable Mrs. Baxter to return to England, it being found that £150 was not sufficient to provide her and her Children with the necessary accommodation on board Ship. She proceeds by the Dryade, the Vessel by which I now write, and has given in the name of Sir James Gordon of the Royal Navy, who is employed at Plymouth, as the person, being as she states related to her, who will reimburse the Government for the sum now advanced. I therefore request that the Colonial Agent may be desired to apply to that Gentleman accordingly.

I have only to add that Mr. Baxter has lately proceeded to Van Diemen's Land, having left his Wife in a state of complete destitution. I understand that her mind is occasionally very seriously affected; But her removal from this was desirable on every account.

I have, &c.,

RA. DARLING.

1831.
14 March.

Departure of
A. M. Baxter
for Tasmania.

GOVERNOR DARLING TO SIR GEORGE MURRAY.
(Despatch marked "Private," per ship Dryade.)

Sir, Government House, 14th March, 1831.

Your Letter of the 30th of June last, marked Private, relative to His Majesty's Proclamation requiring all persons being in Office of Authority or Government, at the decease of the late King, to proceed in the execution of their respective Offices, did not reach me until the 11th Instant, the Kaines, as I have stated in my Public Despatch of this date, having been detained at the Cape for some time. Having received at the same moment a private communication from Lieut. Governor Arthur, apprising me of the difficulties which he apprehended from the view taken of this subject by Chief Justice Pedder and the Crown Lawyer of Van Diemen's Land, I was induced to consult personally with Chief Justice Forbes, and afterwards sent him the Act of His present Majesty, Chap. 43, as affording presumptive proof of the intention to issue new Commissions, which, if issued within six months after the demise of His late Majesty King George the 4th, would as I conceived render an Act of indemnity as suggested by the Crown Lawyer of Van Diemen's Land unnecessary.

Despatch
acknowledged.

Legal
difficulties re
commissions
of officers on
demise of H.M.
George IV.

I have the honor to enclose herewith copy of a Letter from Mr. Forbes explanatory of the view, which he has taken of this matter; and, hoping that it may have the effect of removing the doubts entertained at Van Diemen's Land on the point in question, I propose communicating it to Lieut. Governor Arthur by the first opportunity. Entertaining no doubt that new Commissions will have been issued in due time, I shall proceed in conducting the Government, as if the Commissions had been actually received.

I have, &c.,

RA. DARLING.

[Enclosure.]

[A copy of this letter is not available.]

VISCOUNT GODERICH TO GOVERNOR DARLING.

15th March, 1831.

15 March.

[A copy of this despatch, announcing Governor Darling's recall, is not available.]

Recall of
R. Darling.

1831.
22 March.

VISCOUNT GODERICH TO GOVERNOR DARLING.
(Despatch No. 26, per ship Camden.)

Sir,

Downing Street, 22 March, 1831.

Despatch
acknowledged.

I have received your despatch No. 10 of the 10th of February, 1830, with its accompanying documents, addressed to you by the Archdeacon and the Committee of the Trustees of the Clergy and School Lands on a subject, to which his attention had been called by my Predecessor, soon after his appointment to the situation of Archdeacon, vizt. the extending the means of Education and Religious Instruction in the Colony, of which he was about to undertake the Spiritual charge.

Proposals for
establishment
of "King's
schools."

According to the Abstract made by you from the documents in question, the arrangements proposed by the Archdeacon would seem as follows:—

First, That two Schools should be established to be designated "The King's Schools," one at Sydney as a day school, capable of receiving one hundred Schollars; The other at Parramatta capable of accommodating from 60 to 80 Boarders and day Scholars.

Secondly, That the masters of these Schools should be Clergymen of the Established Church, and, as a means of identifying them more immediately with the Government, that they should act as Assistant Chaplains, the former to be allowed a salary of £150, and the latter £100 per annum.

Thirdly, That, in addition to their salaries from the Government, the Masters at Sydney should receive an allowance for House Rent of £120 a year for three years certain, by which time it is supposed that the School, should it succeed, will be established on such a footing as to render any assistance from the Government in this respect unnecessary, or that the allowance of £120 should be liable to a reduction of £3 a year for every Scholar beyond 60, which, supposing 100 Boys to attend, would relieve the Government from all expense on account of House Rent for the Master.

Fourthly, That, as an inducement to men of respectable character and acquirements accepting the situation of Masters of the two Schools, that they should be allowed land, the same as the Established Chaplains, that is, 1,280 acres at the end of 5 years.

Fifthly, That, with the same view as expressed in the last article, in the event of the Schools not succeeding, the Masters should be appointed to the first vacancies amongst the Colonial Chaplains.

The Establishment of Schools upon the plan suggested by the Archdeacon appears to be of the very first importance; consequently there are no objects, which I would not more unwillingly

postpone than that in question, especially as I am disposed to anticipate much more advantage from the exertions directed to the education of the rising generation, than from those which may be made to reclaim their Parents.

1831.
22 March.

Approval
of proposed
schools.

Salaries
for masters.

I have no objection to the salaries of £150 and £100 respectively, proposed for the two School Masters; but it is so important to avoid adding to the expence of the present Church Establishment that it must be distinctly understood that the allowance for House Rent shall not be continued for more than three years, and that, according to the arrangement adverted to in the proposition No. 3, the Masters are to depend for the remainder of their Income upon their Scholars. Education must not be rendered expensive, but it is, at the same time, most important that, with the exception of Orphans and the Children of Convicts, it should not be entirely gratuitous; and the requiring therefore a moderate payment from the Scholars will both raise in their eyes the value of the Instruction afforded, and give the Master a stimulus to exertion.

Payment
by scholars.

With respect to the additional Clergymen, whom the Archdeacon wishes to be sent out to undertake the management of the two Schools in question, care will be taken to select proper Persons to fill those situations, who may at the same time act as Assistant Chaplains; but I can hold out no promise that, in the event of the failure of the proposed Schools, they will be appointed to any vacancies, which may occur among the regular Chaplains.

Selection of
clergymen as
masters.

Participating in the objection, which was felt originally by yourself to Clergymen being permitted to become the Owners of a more than a very moderate Glebe, I regret that I cannot acquiesce in the plan proposed by the Archdeacon for allowing to the Masters of the two schools portions of Land, the same as are received by the Established Chaplains.

Objections to
land grants for
masters.

Land vested in the hands of Trustees is, even in this Country, seldom turned to the best advantage; and, in a new Colony where it is comparatively of so little value, I believe it requires all the vigilance and enterprise, which are only to be expected from self interest, to make it really profitable.

With respect to those Clergymen, who have already obtained Land upon the principle recognized by Sir George Murray in his dispatch of the 25th of May, 1829, No. 113, and who may have gone out to the Colony on the faith of the promise thereby held out to them, I should propose that, instead of the land itself, its price, which at the rate fixed in your Instructions would be £320, should be vested in the hands of Trustees to form a fund for the benefit of their families. But those Clergymen, who may in

Proposed cash
payment in lieu
of land grant.

1831.
22 March.

future arrive in the Colony, must understand that the same rule will apply to them as to other Public Functionaries, and that they must not expect an advantage, which is not enjoyed by Clergymen in this Country where it is so much more difficult to make provision for a family.

School building
at Parramatt.

Whenever the state of the Treasury may enable you to do so, I shall not object to your erecting a building at Paramatta fit for the accommodation of the Boarders, with the necessary portion of land attached to it for a garden and Play ground.

But this Building must be of the plainest and most economical description and will of course be erected by Contract, no public works of any kind (as you have already been informed)* being in future to be carried on by the assistance of Convicts, all of whom, with the exception of those whose conduct may call for peculiar severity, being now assignable to the Settlers. I am, &c.,

GODERICH.

VISCOUNT GODERICH TO GOVERNOR DARLING.

(Despatch No. 27, per ship Camden.)

23 March.

Despatches
acknowledged.

Sir,

Downing Street, 23d March, 1831.

I received on the 19th of this month your Dispatches enumerated in the Margin.† The early Departure of the Vessel, by which this will be sent, makes it necessary that I should for the present defer considering most of the subjects which you have brought before me.

Reference to
counsel of
papers re
J. Stephen.

Having now received from Mr. Justice Stephen a Letter‡ in explanation of his conduct, I have referred it, together with your Dispatches on the same subject and the accompanying Documents, for the consideration of the Law Officers of the Crown. This reference I have considered necessary in consequence of the misconduct imputed to the Judge having taken place in the exercise of his Judicial Functions, as, in such cases, I find it would be contrary to Precedent for the Secretary of State, without legal advice, to determine whether, in any observation he may have made from the Bench, a Judge has transgressed the Line of his duty. Until I shall be put in possession of the Sentiments of the Law Officers upon this most painful subject, I must abstain from pronouncing any opinion upon it; but I have thought it necessary that you should be aware that it had not escaped my attention.

* Note 36.

† *Marginal note.*—No. 54, 17 Augt., 1830; Separate, 18 Augt., 1830; 1 Sept., 1830; No. 55, 20 Sept., 1830; No. 56, 21 Sept., 1830; No. 57, 22 Sept., 1830; No. 58, 23 Sept., 1830; No. 59, 24 Sept., 1830; No. 60, 1 Octr., 1830; No. 61, 3 Octr., 1830; No. 62, 4 Octr., 1830; No. 63, 5 Octr., 1830; No. 64, 6 Octr., 1830; No. 65, 7 Octr., 1830; No. 66, 9 Octr., 1830; No. 67, 13 Octr., 1830; 30 Sept., 1830.

‡ Note 37.

I have learnt with much regret that the Colony has been so seriously disturbed by the Bushrangers, and that you have had such just cause of alarm. I trust that the measures, which you have very properly adopted, may have put an end to the immediate danger; but I fear that, without some further precaution, there will be too much reason to apprehend its recurrence. The great extent of Country, over which the Settlers are now scattered, must put almost insuperable difficulties in the way of an effective superintendence of the Convicts, while it renders it almost equally impossible to prevent those, who succeed in escaping, from procuring an easy subsistence by plunder. The great encrease in the numbers of Cattle and of Horses, some of which, if I am rightly informed, have become almost wild, adds much to the facility which these lawless characters must find in collecting and keeping together in formidable Bands; and, should they succeed, as it appears in one instance they have already done, in defying the force which can be brought against them, it is to be feared they will find numerous recruits amongst the large number of persons of the very worst character, who have become free by completing the terms for which they have been sentenced, or who are serving as assigned Servants in the remote Districts.

1831.
23 March.

Prevalence of
bushranging.

Under these circumstances, I think it will require the utmost vigilance upon your part to guard against the danger, which I apprehend and which is the more serious, as it can not be doubted that, should these Bands encrease in strength, they will direct their first efforts to the release of the chain Gangs, by a union with whom they would be enabled to threaten the very existence of the constituted Authorities. The whole question is one which requires the serious and early consideration of His Majesty's Government. But, in the mean time, I quite approve of the measures which you have taken for encreasing the force of the Mounted Police; and I would press upon your attention the extreme importance of checking, by every means in your power, the too great dispersion of Settlers, and of promoting, as far as it may be practicable, the concentration of the Inhabitants of the Colony.

Necessity for
suppression of
bushranging.

Approval of
increase of
mounted police.

Necessity for
concentration of
settlers.

The new Regulations with respect to the manner of disposing of Land will, I hope, have no inconsiderable effect in this way. By the Information contained in your Dispatches, and by the account of the Sales effected by the Corporation for managing the Clergy Reserves, I am led to believe that this effect might be encreased, and that other advantages might also result from raising the price which you were directed to fix as the minimum. But I am unwilling to give you any positive Instructions to that

Effect of
new land
regulations.

1831.
23 March.

Necessity for
limitation of
cattle grazing.

effect, until I have had an opportunity of hearing from you upon the subject of the Regulations, recently transmitted to you, under which Land is hereafter to be disposed of, and until I may be enabled to judge of their practical result. I am however strongly of opinion that it would be advisable to restrict the extreme facility of rearing Cattle, which will continue in consequence of the manner in which you were directed to let the Land for the Sale of which there is no demand. Nothing would be more unfortunate than the formation of a race of Men, wandering with their Cattle over the extensive Regions of the Interior, and losing, like the descendants of the Spaniards in the Pampas of South America, almost all traces of their original Civilization. To the encrease of sheep which require a greater degree of care and protection, there is not the same objection; and, as the growth of Wool seems to be the most profitable branch of Colonial Industry, I am unwilling to direct you to raise the rent of grazing Land, by which it might be checked, though that would be the most obvious means of preventing the Evil which I apprehend. But concurring, as I do, in the view, which appears to have been taken of the subject by the Agricultural Society of New South Wales in the last Report* of its President, and, foreseeing the possible recurrence of very serious Evils to the well-being of the Community from the encreasing numbers of Cattle in those Districts where the unlimited range of pasture tends to make them almost wild, I think it is matter, which requires the early attention of yourself and your Council; and I shall be glad to be furnished by you with any suggestion, which may occur as best calculated to remedy or check the Evil.

I have, &c.,
GODERICH.

VISCOUNT GODERICH TO GOVERNOR DARLING.

(Despatch No. 28, per ship Georgiana.)

24 March.

Sir,

Downing Street, 24th March, 1831.

Want of
accommodation
in churches at
Sydney.

I have received your Dispatch No. 55 of the 20th of September last, and the accompanying Letter from the Archdeacon of New South Wales, pointing out the want of accommodation in the churches at Sydney, by which a very large proportion of the Inhabitants are stated to be prevented from attending Divine Service.

Considering the heavy expense which has already been incurred for similar purposes, I do not think I should be justified in sanctioning a departure from the Rule laid down by Sir George Murray of only defraying from the Colonial Treasury

* Note 38.

one half of any expense, which may be occasioned by an extension of the Church Establishment. You will therefore only undertake the Building of the additional Church, recommended by the Archdeacon to be erected at Sydney and the enlargement of one of those now standing, in the event of the persons, for whose accommodation it is required, contributing an equal proportion of the estimated expence.

I have, upon the same grounds, to approve of your having, in consequence of the arrival of the Instructions alluded to, relinquished the Intention, which you had previously formed of renting a Building for a Chapel, and of employing a Clergyman, not belonging to the authorized Establishment, to officiate therein.

With respect to the deficiency, adverted to in the Archdeacon's Letter, of the means of religious Instruction afforded at present to the Inhabitants of the Colony, the same observations apply, which I have already made, as to the want of an additional Church at Sydney. I can take no steps for remedying this Evil, until I hear that the Inhabitants have come forward with an offer to pay one half of the Salaries of the new Chaplains, if any should be appointed. It is not without considerable reluctance that I have come to a decision, which may seem unfavorable to the Interests of Religion. I consider these Interests of such paramount importance that, if it appeared to me that by my refusal of pecuniary assistance to the extent demanded, they would be seriously injured, or the Colonists be deprived of that Instruction which in such a community is so peculiarly requisite, I should have been hardly induced by any Considerations of mere economy to withhold my consent from the proposed encrease of Expence. I trust, however, that, in paying a strict regard to economy, I am in fact doing that which is most conducive to the higher objects in view, the religious Instruction and moral Improvement of the Colonists. Experience has proved that Men are prone to undervalue that which is too easily obtained, and that, if the expence of a religious Establishment, which they have not themselves come forward to maintain, is felt by them as a tax, even a worse feeling than indifference is sometimes created. It is on this account that I consider it so peculiarly important to avoid adding to the charge already so heavy, in proportion to the population, of the present church Establishment, unless I have the clearest Evidence that it is the desire of the Colonists themselves. If they really entertain such a wish, they will cheerfully consent to the arrangement proposed by Sir George Murray in his Dispatch of the 25th of May, 1829.

1831.
24 March.

Subsidy for erection of church.

Proposal to lease building for chapel.

Want of religious instruction.

Instructions re method of increase of church establishment.

I am, &c.

GODERICH.

1831.
25 March.

VISCOUNT GODERICH TO GOVERNOR DARLING.
(Despatch No. 29, per ship Georgiana.)

Sir, Downing Street, 25th March, 1831.

Refusal of
request by
K. Snodgrass
for town
allotment.

I have received your Despatch No. 58 of the 23d of September last, respecting Colonel Snodgrass's application for an allotment of ground in the neighbourhood of Sydney for the purpose of erecting a residence thereon. According to the Rule laid down by which Officers, whilst holding military Employment, were prohibited from receiving grants of Land, Colonel Snodgrass was clearly not entitled to that Indulgence at the time he applied for it; and, as by more recent Regulations no Lands whatever are authorized to be disposed of otherwise than by public sale, it is of course impossible for me, consistently with this Rule, now to comply with that Officer's application.

I am, &c.,
GODERICH.

VISCOUNT GODERICH TO GOVERNOR DARLING.
(Despatch No. 30, per ship Georgiana.)

26 March.

Sir, Downing Street, 26 March, 1831.

Military
allowances
issued to
J. T. Morisset.

I have to acknowledge the receipt of your Letter No. 60 of the 1st of October last, respecting the Military allowances issued to Lieut. Colonel Morisset on a misconception of the terms of his appointment to the Staff as Commandant at Norfolk Island.

Approval of
demand for
refund.

Although it does not appear to have been the intention of the Instructions, conveyed to you by Sir George Murray in his Despatch of the 12th of April, 1830, to call upon Colonel Morisset to repay any of the Military allowances received by him prior to his assumption of the before mentioned Office (under the impression, as I should suppose that they had been issued to him, inadvertently, by the Colonial Government), yet, as it now appears that he had occasioned the mistake himself by applying for these extra allowances, when he could not but be aware that he had no claim to them, I approve of the course which you propose to adopt of requiring him to refund the whole of the allowances which have been issued to him contrary to the conditions of his appointment.

I am, &c.,
GODERICH.

VISCOUNT GODERICH TO GOVERNOR DARLING.
(Despatch No. 31, per ship Georgiana.)

27 March.

Sir, Downing Street, 27th March, 1831.

Despatch
acknowledged.

I have received your Despatch No. 62 of the 4th of October last, submitting a Statement from the principal Superintendent of Police in respect to his Department, and

recommending that an assistant Police Magistrate for Sydney should be appointed with a Salary of £350 per annum; and I have the honor to acquaint you in answer that, although it will be my duty shortly to convey to you Instructions for reducing the Expences of some of the Departments, in conformity with the recommendation of the Commissioners, whose report* was transmitted to you in my Dispatch of the 9th of January last, yet that His Majesty's Government will not object to sanction the increase which you have recommended in that of the Police, the necessity for which I regret to find has become so urgent by the circumstances mentioned in your Dispatch.

I am, &c.,
GODERICH.

1831.
27 March.

Approval of
assistant police
magistrate at
Sydney.

VISCOUNT GODERICH TO GOVERNOR DARLING.
(Despatch No. 32, per ship Georgiana.)

Sir, Downing Street, 28th March, 1831.

28 March.

I have received your Dispatches Nos. 64 and 66 of the 6th and 9th of October last, enclosing applications on the part of Mr. C. D. Riddell and Dr. Bowman for Building allotments at Sydney; and I regret to acquaint you, in answer, that the principle I have laid down, as communicated to you in my Dispatch of the 9th of Jany. last, respecting the disposal of Lands in New South Wales, does not admit of my complying with these Applications.

Refusal of
requests for
building
allotments by
C. D. Riddell
and J. Bowman.

I am, &c.,
GODERICH.

GOVERNOR DARLING TO SIR GEORGE MURRAY.

(Despatch marked "Separate." per ship Janet Izat.)

Sir, Government House, 28th March, 1831.

In forwarding the accompanying Letters addressed to You by the Surveyor General, it might be sufficient to confine myself to the simple transmission of the Minutes of the Proceedings of the Executive Council, which are enclosed, to prove, without entering into the various subjects of his Representations, that Major Mitchell cannot, with any prospect of advantage to the Public Service or respect for the Character of the local Government, be continued in the office of Surveyor General. If, however, I were to abstain altogether from noticing his Statements and assertions, it might be supposed I was unable to explain them; I shall, therefore, though I confess with some reluctance, reply to such parts of his Representations as can be explained without entering into any long or inconvenient details.

Transmission of
letters from
T. L. Mitchell.

Suggested
removal of
T. L. Mitchell
from office.

1831.
28 March.
Deliberations
by executive
council.

The Course, which I propose to pursue, is to bring under your notice some of the most important points in the Minutes of Council, begging to apprise You that the matters submitted to the Council are distinct from the subjects of Major Mitchell's Letters, which are addressed to You.

The Council, as will be seen, selected from a great mass of Papers, relative to the general proceedings of Major Mitchell, the several Documents which form the Appendix to the Minute.

Protest by
T. L. Mitchell
against power
of governor ;

The first point, to which it is my Duty to draw your attention, will be found in page 16* of the Minute, in which Major Mitchell protests against the exercise of the power vested in me by His Majesty's Instructions, and, in pursuance of which, I was acting with the advice of the Executive Council, stating *that it is his intention to appeal to His Majesty's Government*. This took place on the 4th February last. On the 9th of the same month, four days after, as will be seen on reference to Page 17,* he addressed a Letter to the Colonial Secretary desiring that his remonstrances against the measure in question might be submitted for the consideration of the Secretary of State.

and against
land grant to
T. H. James.

Without entering into this question, in the manner in which the Council have viewed it in Par. 3, Pages 35, 6 and 7,* to which I request your particular attention, I submit that it was competent to me as Governor to have given Mr. Horton James the 39 Acres of Land, putting his Claim out of the question, and that the Protest and remonstrance of Major Mitchell were highly unbecoming his situation and disrespectful to the local Government.

Criticism of
language used
by T. L. Mitchell
in corre-
spondence.

It will be seen, Page 39 of the Minute of Council, that the Council, having fully considered the Papers laid before them up to that period, recorded their opinion as follows, vizt.:—"That the Language employed by the Surveyor General has been on many occasions inconsistent with the deference and respect, which should be manifested by every subordinate officer to the Head of the Government under which he serves. Adverting particularly to his letter of May the 7th, 1828, upon which His Excellency personally remonstrated with Major Mitchell, and to the letter addressed to the latter by the Colonial Secretary, in conformity with the Governor's Minute of 12th June, 1829, as well as to the Surveyor General's Memorandum on Captain Wilson's letter of the 29th September, 1830, his letter of the 28th December, 1830, on the same subject, his protest against the decision of the Council in the case of Mr. Horton James's Land (on which they have already strongly animadverted), his letter to the Colonial Secretary of the 9th February, 1831, on the same question, and to that passage of his letter of the 7th

March, 1831, purporting that it has been his Duty to write thousands of letters, and he has not such a high opinion of his correspondence as to suppose, that a Governor, desirous of finding a Flaw, may not find several therein. They cannot but consider these as proofs of a long standing and still continued determination on the part of the Surveyor General to indulge in an unbecoming and disrespectful tone, in conducting his correspondence with the local Government.”

1831.
28 March.
Criticism of
language used
by T. L. Mitchell
in corre-
spondence.

The Council having adverted (page 40)* to the Surveyor General's letter of the 7th May, 1828, I beg to explain that, considering it not to be couched in those terms in which it was Major Mitchell's Duty to address the Government, I thought it better to communicate personally with him, as he had just then entered on the Duties of Surveyor General, when I pointed out to him the impropriety of indulging in any intemperate or angry feelings in his Official Correspondence; and I beg to instance this, as evincing a desire on my part to prevent any misunderstanding between him and the Government.

Admonition
given to
T. L. Mitchell.

As a proof that this Admonition soon lost its effect, I request You will refer to Page 58* of the "Appendix" to the Minutes of Council, in which will be found a Letter from Major Mitchell to the Colonial Secretary, dated 3rd June, 1829, wherein amongst other observations of an indecorous nature are the following:—"I am frequently occupied, in furtherance of this desirable object, when Mr. Charles Cowper and the Church Corporation are at Tea or at dinner or in Bed or at Church." It must be unnecessary for me to point out the extreme indecorum of introducing such observations in an Official Correspondence, the impropriety of which appears to be heightened by their being applied to the Archdeacon and the Clergy.

Continued
indecorous
language.

If it should be asked, why I did not represent Major Mitchell's proceedings, I will, Sir, frankly confess that I was deterred from doing so from a feeling that I had not received that support, which I conceived I had a claim to in other Cases, and that every failure in this respect must tend more and more to weaken the Government and might induce others to follow Major Mitchell's example.

Reasons for
neglect to
report on
T. L. Mitchell.

It will be seen, on reference to Pages 42 and 43* of the Proceedings of the Council, that, although Major Mitchell had been fully apprised by the Colonial Secretary on the 31st August and 29th November, 1830, of the measures therein referred to, he stated, "I know nothing at all of the matter," and refused to meet the Director of Works or make a joint Report with him; on which, amongst other matters, the Council, as will be seen in Page 43, express themselves as follows, vizt.: "in these instances

Neglect of
duty and
disobedience
of orders by
T. L. Mitchell.

* Note 40.

1831.
28 March.

Suggested
suspension of
T. L. Mitchell.

the Council are of opinion that the Surveyor General has been guilty of a neglect of Duty and disobedience of Orders; and, upon this decision, they are restrained from recommending his immediate suspension from office, only by an apprehension that any change in the Conduct of the Surveyor General's Office might be attended with inconvenience." The Council recommended at the same time (Page 45) that an intimation should be conveyed to him that, "On any repetition by him of the improprieties animadverted on by the Council, the Government will be under the necessity of resorting to the only measure by which this recurrence can be prevented."

Misstatement by
T. L. Mitchell.

Major Mitchell having repeatedly asserted in his letters and persisted, contrary to the fact, that an Extract of the King's Instructions to the Governor, as far as relates to granting and selling the Crown Lands, had been transmitted officially to the Commissioners for their guidance, the Council took more than ordinary pains in investigating this matter, when it will be seen, by reference to Pages 46, 47 and 48* of the Minutes, that the Extract in question was not transmitted to the Commissioners with the Colonial Secretary's letter of the 6th March, 1828, as stated by Major Mitchell, it being evident by that letter and the reply of the Commissioners that the only Documents, which accompanied it and which are distinctly enumerated in both letters, were, "the Instructions addressed to them by the Governor and their Commission of Appointment."

Major Mitchell feeling that he had improperly made use of a Document, not only in his local Correspondence but in the letters now transmitted to You, of which he has taken advantage to impugn my Conduct as Governor, which Document never was and never could have been communicated to him officially, being intended solely for the guidance of the Governor, seems to have determined, as the only means of exculpating himself, to persist in his assertion, trusting it must be presumed that the matter would not have been enquired into.

The observation of the Council on this point is as follows:—
"It is therefore more surprising that he should even then have made so incorrect a statement as it is obvious he has done, and should still persist in the same."

Being desirous of obtaining Duplicates of Major Mitchell's letters for transmission to you, I desired, as will be seen by the Minutes of Council, Page 49,* that a letter should be written to him requesting he would furnish them. I beg to refer You to Major Mitchell's answer, Extract of which is inserted in Page 50, and to the remainder of the Minute, by which it will be seen that in this instance also the Council consider him to have been

Request for
duplicates
of letters.

guilty of disobedience of orders and to have perverted the true meaning of the Colonial Secretary's letter by inserting the word "You" in his recapitulation of it, which is not in the original, with a view to leading to an erroneous impression of the Order conveyed to him; the Council therefore recommended, should he persist, after another application, in refusing to furnish the "Duplicates," that he should be immediately suspended from office.

1831.
28 March.

Suspension of
T. L. Mitchell
recommended
by council.

I do myself the honor to transmit Copy of a letter, which was written to Major Mitchell in consequence and of his reply, by which it will be perceived that the reason, given in that Letter for having declined to furnish the Duplicates, is his not being aware it was usual and not having kept perfect Copies of his original Letters; while in his former Letter, which will be found in the Appendix, Page 132,* the reason he assigned was that he did not consider himself "*bound*" to furnish Copies of Letters sent to the Governor *merely for transmission to the Secretary of State*, nor did he think it *would be respectful to that Minister to enter into any correspondence on the subject*. You will yourself, Sir, judge by the Letter (see minute of Council, Page 49) addressed to Major Mitchell, whether he was required to enter into any correspondence with the Colonial Secretary.

Explanation
tendered by
T. L. Mitchell.

Having gone so much at length into the Proceedings of Council, I feel, Sir, that I ought to stop here, having, as I persuade myself, clearly shewn that it must be impossible to carry on the Service with any prospect of advantage or hope of success, should Major Mitchell be continued in the situation of Surveyor General, after the spirit he has so openly manifested and the decision of the Council after 11 days' careful investigation that he had been guilty of repeated acts of disobedience of Orders, of disrespectful Conduct both to the Governor and to the Council, and of arrogating to himself the power of protesting and remonstrating against the Governor's Proceedings, in a matter in which he acted with the advice of his Council, as required by the King's Instructions, and in which Major Mitchell had no authority either as Surveyor General or Commissioner of Lands to interfere.

Necessity for
suspension of
T. L. Mitchell

I have no doubt, Sir, that Major Mitchell, however unwarranted, has presumed on his being known to you, to assume a tone of independence and adopt a course of proceeding, which he would not have attempted under other circumstances. He has repeatedly threatened, as will be seen by his correspondence, to refer or appeal to you. In his letter of the 30th November, 1830 (See "Appendix" Page 89)* he desires that, when the Governor sets aside or does not adopt his Plans, that the Correspondence

Independent
policy
adopted by
T. L. Mitchell.

* Note 42.

1831.
28 March.

may be referred to His Majesty's Government as though the local Government had no power to control or interfere with him.

Opposition by
T. L. Mitchell
to decisions
of governor
and council.

The pretensions, he has set up in other respects, are equally preposterous. It would seem that, under the 20th and 22d Paragraphs of the King's Instructions,* the Governor cannot dispose of any land which may have been previously reserved for public purposes by the Commissioners. Still he seemed to have entertained no doubt, in the case of the Ground formerly reserved for a Dock Yard, that the Government on his Report of the ineligibility of the Situation was at liberty to appropriate it otherwise, but that the Government was in fact bound to place the Engineer's Yard on that Spot, because he recommended it as the most suitable situation, while I have no doubt that, on referring to the notes* in reply to Major Mitchell's letter of the 28th January, 1831, You will be satisfied, that it was infinitely less eligible to say the least for that purpose, than the place which I determined on with the concurrence of the Council. Thus would Major Mitchell reduce the power of the local Government to the giving effect to his Measures and arrangements.

Conclusions
drawn by
T. L. Mitchell.

His extravagant notions seem to have been strengthened by the circumstance of the Road Department having been placed by your Orders under his immediate direction, and by your having desired that he should assume the Duties hitherto performed by the Commissioners for Land, which he has considered as so many tributes to his merit, rather than as the means of effecting the measures of economy, which it appears to have been the object of His Majesty's Govt. to establish.

Interference
alleged by
T. L. Mitchell.

It will be observed, throughout his Letters, that he speaks of the "interference" of the Government in the Business of his Department. In that of the 28th January last, Enclosure No. 3, Page 11,* he observes more pointedly, "It is needless for me to shew that much time and labor is lost by such interference on the part of the Government, in matters in which I am in fact considered responsible by the Public." Again, in the following Page (12) of the same letter in speaking of the Engineer's Yard, he says, "I as well as the Inhabitants consider the Scite adopted objectionable"; in both these cases putting the Government completely aside; while in the latter I am satisfied, he never spoke to any one Inhabitant on the subject, and I am equally sure, he would not have permitted any one to speak to him upon it; nor would they, from the sentiments generally entertained of his temper and disposition, have attempted to interfere in a Matter in which they could be in no respect interested. It must of course be immaterial to them where the Engineer's Yard is

* Note 43.

established. Major Mitchell thinks, while *such* assertions may have some weight, that there is little chance of their being questioned.

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I shall only refer in this place to two other passages, in evidence of the extremely indecorous insinuations and arrogant pretensions of Major Mitchell. Page 4^{*} of his letter of the 7th February last, Enclosure No. 4, furnishes some proof of the former, while it may be more necessary, in reference to the latter, to give his own words to prevent mistake, as they will be found in Page 6^{*} of the same Letter. “Nor can I readily anticipate that the Appointment of Overseers, trifling and nominal as the Patronage is, will be transferred from a *high and independent office like this, to which You have been pleased to appoint me, to one constituted by Local Authority in the face of it.*”

Arrogance of
T. L. Mitchell.

I now, Sir, beg to refer You to my notes on Major Mitchell's Letters, which I have endeavoured to reply to as fully as circumstances will permit. It would be impossible, without an useless sacrifice of much valuable time, to give detailed explanations of the various measures and arrangements referred to by Major Mitchell, so as to shew the reason of their being adopted or rejected; nor can I suppose it necessary for me to explain them. I shall merely observe generally that Major Mitchell's Plans are as extravagant as they are numerous. His object appears to be his own fame, that every thing should originate with or be improved by him, new Roads are recommended and the improvement of old ones suggested, Almost every time he goes into the Country, without any consideration of the means of accomplishing his Projects or the necessity of their adoption. I might instance here his Road to the Southward; it might perhaps be an improvement; but he admits himself that the Work would require much time and labor in its completion, as the Banks of the “Cataract River” over which it must pass are very steep and difficult; the “Razor Back” was therefore undertaken as more consistent with our means, and affording a perfectly convenient communication. It was also I think recommended by Major Mitchell as the best under existing circumstances. His Plans for new Roads to Parramatta and Liverpool, I must say appeared to me preposterous in the extreme. The present Roads to those places, one of which is to the extent of 15, the other of 20 miles, are as good as any in England, and have been made at the cost of between thirty and forty Years' labour. The reason for altering them I presume is that they were not laid down by Major Mitchell, and that he considers it as important that every Road in the Colony should owe its origin to his administration as Surveyor General.

Policy and
plans of
T. L. Mitchell.

* Note 44.

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Necessity for
interference
with
control of
T. L. Mitchell.

If the instances, I have now given, were not sufficient to justify the interference of the Government with the Business of his Department, many others might be enumerated; amongst which I will mention one which I discovered on my late Tour to Hunter's River, which will perhaps account for Mr. Surveyor Finch's readiness to act under a Junior Officer. I found Mr. Finch, who was attached to the Road Department by Major Mitchell, residing on his own Farm, A Grant of 2,000 Acres, on which and contiguous to Mr. Finch's residence, several Buildings were erected by the Government for the use of the Road Department, A Blacksmith's Shop, Store and Hospital, Mr. Finch being in possession of a complete Field Equipment, consisting of Tents, Bullocks and Men, six of each in number maintained at the expense of the Government, an Establishment, which no other Officer attached to the Road Department is allowed. Major Mitchell states that Mr. Finch was considered available for the general Survey of the Colony, as well as the Duties of the Road Department. This, however, is not the case with the other Surveyors, employed on the Roads; and I am satisfied, considering the extent of Road and number of Parties under his orders, Mr. Finch could not with advantage have been employed on any other Duty. Besides, it is obviously inexpedient to permit a Surveyor, under any pretext, to sit down on his own Farm with a number of Working Oxen and Men fed and clothed by the Govt., though he might occasionally have an opportunity of employing them in the Public Service. Coupling this with the circumstance of the Deputy Surveyor General and two officers of the Department being kept idle for four months at Port Macquarie, for want of the necessary equipment, I shall leave You, Sir, to judge of Major Mitchell's discretion in employing his officers, and the Claim which he has set up to be rendered independent of the Control of Government. But, even with respect to Major Mitchell himself, I have had some trouble, who, though he occasionally remains in Sydney for several months together, persisted in the necessity of his being constantly in possession of the usual Establishment of Men, Bullocks, etc., until I was obliged at last peremptorily to refuse it. It may be proper to observe that I have not annexed any notes to Major Mitchell's Letters of the 22nd of December last, Enclosure No. 2, as the subject to which it alludes is fully commented on in the Proceedings of the Council, Pages 42 and 43.*

The Enclosure of the 28th January last, No. 3, relates principally to the subject of Land. As this question was brought under the consideration of the Executive Council early in September last, and is not yet determined, I am under the necessity

* Note 45.

of delaying to enter into it, until I shall be able to communicate the Sentiments of the Council upon the Matter generally; and I have no doubt you will be satisfied that the course, which was adopted, was the most prudent that could be resorted to under existing circumstances, and that Major Mitchell's Representations generally are the result of disappointed Vanity and of a captious, jealous disposition. He is undoubtedly a good practical Surveyor and an excellent Draftsman, and it would have been better had he been confined to these objects; I speak from the experience of three years, during which period I have discovered nothing in him to induce me to think him a man of arrangement; but on the contrary, since the Department has been extended, it has appeared to me that he was unable to conduct it with any degree of advantage, while a great part of his time is taken up in squabbling with the Departments and Individuals with whom he has to act or communicate.

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Qualifications of
T. L. Mitchell.

I perceive, in one of his Letters,* he speaks of the "facilities" which he affords the Settlers, who are not fastidious about their land. If this be true, it is to be presumed they are all of the latter Class, as I assure You the complaints are general of his disobliging, unaccommodating disposition.

Relations of
T. L. Mitchell
with settlers.

He would have acted more fairly, had he stated that the Emigration to Van Diemen's Land, being greater than to this Colony, was to be attributed to the circumstance of the persons coming out to settle, first touching there, where inducements are held out to them to remain, which, coupled with the circumstance of the Climate being more like that of England, induces many to settle there who had originally intended to establish themselves in this Colony. It is to this circumstance and not to the *34 Pages* of Regulations, which would have been stated at five Pages and a half did he pay any attention to facts, that the cause of the Emigration to Van Diemen's Land, if it really be greater than to this Colony, is to be attributed.

Preference of
immigrants
for Tasmania.

From what I have stated, I trust, Sir, You will be satisfied that I had sufficient grounds for placing the Road Department in other hands. It is evident that, having now the Duties of the Commissioners for Land to perform, together with those of the Survey of the Church and School Estates, in addition to the Duties of his immediate Office of Surveyor General, Major Mitchell has at least as much to attend to as he is capable of superintending. I am aware that Major Mitchell was very much displeased at not being employed in exploring the Interior, and I have reason to think his Complaints were not confined to the Local Government; But You will now judge whether he could have been employed on that Service, without the suspension of

Reasons for
removal of
control of road
department
from
T. L. Mitchell.

Desire of
T. L. Mitchell
to be employed
in exploration.

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Desire of
T. L. Mitchell
to be employed
in exploration.

his immediate Duties, which from the State of the Survey would have been attended with the most serious inconvenience both to the Government and the Colony. Major Mitchell's argument was that his Predecessor, Mr. Oxley, had been employed on a similar Service; but, as I informed him at the time, the result did not satisfy me of the advantage of the measure. And I would now beg leave to ask, how Major Mitchell, after his reiterated representations of the backwardness of the Survey and his urgent applications for additional means to bring up the Arrear, could, with any degree of consistency or even of common regard to the Interests of the Colony, have been employed as Captain Sturt was on one occasion for five months and another for six.

Exploration
by C. Sturt and
A. Cunningham.

I thought at the time that I had myself rendered some service in inducing Captain Sturt and Mr. Cunningham to undertake their first Expedition;* they certainly had performed a most important one in making known two considerable Tracts of Country, hitherto unexplored, and which in Captain Sturt's Case in particular was only accomplished by the most persevering determination to effect his object and in which he suffered the severest privations to the great injury of his Health. I do not hesitate to say that Major Mitchell would not have performed these Services in a more complete or advantageous manner; and I shall leave You to judge of my disappointment in finding, by the Despatch* acknowledging the receipt of Captain Sturt's and Mr. Cunningham's Reports, that I was not authorised to express on the part of His Majesty's Government one word in commendation of the important Services they had rendered.

Second
expedition led
by C. Sturt.

Previous to the receipt of Your Despatch above alluded to, Captain Sturt again proceeded as soon as his health permitted on a second expedition* to the Southward, where his discoveries were of a very important nature. There still remains much to be done in that Quarter, and feeling as I do a very warm Interest in the success of the Colony, I would earnestly recommend the subject to your immediate attention, hoping that such arrangements may be made for the service as the importance of it appears to merit.

Exploration
proposed by
J. Ballantyne.

In the Administration of Mr. Huskisson, I was directed to report on a proposition† of a Mr. Ballantyne of Glasgow for exploring the Country from the Western Coast. I saw at once that the Expense would have been enormous, and that the project was in fact impracticable. Conceiving, from the circumstance of that proposition being referred to me, that any exertions I might use would be acceptable to His Majesty's Government, I immediately directed my attention to the subject, and I considered myself peculiarly fortunate in obtaining the assistance

* Note 46.

† Note 47.

of two Gentlemen so eminently qualified for the Undertaking, as the result has proved them to have been, and who proceeded with a very moderate equipment and made no stipulation for their Services being rewarded.

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The last discovery* of Captain Sturt's is beyond all comparison the most important that has ever been made in this Colony, a Water Communication having been discovered from the Settled Districts to Encounter Bay on the South Coast.

Discovery
by C. Sturt.

I cannot close this Communication, without requesting Your attention, as recommended in the 32nd and 33rd Pages† of the Minutes of Council, to the subject of the powers, as pointed out in that Document commencing at Page 30, with which Major Mitchell considers himself to be invested as Surveyor General, and sole Commissioner of Crown Lands, as he now conceives himself to be, and which, as will be seen by his proceedings, he supposes, authorise him to *protest* and *remonstrate* against the Governor's giving a Grant of Land even with the concurrence of the Council, whenever he may think that the Individual has no claim to such indulgence. If Major Mitchell's view of the matter be correct, the Government would indeed be unfortunate, which should have such a man as Surveyor General. I am myself satisfied that so palpable an anomaly as that of a subordinate Officer being vested with a power to control the Executive Govt. could never have been intended; and I shall, therefore, whenever necessary, assert the Rights of the Office I have the honor to hold without reference to his opinion.

Powers
assumed by
T. L. Mitchell.

I now beg to observe that, on a full review of Major Mitchell's Conduct, he having been considered by the Council to have acted in several instances in direct disobedience of the Orders of the Government, to have treated both the Governor and the Council with marked disrespect, to have made use of a Confidential Document in arraigning the Measures of the local Govt. as a Document transmitted officially for his guidance, and having persisted in asserting that it was so transmitted, tho' the contrary appeared to be the fact by the letter which he referred to in support of his assertions, and to have perverted the meaning of a Public Letter in order to convey an erroneous impression of what was required of him; To which I must add, his having made several unfounded assertions in the enclosed Letters, which he has addressed to You as His Majesty's Principal Secretary of State for the Colonies; His having misapplied his time and his means on objects,‡ which could not be attended to and were not

Summary of
misconduct of
T. L. Mitchell.

* Note 46.

† Note 48.

‡ Marginal note by Governor Darling.—The new Roads to Parramatta and Liverpool; Laying out part of the Govt. Domain for Mercantile Establishment; his projected improvement of the Town of Sydney.

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Reasons for non-
suspension of
T. L. Mitchell.

required, while others of an urgent nature have been neglected or delayed; and, withal, his ill and ungovernable temper, which render him an impracticable Servant of the Government, I should have considered it my indispensable Duty to suspend him from office; but, as it was not impossible that some inconvenience might be occasioned at the moment, it appeared to the Council and myself the safer course to put up with the Contumely we had experienced, rather than incur the responsibility of removing him.

Difficulties of
government.

I am constrained to observe, which I do with extreme deference and reluctance, that the injury is incalculable, which this Government has sustained by the Course hitherto adopted on similar occasions. Had a different Line been pursued, I have no doubt I should have been spared the necessity of bringing Major Mitchell's name under your notice. I once more, Sir, entreat You to consider the peculiar nature of this Colony, and the Character and description of several of the Individuals who have been sent out to fill Appointments here. If the local Government is not supported, but should be left exposed to the Cavillings of every factious Malcontent, or be subject without redress to the insolence and opposition of its immediate Servants, a State of things will arise ere long, which may be regretted when too late.

Representations
re misconduct
of officials.

You will not, Sir, I trust, impute to me a proneness to complain without cause. I some time since determined never to make another Representation; the gross misconduct of some of the Officers compelled me notwithstanding to bring their names under your Notice. In the case of Major Mitchell and others which I could name, I have used every possible forbearance and have remonstrated with him more particularly both personally and by Letter without effect, which would hardly have been the case, had he seen that I possessed any weight or influence; but, fully aware of the contrary from the result of former Representations, he appears satisfied that he incurred little risk in acting as others had done before him.

Refusal of
leave of
absence for
T. L. Mitchell.

You will observe Sir, by the Colonial Secretary's letter to Major Mitchell of the 18th Inst. that I have declined permitting him to return Home on Leave. I did not suspend him from office only from an apprehension that some inconvenience might possibly be occasioned by his discontinuing to act; the same reason would prevent me granting him Leave of Absence; but there is still a stronger, and I trust he will not be permitted to return Home, retaining his office, until the matter now at Issue be determined.

I have, &c.,

RA. DARLING.

[Enclosure No. 1.]

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SURVEYOR-GENERAL MITCHELL TO SIR GEORGE MURRAY.

Sir,

Sydney, 15 Decr., 1830.

It is with much reluctance that I venture to submit any statement respecting the Colonial Govt., because, having applied myself most devotedly to the performance of my duty, guided by an ambition to merit the approbation of the Govt. and the Public, and being confident that I have discharged that duty in a manner which entitles me to commendation rather than censure, I feel I may be a loser by thus rendering it incumbent on the Governor of New South Wales, in forwarding this letter, to state grounds and reasons for treatment, of which I am about to complain, whereas my services during the last three years would, if duly appreciated, have rather deserved approbation.

Reluctance in
submitting
statement.

With the hope of gaining at length, by assiduous perseverance, a fair share of that good will and support necessary to enable me to conduct the business of my Department, I have hitherto made the best progress I could under many difficulties; but the conduct of Genl. Darling towards me, more recently with respect to the Department of Roads and Bridges in particular, has been, I humbly submit, so unfair, that I cannot, without great injustice to myself or consistently with what I consider due to H.M. Service, holding the appointments with which you have honored me, any longer avoid submitting a statement of some of these difficulties. I have therefore the honor most humbly to submit the following, with copies of official documents as described in the subjoined list.

Treatment
received from
R. Darling.

On the 12th Jany., 1830, it was notified* in the Gazette that the Department of Roads and Bridges had been abolished, and that the duties were to be transferred to the Office of the Surveyor General, to whom communications were directed to be addressed. On the 7th July, a Notice* was published, informing the Public that the "Department" of Roads and Bridges was to be superintended by Ass. Surveyor Nicholson, whose orders all the other Assistants were directed to obey. And finally, I am informed, by a letter from the Secretary, dated 4th Decr., No. 30/1408, that the Road Department is to be re-established, and composed of Assistant Surveyors, who are to be independent of my orders altogether.

Orders for
reorganisation
of control of
roads and
bridges.

The effect of these different orders, as they concerned me, has been:

Effect of
orders on
T. L. Mitchell.

1st. *To oblige me to give particular attention to the great roads of the Colony by surveying the ground, and marking them†*

* Note 49.

† Marginal note by Governor Darling.—This is still his duty.

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Effect of
orders on
T. L. Mitchell.

in the best direction it would admit of. 2dly. To deprive me of the benefit of that experience, the result of the labors which I had just completed, and of which I was about to avail myself by directing the Officers in the construction of the Roads I had planned. 3dly. To deprive me of the control of the Officers of the Department, for which I am responsible as the head.

Such, Sir, is the outline of the case I am about to submit, considering that under such circumstances, my best exertions can neither be useful to the Country, nor creditable to myself.

*I beg to observe that the constant change of arrangement in matters of detail paralyzes all my efforts, and that, if I were on the contrary unequal to such duties, it would hardly be fair to deprive me of the assistance of those Officers especially appointed to the Department under my orders.** I beseech you to consider the circumstances under which this division has been made without any reference having been made to me as Head of the Department.

Construction
of western road.

When the construction of the Roads was not under my directions but under an Officer of the Governor's nomination, forming a separate Department (as H.E. has again made it), that Officer was instructed in January, 1829, to make a Road to Bathurst according to a small plan of mine (No. 1). Upwards of a year elapsed, and it was understood that this new Road was going forward. A grant of land was given to a young man of the Country, however, for the discovery of the Road, on which I wrote to the Govt. and received an explanation that, altho' the Governor had been guided by my report in determining on the Road, that still Mr. Collits† was the first discoverer. When the roads were placed under my direction, I found that the new made Road was utterly useless, that it had been marked by the Countryman across hills and rivers, and this was the line opened by the Surveyor of Roads instead of my line! and so circuitous and remote from the proper direction that, after clearing a Road of 40 miles, the public do not use it. I have subsequently marked almost with my own hands the true line after a proper survey. The Gangs are working on it according to my directions. *I have instructed the Overseer‡* respecting every turning of it, and I hoped, as the reward of my labors, to have accomplished some works of acknowledged public utility; but, in the midst of my arrangements, or rather when I have succeeded after much personal exertion in placing all the Gangs on proper lines, and could thus have directed the Road making with comparatively

* *Marginal note by Governor Darling.*—The changes, which have been made, were rendered necessary by the New Appointments to the Road Depart't made by the Secy. of State.

† Note 50.

‡ *Marginal note by Governor Darling.*—There is an Asst. Surveyor on the Spot.

little further trouble, the whole is placed in the hands of a subordinate Officer of my Department, *who is not well acquainted with my views, and ignorant of the localities.**

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I have corrected the old lines of road, discovered and laid down new lines; and, whereas formerly much labor was lost on false lines, and the work left to Overseers, all the Gangs are now employed on lines regularly surveyed, the work of each Gang having been pointed out by me. There are men too, whom I had taken pains to instruct in these lines, and who looked to me for the encouragement they deserved, but whom the Governor is determined, notwithstanding my representations of the state of the Works under these men, to discontinue at the end of the present month.

Construction
of roads under
T. L. Mitchell.

General Darling has not complained to me that my branch is worse conducted than formerly. I do not find that I have too much to do. On the contrary I cheerfully undertook an additional duty according to your pleasure as published in the Gazette, and, having performed it in such a manner as to feel an interest in the completion of my labors, I have now to complain that the Colonial Government has taken the work out of my hands, and deprived me of the control of a number of the Officers of my Department.

Protest against
removal of
roads from
control of
surveyor-
general.

I consider it impossible that General Darling in thus taking from me the direction of the works, which I have planned, *without any communication with me* and without any alleged misconduct on my part, can have acted justly towards me, *or for the benefit of the Colony.†* I have on similar occasions appealed to himself, but I find there is no prospect of a discontinuance of such interference with the details of my Department, or of permanency in any arrangement proposed or commanded.

The exertions, I have made respecting the roads in particular *and now rendered abortive by this last act of the Governor‡* were of no common kind; and I trust the correspondence, which I take the liberty to submit copies of, will shew that I have had the mortification of making them under a Govt. little disposed to afford me any support. To you, Sir, therefore, I appeal against the undue interference of General Darling in the affairs of the Roads, which you were pleased to commit to me; and I am sorry

* *Marginal note by Governor Darling.*—When a Line is once marked out, it only remains to make the Road. Mr. Nicholson would always have been kept in ignorance of the localities, had Major Mitchell Continued in Charge of the Depart't.

† *Marginal note by Governor Darling.*—This is the less surprizing, as he speaks in a subsequent Letter of his "high and independent office."

‡ *Marginal note by Governor Darling.*—That is being deprived of Superintending the making the Roads, which is all he has been deprived of; which in another letter he says he never "Condescended (I quote his own words) to make Roads."

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to say that, in the business of the Survey Department and the Affairs of the Comm'rs, there are official documents sufficient to prove that I have not been supported in the performance of my public duties.

I have, &c.,

T. L. MITCHELL, Surveyor General.

[Sub-enclosures Nos. 1, 2 and 3.]

Enclosures
transmitted.

[*These enclosures detailed the "Duties of the Road Department," the "Mechanics required for the Roads and Bridges," and the "Provisions supplied to the Road Parties"; copies will be found in a volume in series II.*]

[Sub-enclosure No. 4.]

DIRECTION OF GREAT ROADS.

[A] *Extract from the Colonial Secretary's letter of the 12th January, 1830, No. 30/26, addressed to the Surveyor-General.*

Instructions to
T. L. Mitchell
re road to
Bathurst.

I AM directed by the Governor to inform you, in reference to your report on the new line of road to Bathurst transmitted in your letter of the 29th November, 1827, that, having lately examined the line on which the Road party is employed, it appears to His Excellency that there is a considerable deviation from the direction intended. His Excellency has therefore directed me to request that you will give instructions as soon as possible for the Correction of any error that may have taken place, and has also directed me to draw your attention to that road generally, as His Excellency considers that the difficulties to be surmounted in rendering it a good line of Communication are very great, and will require much skill in tracing some of the hills so as to render the road convenient for heavy drays, etc.

2. I am also directed by His Excellency to request that the new line of road may be determined with as little delay as possible. as He is anxious to send Two hundred (200) men to be employed in opening and making it practicable, and that, as soon as you have considered the arrangements which will be necessary, His Excellency wishes to receive a Statement of the manner in which you propose to distribute the parties on the several principal roads under the respective Surveyors.

[B] *Surveyor-General Mitchell to Colonial Secretary Macleay.*

(No. 30/285.)

Sir,

Bathurst, 23 June, 1830.

Marking of
road from
Vale of Clywdd
to Bathurst.

I have the honor to state for the information of His Excellency The Governor, with reference to the letter dated 29 November, 1827, that I have now marked the line of road which I originally proposed from the Vale of Clywdd to this Settlement, and, although the measurement and Surveys are not sufficiently advanced to enable me to transmit a plan, I take the earliest opportunity of communicating with the Government on the subject, being aware of His Excellency The Governor's desire to open this road as soon as possible.

I have much satisfaction in being able to state that I have also succeeded in finding a very favorable descent from the Blue Mountains by a ridge nearly parallel to that of Mount York, but more in the direct Line, so that the angle formed by the present road descending by Mount York to Colletts is cut off, by which the road is shortened considerably. The point of hill by which this descent may be effected, being parallel to the Mounts York and Clarence, I have named for the sake of distinction Mount Victoria.

The line I have marked in Continuation from Mount Victoria keeps a tongue of unbroken Ground to the river Lett, which it reaches about a mile and a half above its confluence with Cox's River, the most favorable situation for a bridge having been also selected; and I have instructed Mr. Elliot to remove to this spot the materials of the bridge, which has been erected about (2½) two and a half miles higher up, at a place where the river, not being confined by rising Ground, has already formed a new Channel leaving the bridge on dry Ground on its right bank.

From the river Lett, the line proceeds along a single ridge 'till it intersects the road lately cleared, which is crossed for the purpose of heading the ravines, which render this road impracticable, and recrossed at the great bend it makes to the Northward, my line crossing the hollow and then gaining a ridge along which it continues to Cox's river at the foot of Mount Walker.

After passing Cox's river, one continuous ridge in the most desirable direction is followed to Solitary Creek, and thence another, which is an extremity of Honeysuckle Hill, leads to the side of that Mountain, whence I succeeded in making a gradual descent along the Western side of that range into the fine open and gently undulated Country to the Westward, passing near Hayes' Station and along very favorable Ground to the Southern Extremity of Stoney range where it intersects the road from Mr. Walker's.

The line is marked close under Stoney range in order to head the swampy and broken Ground where the present road passes nearer it's base, and thus crossing without acclivity the hilly and circuitous ridge by which Walker's road goes from Stoney range to Bathurst; it next descends by a very easy slope to a Sheep Station of J. P. Mackenzie, and is then continued through a favorable part of the Hills into the open country of Bathurst, entering the plains (as the unwooded Ground is termed) nearly on the boundary line between the Lands of Brown and Aspinall, and in a Situation whence, by keeping a straight line nearly due West to Bathurst, the open Ground is crossed where it is lowest and least undulating.

It must be satisfactory to His Excellency to learn that nearly the whole of the Soil crossed by this line is of a superior quality, although very little has been granted; Where the line crosses Solitary Creek, the soil is of the finest quality, and I have instructed Mr. Dixon to make a plan of the Ground there, that the Commissioners may be enabled to consider it's eligibility for a Village; and I would also beg to suggest this, as the best intermediate situation between the Vale of Clywd and Bathurst, for a Military Station.

I regret that Collett's Inn* should be thrown out by this line about two miles to the right (from Sydney) and I beg leave therefore to recommend any request of Collett's for additional land to His Excellency's favorable Consideration. There is an eligible Spot

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Road marked
down Mount
Victoria.

Site for bridge
on river Lett.

Line of road
to Cox's river;

and from
Cox's river to
Bathurst.

Village site at
Solitary creek.

Deviation from
Collitt's inn.

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Village site
near foot of
Mount Victoria.

for a Village near the foot of Mount Victoria, where Collett also wishes to select a small Grant for his Son; and, as I understand that the Commissioner, whom I wished to accompany me in making these reserves, is detained in Sydney, I must take upon myself to mark them out; I conclude it will be also necessary to fix on an eligible Situation here for the barracks or depot which the Governor wishes to be near the foot of the Mountains. With respect to the work required to open this road for the public accommodation, I have the honor to state that, as it is in no part thickly timbered, it would be most essential first to form the road down Mount Victoria, and make the other parts of the line where side cutting is necessary. These are:

Proposed
construction
of road.

- 1st. In descending to the River Lett.
- 2nd. In heading the ravines where the road newly opened is crossed.
- 3rd. In descending to Cox's river.
- 4th. On the side of Honeysuckle Hill.
- 5th. Under Stoney range.

Gangs of
convicts at
Mount Victoria.

I have therefore considered it expedient to place the two Gangs employed near Mount York, and which are very weak, on the new descent by Mount Victoria, and I would recommend the following arrangements, provided the means can be afforded:—

1st. That the Iron Gangs (Nos. 1 and 2) now on the upper and lower part of Mount Victoria, being very weak, should be united in one Gang under Overseer Plumley, and that a road party of (50) fifty men of the additional Hands required should take the Huts of No. 2 which would by this arrangement be ready on their arrival.

Bridge party
at river Lett.

2ndly. That the bridge party on the river Lett, which consists at present of about 30 (thirty) working hands, should be made up to 50 (fifty) by the addition of 20 (twenty) good Workmen, and that then part might be employed in making the road to the river Lett, while the other portion is constructing the bridge.

Gang proposed
at Cox's river;

3rdly. That a strong Gang should be stationed on Cox's river, whence a party of about 20 twenty men might be employed under an Assistant Overseer in making the road round Honeysuckle Hill; the distance being short, the Overseer could visit this party three or four times a Week; The remainder of the Gang being employed on the road on each side of Cox's river.

and near
Bathurst.

4thly. That another Gang should be stationed under Stoney range at about twelve Miles from Bathurst.

Bridges
proposed.

Few bridges will be wanted (considering the length of road) as the line is for the most part along continuous ranges. It seems to me very desirable however to make one of a substantial kind on each of the rivers Lett, Farmers Creek and Cox's River. On the Lett it will be most convenient to avail ourselves of the wooden materials which have been prepared; but, on Farmers Creek and Cox's River, I would propose that substantial Stone piers at least should be erected so that wooden beams may be laid across, until mechanics can be spared to this Department for the Construction of Arches; the more immediate object I have in View in proposing Stone piers being the Security of the bridge from drift timber carried down by the Streams in time of Flood, which, when wooden piles are used, are apt to accumulate and carry away the whole.

I would propose that a party of Stone Cutters, with one or two good Stone Setters, should be also employed on this road, and that good blocks of Granite should be cut from the neighbouring rock for these purposes; besides this party, the additional hands requisite for the speedy opening of this road are as follows:—

	Men.
Road Party at head of Mount Victoria	50
Additional to the bridge party river Lett	20
Strong road party on Cox's river	70
Another Gang under Stoney range, say	50
	—
	190

1831,
28 March.
Additional
labourers
required.

I beg to add that Gunpowder will not be required excepting on Mount Victoria and at a turning on Mount Cox's river. For the first mentioned part, however, five or Six Barrels will be immediately required. As Clement Doughty (whom I recommended to His Excellency for the place of Sub-inspector) has assisted me in making the whole of this Line, and knows my intention respecting the Construction of every part, I am anxious to have His Excellency's Sanction for placing him at those parts we are about to commence upon.

Gunpowder
required.
Proposed
appointment
of C. Doughty.

I have, &c.,
T. L. MITCHELL.

[C] *Colonial Secretary Macleay to Surveyor-General Mitchell.*
(No. 30/S73.)

Sir, Colonial Secretary's Office, 21st July, 1830.

I have duly had the honor to receive and submit to the Governor your report of the 23rd Ultimo, No. 30/285, on the proposed line of road to Bathurst, and to inform you that, without entering further into the question, His Excellency feels it quite impossible to sanction the alteration which you propose in the neighbourhood of Mount York.

Disapproval of
deviation near
Mount York.

The road descending from that Mountain to Collett's has already occasioned much labour and expense, and you must be aware that, in consequence of your report dated 29th November, 1827, the new line was commenced down the Mountain and is now considerably advanced, thus relinquishing the advantages of Several Years' labour on the Road at present in use. This new line, however, is not yet completed, and another deviation is proposed, which, if sanctioned, would render the Labour and Expense which have been applied to that line totally useless. Without meaning to doubt the superiority of this projected line over the others, His Excellency cannot but think that, in the course of time some other line will be found as superior* to that now proposed, as that is to the one now forming; And it is therefore impossible to sanction such repeated changes, and the Government must be satisfied with completing what has already been undertaken.

I am accordingly directed to request that you will understand that the line of descent from Mount York to Collett's now in progress, is to be completed, and that the line proposed by you is not to be adopted or commenced. As to the remaining part of the line to Bathurst, it is less necessary to offer any observations, the whole of it being new and requiring to be made. But His Excellency again desires that it may be laid down as a General Principle that, unless the disadvantages of any existing line of road are of a very serious

Principle *re*
existing lines
of road.

* Note 51.

1831.
28 March.
Principle *re*
existing lines
of road.

nature, it is better, under present circumstances, to put up with them than commence a New Line, which cannot be completed but at a considerable expense, and the abandonment of which has been accomplished at the Cost of years of Labour.

His Excellency supposed that you had understood His views in this respect from the observations He made to you, when you presented the plan of the New Road to the Southward. What is now said will, He trusts, remove any doubt from your mind, and that you will be aware how important it is that there should be no misapprehension in matters of this nature. As the loss of time, which is occasioned by it, is a serious injury to the Public.

Disapproval of
removal of
road parties to
Mount Victoria.

I am commanded to add, as you will of course perceive by the foregoing communication, that you should have awaited the necessary authority for removing the road Parties from Mount York to your newly projected Descent by Mount Victoria.

I have, &c.,

ALEX. MCLEAY.

[D] *Surveyor-General Mitchell to Colonial Secretary Macleay.*

(No. 30/320.)

Sir,

Collett's Inn, 27th July, 1830.

Letter of
instructions
acknowledged.

I have to acknowledge the receipt of your letter, dated the 21st instant No. 30/873, in which you do me the honor to inform me, with reference to my report of the 23rd ultimo on the line of road marked by me to Bathurst, that the Governor, without entering further into the question, feels it quite impossible to sanction the alteration I propose near Mount York; That His Excellency cannot but think that, in the course of time, some other lines will be found as superior to that now proposed as that is to the one, which has been commenced; and that His Excellency desires it may be laid down as a General Principle that, unless the disadvantages of any existing line of road are of a very serious nature, it is better under present circumstances to put up with them than commence a new line which cannot be completed but at considerable Expense, and the abandonment of which has been accomplished at the loss of several years' labour. After such observations and the censure with which your letter concludes, few (I take leave to remark) would suppose that I was actually sent here by the Governor to lay down a road, His Excellency having judiciously condemned that which has been recently cleared.

Line selected
incapable of
material
improvement.

The possibility of finding in the course of time some other lines as superior to mine as that is to those, which have been formed by Overseers, I deny; I defy any man ever to point out any material improvement* in the lines laid down by me, for they have been marked only after a more careful survey of the ground than is made for such a purpose even in Europe, and I feel confident that, were the exertions of road discoverers stimulated with the promise of even a million of acres, they could not improve what now rests on my own responsibility.

Principle to
be adopted in
roadmaking.

With respect to the General Principle laid down for my guidance in roads, I beg to submit for the Governor's Consideration that I have not acted inconsistently with it in what I have done on any road; and I must understand that His Excellency also acted on that principle, when he sent an Officer of my rank and long experience on such duty; and that he would not have done so under any other than circumstances of a serious nature; applying the principle in

its strictest sense, I should say, that the remaining part of the line to Bathurst, so far from being "new and requiring to be made," as you are pleased to state, adding that it is therefore "less necessary to offer any observations," has on the contrary two roads* on each of which "years of labour have been bestowed"; on that of Mount Blaxland, seven bridges have been made besides side-cutting in many places, and the new road has been cleared for about 40 miles, this line having been mistaken, it would appear, for that I originally recommended a few weeks after I had landed in the Colony. The line I then recommended (and which I have now marked) would be a *third* road, and, although it is *ten* miles shorter than the old road, and *five* shorter than the last cleared road, and would have no steep pulls, it cannot nevertheless be completed "without considerable expense." On the contrary, the descent by Mount Victoria I cannot but adopt according to the principle laid down, for I maintain, and it is not a mere matter of opinion, for I am prepared to prove not only that the distance is but one half or little more, and that the road would bear no comparison in point of steepness with the ill-laid-out road commenced behind Collett's, but that the former might be completed in *less time, with less Gunpowder, and consequently at less expense*; what has been commenced on the latter is worse than if nothing had been done, for it has given way; the fallen timber on the upper part has not been cleared, and a new line would be necessary throughout in order to make the most even of *this* hill, for the elevation on the present line is in parts as much as 13°, nearly *one in four*, the worst of the descent now used being only 15°. It was with this conviction, having been previously blamed by the Governor for not attending to the subject sooner, that I, without losing time, removed the Gangs to Mount Victoria. In thus taking the responsibility on myself, I did no more than my predecessor did, after I had marked out by the Governor's directions the line of ascent for the North road from the left bank of the river Hawkesbury, which operation certainly cut off a portion of his made road on the ridge above; and I must here declare, nevertheless, in reply to one charge in your letter, that, in whatever doubt I may have been unfortunately involved at any time respecting the Governor's views with regard to roads, I am not aware of having occasioned by my exertions any "serious injury to the Public."

The Secretary of State has been pleased to place the Road Department under my directions, and, although the addition to my duties makes no addition to my salary, I cannot conscientiously sit down in Sydney and pocket that Salary without caring whether roads be made right or wrong. I conceive that the Offices of Surveyor General, Chief Commissioner and Surveyor of roads involve a high degree of responsibility respecting the direction of roads; and I trust that the work, I have begun on no vague report of any illiterate clown, but after a general survey by myself and Assistants, may be suffered to proceed on the General Principle laid down by the Governor, this being an extreme case (an Equilateral triangle of which my road forms one side, the other road *two*!) as will appear more plainly by the rough sketch† I have the honor to enclose; but, if on the contrary I am required to abandon what I consider a work of permanent utility and importance, and which is strictly in conformity with the general principle laid down to prevent *doubt* on my part, then I must request that copies of the

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28 March.

Roads
constructed
to Bathurst.

Third road
proposed by
T. L. Mitchell.

Criticism
of road *via*
Collett's inn.

Reasons for
removal of
gangs to
Mount Victoria.

Responsibility
of T. L. Mitchell
in direction of
roads.

* Note 52.

† Note 53.

1831.
28 March.

Request for
reference to
secretary of
state.

Regret by
T. L. Mitchell
at want of
approbation.

Opinion in
favour of pass
at Mount
Victoria.

correspondence, with plans and sections of the roads may be submitted to His Majesty's Government, as such an abandonment must necessarily relieve me from the responsibility recently imposed by The Right Honorable the Secretary for the Colonies.

I cannot but feel much hurt and surprized at receiving such an answer to my report of a laborious and highly satisfactory survey, made expressly by the Governor's order, especially as a letter of similar purport reflecting on former reports induced me to address one directly to His Excellency, and request an audience, before setting out. Your present communication is a poor requittal for such labours to a man conducting a trigonometrical Survey of the whole Colony besides, and loaded with the business of an extensive Department. By the Governor's directions, I have extended a survey along the three great lines of road through the Colony, North, South, and West; and it is extremely mortifying to find, after ascertaining by dint of much personal exertion, and to my own satisfaction, the best line in each case, that the Government is either silent or condemns; while the works already begun on my lines meet the approbation of the Public. I really do not understand this, for the survey just completed was hastened by His Excellency himself. I shall consider myself very ill used, if in this case I am compelled to abandon, without further enquiry, what has been already spiritedly commenced under proper directions by the Gaugs. Being confident that the pass of Mount Victoria must finally be the road (as the mountains admit of none so good or direct), I am as anxious to prevent the further waste of means, as His Excellency The Governor can be. A more hearty cooperation on the part of Assistant Surveyors and even of Overseers may be counted on, in a work of unquestionable utility such as I consider that in question. To abandon it would leave a half removed rock,* like a monument of labour uselessly applied, to my discredit and the discouragement of those whose duty it is to act under my orders.

I have,

T. L. MITCHELL, Sr. Genl.

[A copy of the sketch of the roads descending the Blue mountains will be found in the volume of charts and plans.]

[E] Colonial Secretary Macleay to Surveyor-General Mitchell.

(No. 30/981.)

Sir, Colonial Secretary's Office, 23rd August, 1830.

Letter
acknowledged.

I have had the honor to receive and submit to the Governor your letter of the 27th Ultimo No. 30/320 in reply to mine of the 21st No. 30/873, relative to the new line of Road which you propose to Bathurst.

In reply, I am directed to inform you that the correction of the error, with which you have commenced your letter, will shew you that the arguments brought forward, founded on the principle His Excellency has laid down, do not apply to the point immediately at issue.

You observe "few (I take leave to remark) would suppose that I was actually sent here by the Governor to lay down a Road, His Excellency having judiciously condemned that which has been recently cleared." The Road or rather Line, which His Excellency condemned and which the party was employed in Clearing was from Collett's to Bathurst, and had nothing whatever to say to

Line of road
condemned by
R. Darling.

Mount York, or the Road to Collett's, nor does His Excellency recollect that your attention was drawn to the latter in any manner. The descent at that place had been adopted, in consequence of your report of 29th November, 1827, and there was no intention of seeking another line *down the Mountain*. His Excellency was therefore naturally surprised to find, after this part of the Road had been in progress twelve Months, and much labour expended on it, that a new and distinct Line was proposed by you, which circumstance appeared fully to justify the observation that, in the course of time, some other line would probably be found as superior to that now proposed as *it* was to that which had been lately commenced.

It appears to His Excellency under all circumstances that the most advisable course will be to abandon the intention of altering the Road, and to employ the Men in repairing that which is already established.

I have, &c.,

ALEXR. McLEAY.

[F] *Memorandum for the Governor respecting the Road to Bathurst.*

1st. The present descent from the Blue Mountains to the Vale of Clywd is so steep, being at the rate of one foot in every four or fifteen degrees of inclination, that heavy drays ascend and descend it with the greatest difficulty. That pull in fact alone counts two days always to teams going between Sydney and Bathurst. No repairs on this road could materially lessen the difficulty and the rout is also very circuitous.

2nd. Were two hundred men collected at this point, I should therefore feel at a loss how to employ them on this road with any advantage to the Public, more especially as the Gangs on Mount Victoria would render the new descent practicable in six weeks more, by which, besides the Public convenience of an easy descent and shorter road, a saving would be made of two miles and three quarters of road making for ever, a circumstance in point of economy of considerable importance.

3rd. The present road by Mount Blaxland, whatever labour may have been bestowed on it, is now nearly impassable from the numerous swamps on that line; and, considering the steepness of the hills and circuitous route (ten miles more than my marked line), it would be a work of endless expense without permanent advantage to attempt to make it even passable, while the numerous bridges necessary, including the passage of the Fish River or Macquarie, and the ten superfluous miles to be kept up, would, besides the inconvenience to the Public, be a serious and lasting expense to the Government, whereas these may be avoided by making the new line lately marked, which, measured from the Blue Mountains, is ten miles shorter to Bathurst.

I trust that, when these and other circumstances are fully weighed and considered by the Governor, His Excellency will indulge me with permission to finish the work in progress down Mount Victoria, especially as the Iron Gangs are already hitted there, and the whole heavy work, being comprised in about seven hundred yards, renders this point a favorable one for commencing under the new system, which is, indeed, the case along the whole

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28 March.

Reasons for
adopting line
of road *via*
Collitt's inn.

Memorandum
by
T. L. Mitchell
in favour of
pass at Mount
Victoria.

1831.
28 March.
Memorandum
by
T. L. Mitchell
in favour of
pass at Mount
Victoria.

line lately marked to Bathurst, three points alone, besides this, requiring the application of powerful means in order to render the whole road practicable (without any Swamps in the way) to Bathurst. I may also add that, on this line, I have been at much pains to instruct the Assistant Surveyor and Sub-Inspector as to the particulars of the construction at all places requiring care.

Sydney, 30th Augt., 1830.

T. L. MITCHELL, Sr. Genl.

[G] *Colonial Secretary Macleay to Surveyor-General Mitchell.*

(No. 30/1003.)

Sir,

Colonial Secretary's Office, 2nd September, 1830.

Approval of
road *via* Mount
Victoria.

I have the honor, by the directions of the Governor, to inform you that, under the circumstances stated in your Memorandum to His Excellency of the 30th Ultimo respecting the line of road to Bathurst, His Excellency is induced to cancel the order conveyed to you in my letter of the 21st July last for discontinuing the Road commenced by you by Mount Victoria, and to approve of the road from thence to Bathurst, according to the direction recommended in your report of the 23rd June, No. 30/285, being adopted.

I have, &c.,

ALEX. MCLEAY.

NOTES* in reply to Major Mitchell's Letter to the Secretary of State, dated 15th December, 1830.

Reasons for
issue of order.

A. The order† of the 7th July, 1830, was issued in Consequence of having discovered, in a personal Communication with Mr. Nicholson (Major Mitchell being in the Country at the time) that, although nominated to carry on the Duties of the Road Department under the direction of the Surveyor General, when that Department was first placed under his orders, Mr. Nicholson was totally ignorant of the State or particulars of any of the Roads, having been kept constantly at the office. In Major Mitchell's absence, it was therefore impossible to obtain any information respecting the roads, and his duties as Surveyor General put it out of his power to visit them as often as was necessary.

Alleged
jealousy of
T. L. Mitchell.

I shall shew that Major Mitchell's object in keeping Mr. Nicholson at the Head Quarters of the Department was not confined to that Gentleman. The jealousy of his disposition prevents his permitting the Employment of any Person whom he supposes likely to deprive him of the merit of any part of the Service.

Thus, the Deputy Surveyor General was kept as a perfect Cypher in Sydney for nearly 18 months after his arrival, not being permitted, even during Major Mitchell's absence, to see any but the Commonest Letters, the others being selected for the Surveyor General by his Confidential Clerk.

Status of
surveyors
in road
department.

Major Mitchell, in other places as well as this, lays so much stress on the circumstance of the Assistant Surveyors attached to the Road Department being rendered "independent" of him. I shall therefore ask, once for all, as that Department is no longer under his superintendence, how he could properly Exercise any authority over the persons Employed in it? Though these persons were appointed Assistant Surveyors, it must be recollected that

* Note 55.

† Note 49.

many of them were appointed for the Express purpose of being Employed in the Road Department, and not in the Survey of the Colony. It is rather singular that Major Mitchell should persevere in seeming not to understand the necessity of an arrangement, which is so obvious.

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28 March.

B. I consider it necessary to Enter into a full explanation of this matter, not merely because Major Mitchell has stated what is Contrary to fact, but as the circumstances attending it are such as must prevent their Escaping his recollection.

1st. Major Mitchell waited on me by Appointment on the 19th November last, previously to the meeting of the Executive Council, which assembled that day. I recollect the Circumstances more particularly, as he brought with him a Memorandum which is dated the same day, respecting the Church Lands in Cumberland. I then *distinctly* apprised him of my intention to separate the Roads from the Survey Department, stating my reasons for so doing as follows:—That, as the Survey of the Church and School Lands would be immediately placed under his direction, in Consequence of Instructions received from Home, and as the duties of the Commissioners for Land had just then devolved on him, I considered he would have as much to do, as he could possibly attend to, without carrying on the details of the Road Department.

Reasons for
removal of road
department
from control of
T. L. Mitchell.

2nd. I then asked, if Mr. Perry, the Deputy Surveyor General, could take charge of the Road Department, understanding, as I informed him, that he had not been Employed since his arrival in the Colony, a period of nearly 18 months; when he threw out insinuations, as he had done on former occasions, not very creditable to Mr. Perry, of which I took no notice, being satisfied they arose from a feeling of jealousy and apprehension of his being brought forward. He replied that Mr. Perry could not be spared.

Consultation
with
T. L. Mitchell
re road
department.

I then pointed out to him that, as I should place Mr. Nicholson (who had acted under him) in sole charge of the Road Department, it would be impossible to Continue Mr. Finch, who was a *Surveyor*, as he could not be Expected to report to an Assistant Surveyor. He observed that Mr. Finch reported thro' Mr. Nicholson at present, and he was satisfied there would be no objection on his part to Continue to do so, when the Department should be separated.

It will be seen from these three several facts what degree of attention is due to Major Mitchell's Statement, viz., that "the Division has been made without any reference being made to me as Head of the Department."

C. I have no desire to Contest trifling or immaterial points with Major Mitchell; but I cannot silently permit him to state what is not the fact. He says, "I found that the new made Line was utterly useless," while it was *I* and not Major Mitchell who discovered, on my visit to Bathurst at the End of the Year 1829, that the Line had not been properly traced, and I drew up a Memorandum on the 9th of January, 1830, calling the Surveyor General's attention to the Circumstance. The fault in this Case was the Surveyor General's, who should have *marked* the new Line, the business of the Road Department being merely to make the Road after the Line has been determined, and marked by the Surveyor General.

Contradiction
of statements of
T. L. Mitchell.

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28 March.

Major Mitchell goes on to state, "that, after clearing a Road of 40 Miles, the Public do not use it."

I have only to observe on this that the Road he speaks of did not extend *20 Miles* at the very utmost, and was not *cleared*. The Trees, which were not numerous, were merely felled, the Stumps being left in the Ground; the Road, consequently, could not be used.

D. He says "there are men too, whom I had taken pains to instruct in these Lines," and again, "these Men," I knew there was only *one Man*, but I thought it as well, as Major Mitchell indulges in this sort of misrepresentation to have the proof under his own hand, and I therefore annex a copy of his Letter, dated the 7th inst., No. 31/65. The point is certainly not very material; but, when a subordinate officer steps forward to charge his superior with improper conduct, he should confine himself strictly to facts. He talks of having instructed "these men" that is *Clement Doughty*, as he admits in his Letter of the 7th inst.; It would be impossible to furnish a more convincing proof of what I have stated respecting Major Mitchell's jealous disposition. Mr. Nicholson, who under the Surveyor General was charged with the General superintendence of the Roads, was kept constantly at Head Quarters and remained in perfect ignorance of everything relating to them. There was, besides, an Assistant Surveyor on the spot; still *Clement Doughty*, a Convict Overseer, was personally instructed by Major Mitchell in the Construction of one of the most important Roads in the Colony. Major Mitchell knew that *Doughty* would not deprive him of the merit of *his New Road*, and therefore instructed him personally, putting the responsible Officer aside. Major M. seems to have *forgotten* that *Doughty* was Employed for some months, as he requested, and that the reason for his not being continued was, that the Establishment did not admit of it, which was the cause of the "Drunken fellow," to whom he alludes, having been removed.

Instructions
given to
C. Doughty.

Character of
letters by
T. L. Mitchell.

I cannot close my remarks on Major Mitchell's Letter, respecting *Doughty*, without requesting Your particular attention to it. The insubordinate tone and offensive Sneers, which he has presumed to indulge in, would themselves justify the severest measures. Not satisfied with having stated in a general way (in order no doubt to screen himself should an Explanation be required) what was not true, he replies, when called on, in a manner not to say the most disrespectful, but the most contemptuous, his observations, as will be seen, being directed to the immediate head of the Government.

RA. DARLING.

[Sub-enclosure No. 1.]

MEMORANDUM FOR THE COLONIAL SECRETARY.

Government House, 9th January, 1830.

1st. Let the Surveyor General be informed, in reference to his Report dated the 29th November, 1827, on the new Line of Road from Collett's to Bathurst, that, having lately examined the Line on which the Road Party is employed, it appears to me there is a considerable deviation from the direction intended. He will therefore give directions, as soon as possible, for the correction of any error that may have taken place; and I wish to draw his attention

Instructions
re road from
Collitt's inn
to Bathurst.

to that Line of Road generally, as it appears to me that the difficulties to be Surmounted in Rendering it a good Road are very great, and will require much Skill in tracing some of the Hills, so as to render the Road convenient for Heavy Drays, etc.

1831.
25 March.

2nd. Request that the New Line may be determined with as little delay as possible, as I am anxious to send 200 Men to be employed in opening and rendering it practicable. And, as soon as he has considered the arrangements which will be necessary, I wish to receive a statement of the manner in which he proposes to distribute the Parties on the several principal Roads, under the respective Surveyors.

3rd. Inform the Surveyor General that it appears to me there are several Places, "Lapstone Hill" for example (which from the Steepness of the Ascent suffer extremely in heavy rains), where it would be advantageous to Station a few Men with an Overseer permanently, for the purpose of immediately repairing any damage which may be occasioned; and request his attention to the State of the *Drains*, observing that I found invariably that the *Barrel Drains* were choked by the rubbish and loose Stones which had been washed into them; and that it appears to me that *Surface Drains*, if judiciously constructed, may be Substituted with much advantage.

Instructions re
maintenance
of roads.

RA. DARLING.

[Sub-enclosure No. 2.]

SURVEYOR-GENERAL MITCHELL TO COLONIAL SECRETARY MACLEAY.
(No. 31/65.)

Sir, Surveyor General's Office, 7th March, 1831.

I have the honor to receive your Letter, dated 5th inst., No. 31/185, in which you request me to state, for the Governor's Information, the names of the Men alluded to in a paragraph which you quote from my letter to the Secretary of State, dated December last, the date of my letters recommending those Men, the situations they filled, and whether they were not employed under an Assistant Surveyor, who was immediately Charged with the direction and Superintendence of the Roads and the parties where the Men in question are Stationed.

Letter
acknowledged.

In reply, *I have first to express my surprise at being called on to explain to you a passage in a letter, which I addressed to the Secretary of State nearly three months Since, and sent to the Governor that His Excellency might add what remarks He thought proper, and forward to the Minister. I beg to express my doubts also, whether I am bound to answer queries and furnish Documents in support of a Statement respecting which, although opposed to my own representations, I must continue in the dark. My letter resting entirely however on official documents, I am willing to afford the information now required, the subject being the most trivial in that letter.*

Criticism
of request.

I allude to Clement Doughty, the dates of my letters respecting him are Nos. 30/230 and 30/285, dated 17th May and 23rd June, 1830; the situation he filled was that of Sub-Inspector, long previously held by a Drunken fellow of no ability or Service whatever. That His Excellency should require information as to whether an

References in
previous letters.

1831.
28 March.
References in
previous letters.

Assistant Surveyor was immediately over him seems to me very extraordinary, *His Excellency having entered more into the details of the Road Department than I was ever able to do.** I did also allude, but less particularly, to overseers and assistant overseers in various parts, who had endeavoured to merit my approbation, and applied to me personally for encouragement, even after the arrangement which compelled me to tell them, that it was no longer in my power to do so.†

Request for
transmission
of letters to
secretary of
state.

I have the honor to enclose copies of the letters respecting Doughty and of your letters Nos. 30/1246 and 30/1286, dated 25th October and 5th November, 1830, which Copies I beg you will be so good as attach to the others accompanying my letter to the Secretary of State; and, in conclusion, I beg to state my readiness to afford *Similar‡* explanation of any other Sentence of my letter to the Secretary of State, being conscious that I have advanced Nothing, which will not bear even this test, and anxious that there should be no longer delay in forwarding that letter, which must otherwise be overtaken by one of a Subsequent date, which I must now forward to the Governor. I have, &c.,

T. L. MITCHELL, Sr. Gen'l.

[Enclosures to sub-enclosure No. 2.]

[1] SURVEYOR-GENERAL MITCHELL TO COLONIAL SECRETARY MACLEAY.
(No. 30/230.)

Recommendation of
C. Doughty for
appointment.

Sir,
Surveyor General's Office, Sydney, 17th May, 1830.
With reference to my letter No. 30/80, dated 15th February, 1830, I do myself the honor to recommend Clement Doughty, free by servitude, for the situation of Sub-Inspector in the Road Department *vice* Thomson dismissed; and I beg to state for the information of His Excellency The Governor that, although the temporary want of such an officer has occasioned some inconvenience, I have not had it in my power until now to recommend a person, whom I could consider qualified to fill the situation with advantage to the service. I have, &c.,

T. L. MITCHELL, Sr. Gl.

[2] EXTRACT FROM A LETTER TO THE COLONIAL SECRETARY.
(No. 30/285, dated 23rd June, 1830.)

"As Clement Doughty (whom I recommended to His Excellency for the place of Sub Inspector) has assisted me in making the whole of this line, and knows my intentions respecting the construction of every part, I am most anxious to have His Excellency's sanction for placing him at those parts we are about to commence upon."

I have, &c.,

[*Unsigned.*]

[3] COLONIAL SECRETARY MACLEAY TO SURVEYOR-GENERAL MITCHELL.
(No. 30/1246.)

Dismissal of
C. Doughty.

Sir,
Colonial Secretary's Office, 25th October, 1830.
With reference to my letter of the 28th of June, I am directed by His Excellency the Governor to inform you that, as the employment of Clement Doughty was therein authorised only until the arrangements for the Road Department should be completed, His Excellency has been pleased to order that this Individual shall be discontinued from the end of the present month. I have, &c.,

ALEX. MCLEAY.

* *Marginal note by Governor Darling.*—For which reason it was taken from under his charge.

† *Marginal note by Governor Darling.*—Why has he not named them as he has been called. He never recommended any man but Doughty, who was continued in consequence for several Months.

‡ *Marginal note by Governor Darling.*—and no doubt equally satisfactory and respectful.

[4] MR. T. C. HARRINGTON TO SURVEYOR-GENERAL MITCHELL.
(No. 30/1286.)

1831.
28 March.

Sir, Colonial Secretary's Office, 5th November, 1830.

With reference to my letter of the 26th ultimo, I am directed by His Excellency The Governor to inform you that Clement Doughty, being employed in the Road Department at "Mount Victoria," may be continued until the end of the present year, it having been represented by you that his services are very desirable at that place, and will be so until the work is a little more advanced.

Employment of
C. Doughty at
Mount Victoria.

I have, &c.,

T. C. HARRINGTON.

[Enclosure No. 2.]

SURVEYOR-GENERAL MITCHELL TO SIR GEORGE MURRAY.

Sir, Sydney, 22nd December, 1830.

Having considered it necessary to pray your attention to the affairs of the Department under my charge in a letter* dated 15th Instant, I the more willingly presume at this time to submit the enclosed copy of a letter I have since received from the Director of Public Works, with my answer to it.

Transmission of
letter from
C. Wilson.

I beg to state that, after the Department of Public Works was established, an Officer, who came out an Assistant in this Department, was appointed Town Surveyor; that repeated applications were made to my predecessor, Mr. Oxley, that he should state what a Town Surveyor's duties were, to which no answer was ever returned by Mr. Oxley; that the Town Surveyor was finally ordered (I believe) to survey the Town, and that the measurements and description of town allotments of Land is now carried on through that Office by the Government, which not having been the case formerly, a circuitous correspondence is also carried on through my office, which not unfrequently occasions the resurvey of the ground.

Appointment of
town surveyor.

Being now called on to meet this officer and confer with him on the subject, I beg to submit that it is not consistent with my duties as Surveyor General that I should do so, or make any joint report on such a subject.

Refusal to
collaborate
with town
surveyor.

I have, &c.,

T. L. MITCHELL, Surv. Genl.

[Sub-enclosure No. 1.]

MR. C. WILSON TO SURVEYOR-GENERAL MITCHELL.

Sir, Office of Public Works, Sydney, 22nd December, 1830.

I do myself the honor to acquaint you that I have received His Excellency's instruction to consult with you, and to report jointly with you, what plan appears best calculated for insuring the speedy survey of the Town of Sydney, etc.

Request for
meeting with
town surveyor.

I shall be happy you will appoint a time for this duty; and, if it should be more convenient to meet at your Office, I will direct the Town Surveyor to attend.

I have, &c.,

C. WILSON, C.E., D.P.W.

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[Sub-enclosure No. 2.]

SURVEYOR-GENERAL MITCHELL TO MR. C. WILSON.

Surveyor General's Office,

Sydney, 22nd December, 1830.

Sir,

I have the honor to acknowledge the receipt of your note, and, in answer to it, to inform you that, as Surveyor General, I do not consider it incumbent on me to make a joint report on the Survey of any part of the Territory of New South Wales.

I have, &c.,

T. L. MITCHELL, Sr. Gl.

Refusal by
T. L. Mitchell
to make joint
report.

[Enclosure No. 3.]

SURVEYOR-GENERAL MITCHELL TO SIR GEORGE MURRAY.

Sir,

Sydney, 28th January, 1831.

As it is possible that your expectations or views with respect to the department under my charge may not be fully realised, I take the liberty of transmitting, through His Excellency The Governor, a general statement for Your information.

The subjects, which I now propose to submit particularly to Your consideration are:

1st. The location of settlers on their lands, when they first come to the Colony; 2ndly. The present mode of disposing of Crown lands by grants or purchase, with the forms adopted; 3rdly. The duties of the late Commissioners for apportioning and valuing the lands of the Colony, which have now devolved on me.

With respect to the location of settlers, I beg to state that I have endeavoured, but unsuccessfully, to prevent the delay which persons, on coming to this country, always have occasion to complain of before they can obtain possession of their land; and, as emigration to New South Wales seems in a great measure to have ceased, while the population of the neighbouring Colony of Van Diemen's land, where settlers are immediately located, receives accessions by almost every vessel, I cannot but conclude that the difficulties a settler has to encounter here have at length become known in the mother country, and that the knowledge thereof has operated as one check to emigration to this colony.

After passing the ordeal of the Land board parties are directed by a printed letter to apply to the Surveyor General for a printed authority to select, for which they are to pay 2s. 6d. The inattention of people to the payment of this fee, either when applying by letter for the authority or when notifying their selection previous to receiving this form, frequently occasions further correspondence, and consequently delay, perhaps only on account of 2s. 6d. *I have never been informed** why, while all

* *Marginal note by Governor Darling.*—It is ordered by the King's Instructions, which Major Mitchell has been in possession of, and therefore *does* know why this fee has been continued. He has never before said a syllable respecting these difficulties.

General
statement *re*
department
of surveyor-
general.

Practise
adopted for
location of
settlers.

other fees have been long abolished, this should still continue to be exacted, when it is productive of so much inconvenience, and especially as the proceeds amount but to a few pounds annually, while I have to prepare each quarter an exact account, supported by affidavits, and specifying what coins each payment of 2s. 6d. was made in. I beg also to observe that this fee is more productive of inconvenience now than when settlers used to arrive frequently, as the natives of the colony, to whom small grants are now made, very frequently neglect to pay this fee, which, in some cases, I have had to pay myself; and it may easily be imagined what delay the necessity for *protracted correspondence** in any matter may occasion in a country so extensive and thinly inhabited, as New South Wales is. I trust I may be excused in pressing on your notice a subject apparently so trivial, but I am desirous to explain the inconvenience which arises from a matter in itself so very insignificant.

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Practise
adopted for
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settlers.

The authority to select land is addressed to the Assistant Surveyors, who are distributed over the Colony; and when the extent of the territory open to selection is considered (being greater than that of Ireland), it may be easily conceived that, with every facility which could possibly be afforded by the Survey department, some time must be necessary to enable a stranger to make up his mind as to situation, as well as to select the land. Emigrants from home do not complain of this, *for I have ever been ready to point out to those who were not fastidious*† what I considered the best vacant land; but, “with the world all before them where to choose,” I have found that men always prefer making the selection themselves, and that, having done so, whatever be the quality of the land, they are generally satisfied with it. But it is after such a selection has been notified to me, and it has been ascertained at my office that it is unobjectionable, that a delay occurs which has been productive of much inconvenience and expense to strangers, the time which they have still to continue in Sydney awaiting The Governor’s decision on my report, being frequently as much as three months and the approvals taken together for the last six months *give an average of 52 days or 7½ weeks for the time*‡ between selections and The Governor’s approval of each.

* *Marginal note by Governor Darling.*—I doubt whether he has had even any correspondence or difficulty on the subject.

† *Marginal note by Governor Darling.*—Everyone complains of his want of common courtesy, of his unaccommodating and disobliging disposition.

‡ *Marginal note by Governor Darling.*—In saying he might be much better employed than in making calculations of this nature, I do not mean to admit their correctness, as the present correspondence shews he will assert anything, which he thinks likely to answer his purpose.

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Practise
adopted for
location of
settlers.

Method for
disposal of
crown lands
by grant or
purchase.

Aware of the unfavorable comparisons made between this Colony and that of Van Diemen's land in this respect, I addressed the letters Nos. 29/251 and 30/308 to the local Government, in which *I offered to become responsible for the proper location of the settler as soon as the Governor had determined on the extent of land to be granted;** but the letters I received from the Secretary in reply (Nos. 29/965 and 30/983) will shew that this suggestion was not acted on.

On the second subject which I am desirous of submitting to your attention, I might refer to the Australian Almanack for 1831, for a number of the forms, rules, and regulations, respecting the granting of land, *which afford matter for thirty-four pages of this book, and which, being published by authority, contains enough, in my humble opinion, when the "advice" in it on the same subject of half as many more pages is considered, to deter emigrants desirous of possessing land from seeking independence of that kind in this Country.*†

I beg to represent that, in conducting the business of my office, reference must be had to the orders published by former Governors respecting land, and to all those of His present Excellency, and that these are altogether so conflicting as to embarrass the business of this department more than is, in my humble opinion, necessary. Conditions have been imposed in some cases, which succeeding Governors have not enforced; and, in early times of the Colony, possession‡ has been obtained or taken of land subsequently sold, in an improved state, while no legal title to the land can be shewn. I allude to the inconvenience occasioned by these circumstances chiefly for the purpose of shewing what difficulties the present complicated set of Government Orders respecting land may in time produce, if conditions are enforced, and what sacrifices may be made by individuals in that case, or by Government in the other. *I beg to refer to my letter addressed to the Secretary No. 30/488 dated 30th November, 1830, in which I endeavoured to explain the nature and operation of these orders in detail;*§ and I now proceed to submit that a mode of giving to individuals possession of land has been adopted, which by no

* *Marginal note by Governor Darling.*—I very soon discovered his thirst for power, and can adduce instances in his own case, which will prove it would have been unsafe to have to his own wishes.

† *Marginal note by Governor Darling.*—I shall not comment on observations which coming from a subordinate officer of the Government must be considered impertinent in the extreme.

‡ Note 57.

§ *Marginal note by Governor Darling.*—Major Mitchell brought forward no propositions while the Commissioners were in existence. As soon as they were discontinued, he sent in his plans, which were as much in opposition to the King's Instructions, as the system to which he alludes, and which was resorted to from necessity.

means accords with the spirit of the Royal Instructions to The Governor, and occasions much inconvenience in my office. Instead of the land being put up one Month for sale in the Surveyor General's Office and sold to the highest bidder, when the bidding exceeded the average price fixed by the Commissioners, permission to hold large tracts with a view to eventual purchase has been granted to such applicants as The Governor approved of. Thus about 250,000 acres of the best of the vacant land is held by individuals in a way which prevents me from measuring and mapping such lands, and without any benefit to the revenue; while persons entitled to grants are necessarily excluded in making selections from the tracts where such unmeasured possession has been permitted. I beg to refer to my letter to the Secretary No. 30/487, dated 12th November, 1830, for further details on this subject, *and to state that I have received no answer to that or to the above mentioned letter, respecting the present regulations.**

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As the only grounds for such a deviation from the system laid down in the King's Instructions to The Governor (dated 17th July, 1825) appeared to be, as stated in the printed forms, that the valuation by the Commissioners has not been made, *and, as my attempts to make that valuation with the Commissioners were frustrated by the local Government,†* I considered it my duty, as soon as the whole business of the Commissioners devolved on me, to submit to the Government, with the abovementioned letter (30/487), an average valuation of the waste lands in the Colony, which my general survey had enabled me to make, *the only difference between the valuation commanded by the Instructions, and that, which I submitted, being that this was made by districts instead of being made by parishes as required by the instructions.‡* This was a deviation which it may be easily understood admitted of a more immediate valuation in a country where the population is scattered over such an extent that the division into parishes would be merely nominal on $\frac{6}{7}$ ths of its surface; and, as in some districts of considerable extent, with the same or similar local advantages, an average value may apply more uniformly, than in parishes where it might be unavoidable from the necessity for equalizing such divisions, that one half was good land, and the remainder land of little value. I beg to submit that this average valuation is sufficient to enable the

* *Marginal note by Governor Darling.*—The subject has been before the Executive Council since the month of September last, and will be reported on.

† *Marginal note by Governor Darling.*—Not true.

‡ *Marginal note by Governor Darling.*—Major Mitchell here admits that his propositions were not in conformity with the King's Instructions. They could not therefore be acted on.

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disposal of
crown lands
by grant or
purchase.

Government to proceed with the sale of such lands, at least as are now held with a view to eventual purchase, and that, if these lands are not either resumed or sold, the occupants are likely to become the possessors unconditionally, as has been the Case with conditional sales made by former Governors. I beg to add for Your further information on this subject that the proportion of good land in this Colony is not equal to one seventh of the surface, and that the disposal of extensive tracts to individuals in this manner is much against its prosperity, now that a full seventh of the surface is already in the hands of settlers. At present the regulations for the sale of lands are stated to be suspended awaiting orders from home; and in the publication I have alluded to, *no notice is taken of my valuation, while the notice, that the duties of the Commissioners had devolved on me,** was struck out of the proof sheet of that book at the Secretary's Office. I beg therefore to submit this valuation with the letter to which I have already referred (No. 30/487) and to state that so much waste land is now held by individuals with a view to eventual purchase, that applications for more had ceased to be sent to my office by the Secretary, before the regulation was suspended.

Duties of
commissioners
for appor-
tioning and
valuing lands.

On the next subject namely the duties of the Commissioners generally, I consider it absolutely necessary that I should address myself to you under present circumstances. I have already stated that the System, with which this Commission originated, is not in operation with regard to the sale of waste lands, *and the reason alleged for the deviation†* is that the Commissioners have not made the average valuation. I have the honor to *annex copies of letters dated 27th September, 1828, and 13th December‡* same year, by which I trust it will appear that I was not supported as Chief Commissioner in my endeavours to obtain a valuation according to the letter of the Instructions, and I have stated that, since the duties devolved entirely on me, *I have submitted a valuation which has not been acted on.§* I have the honor to enclose documents, by which I trust it will appear that the manner in which the reports of the Commissioners on other branches of their duty have been noticed by the Government, was

* *Marginal note by Governor Darling.*—For what could it have been noticed? His vanity and littleness of mind are obvious in this observation. He seems to have taken offence because he was not notified as *sole Commissioner*, an appointment which he does not hold. He is to carry on, as *Surveyor General*, the duties heretofore performed by the Commissioners.

† *Marginal note by Governor Darling.*—By whom? I have not been informed why the Commissioners have been discontinued, or at whose suggestion.

‡ *Marginal note by Governor Darling.*—It will be seen on reference to his letters that he complains without reason. An Assistant Surveyor was merely attached in aid of the Commissioners.

§ *Marginal note by Governor Darling.*—It was submitted in Novr. last, is contrary to the King's instructions, and the subject is generally under consideration of the Council.

very discouraging, at least to me; but, whatever I may feel personally, I beg to observe that my object is to inform *you what my exertions have been, and of the present state** of affairs in my department and to leave it to Lieut. General Darling to explain to You on what grounds my humble efforts could be discouraged, without prejudice to the public service.

Adverting to the duties of the Commissioners, I have to state that, beside the division of the territory, and valuation of waste lands, they were also charged to report what particular lands it might be proper to reserve, not only for the Clergy and School Estate, but "for public roads and other internal communications whether by land or water," etc., etc. I have the honor to annex copies of two reports from the Commissioners "with charts or maps subjoined" on the subject of Great Roads and also a letter to the Commissioners in reply dated 15th May No. 30/3, in which they are informed that the Surveyor General had "wasted valuable time in obtaining information and preparing Reports which could not be acted on."

I beg to state that on the receipt of this letter I addressed one directly to The Governor, of date the 27th May, a copy† of which I have the honor to enclose with a List (C) shewing that, of twenty one plans which I had previously submitted, all had been previously ordered by the Government, with the exception of two or three which had subsequently been approved of. Having applied personally to His Excellency respecting this charge, He referred to one plan in particular for the division of part of the domain around Government house at Sydney into waterside allotments for merchants; I then *learnt that he was not aware that this was expressly ordered by his Secretary.*‡ I have now the honor to submit copies of the letters on the subject (letters 30/869 *et seq.*) and also the plan.

I did hope that after that interview I should have been allowed to perform my duty with more satisfaction to myself than I had previously; but my Report on a new line of road to Bathurst, which, when I saw the Governor, I was on my way to lay down by His orders, *was answered by a letter so contrary§* to what I

* *Marginal note by Governor Darling.*—He has employed himself in suggesting roads which were not required, for example, one from Sydney to Parramatta, the existing road being as good as any in England, and in projecting plans for the improvement of Sydney when he might have been much more advantageously employed.

† Note 58.

‡ *Marginal note by Governor Darling.*—He was asked to send in the plan which he stated he was ready to submit. It will be seen in reference to the plan, how extensive and impracticable his propositions were.

§ *Marginal note by Governor Darling.*—The letter "*being contrary,*" etc., may be explained as follows:—Major Mitchell was sent to connect the line from Collett's to Bathurst, when he proposed a new descent at Mount York, the parties being then employed in making a road down that Mountain, which he had either approved of or suggested 12 months before.

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thought I had reason to expect, *after planning a great public work* likely to be soon the most useful and permanent in the Colony, that I submitted a copy* of it for Your consideration, with the letter which I had the honor to address to you on the 15th December last, respecting the road department.

I beg now to state with reference to the report of the Commissioners on the Great road Southward, in what manner the labour of the gangs (till lately under my direction) has been applied during last year; At first I removed a gang, which had just finished a more circuitous portion of road, to open a path along the new line which the Commissioners had selected, at the Governor's desire, across the Razor Back range. Two months elapsed and no answer was returned to the report, while it was hinted that the new line was not to be permitted. I therefore removed the gang to its place in the more distant part, which had received the Governor's sanction. This Gang had scarcely got hutted in the new situation, when I was ordered to make this Razor Back road, and another movement was necessary. It is needless for me to shew that much time and labor is lost *by such interference on the part of the Government in matters in which I am in fact considered responsible by the public.*† In the meantime, I have to act contrary to my own judgment, the Razor Back mountain not being in the line I would make this great road, a quite different line having been recommended by the Commissioners in their report* dated 17th April, to which I have had the honor to refer.

With regard to the other subjects to which the Commissioners were instructed to direct their attention, namely "Scites of towns, villages, churches, or places for recreation or amusement, or scites of quays or landing places," etc., I have the honor to state that what they suggested on such subjects has not been adopted, and even where my report has been called for by the Government, *my plans*‡ have seldom been acted on, and the Commissioners have not been referred to in such matters, even with respect to Sydney. I shall here cite two instances in support of this part of my statement; *a third church is about to be built in Sydney*§ without any reference having been made to the Commissioners, although the Colonial Secretary is chairman or secretary to a committee of the inhabitants. The other instance, I allude to, is where I was called on for a plan of an Engineer's yard and submitted one of a spot the Commissioners thought particularly well adapted for the purpose; the Governor however decided on a

* Note 59.

† *Marginal note by Governor Darling.*—This is a new doctrine—a subordinate officer of the Govt. being responsible to the public.

‡ *Marginal note by Governor Darling.*—Many of Major Mitchell's projects are the result of his vanity, being intended to immortalize his name, are not practicable from the want of means, and perhaps may never be realized.

§ *Marginal note by Governor Darling.*—See accompanying notes.

different place altogether, without further communication with me on the subject, and I as well as the inhabitants, consider the site adopted objectionable.

In order to shew how little importance has been attached to the Reports of the Commissioners, I beg to submit that Lord Bathurst having recommended in a letter dated 26th August, 1826, No. 61, that lands should not be sold as extensive Grazing farms within a certain distance of the sea shore or navigable streams, and the Commissioners having been called on to determine within what distance of the sea or rivers, selections of land for such purposes might be permitted, recommended four miles as the distance, and this was approved of by the Governor. Recently, however, I received a letter in which I was apprised that the Governor, availing himself of the advice of the Executive Council, had determined that *extensive purchases of land should be allowed even to the seashore.** No reason was assigned for this deviation from the line fixed for the reserve by the Commissioners, which is the more remarkable as no application for the purchase of land in such a situation has been transmitted to me since, with the exception of one from *the son of the Colonial Secretary.* I took the liberty of personally observing to His Excellency *that the report of the majority of the Commissioners, when disapproved of by His Excellency, could not according to His Majesty's Instructions be set aside†* without reference to the home Government; but He only observed that this was placing the Commissioners above the Government. Such however is the tenor of the King's Instructions‡ respecting the Commissioners, whose duties having now devolved on me, I am naturally desirous to ascertain whether any limitation or extension is intended, and I take leave to submit that it is more necessary that my duties in this respect should be well understood, as the local Government has paid but little attention to the Reports of the former Commissioners. *The only documents I now have for my guidance§* in the discharge of their duties are the Governor's Instructions to them, *and a copy of His Majesty's to the Governor, dated*

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* *Marginal note by Governor Darling.*—*This is not true.* As Grants are allowed to be given to the extent of 4 square miles, there was no cause why purchases should not be permitted to the same extent. "*Extensive purchases*" are not allowed.

† *Marginal note by Governor Darling.*—As he has stated this, he should in common fairness have added, that the application was refused. I am astonished at his effrontery in alluding to such an instance as this, when he must recollect that it is not long since his brother was found to remove from a piece of land, which he had received on his report as Surveyor General, and that he himself has, since this correspondence commenced, been allowed to take his own Grant in two separate allotments, which was done only on his urgent and repeated entreaty.

‡ *Marginal note by Governor Darling.*—His Majesty's Instructions have no reference whatever to this case. I merely asked the opinion of the Commissioners for my own information.

§ *Marginal note by Governor Darling.*—He has most improperly made use of them, as will be seen by the accompanying Minute of Council.

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tioning and
valuing lands.

17th July, 1825. It appears plain, by the last of these documents, that those cases, in which The Governor differs in opinion from the Majority of the Commissioners, should be referred to His Majesty's Government, and as it must appear by the enclosed documents that I have either altogether misunderstood the nature of my office, or that The Governor is unwilling to do justice to my exertions, I have taken the liberty of informing You how matters stand, that what I have done, as well as a Commissioner as in the capacity of Surveyor General, may be known to you, and that Lieut. General Darling may have an opportunity of explaining to you, if He thinks proper, his views and intentions in cases which involve me in doubt as to my proper duties, or where the labours of my department and the exertions of the Commissioners, have not met with that consideration, which, in my humble opinion, was due to them.

I have, &c.,

T. L. MITCHELL, Surv'r Genl.

Criticism
of letter by
R. Darling.

NOTES in reply to Major Mitchell's Letter to the Secretary of State, dated January 28th, 1831.

(No. 20.)

HE could not possibly have made a more unfortunate selection.

Abilities of
T. L. Mitchell.

I shall shew that he has stated what is *totally untrue*, in one of the instances alluded to, and that the arrangement he suggested in the other was the most inconvenient and injudicious possible. I have observed in another place that Major Mitchell is a "good practical Surveyor and an excellent draughtsman." Beyond this, he possesses no merit. He is a Man of no arrangement, and is totally unequal to the Management and proper Conduct of an extensive Department. But, if he were more capable, his ill temper would render his talents abortive! But to return to the *two instances* he has alluded to, "a third Church is (not) about to be built in Sydney." Nor is the Colonial Secretary, as he states, either Chairman or Secretary to a Committee of the Inhabitants, or in any way Concerned in the matter he alludes to. But, if the Church were about to be built, any reference to the Commissioners would be unnecessary, as the foundation* has been laid many Years, which he must be aware of from his own observation.

Allegations re
erection of
church at
Sydney;

and site of
engineer's yard.

As to the other instance, the site of the Engineer's Yard, the accompanying Minute of the Proceedings in Council, Explains satisfactorily, the reasons why the site adjoining the Prisoners' Barrack was adopted, and shews as clearly that Major Mitchell has no claim to the merit of judicious arrangement; still, he expects that the Government is to bow to his suggestions with deference, and adopt implicitly, whatever he recommends.

Sites proposed
for engineer's
yard.

According to the Plan suggested by me and adopted with the advice of the Council, the Men will work on the Spot where they reside, which is in fact out of the Town: while, according to Major Mitchell's, they would have been subjected to walk a very considerable distance, on each occasion, four times a day, through the very

* Note 60.

Centre of the Town, not only to the great annoyance of the Inhabitants, but loss of the time Employed in going to and fro. Most of Major Mitchell's Plans have just as much claim to merit as this. Besides, had Major Mitchell's proposition been adopted, it would have been necessary to have filled in a very large portion of the proposed site, which is under deep Water.

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Sites proposed
for engineer's
yard.

RA. DARLING.

[Annexure.]

EXTRACT from Minute No. 27 of the proceedings of the Executive Council on the 19th of August, 1830.

Opinion of
executive
council re
site of
engineer's yard.

PRESENT:—His Excellency the Governor; The Venerable the Archdeacon; The Hon. the Colonial Secretary; The Hon. Colonel P. Lindesay.

In reference to the proceedings on the 2nd January last, His Excellency the Governor informed the Council that he had examined the site proposed for the "Engineer's Yard" in Darling Harbour (accompanied by the present Director of Public Works and the Officer who lately acted in that situation) as also the Yard adjoining the Convict Barrack in Hyde Park, in order to ascertain its eligibility for the above purpose, when it appeared that the latter place held out many advantages over the former. The workmen and labourers would be saved the fatigue and the Government the loss of time of their walking a considerable distance four times a day, proceeding to their work and returning to their meals and their Barracks, when the work is finished for the day, a distance taken altogether perhaps little short of eight miles. The inconvenience besides of such a number of Prisoners passing to and fro through the town would be avoided. It is to be observed that the Government Quarry in Woolomoloo Bay affords a very convenient place for landing timber, etc., required for the department of public works, and is only a short distance from the Barracks where the Engineer's Yard is now proposed to be established.

The Council after a careful consideration of the subject perfectly concurred in the expediency of the arrangement proposed by His Excellency the Governor, which would not only be attended with great convenience to the inhabitants of the town by the removal of the "Lumber Yard" but with advantage to the Government generally, and recommended its adoption accordingly.

A true Extract:—E. DEAS THOMSON, Clk., Co'l.

[Sub-enclosures.]

CORRESPONDENCE referred to in the accompanying letter dated 28 January, 1831.

[1] *Surveyor-General Mitchell to Colonial Secretary Macleay.*
(No. 29/251.)

Sir, Surveyor General's Office, 3rd September, 1829.

I beg leave to refer to the arrangements, which His Excellency The Governor has been pleased to make for the dispatch of Public business by the Government Order* of the 1st Inst., as I am in hopes that they will contribute very much to the despatch of business in this Department, and consequently to the advantage of the public.

Order re
applications
for land.

Before I submit any suggestion however, with a view to such alterations as may appear expedient to enable me to conduct the

* Note 61.

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Proposal for
amendment
of form *re*
applications
for land;

and for
acceleration
of locations
of land.

business conformably to The Governor's intentions, I must acknowledge the advantage derived from the Half Monthly report of selections which has contributed much to the establishment of order and arrangement in the business of this office. These being established, I would do myself the honor to suggest the adoption of some mode, by which persons selecting Land may obtain possession with less delay than they can according to that part of the present system, to which I have the honor to allude. In the present form of that report a Column stands, which was originally for the insertion of the description given by the selector of each tract of land, another which was for the report of the Surveyor General, and a third for the decision of His Excellency The Governor. Now the original purpose of the first and second of these Columns is essentially changed. By your letter No. 28/506 of the 18th September, 1828, I have His Excellency's directions to modify the description in the first Column, which was originally that given by the individual; and your letter No. 29/170 dated 2nd March, 1829, I am instructed to insert no objectionable selection in the Return. I trust the nullity of these two columns will appear to His Excellency therefore when the original purpose is considered. For if I rectify the description in the first Column, it unnecessary that I should state in the second that it is unobjectionable, or that the land is vacant; were it otherwise, the selection ought not to appear in the Abstract. With respect to the approval of The Governor, I am not aware of any instance in which His Excellency has not been satisfied with my report as to the situation of the Land. On these Considerations I would therefore beg leave to propose, 1st. That, when an individual has received His Excellency's authority for obtaining Land and has sent a satisfactory description of it to this Office, that such description being noted on the Map, etc., should be transmitted (either forthwith or weekly) to you, and published by His Excellency's authority in the Gazette, which would thus become a record of grants or purchases as well as a useful notice to all persons adjoining Lands thus alienated. As the Half Monthly Return of selections is productive of much less official inconvenience than the several monthly reports of purchases, etc., by which the vague descriptions of Land by individuals frequently now appear in the Gazette, and which I expected would have been altered before this time, I shall not offer any observation respecting them, as the mode I have now the honor to recommend would apply to all; and in Conclusion I beg to observe, for the information of His Excellency The Governor, that I do not desire any additional responsibility but that, besides the diminution of the number of Monthly and Half Monthly Returns which occasion so much writing, my only object is the immediate location of settlers on their lands.

I have, &c.,

T. L. MITCHELL, Surv. Genl.

[2] *Colonial Secretary Macleay to Surveyor-General Mitchell.*
(A. No. 29/965.)

Colonial Secretary's Office,

Sir,

Sydney, 12th October, 1829.

Letter
acknowledged.

I have had the honor to receive and submit to the Governor your letter of the 3rd September, No. 29/251, referring to the arrangements for the despatch of business, laid down by The Government order of the 1st of that month, No. 43, and suggesting that,

instead of continuing the Half Monthly Abstracts of Selections of lands as heretofore, the Column for the Description furnished by the applicant should be omitted in future, and correct descriptions, of such selections as are unobjectionable, be transmitted to me, either forthwith or weekly, and His Excellency's Approval of them published in the Gazette, also recommending that a similar arrangement should be adopted, in lieu of the Monthly Abstracts of Purchases and Grazing Leases.

1831.
28 March.

In reply, I am directed by His Excellency to inform you that it appears important to retain the descriptions, as furnished by the Individuals, and that no alteration, therefore, is to be made in the form of Abstract, nor does it appear advisable to change the established period of transmitting them; but that your suggestion will be adopted with regard to the Publication in the Gazette, this measure appearing advantageous from its affording a permanent Record of the lands granted, and apprizing all parties concerned of their respective boundaries.

Descriptions to
be retained.

Notices in
Gazette.

I have, &c.,

ALEX. MCLEAY.

[3] *Surveyor-General Mitchell to Colonial Secretary Macleay.*
(No. 30/308.)

Bathurst, 21st July, 1830.

Sir,

I beg to refer to my letter No. 29/251 dated 3rd September, 1829, and to submit in addition to it, for the consideration of The Governor, the following representation on the unnecessary delay which attends the present mode of conducting the business of my Department.

I feel confident that His Excellency is aware of the inconvenience and loss of time, which a Settler may be subjected to by uncertainty and delay in the affairs of land, especially where the loss of a season might be prevented, and that my endeavours to obviate the evil are not inconsistent with my duty; and, considering the great scale of this department now and finding it impossible to act in matters properly belonging to my Office without superfluous and tedious correspondence through yours, I am most anxious to be free from the responsibility which such a state of things still attaches to me, the inconvenience and mortification of not being able to act without delay in the simplest matters being quite unpleasant enough without it. I have shewn in my letter above alluded to that the Half Monthly Report no longer contains either my report or the Settlers' selection; it is then (in virtue of Instructions received from time to time) become merely a List of Selections properly described and unobjectionable. I beg now to point out the principal inconveniences affecting Settlers in this Return, which without such Concomitants need not be objected to. The first is, that I am particularly directed by your letter, dated 24 July, 1826, to inform persons selecting that, however satisfactorily it may have been ascertained at the Office that the land is vacant, they are not to enter upon it, or consider it likely to become theirs, until they receive authority from you to take possession. The consequence is that frequently two months elapse and sometimes more, not to mention the delays occasioned by the irregularity of letter delivery and uncertainty of addresses in this Country. The returns of lands purchased or let are still more objectionable, while, the

Delay in
location of
settlers.

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whole business relating to them being carried on through your Office, faulty wording of descriptions is inserted in the Gazette without correction, etc.

Inconvenience
due to errors
in description.

Another inconvenience in these returns is that, when alterations of boundary lines are necessary or of lands improperly or unsatisfactorily situated, it is not in my power at least with any certainty as to time, to make an alteration, and the wording of the description in the letter authorizing possession is sometimes not so complete as that of the Report, some part being omitted which might be of some importance in disputed cases.

Proposal for
possession to
be granted by
T. L. Mitchell.

I did myself the honor to suggest that, when His Excellency The Governor had determined to make unto any individuals a Grant of Land, that I should be held responsible for what remained to be done in order to locate him upon it.

Fee charged
on applications
for land.

I propose that the insertion of his name and selection in the list should be enough to warrant his taking possession. The clerks in your Office complain in some cases of the want of Maps, and, in order to shew more clearly how the affairs of this Office are subject to Persons there, I beg to state what has occurred to me at Bathurst. It is still part of the system (if system it can be called) to direct the person, who is to have a grant, to apply at my Office for an authority for which he pays 2s. 6d., and it is often my painful duty to reply to letters of selection from remote parts that this has not been done, occasioning much delay as was the case with some small settlers. Having divided part of the reserve and according to the Governor's instructions through you sent in a plan, I requested the numerous applicants who had authority from my Office to make their selections by it; but, after arranging these in the Plan and sending them to Sydney on authority signed by Mr. Harington, some of the very allotments already selected on an authority for which a fee had been paid, Others have presented orders with the same signature requesting me to measure their lands.

Objections
to control of
secretary's
office over
location of
lands.

I beg to state that I did hope on coming to Bathurst to have been able to have justified the expectations people entertained that their long delayed selections might be speedily arranged; but even this is not in my power, and I trust His Excellency The Governor will reform this branch of the Government, for there is nothing more discouraging than to be compelled, when at the head of a Department, to deal in negatives only. The affairs of land I consider almost entirely in Mr. Harington's hands, not in mine. During my predecessor, Mr. Oxley's, protracted illness when his Office was in other hands, the business appears to have merged too much into that of the Colonial Secretary, and I considered that the trammels in my case might be thought necessary, as I had come so recently to the Colony. Now the state of the department is different, while, notwithstanding my representations, the Complication in an increased degree is still continued. Hence also besides the delay complained of by the Public, the interminable correspondence which has occupied so much of my valuable time during the last three years I trust His Excellency The Governor will now enable me to act for myself.

I have, &c.,

T. L. MITCHELL, Sr. Gl.

[4] *Colonial Secretary Macleay to Surveyor-General Mitchell.*
(No. 30/983.)

1831.
28 March.

Sir,- Colonial Secretary's Office, 26th August, 1830.

I have had the honor to receive and submit to the Governor your letter of the 21st ultimo, No. 30/308, on the subject of the present mode of carrying into effect the various orders for Land, and am directed to convey to you His Excellency's pleasure thereon, as follows:—

Letter acknowledged.

1. With reference to your complaint that, in the letters authorizing possession of Lands, the descriptions are not copied verbatim from your Half Monthly Abstracts, I do myself the honor to inform you that no deviation has been admitted at any time, except with the view of expressing with greater brevity and clearness what appeared to be described obscurely by the original applicants, and in compliance with the suggestion contained in your letter of 21st October, 1829, No. 29/326, namely, that "it would be better to omit all unnecessary particulars, as they only render more difficult the final measurement according to rules."

Descriptions in letters authorising possession of lands.

The only error, however, of any importance, that occurs to my memory as having been definitely pointed out, was that in the case of Mr. Farrell, reported in your letter of 31st May, No. 30/248; and, since the Deputy Surveyor General expressed, verbally, a wish that the descriptions contained in the Abstracts should be strictly adhered to, I am not aware that any alteration has been made.

2. But with respect to your observation that erroneous descriptions of rented Lands are inserted in the Gazette, I do myself the honor to point out that *all* applications of this nature are referred to you before publication, and that the descriptions published have always been taken (with the modification above mentioned) from those contained in your Abstracts.

Published descriptions of rented lands.

3. With reference to the confusion which has occurred in the selections of the Bathurst Reserve, it appears that no Orders were issued from this Office on the subject, with the exception of signing those Letters conveying authority to select, and giving possession of land which had been duly reported on in your abstract.

Locations on reserve at Bathurst.

4. The Governor has had under consideration your representation that, finding it impossible to act in matters properly belonging to your Office, without superfluous and tedious correspondence through the Colonial Secretary's, you are most anxious to be free from the responsibility, which such a state of things still attaches to you, accompanied by your suggestion that the insertion of a selection in your Abstract should be sufficient to warrant a party in taking possession, and I am commanded by His Excellency to observe that after the Individual receives the order for land, you have the whole control over his selection, until finally confirmed, and by the Government Order of 1st September, 1829, No. 43, all applications upon the subject are directed to be made to you. Under these circumstances, His Excellency has directed me to inform you that he conceives you possess every necessary power, and therefore cannot transfer to you the greater degree of it, which you appear to wish.

Power of T. L. Mitchell in location of lands.

I have, &c.,

ALEX. MCLEAY.

1831.
28 March.

[5] *Surveyor-General Mitchell to Colonial Secretary Macleay.*
(No. 30/487.)

Sir, Surveyor General's Office, 12th November, 1830.

Letter
acknowledged.

I have the honor to acknowledge the receipt of your letter No. 30/1250 dated 28 ultimo, by which I learn that the Commissioners for apportioning and valuing the lands of the territory are to be discontinued, and that I alone am now, as Surveyor General, responsible for the duties which were required of them. Having had the honor to be Chief Commissioner for some time past, it becomes my duty to report generally for The Governor's information what progress has been hitherto made in the division of the territory, the valuation of ungranted lands, and in setting apart those reserves, which the Commissioners were instructed to select for various purposes specified in their instructions.

Instructions to
commissioners
for apportioning
and
valuing lands.

By the first Clause of those instructions, the division into Counties, hundreds, and parishes according to natural boundaries such as rivers, streams, and high lands was proposed, and the Commissioners were instructed to report their progress in this division annexing Charts to their reports.

The Commissioners were next instructed (by the fourth Clause) to make a valuation of all the waste lands in each County, ascertaining for this purpose the average value of the lands in each parish separately by enquiring what sum might be expected to be paid if sold for ready money at the time of the conveyance in tracts of three square miles to be held in fee simple, and they were to report their progress in the valuation as aforesaid.

By the seventh Clause, the Commissioners were instructed to report what lands it may be proper to reserve for public roads, and other internal communications, whether by land or water or as the sites of Towns, Villages, Churches, School houses or parsonage houses, or as places for the interment of Dead, or as places for the future extension of any existing Towns or Villages, or as places fit to be set apart for the recreation and amusement of the inhabitants, or as the sites of quays or landing places, which it may at any future time be expedient to erect, form, or establish on the sea Coast or in the neighbourhood of navigable streams, or which it may be desirable to reserve for any other purposes of public convenience, utility, health or enjoyment, and to distinguish in charts subjoined to those reports such reserved tracts.

By the ninth Clause, the Commissioners were instructed to make out and set apart in each and every County, hundred, etc., into which they might from time to time divide the said territory, a tract of land comprising one seventh part in extent and value of all the lands in each and every such County to be thenceforward called and known by the name of the Clergy and School Estate of such County. On this subject, the Commissioners were instructed to make a special and distinct report to The Governor.

Division of
territory into
counties, etc.

In the *division* of the territory according to natural boundaries, I have the satisfaction to state that what has been done is in conformity to the instructions, and that the Assistant Surveyors are now chiefly employed in tracing such natural lines as will be available for this purpose, and will at the same time form a satisfactory map of the country, also that the subdivision into parishes has kept pace with the progressive advance of cultivation.

The *Valuation* has been confined to the County of Cumberland by parishes and to an estimate of the average value of land throughout the Colony in obedience to His Excellency The Governor's instructions to the Commissioners, dated 24th April, 1828. The valuation of the land by parishes has not been further proceeded with; and, although I did make an effort to obtain a valuation on this principle of the County of Bathurst, which was frustrated by difficulties of a different description vide my letters to His Excellency dated 27th September, 1828, and your letter to me dated 29th October, 1828, No. 28/607, I would nevertheless submit that the peculiar nature of the Country in general is much against such an arrangement, the good land bearing a very small proportion to the rest, which lies waste and is so broken by rocky ravines that any artificial division of it into squares or sections must be in many places little more than imaginary and could not be practically useful. Such portions of the country as are favorable for such divisions have been however divided into parishes and also into Sections according to the instructions, viz., The Hunter's River district, the county of Bathurst, and the banks of the Brisbane at Port Macquarie. I am still therefore desirous to recommend to His Excellency the adoption of an average value of the lands of the Colony for the purpose of fixing one rate of quit-rent according to the report of the Commissioners, dated 26 April, 1828.

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28 March.

Valuation
of lands.

I beg to explain, however, that for the sale of lands according to His Majesty's instructions (of which the Commissioners have received an Extract from His Excellency The Governor for their guidance) a more detailed valuation is necessary, and the Commissioners have been valuing the waste lands in Cumberland, because that County, having been divided into parishes, the Commissioners considered that there they could act most consistently with their instructions which direct them to ascertain the average value of land in each parish separately. In the meanwhile, the occupation of land in all parts of the Colony has been permitted with a view to the occupants becoming purchasers when such land should be valued by the Commissioners and put up for sale; this permissive occupancy being a deviation from the original arrangement, which I consider it my duty to point out, especially as the difficulties occasioned by it in my office are very perplexing as I shall endeavour to shew in a separate communication.

Granting of
permissive
occupancies.

The *Reservation* of land in each county for the various purposes specified has been attended to in conformity to the instructions, and I beg here to state that, although regular reports have not been submitted by the Commissioners on the different reserves, I have always, in reporting singly, acted at the same time as organ of the Commissioners by ascertaining their opinion and reporting accordingly.

Reserves
for public
purposes;

Lastly, The Reserve for the Clergy and School Estate, having been more particularly recommended to the attention of the Commissioners, has been now set apart not only in the settled districts where it could only be obtained in numerous detached portions, but also in the newer counties and remote districts, where it has been possible to set aside entire tracts of average value recommended by the instructions.

and for clergy
and school
estate.

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28 March.

Special reports
submitted.

The foregoing general statement will, I trust, be sufficient to shew The Governor how far His Excellency's instructions have been carried into effect by the Commissioners; but, as some latitude has been taken both in the manner and order in which the various duties were to be performed, I consider it necessary to submit for His Excellency's further information and satisfaction, First, a report on the present state of lands intended to be sold according to the valuation of the Commissioners; Secondly, A Report on all the reserves for public purposes, public roads, towns, villages, etc., etc., and Thirdly, A Report on all the lands set apart for the Clergy and School Estate.

Objections to
permissions for
occupancy of
lands.

On the subject of lands to be sold according to the valuation of the Commissioners, I take leave to observe that permission to individuals to hold lands with a view to eventual purchase has now been granted so extensively, that no valuation by parochial divisions is likely to include all, many of the tracts lying on the very limits of the Colony. Upwards of 240,000 two hundred and forty thousand acres are held in this manner on public notifications of different dates, which taken together admit of constructions on which unprincipled individuals may avoid the payment of rent for their Cattle runs, affording them a means of excluding other settlers or of reserving lands for the future selection of their Friends; in short the door is opened to every species of trickery in the occupation of Crown Lands, and shut against the new settler or grantee to whom the vacant lands in the located and richest districts are rendered unavailable by such an arrangement.

Instructions
to governor
re disposal of
lands.

I would therefore beg leave to refer to the extract from His Majesty's instructions* to The Governor, which has been transmitted to the Commissioners, and to suggest a reasonable adaptation of these to the actual circumstances of the Colony. I trust I may, therefore, take the liberty first to refer to the King's instructions on that head.

By the 33rd clause, all the waste and uncleared lands, which shall remain after making such several reservations, are directed to be granted to private persons willing to make settlements thereupon, and the average price, at which the same will be sold, is to be published in the Gazette as soon as the Commissioners shall have made any report on the average value of the Lands.

By the 35th clause, it is ordered that Lists of all the parishes, in which lands may remain for sale, with their average prices be publicly exhibited in the office of the Surveyor General of New South Wales; and that no such lands shall be sold or disposed of until the average price hath been so exhibited during one Calendar month; and that the highest offer made for any such lands during such month shall be accepted provided that it at least amount to the average price; and that, to secure uniformity in all applications, printed forms are to be prepared and delivered at the office of the Surveyor General to any person on payment of the Fee of 2s. 6d. and no more, and that such applications be received in such written form and none other.

By the 39th Clause, it is ordered that such lands be put up in lots of 1,920 acres, as nearly as may be, and that, to prevent uncertainty and confusion, charts with division lines, by which the whole will be divided into lots of 640 acres, are to be prepared, to which the Commissioners are to annex Schedules of descriptions, and that

* Note 62.

such lots of 640 acres shall be described in the public charts by a numerical mark, to which all offers and all such grants are to have reference.

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28 March.

By the 42nd clause (His Excellency is authorized), at the expiration of six months after the time when any lands shall have been offered for sale at the average price, and not sold, to make grants of such lands without purchase to any person applying for such grants by a printed form with blanks to be delivered at the Surveyor General's Office on payment of 2s. 6d. and by the 44th clause a quit rent of 5 per cent. on the value fixed by the Commissioners is to be payable on all such grants.

Instructions to governor re disposal of lands.

In order to carry the intended sales into effect, I would therefore beg leave to propose that the valuation be made by districts rather than by parishes, at least for immediate purposes, as a valuation by parishes or tracts of twenty five square miles would not give the actual value of each lot according to the quality of soil any more than a valuation by districts, whereas in this Country local advantages are so important that indifferent Land situated near the Sea, a river or great road may be sold, when land of the best quality in those parts which are difficult of access or remote from such advantages is worth nothing. I beg therefore to suggest a valuation according to districts determined by such circumstances affecting the value of the land as may admit of one average valuation, and in which, although extensive, there may be an uniformity in the general quality of the soil, as well as in position, with regard to the Sea Coast, Rivers, Mountains, etc., etc.

Proposed valuation of land in districts and not in parishes.

With respect to the charts commanded by the 30th clause to be prepared with section lines to prevent uncertainty and confusion, I beg to state for The Governor's information that the maps are now sufficiently complete for this purpose, as no confusion has yet arisen from my reports on the situations of these intended purchases. Under such circumstances, I have the honor to submit an average valuation of the lands in the districts where lands have been applied for. This value I have founded on recent sales as well as on local advantages or disadvantages, taking into consideration also the general quality of the soil, and of the timber as well as the state of the surface for cultivation. I have borne in mind that it is necessary to estimate the value by enquiring what price the lands would bring in ready money at the time of a conveyance in tracts of three square miles to be held in fee simple, and that such valuation can scarcely be too low at present as will perhaps appear more plainly when the lands are put up to sale.

Completion of charts.

Submission of average valuation in districts.

I beg leave, therefore, to suggest that His Majesty's instructions may be carried into effect by the public offer for sale by exhibition of Lists at my office of the lands, which have been applied for by various individuals, enumerated in the following Schedule as having received from your office a printed authority to hold lands therein described, until they can be valued by the Commissioners, and that the average value of land in the several districts may be notified for the sale of such lands, it being however desirable that the further sale on the same conditions be postponed until the Clergy and School Estate for each county can be clearly defined.

Proposed sale of lands.

In conclusion, I beg to add that I shall do myself the honor to submit the other two reports separately.

I have, &c.,
T. L. MITCHELL, Sr. G1.

[Sub-enclosure.]

AVERAGE Valuation of Land in New South Wales according to the Instructions to the Commissioners of Valuation and Survey.

1831.
28 March.
Average
valuation
of lands.

County.	District or Parish.	Valn.		Price of 1,920 Acres. £
		per Acre.	s. d.	
1. Cumberland ...	Minto	5	0	480
	Petersham	5	0	480
2. Camden	Cow Pastures	5	0	480
	Illawarra	4	0	384
	Mittagong	3	0	288
	Shoalhaven River	3	0	288
3. Saint Vincent .	Between the Coast Mountain and the Sea.	2	0	192
4. Northumberland	Interior parts	1	6	144
	Tuggerah Lakes	3	0	288
	Banks of the Hunter			
	Lake Macquarie			
5. Gloucester	Ettalong and Wyong	3	0	288
	Banks of the Hunter	4	0	384
6. Durham	Manning	3	0	288
	Williams River			
	Paterson's River			
	Glendon and Fal Brook	3	0	288
7. Hunter	Banks of the Hunter	2	6	240
	Upper part of the Hunter			
	Goulburn River	2	6	240
8. Cook	Mount York, Vale of Clywd	3	0	288
	Emu Valley	5	0	480
9. Argyle	Goulburn Plains	3	0	288
	Cookbundoon			
	Inverary	2	0	192
10. Murray	Head of the Wolondilly	1	6	144
	Upper part of the Shoalhaven River .	1	6	144
	Lake George	2	6	240
	Limestone Plains	2	0	192
	Yass Plains			
11. King	Neighbourhood of Yass Plains	2	0	192
12. Georgiana		1	6	144
13. Bathurst	Western Parts	2	0	192
	Near the Settlement	4	0	384
14. Roxburgh	On the River Macquarie	4	0	384
15. Phillip	Goulburn River	2	0	192
16. Brisbane	Upper Branches of River Goulburn }	2	0	192
	Page's River			

These districts do not include all the Waste Lands in the several Counties, being those districts only in which lands are now held with a view to purchase by individuals, The sale of Waste Lands in general not having been contemplated until all the reserves had been set apart and approved of.

[6] *Surveyor-General Mitchell to Colonial Secretary Macleay.*
(No. 30/488.)

Sir, Surveyor General's Office, Sydney, 13 Nov., 1830.

Conflict in land
regulations.

In further elucidation of my report No. 30/487 dated 12th instant, I have the honor to refer to the Government Orders, Government Notice and Colonial Secretary's Letter noted in the margin,* to point out to you for the information of His Excellency The Governor the conflicting nature of these regulations and the consequent difficulty I labor under in reporting and deciding on selections of land, which I believe I shall best explain by commenting on each separate regulation and shewing what appears to me defective or contradictory.

* *Marginal note.*—Govt. Order, 21 Augt., 1828, No. 26; Govt. Notice, 23 Octr., 1828; Govt. Order, 17 Augt., 1829, No. 40; Col. Sec.'s Letter, No. 29/1,079.

1. With respect to the Government Order No. 26, which states that "persons admitted as Purchasers will be required to pay a rent at the rate of 20 shillings per Hundred acres, as at present, until the proposed arrangement shall be approved or some other substituted by orders from Home." I beg to observe that, had this simple regulation been adhered to and the rent strictly enforced, which has not been done, the numerous applications (many for 10,000 acres), by which the maps are now covered with Memoranda, would never have been made, but on the contrary merely such as the parties were really interested in and desirous of holding, and then a very considerable revenue would be accruing from them to the Crown, whereas at present no rent is demanded and applications are made without hesitation by persons, who can have no intention of bidding for the lands when put up for sale.

2nd. With respect to the Government Notice of the 23rd October, 1831, referring to the Government Order above, No. 26, and "stating that the applications of persons, who are in debt to the Government, cannot be complied with and will not be replied to," I have to remark that, although the first part of this paragraph relating to debt has been in some instances acted on, yet it is not until the applications have been submitted to me; thus for a considerable period, valuable portions of land have been shut out from the selection of Grantees, while I have had to receive, report on, insert on the Maps and finally to cancel applications evidently inadmissible, and which should consequently have been withheld from my office, particularly as the last part of the paragraph states that they will not be replied to; whereas by sending them to me, the reply is rendered indispensable; moreover the applications for portions below the minimum quantity of 1,920 acres (which 1,920 acres is in accordance with Earl Bathurst's instructions, and also alluded to in the 3rd paragraph of the Government Order No. 26) should likewise be withheld from my Office.

3rd. With respect to the Government order No. 40, in the second paragraph of which it is stated that "land thus applied for has been in most cases reserved." I have to remark that, although the 4th paragraph states that no further communication will be made, still, as a *discretion* and *consequent decision* on the part of His Excellency The Governor is implied, I do not see how a communication to that effect can be dispensed with, and my having been in one or two instances favoured with such a communication in some measure points out its necessity; but I have been left still ignorant of His Excellency's pleasure on most of these very numerous applications. The result of this regulation, acting with the previous one No. 26, has been that all sorts of the most irregular and indiscriminate applications have been made for Government and Township reserves, for portions only fit for small grants, etc., the parties so applying, concluding from the 4th paragraph that no refusal would be made, have, I am informed, gone so far in some instances as to fence in Government Reserves thus applied for, and I beg to offer as an illustration of the deficiency of these regulations that were an ignorant person to apply for a portion of the domain, no objection would be started, and the party would continue under the impression that his application was approved. Were it a matter of notoriety that every individual applying to purchase land would make an unobjectionable selection, then this Government order would be likewise unobjectionable; but, as it at present

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28 March.

Neglect to
enforce order
re rent on lands
selected.

Order refusing
applications
to purchase
by debtors.

Invalid
applications
sent to
T. L. Mitchell.

Want of
instructions by
T. L. Mitchell.

Effects of
regulations.

1831.
28 March.

Difficulties
created by land
regulations ;

stands, it is not in my opinion a discreet public notification. I beg also to press upon His Excellency's attention that, although an act of Council* has been passed for the resumption of Crown Lands, still it would be difficult to dispossess the occupant of a Crown Reserve or other objectionable land, if that occupancy were founded upon an improper construction of a Government Regulation. I have also to remark that His Excellency the Governor, having in one instance permitted a portion of the land applied for to be purchased by an individual *not indebted* to be selected for a Grant, see Half Monthly Return No. —, such a precedent is thus established that I might be at a loss, but for the King's Instructions, to know whether I should consider all lands applied for by purchasers open to selection or not; were the rent enforced, there would exist no doubt that they were not open to selection, but this would not be consistent with the intentions of His Excellency nor of His Majesty's Government in requiring a Valuation for the sale of these lands.

and by
regulations *re*
rent for lands.

4th. I beg now to refer to the Colonial Secretary's letter No. 29/1079 and particularly to that part of it which states, of persons applying to purchase, that, although by the Government Order No. 40 the land is reserved for them, still if they require *the immediate use* of the land, that they are to rent it on a Grazing Lease of Twenty Shillings per one hundred acres, if not adjoining their own lands, and at 2s. 6d. per one hundred acres if adjoining, which I must own I do not altogether understand; but I imagine it to be a modification of the Government Order No. 26 (though not notified to the Public) exempting persons from paying more than 2s. 6d. rent for lands, which the applicants desire to purchase, when adjoining their granted lands, and that the Grazing Lease is the form by which the Government wish to obtain the rent of 20 shillings per 100 acres, as set forth in the Government Order No. 26; but, if the land be reserved according to No. 40 and not open to selection and the occupant is not liable to be called on for rent, it cannot be supposed that anyone would be silly enough to pay a quit rent of 20 shillings per 100 acres as a Grazing Lease thereof. The terms of these Grazing or Half Yearly Leases as published from time to time in the Gazette are that they are to be resigned in six months, if selected for a Grant, but it is not stated in the notice whether they may not also be sold, nor is there any stipulation when they should be resigned in such a case; and thus the public may consider them open to selection.

Conflict of
regulations.

I trust that by this statement it will be sufficiently evident to the Governor that it is almost impossible for me to act with becoming decision amidst so many regulations, which appear to me contradictory; and, however disagreeable a duty it may be to point out these discrepancies, still I feel it incumbent on me as Surveyor General to do so, in order that His Excellency may be fully aware of the necessity for disposing of the lands according to the intention implied by his instructions to the Commissioners, and declared in the printed letters, which have been issued to the Individuals now holding lands from the Colonial Secretary's Office.

I have, &c.,

T. L. MITCHELL, Sr. Genl.

* Note 63.

[7] *Surveyor-General Mitchell to Governor Darling.*

Sir,

Sydney, 27th September, 1828.

1831.
28 March.

The Colonial Secretary having requested in your Excellency's name by a letter dated the 18th instant that the Commissioners of Survey and Valuation should consider and report jointly to him in what manner it might appear to them that their services could be most beneficially and promptly employed in furtherance of the objects of His Majesty's Instructions for dividing the Territory, suggesting also, by the command of Your Excellency for their consideration, whether, as the Surveyor General cannot be spared from Sydney for any length of time, the other two Commissioners might not be advantageously employed in distinct objects or in different parts of the Colony for the purpose of obtaining such information as would prove useful to the Commissioners when proceeding collectively to define the boundaries of counties, etc., and to determine the value of lands; the Colonial Secretary being further commanded to call their particular attention to the necessity of setting apart without delay, such land as may be required for the several purposes pointed out in the King's Instructions in all those parts of the Colony, in which such reserves have not yet been made, as great inconvenience must arise from the disposing of land previously if this is not attended to.

Request for suggestions re duties of commissioners for survey and valuation of lands.

With reference to the report submitted to the Colonial Secretary by the Commissioners in obedience to your Excellency's commands, as conveyed to them by the letter above mentioned, I have now the honor to state the opinion I entertain as a Commissioner on the subjects above stated, and the grounds and reasons on which I, as Surveyor General and Chief Commissioner, differ in my view of one particular subject from one of the joint Commissioners.

I beg leave therefore first to inform your Excellency that the subject of the communication from the Colonial Secretary has engaged my attention for a considerable time past and that the measurement of districts is proceeding as rapidly as the limited scale of the Surveying Department will admit of, in various parts of the Colony, and that in my humble opinion the Judgement of a Commissioner preceding his Colleagues in any one County is required chiefly in estimating the average value of the whole County, and making a selection of one seventh portion, which shall be in fact an epitome of the whole, or equal to the seventh part thereof, both in extent and value. It is obvious that this requires much investigation and research, and I would respectfully submit, whether this duty, when performed by a discreet and skilful Commissioner, might not facilitate and shorten the final Survey to be made by the Board. The selection of boundary lines must still also be determined by them, guided by the map to be provided by the Surveyor General's Department. I would, therefore, submit for your Excellency's consideration that it is chiefly in valuing the whole County and selecting the Church and School portion that any useful information could be gathered for the general purposes by one Commissioner, and I would therefore propose that one Commissioner should proceed to a district, of which the natural lines, points, and superficial extent have been determined, and 1st inform himself of the general value or equality of the Land, and then select what he considered a proportionate tract of equal average Value.

Proposed employment for one commissioner.

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Proposed
employment
for one
commissioner.

2nd. That he should endeavour to ascertain the best natural boundaries for Parishes, Villages, Reserves, etc., according to the Instructions.

3rd. That he should inform the Chief Commissioner when he was prepared to lay the results before the other Commissioners for mutual discussion, that they might report their progress to your Excellency and complete simultaneously the final division and valuation of that portion of the Territory.

Proposed
employment of
G. M. C. Bowen
in county of
Bathurst.

I beg leave to add that with these objects in view I, a few days before the date of the letter abovementioned, requested Mr. Bowen to undertake this duty in the County of Bathurst. To that gentleman's opinion of the measures proposed, I beg now to refer Your Excellency, and to proceed to state the grounds on which I cannot concur in it.

Mr. Bowen proposes that several of the most efficient Surveyors in the Department committed to my charge should be placed *under his orders and direction*; the question seems, therefore, to be simply whether I am to perform the duties of the Office I hold as Surveyor General, being also *ex officio* Chief Commissioner, or that the joint Commissioners are to act *ex officio* as Surveyor General. I object not only to the general principle of transferring the control of the Officers of my Department to the Commissioners, but also on the ground of expediency. The instructions issued by me to the Surveyors are shaped with a view to combine and accomplish simultaneously the general purposes of the Department and the objects of the Commissioners. The survey of the lines of Water Courses and of ridges of hills is equally essential in both cases. Were it practicable to make a selection from amongst such for boundaries in the midst of a Country covered with wood, it is probable that the Surveyor from his experience would make the most judicious arrangement. It will be found, however, when attempted practically, that it is necessary first to survey and then to select, if indeed the few natural lines in this Country will admit of selection; quantity in other cases must guide the division by straight lines, which is in fact the manner in which part of the County of Bathurst has already been divided by the late Surveyor General.

I have, therefore, most respectfully to solicit your Excellency's support in performance of the duties of this Office, which I have now the honor to hold under your Excellency's Government, and for which I have been selected as a topographical Surveyor, and that, should even a majority of the Commissioners propose the measure now so modestly insisted on by Mr. Bowen, who I believe never made a topographical survey of any Country, that your Excellency will be pleased to ascertain the pleasure of His Majesty, or of the Right Honorable The Secretary of State for the Colonies on the subject.

I have, &c.,

T. L. MITCHELL.

[S] *Surveyor-General Mitchell to Governor Darling.*

Sir,

Sydney, 27th September, 1828.

Request for
report *re*
church reserves
at Hunter
river.

The Colonial Secretary having, in a letter dated the 17th September instant, requested by your Excellency's desire the joint report of the Commissioners for the Survey and valuation of lands, respecting the steps which it will be necessary to take for the purpose of putting the Trustees of Clergy and School Lands in possession of the Church Reserves on Hunter's River, I have the

honor to state that, on the 24th instant, the Commissioners, namely Mr. Cordeaux, Mr. Bowen and myself, met accordingly with the intention of drawing up, after due consideration, the report required.

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28 March.

Not having unanimously concurred in opinion respecting this report, it becomes my duty, in obedience to the 13th paragraph of your Excellency's instructions to the Commissioners dated 6th February last, that I should communicate to your Excellency the Grounds and reasons, on which I entertain a different opinion from that of one of the joint Commissioners.

Minority
report by
T. L. Mitchell.

My opinion is that your Excellency should have been informed in this report by the Commissioners, "that no further steps besides the measurement were considered necessary, as these lands have been already ascertained to be equal to one seventh in average value and extent of the granted and grantable lands on and near Hunter's River, and that therefore the line, when the arrangements could be completed, depended on the arrangements made for the measurement of these lands by the Surveyor General."

Reserves
available
on survey.

Lieutenant Bowen contended (in a discussion of two whole days to the delay of all other business) that it should be represented in the report to your Excellency, "that the Surveyor, now employed at Hunter's River, or another should be sent to measure Church reserves only."

It must be obvious to your Excellency that I could not sign a report proposing an alteration in my own Arrangements, made to the best of my judgement, with a view to combine (in the application of limited means) the other business of the Department with that of the Commissioners. I beg now to state the ground on which I differ in opinion from Mr. Bowen is simply this, that it forms no part of the duty of a joint Commissioner to interfere in the arrangements, which it is my duty to make as Surveyor General.

Had the Report been made to the effect above stated, viz., that, on the completion of the measurement, Your Excellency's intention of giving over the Church Reserves could be carried into effect. It would remain with your Excellency to determine whether any portion of the Department under my charge should be employed exclusively for this purpose or not.

I have, &c.,

T. L. MITCHELL.

[9] *Colonial Secretary Macleay to Surveyor-General Mitchell.*

(A. No. 28/691.)

Sir, Colonial Secretary's Office, 13 December, 1828.

Instructions have been this day given to the two Junior Commissioners for apportioning the Territory, Messrs. Cordeaux and Bowen, to proceed immediately and commence separately to select the lands, which are to be immediately reserved in the Counties of Bathurst and Argyle, if the Surveys are in a state of sufficient progress for that purpose, and in any other Counties which may appear to the Board of Commissioners more eligible, if they are not reserving one-seventh in those Counties, and one-fifth in any that are not surveyed.

Instructions to
W. Cordeaux
and
G. M. C. Bowen
to select
reserves.

I am accordingly directed by His Excellency The Governor to desire, with reference to my letter of the 29th October, No. 28/608, that, as therein ordered, you will cause an Assistant Surveyor to attend each of the Gentlemen above mentioned, and obey his instructions while engaged on this service.

Assistant
surveyors to
be detailed.

I have, &c.,

A. MCLEAY.

1831.

28 March.

[10] *The Commissioners to Colonial Secretary Macleay.*

Office of Commissioners for Apportioning and

Sir, Valuing the Lands of the Colony, 17th April, 1830.

Report by
commissioners
on roads
through
Cowpastures to
Stonequarry
creek.

In compliance with your letter of the 11th September last, No. 29/27, stating that you are directed by His Excellency The Governor to request our opinion, which of the two roads leading through Mr. McArthur's lands in Camden it would be desirable to complete first, viz., the road by Manangle or the road over the Razor Back Range, We have the honor to state that, although your letter only requires our opinion as to which of these two roads it is desirable to complete in the first instance, yet we considered that, if a better line could be discovered particularly in point of direction, it would be an object fully worth the attainment.

With a view therefore of ascertaining the best practicable line, as well as to enable us to report more fully and satisfactorily, it was considered essential that a survey should be made of the Razor Back Range. This having been lately completed, we proceeded assisted by the plan to examine the country, and the result was the discovery of a line more direct than either of the roads, and of much less acclivity than that already laid out across these mountains.

The best direction for the range road being thus established, a point we considered of some importance, it remained for us, in compliance with your letter, to form our opinions on the question therein submitted "which of these two roads it would be desirable to make first." The following circumstances suggesting themselves as the chief considerations:—

1st. From the river to the Stonequarry, the Manangle road has just been rendered as good as the natural obstacles and the present means of the Road Parties will allow. From Campbell Town to the river, however, a good deal is yet to be done, and the building of the bridge under the most favorable circumstances would require considerable time. Some of the materials, it is true, are on the spot, but they are now mostly useless from the grass where they are lying having been burnt.

2nd. The newly discovered line over the Razor Back is of less acclivity than the one already laid out over these mountains, and will not require so much side cutting. Some Bridges will, however, be required. But they need only be on the simplest construction, and, in almost every place where one is necessary, the materials with which to make it can be procured at the distance of a few rods.

3rd. The Persons, really the most interested in the determination of this question, are those living in the District of Campbell Town and its immediate neighbourhood on the one part, and the settlers of the Western parts of the County of Cumberland on the other. By making the range road first, the former we think cannot suffer any decided inconvenience, but, by completing the Manangle line first, the latter must make a detour that would give them several miles of additional travelling.

As therefore the range Road (we mean the new one) in point of general direction is certainly the best of the two, almost equally convenient to all parties, and as we think can be made practicable in the least time, we are of opinion that of these two particular roads it is advisable to complete the one over the Range first, it appearing to us that this may be done in a short time by cutting

to a breadth of eight feet in the first instance where it is required, which would render the road quite practicable from the Bridge.

That being accomplished, we cannot perceive any utility at least for the present in the expending of any more labour on the Manangle Road in the direction of the proposed Bridge, although the future right to complete it must not be surrendered.

In considering the parties interested in these two roads, the only persons* whose situations seem to require individual notice, it will be seen by the Map, are Messrs. Douglass, D'Arietta, Cowper, and Cavenagh. They certainly would require the use of the Cross road,* as it is termed, which Mr. McArthur is so anxious to shut up from the Public. But, as that gentleman must pass through their lands to get to a part of his own, we may safely presume he will continue to allow *them* the use of the cross road as far as its intersection with the new range line, The intersects of course being only reciprocal.

While on this duty we take the liberty of observing that we could not but bear in mind that the road through the Cow pastures is the great line of communication between Sydney and the Southern parts of the Territory, and that, in a Country like New South Wales where there is such a lamentable deficiency of Streams either navigable, or that can be rendered so by any exertion of art, we naturally concluded it must ever be one of the leading objects of Government to counterbalance such a great physical defect by making the chief lines of communication by land as direct and practicable as possible. Now the line of road just discovered, however crooked, is the best that can be found through the Cowpastures. But it cannot be disguised from the very nature of the surface of a considerable part of the District that the ablest Engineering will never make it a good road, without, in numerous instances, sacrificing distance to avoid the steep pulls or pinches.

Influenced therefore by these considerations, we were led to examine a part of the country, which, when looking at the map, presented a much more desirable line of direction for a great Southern Road.

On inspecting the Map, it will be seen that the road near Lupton's† has a remarkable turn nearly at a right angle which takes it through the Cowpasture District.

The line we examined is a continuation of the road in a straight line beginning at this bend to the River Nepean, thence across (still nearly in a straight line) to the Cataract River at a pass near one of Sykes' farms, and from thence by an easy line to Liverpool.

The whole Country through which this road would pass, from what we saw ourselves and the information we collected, may be called level in comparison with the district we have spoken of, and the distance between Lupton's would be shortened more than eight miles.

The only real difficulties to surmount would be the passage of the two rivers. They certainly appear somewhat formidable, But on a careful examination anything but impracticable. There is abundance of good stone at both the places where it would be necessary to pass, and we conceive that bridges uniting simplicity with economy and durability could be erected without any very extraordinary quantity of labour. One great objection to the adoption of the Manangle Road being the instability of the Banks of the

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Report by
commissioners
on roads
through
Cowpastures to
Stonequarry
creek.

Proposed route
for great
southern road.

* Note 64.

† Note 65.

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Proposed route
for great
southern road.

Nepean where the Bridge would be required, as they assume a different character in its course through the alluvial land of the Cowpastures.

The whole of the new line in fact, exclusive of the distance saved when compared with the other, as we have stated, could be made infinitely more practicable, more convenient to the greater number of Travellers going Southward; and, recurring to the Manangle Road, it would be rendered altogether unnecessary, as only one main road through the Cowpastures would be required.

It is also fortunate, should this new line ever be adopted, that there is land which commands good water at the three places where it might be thought best to place Villages.

The motive that first led to the adoption of the circuitous road through the Cowpastures, it is obvious, was the facility of passing the Bargo river at the place where it now crosses it. The available means of overcoming even ordinary difficulties in the earlier times of the Colony were so insufficient, that rivers and Mountains were necessarily passed at the places, which presented the fewest natural obstacles, little attention being paid to the direction of the roads. The circumstances of the Colony are now, however, happily changed. There is both more disposable labour and, what is equally as valuable, more skill in the application of it. What was formerly considered insurmountable may be now only regarded as an ordinary difficulty; and, where the object to attain is of lasting importance, minor difficulties cannot be entitled to much consideration.

These remarks may perhaps be considered foreign or superfluous to the particular question to which our attention was called; but we trust the general importance of the subject will be admitted as an excuse; and, with this impression, we take the liberty of drawing His Excellency's attention to the suggested alteration, of which we have also the honor to submit a plan with sketches of the passages of the two rivers.

We have, &c.,

T. L. MITCHELL.
WILLIAM CORDEAUX.
GEORGE INNES.

[11] *Colonial Secretary Macleay to Surveyor-General Mitchell.*
(No. 30/685.)

Sir, Colonial Secretary's Office, 10th June, 1830.

His Excellency The Governor having had under consideration the report of the Commissioners of Survey, who were instructed to consider which of the two roads it would be desirable to make first through the Estate of John Macarthur, Esquire, at Camden, the one passing by way of Manangle, or that over the Razor Back Range.

I have the honor to inform you that, in pursuance of their recommendation, His Excellency has been pleased to order that the new line proposed by them over the Razor Back is to be completed in the first instance, and to request that you will accordingly proceed with it with as little delay as possible.

I have, &c.,

ALEXR. MCLEAY.

[12] *The Commissioners to Colonial Secretary Macleay.*

Office of Commissioners for Apportioning and

Sir, Valuing the Lands of the Colony, 10th May, 1830.

The late heavy rains having much injured the roads of the Colony, and the numerous robberies by Bushrangers having made

Instructions
for construction
of road over
Razor Back.

them also very unsafe, we have been induced, with inference to the 7th paragraph of our instructions, to give them our immediate consideration without waiting for the more final reports on the Counties.

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The roads from Sydney to Parramatta and Liverpool pass through two hundreds of the County of Cumberland with which we are at present occupied, and, being the most used from these circumstances, they have claimed our first attention.

Roads from
Sydney to
Parramatta
and Liverpool.

The first few miles of the Parramatta Road, until where the road to Liverpool branches off, leads over a succession of steep hills. The remainder is not very level, has many Bridges over the Creeks and Water Courses, and at the latter end is very crooked.

The road to Liverpool, from where it leaves the other, is also in some places very hilly and exceedingly Crooked.

These defects, which are quite apparent, make these roads inconvenient to travel on, difficult and expensive to keep in repair and unsafe, as it is found the hills are very commonly the places chosen as the most favourable situations for robbers to make their attacks.

The foregoing circumstances, and the late wet weather having rendered some heavy repairs immediately necessary, induced the Surveyor General to cause a survey to be made of the direction of the Principal range dividing the hollow descending to Cook's River and Prospect Creek from those of the Parramatta river.

From the survey, it has been ascertained that a new line* for the road to Parramatta and Liverpool can be carried along the dividing ground, by which seven bridges and almost every hill on both sides will be avoided, the distance in travelling from Sydney to Parramatta shortened a mile and a half and from Sydney to Liverpool three miles.

Proposed new
roads to
Parramatta
and Liverpool.

It will be perceived by the accompanying Sketch, which we do ourselves the honor to transmit, that by following this new direction the same road would lead both to Parramatta and Liverpool until within about two miles of Haslem's Bridge, and save in that instance three miles of road making. The road to Liverpool, from where it would leave the Parramatta road, would be a straight line of about five miles to Bowler's Bridge at the Turnpike, the whole of this line being along very flat ground where a bridge would not be required.

Were this line therefore once opened, we conceive it would be found by far the most useful, shorter, less difficult and expensive to keep in repair, and as to safety from being nearly straight and level, by opening it 100 feet wide, a few mounted men, we think, would be found sufficient to prevent the depredations to which travellers on the present roads are so liable.

We are not unaware of the trouble and expense of opening a new line of road, and relinquishing one on which much labour and expense have been expended, and which is deemed to be in many places completed.

Considerable portions, however, of the roads in question are far from being Completed, and what is done, however durable it appears at present, yet sooner or later will require repairing.

If the superiority of the new line therefore be admitted, there remains but the expense of opening it to be considered. The roads now in use are very hilly, which are the most expensive to keep in repair, as the numerous bridges on them will soon require to be rebuilt, as they are both badly constructed and the materials

* Note 66.

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Proposed new
roads to
Parramatta
and Liverpool.

very perishable, and when rebuilt must be kept in constant good condition. With much deference, we submit, it appears to us that in the course of no long period of time the new line would be found by much the least expensive.

Some obstacles might arise on the part of individuals through whose lands the new line would pass; but they might also be made, were it deemed expedient, to widen the present lines with the view of rendering them more safe, and which we presume must be done, if they be continued to be used. In either case, an act of Council might be necessary.

It was our intention to call His Excellency the Governor's attention to these roads in our report on the two hundreds before mentioned; but, as all the impressions of the Parish Maps are not taken from the Lithographic Press, and the subject appearing to us of much and immediate importance, we have been induced to make a more special report on it.

We have, &c.,

T. L. MITCHELL.
GEORGE INNES.
WILLIAM CORDEAUX.

[13] *Colonial Secretary Macleay to the Commissioners.*
(C. No. 30/3.)

Colonial Secretary's Office,

Sydney, 15th May, 1830.

Gentlemen,

Letter
acknowledged.

I have had the honor to receive and submit to the Governor your communication of the 10th instant, proposing a new line of Road from Sydney to Parramatta and Liverpool together with the plan enclosed.

Existing
roads to be
maintained.

In reply, I am directed by His Excellency to inform you that he was not before aware of any intention on the part of the Government to alter the present line of road between the above Towns; and that, as he is satisfied that it would not under present circumstances be expedient, he has not thought it necessary to enter into the subject.

Censure on
T. L. Mitchell.

I am also commanded to take this opportunity of stating that His Excellency, having received other plans at various times from the Surveyor General of alterations and changes which he proposes to be made, feels it his duty to point out to that Officer that it will be desirable in future, before he occupies himself in matters of which the Government is not cognizant, to ascertain whether the undertaking is considered expedient; otherwise he must see that much valuable time may be wasted, as in the present instance, in obtaining information and preparing Plans and Reports which cannot be acted on.

I am further directed to add that, whenever those arrangements, which are indispensable to the accommodation of the Public, and to which the Surveyor General's attention has been directed by the Government, shall have been completed, and the time and the means of the latter will permit of improvements being effected, it will then be a fit opportunity to entertain propositions of this nature. But that, in cases where the Public already possesses good roads, it would hardly be advisable to incur the trouble and expense of making new lines, merely because they would be more convenient or a little shorter.

I have, &c.,

ALEXR. MCLEAY.

[14] *Surveyor-General Mitchell to Governor Darling.*

Sir,

Sydney, 27th May, 1830.

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28 March.

Having read a communication from the Colonial Secretary, dated 15th instant, addressed to the Commissioners for Apportioning the Colony, which I conceive unjustly reflects on my conduct in the performance of the duties of my office, I feel reluctantly compelled in my justification to submit to Your Excellency the following statement:—

In the first place, Your Excellency is aware the superintendance of the Road and Bridge department has lately been added to my other duties; my particular attention in consequence became necessary to the great roads of the Colony, more especially as the late rains had rendered them in many places almost impassable. Among other measures with regard to them, which I deemed advisable, was an exact survey of the Country between Sydney and Parramatta to ascertain the expediency of leading the roads to the latter place and Liverpool by a shorter and more convenient line; and, as it appeared to me by the 7th Paragraph of Your Excellency's Instructions to the Commissioners of Survey that they are concerned in any new lines of roads, I called upon them to join me in a report on the subject (dated 11th May, A.). In the answer by the Colonial Secretary to this, to which I have already alluded, it is said in the first place that Your Excellency was not aware of any intention on the part of Government to alter the present line, and that, as you are satisfied that it would not under present circumstances be expedient, You have not thought it necessary to enter into the subject. Secondly, follows the reflection of which I complain which is to the effect that I have wasted valuable time in obtaining information on matters of which the Government is not cognizant and in preparing plans and reports which cannot be acted on.

Reasons for suggesting new roads to Parramatta and Liverpool.

The interpretation of the paragraph of the Commissioners' Instructions, which led me to think it part of their duties to point out new lines of road, can at the utmost but amount to a misconception of its meaning, but with the greatest deference I am still of that opinion.

That I should have occupied myself in matters of which the Government is not cognizant, without ascertaining whether the undertaking was expedient, cannot I would submit be attributed to me in this case, as the report in question only shews that I have done this and no more, vizt., that I have ascertained the expediency or practicability of the measure, and I beg leave to be informed if I am to understand that it forms no part of my duty to ascertain the expediency of any improvement until it is suggested by the Government.

With respect to the alledged waste of time on my part as Surveyor General in occupying myself with plans of alterations and changes, of which the Government is not cognizant, I beg to state that, with very few exceptions, every plan I have made has been connected with surveys, first ordered by the Government, and I believe I am correct in stating that the exceptions have been honored with Your Excellency's approbation. I do myself the honour however to transmit a list of them by which it would appear that a preceding report of the Commissioners (E) dated 17th April, to which a plan was annexed, and my last report (D) with plans (dated 26th March) on the Great road Southward are the

Plans prepared by
T. L. Mitchell.

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28 March.

other productions to which your Excellency alludes. But, for the survey and laying out of the Great road from Campbell Town through Argyle, I had Your Excellency's Instructions; and that part of the Commissioners' report, which touched on a portion of it, was founded on an examination of the Country by them, which was I conceive admitted by Your Excellency in a conversation previously to be proper and necessary.

Proposed new
line of road to
Parramatta.

In reply to the last paragraph of the letter in question, I have only to observe that my attention having been already particularly called to the Parramatta road, and having then observed the bad state of the numerous bridges, and the difficult hills it crosses, I felt it my duty to consider how these defects could be remedied or obviated, and the Report alluded to states my opinion and that of my colleagues to the effect that the means at the disposal of Government for the construction of roads and bridges *might* be applied with greatest advantage by the adoption of the lines recommended therein.

Trigonometrical
survey.

I trust I have already proved that I have not wasted any valuable time in preparing plans, and, if it be necessary to shew that I have not been idle in the performance of my duties, I have the satisfaction of being able to state that I have myself nearly completed a trigonometrical survey of the settled parts of the Colony, since I have been at the head of the department, although the writing business of the office has increased in a very great degree.

Reasons for
making
statement.

In justice to myself, though at the same time with considerable reluctance, I cannot but say that, in much of the correspondence I have had with the local Government, there has appeared to me a disposition to disregard rather than attend to my representations; and, it is under this impression that I have been induced to make the present communication to Your Excellency, as well as to prevent the charges, of which I complain, being recorded against me, as the works it alludes to, I feel confident, will at some time meet the approbation I had expected.

Request for
transmission
of letter to
secretary of
state.

I therefore trust what I have said in explanation will be sufficient to remove from Your Excellency's mind any idea of my time as regards the public service having been unprofitably occupied. Should Your Excellency however still incline to think so, I must request, however painful, that Your Excellency will be pleased to forward this letter to Sir George Murray with the papers and plans referred to by letters A, B, D, and E, that he may be enabled to form a judgment if I have either wandered willingly from the public duties of Surveyor General or uselessly wasted my time as stated to the Commissioners in the Colonial Secretary's letter, in order that some fixed rules may be laid down for my guidance, which may preclude the possibility of my acting under the erroneous impression of being right, and of having afterwards the mortification of finding that my exertions meet with censure instead of approbation.

I have, &c.,

T. L. MITCHELL, Sr. Genl.

Plans prepared
by
T. L. Mitchell.

[These plans were twenty-one in number as follows:—plan of road to Bathurst; design for village of north harbour; survey of ground to east of Sydney and of north shore; map of southern part of colony; plan for ferry at Kissing point; map of colony in counties; survey for proposed dock yard; plan of veteran allotments at Maitland and for town of Maitland; plan for road near Wiseman's ferry; two plans of great northern road; design for town at Goulburn plains; three designs for improvements in Sydney; two plans of great southern road; plan of proposed road at Razor back; plan of roads from Sydney to Parramatta and Liverpool.]

[15] *Colonial Secretary Macleay to Surveyor-General Mitchell.*
(A No. 29/869.)

1831.
28 March.

Sir,
Colonial Secretary's Office,
Sydney, 16th September, 1829.

In transmitting to you the accompanying application of Mr. John Lambe, for a piece of land near Dawe's Battery for the purpose of "docking vessels." I am directed by The Governor to request that you will point out to me, for His Excellency's information, some spot, not in Darling Harbour, which may be eligible for the purpose specified. Land in the Quarter above applied for having been refused to many applicants, whose pursuits were of equal importance to them.

Site required
for docking
vessels.

I have, &c.,
ALEX. MCLEAY.

[Sub-enclosure.]

MESSRS. LAMB, BUCHANAN AND CO. TO COLONIAL SECRETARY
MACLEAY.

Sir,
Sydney, 20th August, 1829.

Amongst the objects I contemplated when forming a Mercantile Establishment in Sydney, was the importance of and setting up a Patent Slip for Docking Vessels, whereby the tedious and dangerous method, now resorted to of heaving down to repair, would be superseded. But, on enquiry, I find that my plans cannot be carried into effect, unless the land necessary is granted by Government, as the price of it, added to the cost and freight of the Machine, and expence of laying "ways" would exceed the Sum of Three Thousand Pounds, to which we have determined to confine ourselves.

Request for
land grant near
Dawes' battery
for docking
vessels.

However, as the Object is one, which promises great advantage to the Colony, I venture to point out a spot, apparently well suited, which is unoccupied, and I believe not allotted, and to request a Grant of it, or of such portion thereof as His Excellency the Governor may think proper.

The Piece of Ground alluded to is on the left of a road which runs past Dawe's Battery and extends from Messrs. Jones and Walker's Premises to the old Government Slaughter House, for which Building, if required, I should be ready to pay.

Referring to the enclosed Extract from the Edinburgh Encyclopaedia, as the merit and great utility of Morton's Patent Slip,

I have, &c.,
LAMB, BUCHANAN AND CO.

[16] *Surveyor-General Mitchell to Colonial Secretary Macleay.*
(No. 29/288.)

Sir,
Surveyor General's Office, 25th September, 1829.

I have to acknowledge the receipt of your letter dated 16th Instant No. 29/869 in which you transmit an application from Mr. John Lambe for a piece of land near Dawe's Battery for the purpose of docking vessels, and request at the desire of the Governor, that I should point out for His Excellency's information some spot, not in Darling Harbour, which may be eligible for the purpose specified. In reply, I have the honor to state that I am

Letter
acknowledged.

1831.
28 March.

Site available
at Darling
harbour.

Reserves for
military
purposes.

Proposal for
allotments on
east side of
Sydney cove.

not aware of any vacant land on the water side at Sydney besides that on Darling Harbour, unless a portion under the Military Hospital, and the road leading to the Stone quarries may be considered eligible, as being apart from the large reserves commonly understood to comprize the land to which applications allude. The ground is there very steep, and, if it would answer the important purpose of the present applicant, I should be sorry to find it my duty to offer any objection to his having an adequate portion of it.

I beg to observe with respect to the land he points out that all land in the neighbourhood of Forts, etc., such as Dawe's Battery, is directed to be reserved by the Secretary of State's letter Circular No. 2, dated 30th May, 1827; and, in this point of view, it is to be regretted that the promontory of the Miller's Point has not been reserved, that point being of much importance for the defence of the proposed Naval Dockyard and the navigation of the river.

I would do myself the honor to suggest for His Excellency's consideration, the paucity of vacant water frontage for mercantile purposes in Port Jackson being likely to prove an impediment to the commercial prosperity of this Colony, whether it might not be deemed advisable to give up the lower part of the Government Domain* behind Macquarie Fort for the purpose of forming wharfs, warehouses, and dockyards so essential to any Colony, and without which the advantages of the fine harbour of Port Jackson, on which the prosperity of this so much depends, must be in a great manner lost, Its shores being nearly all monopolized by a few individuals.

Such a boon from His Excellency would, I humbly submit, claim the gratitude of every man interested in the welfare of this Colony; and, as it does not appear to me that the domain would materially lose much by the excision and that it might be enlarged on the other side, I take leave to submit for His Excellency's consideration:

1st. That a line due East to the middle of the West shore of Farm Cove should extend between the Domain, and the ground to be opened from the bight of the harbour opposite to and due East from the King's wharf on the West.

2nd. That Macquarie place should be continued in a straight line to this point, which would thus form a direct approach to this new wing of the Town, passing under the high Wall of the domain, the privacy of which would not be disturbed.

3rd. That the shore should be divided into allotments of fair and moderate extent for the specified purposes, reserving the deep part near the Stairs for King's ships till a dockyard on a large scale could be established.

I shall only add now, in conclusion, that I shall be happy to submit a plan in detail, should His Excellency the Governor think fit to make such an arrangement; and that I have others to propose for the extension of this town, which I have studied in consideration of the present price of allotments, an evil at its height, and on the principle I would submit that it should be counteracted by a liberal distribution of allotments on the part of the Government, in order that the Capital invested in allotments on speculation might be employed in building and improving it, and that he, who has money to build but not enough to buy the scite, may be enabled to build.

I have, &c.,

T. L. MITCHELL, Sr. Genl.

[17] *Colonial Secretary Macleay to Surveyor-General Mitchell.*
(No. 29/964.)

1831.
28 March.

Colonial Secretary's Office,
Sydney, 12th October, 1829.

Sir,

I have had the honor to receive and submit to the Governor your letter of the 25th September No. 29/288, reporting on the application of Mr. John Lamb for a piece of land near Dawe's Battery, for the purpose of Docking Vessels, which was transmitted to you in my letter of the 16th September No. 29/869, also suggesting that, in order to provide additional water frontage for mercantile purposes in this Harbour, it may be advisable to give up the lower part of the Government Domain, lying between Macquarie Fort and a line to be drawn due East, to the West shore of Farm Cove, from a point in the East shore of Sydney Cove, due East from the King's Wharf, and stating that you have other plans to propose for the extension of the Town of Sydney, the adoption of which may have the beneficial effect of reducing the price of allotments, and thus enabling individuals to appropriate, to the erection of buildings, capital, which they are now compelled to expend in the purchase of the site.

Letter acknowledged.

In reply, I do myself the honor to inform you that the Governor will be glad to receive the suggestions, to which you allude, whenever you are prepared to submit them; and, in the meantime, I am directed to request that, in order to enable His Excellency thoroughly to understand the proposal regarding the Domain, you will transmit to me, as quickly as convenient, a Sketch, shewing the shore of the Harbour, commencing at King's Wharf, and embracing the land recommended to be given up.

Request for details of proposals re town of Sydney.

I have, &c.,

ALEXR. MCLEAY.

[18] *Surveyor-General Mitchell to Colonial Secretary Macleay.*
(No. 29/353.)

Sir, Surveyor General's Office, 7th November, 1829.

In compliance with request of His Excellency the Governor, expressed in your letter dated 12th October, 1829, No. 29/964, I have now the honor to transmit a plan of the allotments I would propose on the shore of the harbour for the accommodation of the merchants.

Transmission of plan for allotments at Bennelong point.

I have the honor also to state, with reference to my former letter, that, on further examination of the lower part of the Government domain, there appears no necessity for encroaching much upon it for this purpose; but, as such divisions should be made so as not to interfere if possible with any ultimate general arrangement which the ground may admit of, I have also marked what appears to me the best direction for adjoining streets and lines of communication.

I have, &c.,

T. L. MITCHELL, SR. GL.

[19] *Report on the Accompanying Plan of Bennelong Point.*

1. Notwithstanding the advantageous position of Sydney on the shores of a secure and well sheltered harbour, this town has not yet, with the exception of the King's wharf, a single accessible quay or wharf, an appendage so essential to any trading port, but indispensable in the principal port of a new country so dependent as New South Wales must ever be on the sea for its commercial prosperity or perhaps existence.

Want of wharfrage accommodation at Sydney.

1831.
28 March.
—
Site of town
of Sydney.

2. The precipitous character of the Shores of Port Jackson in general seems to have led chiefly to the first selection of Sydney Cove in particular for the settlement as the most favorable exception, and the King's Wharf having been established on one side, and the Government House and domain on the other, that the town has gradually extended from the wharf, while the whole of the shore not only of this side the harbour but even of all Port Jackson has been alienated by former Governors. The side on which the town first extended thus up the rocks is not however the most favorable for the purposes of Commerce, and it has ever been thought necessary to cut Tunnels here, while the opposite shore, occupied by the Government domain has the deepest water and is only elevated about forty eight feet above its surface rising gradually to this elevation, whereas the town side rises abruptly to one hundred and sixty feet.

Plan proposed
for quays and
allotments on
east side of
Sydney cove
and Bennelong
point.

3. A portion of this Ground between the wall of the domain and the shore lies waste or is open for the recreation of those who love solitary walks; and I have therefore the honor to submit for His Excellency the Governor's consideration the following plan for the construction of extensive quays, and the division and appropriation of the shore for Commercial purposes.

4. A line in continuation of the West side of Macquarie Place would be parallel to the South Eastern Shore of Sydney Cove for an extent two hundred and sixty yards and would just skirt the deepest part of its margin, thus affording an extensive quay as will appear by the accompanying plan (Line AB).

5. This line appears also to be in the best direction for an approach by an easy ascent to the higher part of the shore beyond, as it would cross at right angles the easiest part of that acclivity (x) (vide Section AB), and would thus at once leave room for the allotments into which I would propose to divide the shore. The plan will best explain the further direction of this road or street, and the situation of the allotments which would contain little less than half an acre each and would thus consist of twenty-one in number.

6. A certain distance is proposed to be left between the allotments and Macquarie Fort agreeably to the Circular No. 2 from the Secretary of State, dated 30th May, 1827; and, as the construction of this fort is but ill calculated for defence, I would also suggest the erection of a mole, which should extend to the furthest point of the rocks, and which might terminate in a Mortello Tower. I beg however to observe that I contemplate the demolition of this fort as more probable, because I think the defences of the harbour may be constructed with more security some miles further down.

7. A mole extending so far into the harbour would afford a most agreeable promenade in the refreshing sea breezes, and would amply compensate the inhabitants for the loss of the narrow path under the rocks which they now enjoy.

8. An opening, the breadth of a street, is continued, as will appear by the plan, quite round the lower part of the domain nearly in the direction of the present public path, leaving an equal depth on all sides for the allotments to be appropriated for mercantile establishments, until, at the angle near the bathing house,* a

* Note 68.

favourable direction occurs for a street or road parallel to the Eastern front of the stables, and nearly so to the shore of Farm Cove, and on this account, as well as the peculiar situation between the deep and shoal water, and the level character of the shore, another pier or landing place might be constructed.

1831.
28 March.

9. This road or street would not only perfect the free communication between the Town and the proposed piers and wharfs, but would also contribute most essentially to a better general arrangement of unconnected parts. Where the old windmill now stands is perhaps the finest scite in or about Sydney for a public building, which in this situation would not only be eminently ornamental to the Town but the building itself would command the finest view of the harbour and town. Such a building would be rectangular to the proposed street or thoroughfare, and parallel to the stables, which would thus also form an ornamental front. The space Southward of the old mill might form a square, which might be bounded on the West side by a Council House,* etc. Another public building would form a very ornamental termination to this Street (at E), while the view along it in the other direction would terminate in the waters of the harbour. It may be also observed that the ascent to the height from the extreme point C would be gradual, as will appear by the section on the line CD.

Buildings
proposed in
domain.

10. As these arrangements would not harmonize well with the present state of Macquarie Place, I take this opportunity of suggesting the alterations marked in the plan by red lines, viz., The prolongation of Bent Street direct to Cummings' Hotel, thus cutting off the inconvenient corner formed by the premises occupied by the Chief Justice and the extension of Spring Street, *on one or both scites*, to meet Bent Street at right angles. The extent of Macquarie place might thus be doubled, and its shape made quadrangular without the demolition of any other building besides the house occupied by the Chief Justice†; and, should it ever be decided on to remove the Government House‡ to the upper scite as a preparatory step to these alterations, it might perhaps be calculated that the sale of building allotments thus afforded might enable the Government to carry the plan into effect without any expense to the Colonial Treasury.

Improvements
to Macquarie
place and
neighbouring
streets.

11. I take leave to suggest, in concluding this report on a plan intended for the improvement of Sydney, that a row of trees planted in Hyde Park on each side of the road§ in continuation of each side of Macquarie Street would contribute in my humble opinion much to the embellishment of the town and the recreation of the inhabitants.

Trees proposed
in Hyde park.

T. L. MITCHELL, Sr. Gnl.

Sydney, 7th Novemr., 1829.

[20] *Colonial Secretary Macleay to Surveyor-General Mitchell.*
(A No. 30/19.)

Sir, Colonial Secretary's Office, 7th January, 1830.

I have had the honor to receive and submit for the Governor's information your several reports mentioned in the margin§ relative to allotting ground on the North Shore, the removal of the present Dockyard and the division of that part of the Government Domain appropriated to the recreation of the public in order to afford accommodation to persons entering into the Whale fishery and other mercantile pursuits.

Reports
acknowledged.

* Note 69.

† Note 70.

‡ Note 71.

§ *Marginal note.*—No. 346; 347; 342; 353.

1831.
28 March.
Improvements
at Sydney to
be postponed.

With reference thereto, I am directed by His Excellency to signify to you that, as the effecting these objects in the manner proposed would be attended with infinite labor and expense, and as the local Government does not possess any of the means necessary to these objects, it is considered advisable, as it is indeed imperatively necessary, not to attempt anything more than is absolutely required for the immediate accommodation of the Merchants in the present state of the Colony, leaving the improvement of the Town of Sydney to some more convenient period, when the other more pressing objects shall have been accomplished, and when the Colony shall be sufficiently advanced, and the improved means and wealth of the inhabitants shall enable them to bear a proportion of the expense which must be incurred in such an undertaking.

Whaling
establishments
to be located
on north shore.

It is therefore considered that it will be sufficient under present circumstances to appropriate certain parts of the North Shore of Port Jackson for the establishment of persons entering into the Whale Fishery, as the most convenient and suitable place for such establishments, and as it will be the means of preventing (which is an object of importance in this Climate) the nuisance which would be occasioned by establishments of that nature being more immediately connected with the Town of Sydney.

Proposed
removal of
dockyard.

2. As to the removal of the Dockyard, though desirable for the greater convenience of the Merchants, it does not appear that it can at present be accomplished. The adoption of the arrangements, proposed for a new Dockyard, is a matter entirely for the consideration of His Majesty's Government; such an establishment cannot be necessary for any local purposes and could only be required on the scale projected for the convenience of His Majesty's Ships of War.

Locations for
purposes of
whale fishery.

I am therefore to request, in reference to your report of the 23rd December, 1828, that you will be pleased to make a distribution of the ground between "Careening Cove and Neutral Harbour" and between Great Sirius Cove and Little Sirius Cove on the North Shore for the establishments necessary for persons carrying on the whale Fishery.

Engineer's
yard proposed
at Darling
harbour.

3rd. As there is much reason to doubt the eligibility of the spot reserved in Darling Harbour for a Dock-yard, which doubt you also appear from the last paragraph of your report of the 23rd December, No. 28/347, to entertain, it is considered unnecessary any longer to reserve the ground in question for that purpose. But, as the general convenience of the town would be materially promoted by the removal of the "Lumber Yard" attached to the Department of Public Works from its present situation in Bridge Street, and it being supposed that the site reserved for a Dockyard, above alluded to, would be convenient for that establishment, it appears desirable that such portion of the present "Reserve" as may be necessary for the "*Engineer's Yard*" be retained until its appropriation shall be finally determined on.

Allotments
to be sold.

I am therefore to request that you will be pleased to mark off the portion which may remain, and the other ground alluded to in your letter of the 30th October, No. 29/342, in allotments for sale, and furnish me with your report thereon. I have, &c.,

ALEXR. MCLEAY.

[21] *Colonial Secretary Macleay to Surveyor-General Mitchell.*
(A No. 28/702.)

1831.
28 March.

Sir, Colonial Secretary's Office, 16 December, 1828.

I have the honor to inform you that His Excellency the Governor, having had under consideration the report of the Commissioners for apportioning the territory on the first paragraph of the instructions contained in the Right Honorable the Secretary of State's despatch, dated the 26th August, 1826, No. 61, relative to the disposal of land near the Coast or navigable rivers, has been pleased to order that no land fit for Cultivation or Agriculture is to be granted or sold for the purpose of grazing, which is situated within four miles of the Coast or the Banks of the rivers navigable for boats or vessels of larger dimensions; and I have to request therefore that you will be pleased to inform yourself particularly, when reporting on applications for land coming within the meaning of these instructions.

Instructions
re lands on sea
coast and rivers.

I have, &c.,

ALEXR. MCLEAY.

[22] *Colonial Secretary Macleay to Surveyor-General Mitchell.*
(No. 30/1165.)

Sir, Colonial Secretary's Office, 5th October, 1830.

With reference to my letter of the 16th December, 1828, No. 28/702, fixing four miles from the Sea Coast and navigable rivers as the distance at which purchases of Lands, which are fit for cultivation or agricultural purposes should be allowed. I have now the honor to inform you, by the direction of His Excellency the Governor, that, having submitted the subject to the Executive Council, it has been decided that approved applicants are to be permitted to become purchasers of land on the sea coast, and on the banks of navigable rivers, to the same extent as grants are made in those situations.

Land on sea
coast and rivers
to be sold to
approved
persons.

I have, &c.,

ALEX. MCLEAY.

[Enclosure No. 4.]

SURVEYOR-GENERAL MITCHELL TO SIR GEORGE MURRAY.

Sir, Sydney, New South Wales, 7th February, 1831.

Having had the honor to address a communication to you, on the 15th December last, respecting the affairs of the Roads and Bridges, I now beg leave to submit, for your further information on the subject of that letter, the copy of a Government Order* and of some correspondence which has taken place since, and to subjoin, in order that these documents may be the more readily understood, the following statement:—

Report re
roads and
bridges.

About the commencement of the year which has just passed, I was called on by The Governor to make an arrangement for carrying on the duties of the Road Department, then abolished by Your orders, and His Excellency then made some observations to me by which he seemed to dissent from "Sir George Murray's opinion that an officer with a salary of £200 a year could perform that duty as well as one with £600 a year."

Salary for
officer in charge
of road
department.

* Note 72.

1831.
28 March.
Arrangements
by
T. L. Mitchell
for control of
roads.

As I understood from The Governor that Assistant Surveyor Nicholson was intended by you to succeed Major Lockyer, I placed him in the office which had been occupied by that officer, and made such other arrangements as† seemed to me best calculated to combine the service of the Surveying Department with the construction of the roads and Bridges, according to Your arrangement, which seemed to give much satisfaction to all except the individuals, the expense of whose services were thereby saved to the public. It was my wish to convince The Governor of the advantage of Your arrangement, to show that things might even be much better conducted than they had hitherto been. Mr. Nicholson was rather better off than other Assistant Surveyors, having a house and therefore more comfortably situated than Officers employed in the field who have no fixed residence; he was consequently quite satisfied, respectful and obedient; while by enabling him to communicate, in my name, with officers of higher rank or longer standing‡ in the Department, it was in my power to employ in this branch of service any officer I thought proper; any officer who, from knowledge of the localities by previous survey of any particular district, was best qualified for such a charge. Of these arrangements, The Governor approved, but, almost before they could subside into system, I had to encounter difficulties, which, as I have submitted, could only have arisen from a want of cordial support on the part of the Government, until my whole arrangement was at length interfered with in such a manner as to compel me to address my letter dated 15th December to You. I consider it unnecessary to advert to those difficulties, more particularly here, as the copy of certain Official Correspondence, I then had the honor to submit, will be, I trust, sufficiently explanatory; I conceive that it only remains for me now to state the effects of the interference of which I complain to the present time.*

Alleged
interference
by governor.

Location of
surveyors
proposed by
J. Nicholson.

Assistant Surveyor Nicholson was instructed by the Government, in a letter dated the 10th December, to state where he proposed that the Assistant Surveyors should be stationed, and a letter was subsequently addressed to me, *ordering me to station these officers of my Department as suggested by* § “the Surveyor

* *Marginal note by Governor Darling.*—I never could have given him to understand any such thing.

† *Marginal note by Governor Darling.*—Letter dated Jan. 2, 1830, No. 30/7 transmitted in former communication.

‡ *Marginal note by Governor Darling.*—Mr. Finch, for example! The terms which his acquiescence was obtained will be seen by my Despatch transmitting this.

§ *Marginal note by Governor Darling.*—I will not permit myself to designate such palpable perversions of truth. It will be seen on reference to the letter, that he was not called on to station these officers, Messrs. Lambie and Dulhunty being re-appointed to the Road Dept. He was merely apprized that Messrs. Finch and Elliott were no longer required and were at his disposal for the general survey.

of Roads" (as Mr. Nicholson has been styled), in other words, to alter the disposition I had made of my assistants for one suggested by a very junior Assistant Surveyor, whose qualifications as such an authority after all, beyond a knowledge of bridge-making, I have still to discover; although he is of my own nomination, *and although he may do as well as any of his predecessors in that office who had three times as much salary, notwithstanding the contrary opinion of the Governor, so singularly inconsistent with the late order.**

The Governor having been prevailed on, as soon as I had been deprived of the authority over the parties† employed on the roads I had marked out, to give an additional number of men for the construction of my new road by Mount Victoria, sent for Assistant Surveyor Nicholson, and directed him to place these men on the new line; when, notwithstanding that this officer had been informed that he should receive instructions only from the Secretary,‡ it was found necessary for him to apply to me; I sent him instructions, and I requested the continuance of a weekly return of the position of the Gangs,§ such as is sent to the Deputy Commissary General, and the Colonial Secretary, and, as had been till lately, also sent to me. The first act of direct disobedience|| on the part of this Assistant Surveyor has occurred respecting this return, and you will perceive by the accompanying letters to which I beg leave to refer, that he has been encouraged in this disobedience towards the head of his Department by the local Government.¶ The object I had in requiring a copy of the Return was twofold; first, I had, on Mr. Nicholson's application, given him instructions as to the placing of the gangs on the new line, and I wished to know how these were understood or carried into effect, and, I beg to submit that, had we been only on an equal footing, it would have been but reasonable, when I afforded the information required of me, that my request of information on the same subject should have been complied with in return; Secondly, It has hitherto been necessary for me, as head of the Department, to sign at the usual period for payment of salaries a

1831.
28 March.

Location of
surveyors
proposed by
J. Nicholson.

Increase of
labourers at
Mount Victoria.

Refusal of
J. Nicholson to
send return to
T. L. Mitchell.

Reasons of
T. L. Mitchell
for requiring
return.

* *Marginal note by Governor Darling.*—It cannot be necessary for me to point out the extremely disrespectful and impertinent tone of these observations.

† *Marginal note by Governor Darling.*—Some then were added in consequence of the suggestions of Major Mitchell, the "two cargoes" which he applied for were not sent as he requested to "my new road."

‡ *Marginal note by Governor Darling.*—Because Major Mitchell continued to interfere with Mr. Nicholson, tho' the Road Dept. was no longer under his direction.

§ *Marginal note by Governor Darling.*—For what purpose?

|| *Marginal note by Governor Darling.*—It became absolutely necessary to put a stop to Major Mitchell's interference by every possible means.

¶ *NOTE.*—I understand the Governor said to Mr. Nicholson that I had no more to do with him than with his orderly, even before the publication of any Govt. Order relieving him from my authority.—T.L.M.

1831.
28 March.

Power for
appointment
of overseers.

certificate, that the various Overseers had been actually employed in their respective situations during the period specified, etc. I am not aware that alteration is contemplated in this respect; *nor can I readily anticipate that the appointment of Overseers, trifling and nominal as the patronage is, will be transferred from a high and independent office like this, to which You have been pleased to appoint me, to one constituted by local authority in the face of it.**

Alleged effects
of interference.

The effects of the interference on the part of the local Government in such matters are not more painful and discouraging to me than they are prejudicial to the Public Service. It is now upwards of six Weeks since Mr. Nicholson was informed that he was to have the entire control of the officers employed on the Roads. Among these are some officers of much standing and experience, Mr. Finch, who holds the higher Grade of Surveyor, being one; no instructions have been given to these officers on the subject. *By the repeated changing of officers the operations on the roads are nearly at a stand.† At Mount Victoria where there are hands enough, if properly exerted to accomplish some public work worthy even of a Greek or Roman Colony, the operations have been a considerable time at a stand for want of gunpowder‡ and material for removing rocks. On the North road, the person who is to succeed Mr. Finch is not acquainted with the country nor what is to be done on the roads I laid out there, whereas I had instructed Mr. Finch on the spot, this officer having also previously surveyed that country. I am therefore under the necessity§ of proceeding to that part, in order to repeat to Mr. Finch's successor (Mr. Dulhunty) the instructions I had already given to Mr. Finch.*

In conclusion, I beg to refer to my letter No. 31/19 dated 20th January and to submit without further observation the Secretary's answer to it dated 7th instant No. 31/122.

I have, &c.,

T. L. MITCHELL, Survr. Genl.

* *Marginal note by Governor Darling.*—This shews his object and feelings, and the necessity I have been under of keeping him in his place, as well as the difficulty of doing so. Nothing can show his arrogance and presumption more clearly. His "high and independent office" no doubt renders him, in his conception, independent of the control of the Govt. and gives him control over a Dept. no longer under his Orders.

† *Marginal note by Governor Darling.*—These changes have been made in consequence of the appointments notified from Home. He knows this. I shall not reply to his remarks on a department with which he has nothing to do, though I was not insensible of these impertinences. He appears sensible of the inconvenience which Mr. Finch will be put to in being removed from New Farm, where he has rendered him so comfortable.

‡ *Marginal note by Governor Darling.*—There being no scarcity of these articles in Sydney.

§ *Marginal note by Governor Darling.*—Not at all necessary, nor is it, I believe, consistent with truth.

[Sub-enclosure.]

1831.
28 March.

COPIES of Correspondence referred to in a Letter addressed to the Right Honble. the Secretary of State, dated 7th February, 1831.

[A1] *Colonial Secretary Maclcay to Mr. J. Nicholson.*

(A No. 30/5.)

Sir. Colonial Secretary's Office, 10th Dec., 1830.

I have the honor by the direction of His Excellency The Governor to inform you that, as it is of importance that the attention of the Surveyor General should not be diverted from the duties of his office by directing the details of the Road Department, this branch is, from the 1st instant, to be carried on as a distinct department under your direction. The Surveyor General will only be required to trace or lay down such Roads as the Government may deem it necessary to establish, the making and retaining of the roads generally, the conduct of the parties employed and all other matters connected therewith being left to the officer in charge of the Road Department.

Instructions to
J. Nicholson for
control of road
department.

The Assistant Surveyors to be at present attached to the Road Department are as follows, viz.:

Assistant Surveyor Elliot; Assistant Surveyor Edwards; Assistant Surveyor Kentish; Assistant Surveyor Rusden; Assistant Surveyor Simpson.

The usual reports are to be transmitted by the Officer in Charge of the Department direct to the Colonial Secretary, with whom he will communicate whenever instructions are required, and the Assistant Surveyors employed on the several roads will report to and communicate with him.

I am accordingly directed to request that you will report where you would propose to station the several Assistant Surveyors, keeping in mind that Mr. Surveyor Finch remains in the Department till the arrival of Mr. Rusden.

I am, &c.,

ALEX. McLEAY.

[A2] *Surveyor-General Mitchell to Colonial Secretary Maclcay.*

(No. 30/545.)

Sir. Surveyor General's Office, 31st December, 1830.

I have to acknowledge the receipt of your letter, dated 27th inst., No. 30/1498, in which you inform me, by direction of His Excellency the Governor, that, in order to provide more effectually for the duties of the Road Department, the Secretary of State has been pleased, by a despatch dated the 13th July, 1830, to augment the number of Assistant Surveyors in my department to *Twenty*, and that Messrs. Percy Simpson, Lambie and Dulhunty have been confirmed as Assistant Surveyors; That the arrangement communicated in your letter of the 4th inst. No. 30/1408 respecting the Assistant Surveyors attached to the Road Department is cancelled in consequence of the above appointments, and mentioning the names of the Assistant Surveyors who are to be employed in that Department and the station of each; further that Assistant Surveyor Nicholson being in charge of the Road Department is

Letter of
instructions
acknowledged.

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to be styled "Surveyor of Roads" and informing me that Mr. Dulhunty has been requested to attend me and Mr. Nicholson to receive his instructions.

Instructions
required for
L. V. Dulhunty.

In answer to this letter I beg leave to ask on what subject it is intended that I should give instructions to Mr. Dulhunty? Mr. Nicholson was instructed in a letter from you to state where he proposed to station the Assistant Surveyors; now as these officers, the Assistants in my department, had been then stationed by me on the roads which have been surveyed and marked by me, facts I presume not unknown to His Excellency, I trust I may be excused in expressing a desire to know on what subject I am now required to give Mr. Dulhunty instructions, whether they are to be according to the new arrangements of Mr. Nicholson or my own.

I have, &c.,

T. L. MITCHELL, Sr. Gl.

[B 1] *Colonial Secretary Macleay to Surveyor-General Mitchell.*
(No. 31/8.)

Sir, Colonial Secretary's Office, 3rd Jany., 1831.

Approval of
stations for
assistant
surveyors.

I have the honor, by the direction of His Excellency The Governor, to inform you that, in pursuance of the recommendation of the Surveyor of Roads, His Excellency has been pleased to approve of Assistant Surveyors Lambie and Dulhunty immediately relieving Messrs. Finch and Elliott at their stations at Mount Victoria and on the Wolombi respectively, instead of awaiting the arrival of Assistant Surveyor Rusden as ordered by my letter of the 27th ultimo, No. 30/1498.

I have, &c.,

ALEXR. McLEAY.

[B 2] *Surveyor-General Mitchell to Colonial Secretary Macleay.*
(Immediate No. 31/19.)

Sir, Surveyor General's Office, 20th January, 1831.

Order re duties
in road
department.

Adverting to a "Government order"* which appears in this day's gazette respecting the duties of the "Road Department," in which it is ordered that "the services of the Surveyor General in this branch will be confined to laying down the lines of road" and that "the making and repairing of the roads, and the details connected therewith will be carried on by Mr. Nicholson," five other Assistant Surveyors being also named in that Order as attached to the "Road Department."

Request by
T. L. Mitchell
for definition
of his control.

I have now the honor to request, as I never condescended hitherto "to make or repair the roads," that you will be so good as inform me whether it is intended that my authority as head of the Department is to be also "confined," for I beg to submit that my services as Surveyor General consist in exercising a proper authority over the Assistant Surveyors. I am now compelled to ask whether it is the intention of the local Government to support this authority or to render these officers independent of any instructions I may think it my duty to give them; and I am sorry to have occasion to observe that in other respects the order makes alterations in mere matters of form, tending only to degrade my office and weaken my authority over the Assistant Surveyors.

I have, &c.,

T. L. MITCHELL, Sr. Gl.

[B 3] *Colonial Secretary Maclay to Surveyor-General Mitchell.*
(No. 31/122.)

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Sir, Colonial Secretary's Office, 7th Feby., 1831.

With reference to my letter of the 22nd ultimo, No. 31/74, informing you that, in the absence of the Governor, it was not in my power to reply to the enquiries contained in yours of the 20th, No. 31/19, adverting to the Government Order of the 19th of last month, No. 4, relative to the duties of the Road Department.

Delay in reply
to letter.

I have now the honor by the direction of His Excellency The Governor to refer you to my communication of the 4th December, No. 30/1408, which with the Government Order in question contain every necessary information. You will of course understand that you are not to interfere in the details of the Road Department or with the Assistant Surveyors, who have been attached to it, and who were in fact appointed for the purpose, as it would be inconsistent with the arrangement which the Government has thought fit to adopt.

Instructions to
T. L. Mitchell.

I have, &c.,

ALEXR. MCLEAY.

[C 1] *Mr. J. Nicholson to Surveyor-General Mitchell.*
(No. 31/13.)

Sir, Road Office, 21 January, 1831.

I have the honor to forward you the copy of a letter I have received from the Colonial Secretary, by which you will perceive that I am directed not to make returns to you.

Instructions to
J. Nicholson
re returns
required by
T. L. Mitchell.

I have, &c.,

J. NICHOLSON, S.R.

[C 2] *Colonial Secretary Maclay to Mr. J. Nicholson.*
(No. 31/4.)

Sir, Colonial Secretary's Office, 10th Jany., 1831.

I have received your letter of the 5th instant, No. 31/18, stating that, in a communication from the Surveyor General relative to the new line to Bathurst, you have been requested to furnish him with a weekly Report as formerly, and enquiring whether you are correct in complying with his desire.

In reply, I am directed by His Excellency the Governor to inform you that you are not to make Returns to the Surveyor General.

I have, &c.,

ALEX. MCLEAY.

[Enclosure No. 5.]

PROCEEDINGS of the Executive Council in the case of the
Surveyor General, 28th February to 15th March, 1831.

Extract from Minute No. 7, dated 28th February, 1831.

PRESENT:—His Excellency the Governor; The Venerable the Archdeacon; The Hon. the Colonial Secretary; The Hon. Colonel Lindsay.

Proceedings
of executive
council
in case of
T. L. Mitchell.

His Excellency the Governor laid before the Council sundry documents having reference to the conduct of the Surveyor General in the performance of his official duties, and to the tone and spirit of his communications with the Government, such part of which only as was considered necessary to a full and correct elucidation of the case has been recorded in the Appendix to the proceedings of Council, viz.:

Documents
submitted by
R. Darling.

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—
Proceedings
of executive
council
in case of
T. L. Mitchell.
Documents
submitted by
R. Darling.

No. 1. A Letter, dated 7th May, 1828, from the Surveyor General to the Colonial Secretary on the subject of the extraordinary and unusual scale of the equipment of Surveyors; with a Memorandum of His Excellency the Governor upon the second paragraph.

No. 2. A Letter from the same officer to the Colonial Secretary dated 3rd June, 1829, relative to the application made by the Trustees of the Clergy and School Estate to be allowed to take copies of the Maps of those districts in which Lands have been conveyed to them.

No. 3. A copy of the Colonial Secretary's Letter dated 13th June, 1829, transmitting a Memorandum by His Excellency the Governor animadverting upon the indecorous and improper style of the Surveyor General's Letter.

No. 4. A Letter from the Surveyor General to the Colonial Secretary dated 22nd May, 1830, on the subject of the division of the ground originally reserved in Darling Harbour for a Dock Yard into a reserve for an Engineer's Yard and allotments for sale.

No. 5. Memorandum by the Town Surveyor, dated 16th June, 1830, relative to the reserve in Darling Harbour for an Engineer's Yard.

No. 6. A copy of a Letter from the Colonial Secretary to the Surveyor General, dated 31st Aug., 1830, in reply to his Letter of 22nd May, apprising him that the yard adjoining the Convict Barracks in Hyde Park had been considered more eligible for the Engineer's Yard, than the spot reserved for that purpose in Darling Harbour; and, in connection with the arrangement which was abandoned, approving of the exchange which had been proposed by Captain Wilson with Mr. Terry Hughes for the latter to give up to government the allotment of ground claimed by him on the South side of Erskine Street for a piece of ground belonging to the Crown situated South of the Market Wharf.

No. 7. The Surveyor General's reply dated 3rd September, 1830, stating that the plan he had submitted was in accordance with the views of the other Commissioners for apportioning the Colony, in reference to the 7th Paragraph of their instructions.

No. 8. A Letter from the Director of Public Works to the Colonial Secretary, dated 9th September, 1830, on the subject of the exchange of allotments proposed with Mr. Terry Hughes.

No. 9. A Letter from Do. to Do. dated 9th September, 1830, transmitting, in compliance with the instructions conveyed to him in the Colonial Secretary's Letter of 31st August, descriptions of two allotments of land, one to be given in lieu of the other to Mr. Terry Hughes with a Memorandum upon the same by the Surveyor General, dated 5th October, 1830, to the effect "that he knew nothing at all of this matter, but it would appear that the subject was one with which the Director of Public Works has nothing to do."

No. 10. A Letter from the Director of Public Works to the Colonial Secretary, dated 29th September, 1830, by which it appears that a portion of the allotment in Darling Harbour proposed to be given to Mr. Terry Hughes had been held by Mr. Thomas Street under a permissive occupancy for some years, and suggesting that an adjoining piece of equal extent should be given in lieu thereof to Mr. Street.

No. 11. A copy of a Letter from the Colonial Secretary to the Surveyor General dated 10th November, 1830, in reference to his Memorandum of the 5th preceding upon the Director of public works' Letter of 29th September, relative to the allotments in Darling Harbour proposed to be exchanged with Mr. Terry Hughes, that he, the Surveyor General, "knew nothing at all of the matter"; referring him to his communication of the 31st August, which fully detailed the arrangement in question, and returning the papers for any Report the Surveyor General might consider necessary thereon, in order that the ground to be exchanged with Mr. Terry Hughes might be included in his Abstract of allotments; also informing him that the Director of public works had submitted a claim of Mr. Thomas Street to a portion of the ground ordered for Mr. Hughes, and that His Excellency approved of that officer's suggestion that Mr. Street should be allowed an equal extent of the vacant ground adjoining.

No. 12. The Surveyor General's reply dated 30th November, 1830, to the Colonial Secretary's Letter of 19th preceding, stating that the plan of the Engineer's Yard submitted by him was in conformity with the views of the Commissioners; and, as his own Report is tantamount, he presumes now, to that of the Commissioners, he begs to state that the spot he planned is, in his humble opinion, the most eligible for the purpose proposed, not being aware of His Excellency's reasons for preferring the place he mentions, especially if the Domain so essential to the public recreation is likely to be invaded by the establishment of a Lumber Yard Wharf. With respect to the exchange of certain Crown Lands for Land held by Mr. Terry Hughes, as proposed by Captain Wilson, he begs to state that it is not essential either in the event of his plan being adopted or otherwise, and that he does not recognise the right of Captain Wilson to meddle in land affairs at all.

He considers it also necessary to state that, as the inactivity of the Commissioners and their consequent dismissal may be supposed to have been because the King's instructions respecting their duties had not been strictly acted on, he must request that, in all cases in which responsibility attaches to him, and where the Governor is pleased to set aside his plans, these and the correspondence may be referred to His Majesty's Government.

No. 13. The Surveyor General's Report, dated 28th December, 1830, upon the Letter of the Director of public works, transmitting through him a description of the allotment of land given to Mr. Street; stating that he considered the alienation of this land to Mr. Street as decidedly objectionable, for it encroaches on the wharf and on the right of the public to a sufficiency of space adjoining the wharf; nor did he consider that Mr. Street had any title to compensation for he had only a permissive occupancy of the building to the South, it being upon a Government reserve. Under these circumstances, he begs leave to withhold his sanction from the measure, and to refer particularly to the concluding paragraph of his Letter of 30th November.

No. 14. A Letter from the Surveyor General, dated the 27th October, 1830, stating that he had received from the Director of public works plans of two sections of allotments in Sydney, but which do not show any of the buildings, and therefore suggesting that, on so large a scale, every house and stone wall should be laid down, without which a plan of Sydney would be of little use.

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council
in case of
T. L. Mitchell.
Documents
submitted by
R. Darling.

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—
Proceedings
of executive
council
in case of
T. L. Mitchell.
Documents
submitted by
R. Darling.

No. 15. A Letter from the Director of public works to the Colonial Secretary, dated the 18th November, 1830, conveying a representation on the part of the Town Surveyor of the great delay, which must necessarily take place in furnishing the descriptions of allotments as above suggested by the Surveyor General; and submitting, therefore, that the Survey be first completed according to the present arrangement, and in particular instances a minuter survey including Houses and walls be then made.

No. 16. A copy of a Letter from the Colonial Secretary to the Surveyor General, dated the 29th November, 1830, on the same subject as the two preceding letters; observing that His Excellency is not in possession of the requisite information to enable him to determine whether the proposed additions be really expedient or not; but, this being a matter of mere detail, he cannot but consider that it will best be arranged by the heads of the departments concerned, if there be but sufficient willingness to co-operate with each other for the advancement of the public service; and directing that, after communicating with the Director of public works, the Surveyor General will report jointly with him what plan appears to them both best calculated for ensuring the speedy survey of the whole town, and for keeping both departments and the government informed of such particulars as may be respectively requisite, with the least practicable impediment to the public service.

No. 17. Copy of a letter from the Director of public works to the Surveyor General, dated the 22nd December, 1830, acquainting him that he had received His Excellency's instructions to consult and report jointly with him what plan appears best calculated for ensuring the speedy survey of the town of Sydney, &c., and adding he would be happy if the Surveyor General would appoint a time for this duty, and if it would be more convenient to meet at his office, he would direct the Town Surveyor to attend.

No. 18. Copy of a Letter from the Surveyor General to the Director of public works dated the 22nd December, 1830, stating in reply, that, as Surveyor General, he does not consider it incumbent on him to make a joint Report on the survey of any part of the Territory of New South Wales.

No. 19. A copy of a Letter from the Colonial Secretary to the Surveyor General, dated 29th January, 1831, communicating to him the decision of His Excellency the Governor with the advice of the Executive Council, upon Mr. Horton James's claim to Fifty Acres of Land at Watson's Bay near the South Head of Port Jackson; and His Excellency's order accordingly that, as Mr. James already possesses Eleven Acres in that situation, he may be allowed to select Thirty nine acres in the same neighbourhood to complete the original quantity.

No. 20. A Letter from Mr. Horton James to the Colonial Secretary, dated 4th February, 1831, pointing out his selection of 39 acres of Land in Double Bay in pursuance of His Excellency's above mentioned order, which, with a memorandum upon it requesting the Surveyor General to report with a sketch of the land in question, was transmitted from the Colonial Secretary's Office to him on the 4th Feby., 1831, and returned with a Memorandum sub-joined by the Surveyor General dated the 7th February to the following effect:—"I protest against the claim of this applicant being allowed, and mean to appeal to His Majesty's Government.

According to the records of this office, he has no claim; there is therefore, no necessity for a sketch, especially as this is but a part of the land he has already applied for. I am really not aware why Mr. Horton James should be allowed not only to claim but to notify selections of land contrary to the established forms."

No. 21. A Letter from the Surveyor General to the Colonial Secretary, dated the 9th February, 1831, acknowledging the receipt of his letter of 29th January, which communicates His Excellency's decision, with the advice of the Council, on Mr. Horton James's claim of 50 acres of Land at Watson's Bay, protesting against the admission of his claim to more than Eleven Acres in that situation for several reasons therein detailed, and requesting that His Excellency the Governor will be pleased to refer the subject for the decision of the Right Honorable the Secretary of State before the claim of Mr. James to 39 acres more at Watson's Bay be admitted in the face of his report.

The Council proceeded with the reading and examination of the foregoing papers, and adjourned their further consideration of the subject to the following day.

A true extract:—E. DEAS THOMSON, Clk., Col.

EXTRACTS from Minutes Nos. 8, 9 and 10, dated 1st, 2nd and 3rd March, 1831.

[These extracts were similar to one another and were merely modifications of the following:—]

The Council resumed the reading and discussion of the papers relating to the conduct of the Surveyor General and adjourned to the following day.

A true extract:—E. DEAS THOMSON, Clk., Col.

MINUTE No. 11.

Government House, Friday, 4th March, 1831.

PRESENT pursuant to adjournment:—His Excellency the Governor; The Venerable the Archdeacon; The Hon. the Colonial Secretary; The Hon. Colonel Lindesay.

The Council proceeded with the further consideration of the papers relative to the Surveyor General's conduct, and, in reference to his memorandum on Mr. Horton James's Letter of the 4th February, 1831, and to his communication of the 9th following, in both of which he "protests" against the admission of Mr. Horton James's claim to the possession of more than eleven acres of land at Watson's Bay, as well as to his letter of the 28th December, 1830, on the subject of the allotment of land granted to Mr. Street at the Market Wharf, Sydney, in which he states that he withholds his sanction from that measure; they recommended that a communication should be made to the Surveyor General requesting he will point out by what part of the instructions, which were issued to the joint Commissioners, he considers himself authorised to make any such remonstrance.

The Council then adjourned their further consideration of this case to the following day.

E. DEAS THOMSON, Clk., Col.

MINUTES Nos. 12 and 13, dated 5th and 7th March, 1831.

[These minutes were similar to the minutes numbered 8, 9 and 10.]

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council
in case of
T. L. Mitchell.
Documents
submitted by
R. Darling.

Power of
protest
claimed by
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of executive
council
in case of
T. L. Mitchell.
Power of
protest
claimed by
T. L. Mitchell.

EXTRACT FROM MINUTE NO. 14, DATED 8TH MARCH, 1831.

PRESENT:—His Excellency the Governor; The Venble. the Archdeacon; The Hon. the Colonial Secretary; The Hon. Colonel Lindesay.

The Council resumed the consideration of the documents laid before them relative to the conduct of the Surveyor General; and, in reference to the proceedings on the 4th instant, His Excellency the Governor now presented to the Council a Letter from that Officer, in reply to the communication which they recommended to be made to him, requesting he would point out by what part of the instructions to the joint Commissioners he considers himself authorised to make remonstrances against the decisions of the Governor. The Surveyor General observed, "that these instructions, with a copy of the King's to the Governor respecting the Commissioners, which was sent to them for their guidance, would perhaps justify even a remonstrance on his part in certain cases."

The Council recommended that research should be made in the records whether the King's instructions to the Governor had been officially communicated to the Surveyor General, or to the Commissioners for apportioning the Territory; and, if it should not thence appear to have been the case, that he should be required by His Excellency to state, in what manner he had obtained possession of them.

The Council then adjourned to the following day.

A true extract:—E. DEAS THOMSON, Clk., Col.

T. L. Mitchell
to explain
reference to
instructions.

MINUTE NO. 15.

Government House, Wednesday, 9th March, 1831.

PRESENT pursuant to adjourn't:—His Excellency the Governor; The Venble. the Archdeacon; The Honble. the Colonial Secretary; The Honble. Colonel Lindesay.

The Council again took into consideration the papers having reference to the Surveyor General's conduct, and His Excellency laid before them a further report from him respecting the piece of land adjoining the Market Wharf, Sydney, given to Mr. Thomas Street, and likewise upon the Reserve for the Gaol and Factory at Parramatta.

After a further deliberation upon the several points as detailed in the papers in question, the Council adjourned to the following day.

E. DEAS THOMSON, Clk., Col.

Reports
submitted by
R. Darling.

EXTRACT FROM MINUTE NO. 16, DATED 10TH MARCH, 1831.

PRESENT:—His Excellency the Governor; The Venble. the Archdeacon; The Hon. the Colonial Secy.; The Hon. Colonel Lindesay.

The Minutes of proceedings from No. 7 of the 28th ultimo inclusive were read and confirmed.

In reference to the proceedings on the 8th instant, the Council resumed the consideration of the papers relative to the allotment of land adjoining the Market Wharf, Sydney, which had been granted to Mr. Thomas Street, in lieu of an adjoining piece of equal extent, of which for upwards of ten years he enjoyed a permissive occupancy, and which was given in exchange to Mr. Terry Hughes for an allotment of ground in another part of the Harbour ceded by him to the Crown. It appears from the Surveyor General's Report that this land forms part of a Government reserve,

Allotment
granted to
T. Street.

and that, in his opinion, its alienation is objectionable as it encroaches on the Market wharf and on the right of the public to a sufficiency of space adjoining the wharf.

The Council adjourned for the purpose of personally inspecting the site in question, and, having made a careful examination of the spot, they agreed that it was evidently the original intention to carry the Market wharf to the extent stated by the Surveyor General in his Report, dated the 7th March, 1831, and that, if Mr. Street were willing to accept a compensation elsewhere, such an arrangement might be even now desirable. At the same time, it did not appear to them so indispensable, either for the purpose of securing sufficient room on the wharf, or a convenient approach to it that the Government on this account need acquiesce in any unreasonable expectation or demand on the part of Mr. Street. At all events an ample sufficiency of room might still be obtained by removing an old and unsightly building, which is used for containing Government tools and now obstructs the approach to the Wharf.

2. In reference to the proceedings on the 7th January last, the Council resumed the consideration of the question, whether the powers and discretion formerly vested in the Commissioners for apportioning and valuing the territory were now delegated to the Surveyor General by the revocation of their Commissions and the transfer of the duties hitherto performed by them to that officer, who with the aid of the Assistant Surveyors is directed by the Secretary of State to be held responsible for the survey and division of the Territory.

The Council, having very fully and maturely considered the subject, were of opinion that, as the responsibility formerly attached to the Commissioners had been without limitation imposed on the Surveyor General with the aid of his Assistants, it must have been intended that the powers, which they possessed, should also be to their full extent transferred to the same officer. In reference, however, to the 20th and 22nd Paragraphs of the King's instructions* for the disposal of Crown Lands, which require that, in the event of His Excellency the Governor with the advice of the Executive Council, differing in opinion with the Commissioners, the decision upon the subject shall be suspended until a reference be made to His Majesty's Government; the Council cannot but entertain strong doubts as to the expediency of an arrangement, by which a single individual is invested with the power of arresting measures upon the propriety of which the Governor and Council may have come to an unanimous determination. Foreseeing the frequent and serious embarrassments which must be occasioned, if it be necessary, as requested by the Surveyor General, that in all cases, in which responsibility attaches to him and where the Governor is pleased to set aside his plans, these and the Correspondence should be referred to His Majesty's Government, they deem it becoming to recommend to His Excellency the Governor that the particular attention of H.M. Government should be called to this inconvenience.

The Council at the same time, adverting to the 20th, 28th, 29th and 30th Paragraphs of the King's instructions* to the Governor, deduce from these taken in connection that the duty of the Commissioners, to report what lands it may be proper to reserve for public purposes in each County, hundred and parish, extended to that portion of the territory heretofore surveyed, no less than to

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of executive
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Allotment
granted to
T. Street.

Claim by
T. L. Mitchell
to full powers
held by
commissioners
for survey of
territory.

* Note 73.

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of executive
council
in case of
T. L. Mitchell.

Power of
governor over
reserves prior
to appointment
of commission.

Protest by
T. L. Mitchell
against
granting of
claims of
T. H. James.

the Counties which they were required to mark out. As the survey proceeded it appears to the Council to have been incumbent on the Commissioners, as required by His Excellency's instructions to them, to report to the Governor what tracts it was in their opinion, necessary to reserve for such purposes in the districts so surveyed; and such tracts, in conformity with Paragraph 30 above referred to, could not be alienated to any private purposes.

With respect, however, to reserves in towns, which may have been made before the Commission was established, and which have not been set apart afresh by the Commissioners, the Council cannot but be of opinion that the Governor with their advice is authorised to make such a fresh distribution, as, in consequence of a change of circumstances, the advantage of the public may require, as in the case of the land in Darling Harbour originally set apart for a Dock Yard, and subsequently found to be unsuitable for that purpose.

In such instances, they do not admit the necessity of the Surveyor General's sanction to the proposed arrangements, nor recognize in that officer any right to make remonstrances or protests if the Report, which he, in the execution of his duty, presents for the consideration of the Governor and Council, be not implicitly adopted by them.

3. The Council then took into consideration the Report from the Surveyor General having reference to their decision upon the claim of Mr. T. H. James to the possession of 50 acres of land at Watson's Bay near the South Head of Port Jackson, protesting against the admission of Mr. James to more than Eleven Acres in that situation for certain reasons therein detailed. The Council, having considered the objections advanced by the Surveyor General, saw no reason to depart from the decision they had already arrived at upon this question. They felt it due to themselves to notice in terms of reprobation the conduct of that officer in entering a protest against their decision upon the ground that this claim is not supported by the Records of his Office. The Council certainly consider it their duty to deliberate and to form their opinion upon every question, which comes before them upon enlarged general views of its equity and expediency. In the present case, it appeared to them that, if no property in land could be considered secure unless supported by a regular series of documents from the Surveyor General's Office, the titles to a very large proportion of the Territory would be rendered dubious, in consequence of the imperfect state, in which it is known the earlier records have been preserved. It was therefore deemed by the Council more politic to concede even a doubtful claim of 39 Acres of land, for which the applicant had unquestionably paid a valuable consideration, rather than raise a question of such magnitude, and calculated to excite so much general uneasiness; and they conceive that no officer under the Colonial Government should be permitted to assume a tone so disrespectful in commenting upon their proceedings.

4. In reference to the proceedings on the 8th instant, the Council then took into consideration the reply of the Surveyor General, dated the 7th instant, to the Colonial Secretary's letter of the 5th preceding, whereby he was requested to point out by what part of the instructions to the joint Commissioners he considered himself entitled to remonstrate against His Excellency's decisions on matters connected with his department; and they directed their

particular attention to that paragraph of the Surveyor General's letter, in which he observes that a copy of the King's instructions to the Governor was sent to the Commissioners for their guidance, and would perhaps justify even a remonstrance on his part in certain cases.

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The Council, having thus made themselves masters of the substance of all the documents laid before them having reference to the conduct of the Surveyor General in the performance of his official duties, and to the tone and spirit of his communications with the Government, proceeded to deliberate with a view of forming their final decision. Upon the latter point, the Council were decidedly of opinion that the language employed by the Surveyor General has been on many occasions inconsistent with the deference and respect which should be manifested by every subordinate officer to the head of the Government under which he serves. Adverting particularly to his letter of May the 7th, 1828, upon which His Excellency personally remonstrated with Major Mitchell, and to the letter addressed to the latter by the Colonial Secretary in conformity with the Governor's Minute of 12th June, 1829, as well as to the Surveyor General's Memorandum on Captain Wilson's Letter of 29th Sept., 1830, his letter of 28th December, 1830, on the same subject, his protest against the decision of the Council in the case of Mr. Horton James's land (on which they have already strongly animadverted) his letter to the Colonial Secretary of 9th February, 1831, on the same question, and to that passage of his letter of 7th March, 1831, purporting that "it has been his duty to write thousands of letters, and he has not such a high opinion of his correspondence as to suppose that a Governor desirous of finding a flaw may not find several therein"; they cannot but consider these as proofs of a long standing and still continued determination on the part of the Surveyor General to indulge in an unbecoming and disrespectful tone in conducting his correspondence with the Government.

Opinion *re*
disrespectful
language
used by
T. L. Mitchell.

The performance of his official duties by the Surveyor General was next taken into consideration by the Council, upon which point it appears that, on the 31st August, 1830, the Surveyor General was fully apprised by the Colonial Secretary, in pursuance of instructions from His Excellency, of the course intended to be pursued with reference to the exchange of ground with Mr. Terry Hughes; but that the Surveyor General, notwithstanding this, returned a reply, stating "I know nothing at all of the matter," and adding "the subject appears to be one with which the Director of public works has nothing to do"; although he had received an official communication that the latter officer had been directed to convey descriptions of the land through the Surveyor General's office, which was done accordingly. It also appears that, on the 29th November, 1830, a letter was addressed by the Colonial Secretary to the Surveyor General, conveying His Excellency's directions that, after consulting with the Director of public works, he should report jointly with that gentleman what plan might appear to both of them best calculated for securing the survey of the whole town; and on application being made to him by the Director of public works to appoint a time for this duty, the Surveyor General stated that he did not consider it incumbent on him to make a joint Report on the Survey of any part of the territory of New South Wales; and His Excellency's instructions accordingly were

Performance
of official
duties by
T. L. Mitchell.

1831.
28 March.
Proceedings
of executive
council
in case of
T. L. Mitchell.
Neglect of duty
and dis-
obedience
of orders by
T. L. Mitchell.

Instructions
to be issued
re duties of
surveyor-
general.

Caution to
be given to
T. L. Mitchell.

Misstatement
by
T. L. Mitchell
re official
receipt of
extract from
King's
instructions.

not carried into effect. In these instances, the Council are of opinion that the Surveyor General has been guilty of a neglect of duty and disobedience of orders; and, upon this decision, they are restrained from recommending his immediate suspension from office only by an apprehension that any change in the conduct of the Surveyor General's office might be attended with inconvenience. But, as the Surveyor General appears to have been acting under a misapprehension of his own actual powers, arising from an erroneous impression that His Majesty's instructions had been transmitted to the Commissioners for their guidance, the Council recommend that immediate directions should be transmitted to him to surrender the copy which he possesses of that part of the instructions under the sign manual, which refers to the survey and division of the territory, together with the instructions to the Land Commissioners, under date the 6th February, 1828. And they further recommend that fresh instructions should be issued to Major Mitchell strictly defining his duties as Surveyor General, and particularly the mode to be observed in conducting, with the aid of the Assistant Surveyors, those duties which formerly were performed by the Land Commissioners; and intimation being at the same time conveyed to him that, on any repetition by him of the improprieties animadverted on by the Council, the Government will be under the necessity of resorting to the only measure by which their recurrence can be prevented.

A true Extract:—E. DEAS THOMSON, Clk., Col.

EXTRACT FROM MINUTE NO. 17, DATED 15TH MARCH, 1831.

PRESENT:—His Excellency the Governor; The Venerable the Archdeacon; The Hon. Colonel Lindesay.

His Excellency the Governor laid before the Council a letter, addressed by the Surveyor General to the Colonial Secretary dated 14th instant, referring for the information of His Excellency to the Surveyor General's Letter dated 4th June, 1829, by which he says the Colonial Secretary will learn that a copy of the King's instructions was enclosed in the letter from him to the Commissioners dated 6th March, 1828. Accompanying this, His Excellency also submitted a copy of the last mentioned letter and the original reply of the Commissioners, from which it is evident, by their own acknowledgment, that the only enclosures therewith forwarded to them were instructions addressed to them by the Governor and their Commission of appointment. The Council took these several letters into their consideration, together with the letter of 4th June, 1829, to which the Surveyor General refers, and the original of which was now before the Council. Upon the latter, they deem it necessary to remark that, as the references to number and date of the Colonial Secretary's letter of 6th March appear to have been inserted by the Surveyor General's own hand, in blanks left for that purpose, it is to be presumed that he must have referred to the letter itself; and it is, therefore, more surprising that he should even then have made so incorrect a statement as it is obvious he has done, and should still persist in the same. The Council deem it indispensable that he should be without delay most distinctly informed, that the Extract from the King's instructions never was officially communicated to the Commissioners for their guidance; and that neither to them nor to himself was it at any

time competent to make any assumption of power or discretion whatever, grounded upon a document to the very existence of which they had never been authorised to refer.

His Excellency then laid before the Council a copy of a Letter, addressed by the Colonial Secretary to the Surveyor General in the following terms:—

“ Colonial Secretary’s Office,

Sydney, 11 March, 1831.

“ Sir,

“ I am directed by the Governor to request that you will furnish, with as little delay as possible, Duplicates of the four letters recently sent to His Excellency for transmission to the Secretary of State.

“ I have, &c.,

“ for the Colonial Secretary,

“ T. C. HARRINGTON.”

accompanied by the Surveyor General’s reply to the same, dated 12th instant, wherein he uses the following expressions:—“ I do not feel myself bound to furnish you with duplicates of the four letters, sent by me to His Excellency the Governor, merely for transmission to the Secretary of State; and I do not think it would seem respectful to that Minister on my part, to enter into any correspondence with you, respecting the contents of letters submitted to his judgment and consideration as Secretary of State for the Colonies.”

The Council hereupon came to the following decisions:—that the Colonial Secretary is the accredited and proper organ of communication between the Government and all its officers, and that any such officer, declining to comply with instructions expressly stated to be directed by the Governor, is guilty of disobedience to the Governor himself; and that the Surveyor General by inserting the word “ you ” in his recapitulation of the Colonial Secretary’s letter has perverted its true meaning, and has attempted to lead to the erroneous impression that he was required to communicate to the Colonial Secretary the contents of letters addressed by him directly to the Secretary of State, the true and obvious purport of the requisition to him being that the Duplicates should be transmitted to the Governor as the originals were. Upon the question of requiring such Duplicates, they are of opinion that it was highly expedient and necessary that a correspondence embracing such numerous and important points should be forwarded in that form; and that, in compliance with established regulations, it was the Surveyor General’s duty to have furnished the documents in question as required by the Governor.

Viewing this act of insubordination in connection with others of the same character which have recently been brought under their notice, the Council would have recommended the immediate suspension of the Surveyor General, if the purport of their former decision, as recorded in Minute No. 16 of the 10th March, had been communicated to him. But, finding that this has not yet been done and not desiring to proceed to an act of such severity without due warning, they recommend that the application for duplicates of the correspondence should be renewed, the Surveyor General being at the same time given to understand that, if he shall again decline to furnish the same, his suspension from office will be the immediate consequence. And they further recommend that, if after this notice he shall again refuse compliance, he be immediately suspended accordingly.

A true Extract:—E. DEAS THOMSON, Clk., Col.

1831.
28 March.

Proceedings
of executive
council
in case of
T. L. Mitchell.

Request for
duplicates of
letters.

Refusal by
T. L. Mitchell
to submit
copies of
letters.

Opinion *re*
refusal.

Proposed
suspension of
T. L. Mitchell
on second
refusal to
supply copies
of letters.

1831.
28 March.

Appendix to
proceedings of
executive
council.

APPENDIX

TO THE

PROCEEDINGS OF THE EXECUTIVE COUNCIL

In the Case of the Surveyor General.

[Enclosure N to Minute No. 7/1831.]

(No. 148.)

COPY of a Letter from T. L. Mitchell, Esq., Acting Surveyor General to the Honble. The Colonial Secretary, dated

Sir, Surveyor General's Office, Sydney, 7th May, 1828.

Equipment
required for
surveyors.

1. I have the honor to acknowledge the receipt of your letter dated 6th May referring to various Requisitions transmitted by me for Articles for my use and that of Assistant Surveyors Hoddle, Dixon, Elliott and Govett, and informing me that the Equipment of the Assistant Surveyors appears to be on so extraordinary and unusual a Scale that His Excellency The Governor cannot sanction any further Issue of Stores on this account without receiving an explanation of the necessity. You request me therefore to transmit a Return of the Equipment, which I consider necessary for each Surveyor, as a Scale must be established and not exceeded; and also to forward a Return of the Surveyors who have received Equipment since my Appointment to act as Surveyor General.

2. * I have therefore the honor to state in answer to this implied Charge that, had the Requisition lately sent in been on an extraordinary and unusual Scale for the purposes of commencing a Trigonometrical Survey as ordered by your Letter of 22nd January last, No. 28/19, and in furtherance of The Governor's wishes, stated verbally, that the Survey of one part of the Country should be completed before another by employing several surveyors upon it. I should even then have considered the supply of such extraordinary means as nothing more than what was due to me in commencing such an undertaking.

3. Two of the abovenamed Surveyors are now at a stand still not being able to proceed from the nature of the Country, according to the usual method of proceeding here; there are two young Men to be instructed in the Duties which will be required of them. I have been preparing to proceed with the whole Party to the most Mountainous part of the Colony in order to make a Survey of a County connected on trigonometrical principles, a Work which must be attended with considerable labor and privations; and yet, to accomplish this, I have not exceeded in the Requisitions by one single Article, by quality or by quantity, the Scale established for Field Equipments before I acted as Surveyor General.

4. The enclosed List of Articles of Equipment hitherto established by Mr. Oxley will prove this, and I cannot without some experience in Bush Surveying presume to offer an opinion which could be equivalent to his on that subject.

5. The difficulty, which now impedes my progress, is the want of serviceable Bullocks to convey to these remote parts the common necessaries of Life. If sufficient means of Transport are supplied, I shall be content to provide at my own Expense what few Stores may be further required, rather than delay much longer in Sydney, as I consider the Survey of the Country the most important part of my Duty.

6. The Assistant Surveyors, whose Names are written on the margin, have received (after considerable delay in each case) articles of Equipment since my Appointment to act as Surveyor General.

I have, &c.

T. L. MITCHELL, Sr. Gl.

[Enclosure O to Minute No. 7/1831.]

(No. 29/165.)

COPY of a Letter from The Surveyor General to The Honble.
The Colonial Secretary, dated

Sir, Surveyor General's Office, Sydney, 3rd June, 1829.

I have had the honor to receive your Letter No. 29/490 dated 30th May, relative to the application recently made by the Trustees of the Church and School Corporation for Copies of the Maps in my Office, enclosing a Copy of a Letter from the Clerk of the Corporation, in reply to your's on the same subject, and informing me also that His Excellency The Governor trusts that, after having perused the

* *Memo. by Governor Darling.*—I have spoken to Major Mitchell respecting this paragraph.—R.D.

letter of the Clerk of the Corporation, I will see the propriety of complying with their request even if in so doing my Department should be slightly inconvenienced.

In reply, I beg to state that I shall always be ready to obey implicitly His Excellency's Commands; that I have therefore perused that letter, but that I cannot see, notwithstanding, the propriety of complying with the request of the Corporation.

I trust, therefore, that The Governor will excuse my protracting the Correspondence on this subject, in order that the Matter may be laid fully before him, because, should the Corporation finally carry this point, I shall have no Alternative but that of addressing myself to The Right Honble. The Secretary of State through His Excellency on the subject.

I would, therefore, do myself the honor to observe, with respect to the Plans of the Bathurst Parishes, as mentioned by Mr. Cowper, that, although he insisted that the Names of the adjoining Grantees are not, or are only partially, inserted, it happens that these Parishes have only two Grantees adjoining, viz., James Orr and James Elder (which are both inserted on the Parchment). The Parishes of Apsley, Oakley, and Ponsonby having been Reported by the late Surveyor General may be an exception, several Grants having been selected in the Neighbourhood since. But Mr. Charles Cowper observes that although the other Charts do not contain the Names of the adjoining Grantees, yet the Grantees in the neighbourhood of the Church Lands are not mentioned.

It is plain therefore that nothing less is desired by the Corporation (or by Mr. Charles Cowper) than Plans of all Grants by the Crown, and of the whole Colony, and that it may finally prove impossible to measure a Grant to an Individual without the Cognizance of the Corporation.

I feel bound to confess that I cannot make out, after an attentive perusal of Mr. Cowper's Letter that any necessity exists for a knowledge on the part of the Corporation of the Lands of Individuals, which lie beyond the immediate boundaries of the Church Lands. I am well aware that, in this Country where all are interested more or less in land, it would be very convenient for the corporation and the Public to have a complete Map; and, in order to be enabled to compile such a Map for the information of His Majesty's Government and subsequent publication, I am frequently occupied in furtherance of this desirable object while Mr. Charles Cowper and the Church Corporation are at Tea, or at Dinner, or in Bed, or at Church.

I beg you will, therefore, inform me whether it is His Excellency The Governor's pleasure that I should supply the Corporation with a tracing of all that our Maps can supply of the granted Land adjoining the Church Land, which I have always wished to do (altho' this is more than can be done for Individuals) or that the results of my extra Official Labours for the general Survey are to be transferred as I proceed into the Archives of the Church Corporation. I trust His Excellency will see the impropriety on this further Report of introducing into my Office an irresponsible person independent of my authority.

I beg His Excellency will contrast the grounds of my objection to admit the Draftsman of the Corporation to copy the Official Records (some only in pencil) of the Lands Individuals hold in this Colony with that of the Corporation, who refused (*vide* No. 29/237 dated 20th March) to allow me a sight of the Deeds of Grant for the purpose of Registry in my Office in any other manner than at their Office in the presence of The Archdeacon.

I beg to remind His Excellency of the former state of this Office and what has been already done on Maps in former times here.

I beg His Excellency to consider the nature of such a precedent as this, not that I entertain more suspicion of the Integrity of the Draftsman of the Corporation than the Corporation entertained of mine with respect to the Deeds; and I trust that His Excellency will then be convinced that the Maps, with which I have supplied the Corporation are sufficient, with the addition (where there may be a deficiency) of the Names of adjoining Grantees and of all detail of Water courses, etc., which may have been already surveyed on the Lands granted to The Corporation.

I have, &c.,

T. L. MITCHELL, Sr. Genl.

[Enclosure P to Minute No. 7/1831.]

(No. 29/534.)

COPY of a Letter from The Honble. The Colonial Secretary
to The Surveyor General, dated

Sir, Colonial Secretary's Office, 13th June, 1829.

I have duly received and submitted to The Governor your Letter of the 3rd Instant No. 29/105 relative to the application made by The Trustees of the Clergy and School Estate to be allowed to take Copies of the Maps of these Districts in which Lands have been conveyed to them; and, in reply, I have now the Honor to transmit to you a Copy of a Memorandum which I have received from His Excellency on the subject.

I have, &c.,

ALEXR. MCLEAY.

1831.
28 March.

Objections by
T. L. Mitchell
to copying of
maps for
corporation
of church and
school estates.

Transmission
of memo-
randum from
R. Darling.

1831.
28 March.

[*Enclosed in the foregoing.*]

MEMORANDUM FOR THE COLONIAL SECRETARY.

Miscellaneous.

12th June, 1829.

Criticism of
language
used by
T. L. Mitchell.

ACKNOWLEDGE the Surveyor General's Letter of the 3rd instant and inform him that, having some time since communicated my Sentiments to him at a personal interview respecting the Style of a Letter addressed by him to the Government, I am the more surprised at the receipt of the present Letter, which appears to me extremely indecorous and improper. Had he taken the trouble of enquiring instead of indulging in the angry feeling to which unfortunately he appears so prone, he would have ascertained that the Corporation had no intention of applying for information respecting the Boundaries of the Church Lands beyond the Farms or Grounds immediately adjacent those lately transferred to them. Add that I cannot have any objection to his making any representation he may think proper to The Secretary of State. But I must desire he will, in the meantime, either furnish the Corporation with the necessary sketches filled in according to the Surveys, which have been made, or allow their Draftsman to take them; Observe that the latter mode was suggested, as he has so frequently represented the inadequacy of his Department to the Duties it has to perform; And that I conceive means might be found of preventing the Draftsman of the Corporation from making any improper use of the access allowed him to the Maps, should he even be so disposed. It is, however, to be presumed that the Corporation will be careful in selecting a respectable and proper Individual for this duty.

Information
to be given
to corporation.

[Enclosure Q to Minute No. 7/1831.]

(No. 30/235.)

COPY of a Letter from the Surveyor General to The Honble.
The Colonial Secretary, dated

Sir, Surveyor General's Office, Sydney, 22nd May, 1830.

With reference to your Letters dated 7th January, 9th March and 3rd April last;

I have now the honor to transmit a Plan of the Ground in Darling Harbour originally reserved for a Dock Yard.

Proposals by
T. L. Mitchell
for division
of reserve at
Darling
harbour.

I have also the honor to Report, in compliance with the Instructions conveyed by your Letter No. 30/19, that I have divided the vacant ground into a Reserve for an Engineer's Yard and Allotments for sale in the following manner, vizt. :—

1st. The spot selected for the Yard includes the Northern or Rocky part of the little Bay, on which West King Street terminates, and also on the North, the part most projecting Westward of the high ground, and an extensive surface of Rock, bare at low water, great space however may be gained from the sea as the Bay is very shoal, so that Timber may be floated, etc. The high ground may be easily separated into distinct portions, which would be an advantage, where, for the sake of arrangement, such separation may be necessary; in short by ingenious arrangement I consider this place sufficiently favourable for an Engineer's Yard.

The access being also open to the Town on various sides Eastward by West King Street, North and South by Sussex Street, which it adjoins, and I also propose an opening to Erskine Street, which is necessary for the three allotments Nos. 1, 2 and 3 between this Reserve and Mr. Terry Hughes' allotment, where I have marked a situation apparently favourable for a Rope Walk as already reported on.

I would insist on squaring Mr. Terry Hughes' allotment by the line marked as the Northern boundary of No. 1, an Arrangement to which he could not well object, in order to have his Titles regularly recognized.

There are other two smaller Allotments between John Randall and Bray, and four to the Southward of the Market Wharf, making in all nine (9) Allotments for sale containing as follows:—

No. 1, 21 Poles; No. 2, 25; No. 3, 26; No. 4, 7; No. 5, 8; No. 6, 15; No. 7, 10; No. 8, 13; No. 9, 10.

I have also to point out the necessity for preserving all the side Lines of these Waterside Allotments parallel to each other, in order that there may be no disputes respecting the land below high water mark, which, being extensive, may in time be reclaimed from the Sea, for Quays, etc., similar to that of Mr. Street, whereas, if the Lines were not parallel, their prolongation into the Water would leave very unequal portions to the different Allotments.

I beg to state that there is a valuable spot of this Reserve on the point North of Erskine Street occupied by Shelly on a Lease which expires in August, 1833, conditioned to build a sufficient Dwelling house 36 feet in length by 14 in width, the right being reserved of improving the Street with such part of said Land as Government may require.

There is a Hut on No. 6 Allotment built by William Street, who will render it up when called on to do so. There are also Sawpits on Nos. 7 and 8 used by a George Hawker, a Sawyer.

With respect to the vacant Land behind the Military Hospital, I would recommend it to be reserved for the present, as it is a mere precipice between the Water and the Line of Street, which may be much improved by throwing over the Rubbish of the Quarries opposite it, so as to widen the Ground between them and the Harbour.

1831.
28 March.

I have, &c.,

T. L. MITCHELL, Sr. Genl.

[Enclosure R to Minute No. 7/1831.]

Memorandum.

THE Government Reserve on the West side of Sussex Street is a very uneven piece of Ground, the Rocks in some parts falling from Twenty to Thirty feet particularly at the South end where the ground does not exceed from forty to fifty feet in depth to the Water. The Plan proposed by The Surveyor General makes the Site at the South end, which would have to be filled in to a considerable distance into Darling Harbour, the expense of which even with Convict labor would greatly exceed the value of the Land.

Report re
reserve at
Darling
harbour.

I think there would be sufficient now, could we begin at Erskine Street, taking in Terry Hughes' Allotment and extending Easterly as far as the back of the allotments marked out on the Plan for a Rope Walk, a distance of about 300 feet. This would disturb but One Allotment and give us the only part of the ground suited for our purpose. Terry Hughes might be compensated with a piece at the South end in my opinion quite as eligible for a Whaling Concern.

Town Surveyor's Office, 16th June, 1830.

[Enclosure S to Minute No. 7/1831.]

(No. 30/996.)

COPY of a Letter from The Honble. The Colonial Secretary to
the Surveyor General, dated

Sir, Colonial Secretary's Office, Sydney, 31st August, 1830.

With reference to your Letter of the 22nd May No. 30/235 transmitting a Sketch shewing a Spot in Darling Harbour, which you propose for an Engineer's Yard in lieu of that in Bridge Street;

Engineer's
yard located
in Hyde park.

I am directed by His Excellency The Governor to inform you that, from an inspection of the Ground, the Yard adjoining the Convict Barrack in Hyde Park has been considered more eligible for the purpose stated than the place proposed as above, to which effect the Director of Public Works has been duly instructed.

At the same time, in connexion with the arrangement which has been abandoned, as Captain Wilson proposed an exchange with Mr. J. Terry Hughes, which the latter acceded to, namely, for Mr. Hughes to give up to the Government the Allotment of Ground claimed by him in Darling Harbour on the south side of Erskine Street for a piece of Ground belonging to the Crown situated south of the Market Wharf, adjoining the North Boundary of an Allotment claimed by Mr. T. Horton James, I am commanded to inform you that His Excellency has approved of the above exchange and the Director of Works has therefore been requested to furnish descriptions through you of the two pieces of Ground in question, which you will have the goodness to accompany by your Remarks if necessary, in order that the proper Deeds may be prepared accordingly.

Exchange
of land with
J. T. Hughes.

I have, &c.,

ALEXR. MCLEAY.

[Enclosure T to Minute No. 7/1831.]

(No. 30/373.)

COPY of a Letter from The Surveyor General to The Honble.
The Colonial Secretary, dated

Sir, Surveyor General's Office, 3rd September, 1830.

In acknowledging the receipt of your Letter No. 30/996 informing me, with reference to my Report and Sketch of the Ground proposed for an Engineer's Yard in Darling Harbour, that, from an inspection of the ground, the Yard adjoining the Convict Barrack in Hyde Park has been considered eligible for the purpose stated.

Letter
acknowledged.

I have the honor to inform you that the Plan, which I had the honor to submit, was arranged in accordance with the views of the other Commissioners for apportioning the Colony in reference to the seventh Paragraph of their Instructions.

I have, &c.,

T. L. MITCHELL, Sr. Genl.

1831.
28 March.

[Enclosure U to Minute No. 7/1831.]
(No. 30/281.)

COPY of a Letter from The Director of Public Works to
The Honble. The Colonial Secretary, dated

Transmission
of plan and
letters.

Sir, Office of Public Works, 9th September, 1830.
I do myself the honor to return to you the Plan of Darling Harbour, trans-
mitted in your Letter dated 10th June last No. 30/348, at the same time a certified
copy of a Letter I addressed to Mr. Terry Hughes by direction of His Excellency
The Governor and that Gentleman's answer.
I have, &c.,
CHAS. WILSON, C.E., D.P.W.

[Enclosed in the foregoing.]
(No. 30/50.)

COPY of a Letter from the Director of Public Works to
Mr. Terry Hughes, dated

Proposed
exchange of
land with
J. T. Hughes.

Sir, Office of Public Works, Sydney, 19th June, 1830.
In furtherance of the subject upon which we had a conversation yesterday, I
am desirous you will do me the favor of expressing your Sentiments upon the pro-
posal I now beg to make you with a view to submitting the same to the consideration
of His Excellency The Governor, namely,
Provided His Excellency The Governor approves, shall you be willing to take a
Grant from the Crown of the Allotment of Ground situated South of the Market
Wharf adjoining the North boundary of an Allotment claimed by Horton James and
extending from thence Northward, Water frontage (234) Links, Street frontage
(275) links, Depth to high water Mark (148) links, Depth to low Water Mark (492)
links, in exchange for the present Allotment claimed by you, bounded on the North
by Erskine Street (296) links, depth Water frontage (198) links, east line (130)
links.
I have, &c.,
CHAS. WILSON, C.E., D.P.W.

COPY of a Letter from Mr. Terry Hughes to The Director of
Public Works, dated

Consent to
exchange by
J. T. Hughes.

Sir, Sydney, 23rd June, 1830.
In reply to your Letter of the 19th instant, wherein you wish to know (pro-
vided His Excellency the Governor approves) if I am willing to exchange an
Allotment of Ground held by me, bounded on the North by Erskine Street 296 links,
Depth water frontage 198 links, East line 130 links, for a Grant from the Crown of
an Allotment of Ground situated South of Market Wharf, adjoining the North bound-
ary of an Allotment claimed by Horton James and extending from thereon North-
ward water frontage 234 links, street frontage 275 links, Depth to high water mark
148 links, depth to low water Mark 492 links.
I beg to inform you that I purchased the above described piece of Ground for the
purpose of erecting Stores being about to embark in Whale Fishery, which Land is
well adapted owing to its bold shore and depth of Water, whereas the Allotment
proposed by you in exchange is quite shallow; nevertheless, as it is to further the
views of Government, I will (should His Excellency the Governor approve) accept of
a Grant from the Crown of the allotment of Ground proposed in your Letter.
I have, &c.,
JNO. TERRY HUGHES.

[Enclosure V to Minute No. 7/1831.]
(No. 30/307.)

COPY of a Letter from The Director of Public Works to
The Honble. The Colonial Secretary, dated

Descriptions
transmitted to
T. L. Mitchell.

Sir, Office of Public Works, Sydney, 29th Sept., 1830.
In compliance with the Instructions conveyed to me in your Letter of the
31st August 30/368, I have the honor to forward through the Office of the Surveyor
General descriptions of two allotments of Land, the one to be given in lieu of the
other to Mr. Terry Hughes, in order that a Deed of Grant may be prepared.
I have, &c.,
CHAS. WILSON, C.E., D.P.W.

Memo. in
reply by
T. L. Mitchell.

Memorandum endorsed on the foregoing.—I know nothing at all of this Matter;
but it would appear that the subject of the Letter is one with which the Director of
Public Works has nothing to do.
T. L. MITCHELL, Sr. Genl.
5th Oct., 1830.

[Enclosure W to Minute No. 7/1831.]

(No. 30/306.)

1831.
28 March.Copy of a Letter from the Director of Public Works to The Honble.
The Colonial Secretary, dated

Sir, Office of Public Works, Sydney, 29th Sept., 1830.

I do myself the honor to refer you to the Instructions communicated to me in your Letter of the 31st August, 30/368, and to acquaint you that I accordingly apprised Mr. Terry Hughes of His Excellency The Governor's approval of the proposed exchange of Land, and I have this day forwarded, through The Surveyor General, the description of the allotments in question in order that a Deed of Grant may be prepared in favor of Mr. Hughes of the portion to be conveyed to him on his transferring the Allotment now in his possession to the Government.

I now beg leave to draw your attention to the enclosed Letter from Mr. Street and to explain for His Excellency's information that, in the accompanying sketch, the strip of Land, dotted off upon the Allotment marked Terry Hughes, is the small allotment asked for by Mr. Street, the Building shaded Red being the shed which His Excellency will perhaps recollect standing near when he looked at the allotment some few Weeks ago.

If His Excellency should be pleased to take into consideration the request of Mr. Street's, I have ascertained that Mr. Street will feel him-self amply indemnified for the strip in question, which is about to be comprised in Mr. Terry Hughes' Grant, if His Excellency will substitute the small portion coloured green adjoining thereto as far as the dotted line, to which I see no objection, but I forward it through the Surveyor General for his further Observations.

I must observe that, in recommending to His Excellency the exchange of Allotments with Mr. Terry Hughes, I was not at the moment aware that I was depriving an Individual of a Portion of Land to which he had the smallest pretensions; I therefore trust in having so done I shall not in the smallest degree prejudice Mr. Street; indeed I should consider it as a great act of grace in His Excellency towards myself, should there be no objection in the Surveyor General's Dept., if His Excellency would grant the piece of Ground I have proposed (coloured Green) to Mr. Street in lieu of that he has asked for, feeling that I may have unintentionally placed Mr. Street's Claim in a remoter situation than it was when he made his application.

I have, &c.,

CHAS. WILSON, C.E., D.P.W.

[Enclosed in the above.]

Copy of a Letter from Mr. Thos. Street to The Honble.
The Colonial Secretary, dated

Honor'd Sir, Sydney, 18th August, 1830.

I most respectfully request His Excellency the Governor will be pleased to grant me a Title to a small piece of Ground (about forty feet Front) situated at the lower end of Market Street, and bounded by the Water of Darling Harbour, and near to the Market Wharf, and on which I have erected a temporary Building; but, in the event of my obtaining a just claim to it, I should immediately proceed to make great improvements thereon.

I beg leave to state to your Honor's attention that I never yet received the indulgence of having an Allotment of Ground granted to me in Sydney by Government except the piece now in question, which is a small piece that the late Major Ovens was pleased to give me permission to occupy some years since, and which I still retain possession of.

I have, &c.,

THOMAS STREET.

Honor'd Sir, Sydney, 13th November, 1830.

I beg most respectfully again to solicit your attention to the piece of ground, which has been in my possession since the Year 1821, and will be found by reference general to the Chart of Darling Harbour marked off to me.

My application was made on the 18th August for a Grant of the same, and I was induced to believe, from your letter of the 24th August, 1830, that I should be furnished with the description, etc., as soon as the survey of the Town was completed.

In consequence of some mistake arising on the part of the Director of Public Works, I am credibly informed that my piece of ground, on which a Building has been erected seven years is about to be given in exchange to Mr. Terry Hughes.

This proceeding I am totally at a loss to account for, as I always considered my Claim just by its having been given to me by Major Ovens in 1821, and my quiet and peaceable possession ever since.

I, therefore, Sir, hope you will be kind enough to submit my former Application with this Letter to His Excellency The Governor, and be pleased at your earliest convenience to let me know His Excellency's pleasure thereon.

I have, &c.,

THOMAS STREET.

Claim of
T. Street to
part of land
proposed for
J. T. Hughes.Request for
grant by
T. Street.Claim by
T. Street to
allotment.

1831.
28 March.

[Enclosure X to Minute No. 7/1831.]
(No. 30/1348.)

COPY of a Letter from The Colonial Secretary to The Surveyor General, dated

Immediate.

Instructions to
T. L. Mitchell
re proposed
exchange with
J. T. Hughes.

Sir,
Colonial Secretary's Office, Sydney, 10th Novr., 1830.
With reference to your Report of the 5th ulto. on the Director of Public Works' Letter of the 29th September, No. 30/307, transmitting a description of the Allotment claimed by Mr. John Terry Hughes in Darling Harbour, and likewise of the ground at the same place which it has been agreed shall be given to that Individual in exchange for the former, stating that you know nothing at all of the Matter.

I have the honor by direction of His Excellency the Governor to refer you to my communication of the 31st August last, No. 30/996, which fully detailed the arrangements in question, and to return the papers for any Report, you may consider necessary thereon, and in order that the Ground to be exchanged with Mr. Hughes may be included in your Abstract of Allotments.

At the same time I am directed to inform you that the Director of Works has submitted a Claim, which has been made by Mr. Thomas Street to a portion of the ground ordered for Mr. Hughes, and that, under the circumstances of the case, His Excellency has been pleased to approve of the suggestion of the Director of Works that Mr. Street may be allowed an equal extent of the vacant ground adjoining to the Northward of that now to be given to Mr. Terry Hughes, of which Captain Wilson has been duly apprised and requested to furnish through you a description of the Land in question, in order that you may likewise Report thereon in the next abstract.

I have, &c.,
ALEX. MCLEAY.

[Enclosure Y to Minute No. 7/1831.]
(No. 30/505.)

COPY of a Letter from The Surveyor General to the Honble.
The Colonial Secretary, dated

Sir,
Surveyor General's Office, 30th November, 1830.

With reference to your Letter No. 30/1348, dated 19th Instant, and those to which it refers touching the Sketch I transmitted by The Governor's direction on the 22nd May of the Reserve in Darling Harbour, and the Plan of the part I had the honor to recommend for an Engineer's Yard (a plan of which it appears the Governor disapproves) and also concerning an exchange proposed by Captain Wilson of certain Crown Land, for Land adjoining the Yard proposed by me, I have now the honor to state, at your request, what I consider necessary to Report further upon it.

Site for
engineer's yard.

The Plan of the Engineer's Yard, I had the honor to submit, was in conformity with the views of The Commissioners, and, as my own Report is tantamount (I presume) now to that of the Commissioners, I beg to state, for His Excellency The Governor's information, that the spot I planned is, in my humble opinion, the most eligible for the purpose proposed, not being aware of His Excellency's reasons for preferring the place you mention, especially if the Domain, so essential for the Public recreation, is likely to be invaded by the Establishment of a Lumber Yard Wharf.

Objections to
exchange of
land.

With respect to the exchange of certain Crown Land for Land held by Mr. Terry Hughes, as proposed by Captain Wilson, I beg to state that it is not essential either in the event of my Plan being adopted, or in case The Governor thinks proper to set it aside, and that I do not recognise the right of Captain Wilson to meddle in Land affairs at all.

Request for
reference to
secretary of
state.

I consider it also necessary to state here that, as the inactivity of the Commissioners and their consequent dismissal may be supposed to have been because The King's Instructions respecting their Duties have not been strictly acted on, I must request in all cases in which responsibility attaches to me, and where The Governor is pleased to set aside my Plans, that these and the Correspondence may be referred to His Majesty's Government.

I have, &c.,
T. L. MITCHELL, Sr. Genl.

[Enclosure Z to Minute No. 7/1831.]

(No. 30/542.)

1831.
28 March.COPY of a Letter from The Surveyor General to The Honble.
The Colonial Secretary, dated

Sir, Surveyor General's Office, Sydney, 28th Decr., 1830.

I have the honor, with reference to the enclosed Papers transmitted through my Office by the Director of Public Works, to refer to my former Letter on this subject of the 30th November, 1830, and I have moreover the honor to state for the information of His Excellency The Governor that I consider the alienation of this Land to Mr. Street as decidedly objectionable, for it encroaches on the Market Wharf and on the Right of the Public to a sufficiency of space adjoining the Wharf; nor do I consider that Mr. Street has any Title to compensation, for he had only a permissive occupancy of the building to the South, it being on a Government Reserve; Under these circumstances, I beg leave to withhold my Sanction from this measure and to refer particularly to the concluding Paragraph of my former Letter before alluded to.

Objections to grant of land to T. Street.

I have, &c.,

T. L. MITCHELL, Sr. Genl.

[Enclosed in the foregoing.]

(No. 30/420.)

COPY of a Letter from The Director of Public Works to The Honble.
The Colonial Secretary, dated

Sir, Office of Public Works, Sydney, 14th December, 1830.

In accordance with the Instructions contained in your Letter of the 19th November, No. 30/497, I have the honor to transmit, through the Office of the Surveyor General, a description of the allotment near the Market Wharf given to Mr. Street in lieu of that claimed by him, which has been comprised in the Allotment of Land given to Mr. Terry Hughes.

Description of allotment for T. Street.

I have, &c.,

CHAS. WILSON, C.E., D.P.W.

[Enclosure AA to Minute No. 7/1831.]

(No. 30/469.)

COPY of a Letter from The Surveyor General to The Honble.
The Colonial Secretary, dated

Sir, Surveyor General's Office, 27 October, 1830.

I have the honor to acquaint you that I have received from the Director of Public Works Plans of two Sections of Allotments in Sydney, but which do not shew any of the Buildings; I, therefore, do myself the honor to submit that, on so large a Scale, every House and Stone Wall should be laid down, without which a Plan of Sydney would be of little use.

Necessity for complete plans.

I have, &c.,

T. L. MITCHELL, Sr. Genl.

[Enclosure BB to Minute No. 7/1831.]

(No. 30/378.)

COPY of a Letter from The Director of Public Works to The Honble.
The Colonial Secretary, dated

Sir, Office of Public Works, Sydney, 18th November, 1830.

Having communicated the Instructions conveyed to me in your Letter of the 3rd inst. No. 30/473 to the Town Surveyor, I have now the honor to enclose for His Excellency's information the representation made to me by this Officer of the delay that must necessarily take place in furnishing the descriptions of the allotments so as to include every house and stone wall.

Proposed delineation of houses on plans.

I would therefore submit how far it may be expedient that the suggestion of the Town Surveyor be adopted, namely, that the Survey be first completed according to the present arrangement, which would perhaps be sufficient generally speaking, and I would suggest in particular instances where required a minuter Survey including Houses and Walls be then made.

I have, &c.,

CHAS. WILSON, C.E., D.P.W.

[Enclosure CC to Minute No. 7/1831.]

COPY of a Letter from The Colonial Secretary to The Surveyor General, dated

Sir, Colonial Secretary's Office, 29th November, 1830.

Proposal for
inclusion of
houses and
walls in plan
of Sydney.

I have had the honor to receive and to refer to The Director of Public Works your Letter of the 27th October, No. 30/469, representing that, unless all Buildings and Stone Walls are inserted in the sketches of Sydney Allotments prepared for your Department by the Town Surveyor, a Plan of the Town (such as I presume you caused to be compiled from those sketches) can be of little use; and I now do myself the honor to enclose a Copy of Captain Wilson's reply, in which it is stated that the insertion of such particulars would occasion considerable delay, and that the General Plan would nevertheless be still imperfect, in consequence of the erection of additional Buildings during the progress of the Survey.

In doing this, I am directed by The Governor to observe that He is not in possession of information sufficiently exact to enable him to determine whether the proposed additions be really expedient or not. But, this being a matter of mere detail, He cannot but consider that it will be best arranged by The Heads of the Departments concerned, if there be but sufficient willingness to co-operate with each other for the advancement of the Public Service.

The object of the Government is to obtain, in the first instance, an exact definition of each portion of Land, the property of the Crown, and of Private Individuals, respectively, in order that valid Titles may be granted for the latter, and, when these are completed, to enable the Town Surveyor to attend to his more immediate Duties of Superintending the care of the Streets, and the allotment of private Buildings. In the attainment of these ends, it is evident that the utmost possible despatch ought to be used, and that, in strictness, the Duties of the Surveyor General have special reference to the Boundaries of the Land, while the Director of Public Works takes more immediate cognizance of the Buildings. But if, for the preservation of a Record the preparation of the Plans required by the Governor or for any other purpose, it be deemed advisable to keep the Surveyor General apprised of all Buildings erected from time to time, and if it be found that the Public Service will be thereby promoted in a degree commensurate with the additional labor required, this may be effected either by inserting outlines in the traced Sketches furnished by the Director of Public Works (which ought not to occupy much time) or by allowing a Draftsman from The Surveyor General's Department to have access to the General Plan, prepared by the Town Surveyor, for the purpose of copying it.

As mentioned above, however, His Excellency neither possesses the Information requisite to enable him to decide these questions, nor does He consider that they could be so well determined by Himself as by the Officers immediately concerned. He directs, therefore, that, after consulting with The Director of Public Works, you will Report jointly with that gentleman, what Plan appears to you both to be best calculated for ensuring the speedy Survey of the whole Town, and keeping both Departments and the Government informed of such particulars as may be respectively requisite with the least practicable Impediment to the Public Service.

I have, &c.,

ALEX. MCLEAY.

[Enclosure DD to Minute No. 7/1831.]

COPY of a Letter from The Director of Public Works to The Surveyor General, dated

Sir, Office of Public Works, Sydney, 22d Decr., 1830.

Request for
conference with
T. L. Mitchell.

I do myself the honor to acquaint you that I have received His Excellency's Instructions to consult with you and to Report jointly with you what Plan appears best calculated for ensuring the Speedy Survey of the Town of Sydney, etc.

I shall be happy if you will appoint a time for this duty, and, if it should be more convenient to meet at your Office, I will direct the Town Surveyor to attend.

I have, &c.,

CHAS. WILSON, C.E., D.P.W.

[Enclosure EE to Minute No. 7/1831.]

COPY of a Letter from The Surveyor General to The Director of Public Works, dated

Sir, Surveyor General's Office, 22nd December, 1830.

Refusal by
T. L. Mitchell
to make joint
report.

I have the honor to acknowledge the receipt of your Note and, in answer to it, to inform you that, as Surveyor General, I do not consider it incumbent on me to make a joint Report on the Survey of any part of The Territory of New South Wales.

I have, &c.,

T. L. MITCHELL, Sr. Genl.

[Enclosure FF to Minute No. 7/1831.]
(No. 31/95.)

1831.
28 March.

Copy of a Letter from The Colonial Secretary to The Surveyor
General, dated

Sir, Colonial Secretary's Office, Sydney, 29th January, 1831.

His Excellency the Governor having submitted to the Executive Council the Claim made by Mr. T. H. James to Fifty Acres of Land at Watson's Bay, stated to have been originally ordered by Governor Macquarie, in the Names of Watson and Murray, together with your Reports thereon of 3rd January, 1829, and 4th March, 1829, No. 29/55. I am now directed to communicate to you His Excellency's decision with the advice of the Council upon the Subject. Instructions re land for T. H. James.

Although it does not satisfactorily appear that the Land granted to Watson and Murray, whose claim Mr. James represents, was to be situated at the South Head, it is considered that it will be most equitable, in the absence of other Evidence, to abide by the opinion of Captain Piper who purchased Watson's right, and whose Title has been transferred to Mr. James; and accordingly His Excellency has been pleased to order, as Mr. James already possesses Eleven Acres of Land in Watson's Bay that he be allowed to select Thirty nine in the same Neighbourhood to complete the original quantity, conformably with the description given by Captain Piper, it being understood that the Land, which he may so select, shall not encroach upon the Four Acres of Humphries or upon the Allotments granted to the Pilots Watson and Siddons, or upon the small Allotments proposed to be appropriated to future Pilots and Fishermen or upon any Land reserved for Roads or other Public purposes.

Mr. James has accordingly been requested to notify his selection to you within Four Months from this date, in order that it may, if unobjectionable, be included in your next half Monthly Abstract for Approval.

I have, &c.,
ALEX. MCLEAY.

[Enclosure GG to Minute No. 7/1831.]

Copy of a Letter from Mr. T. Horton James to The Colonial
Secretary, dated

Sir, George Street, 4th February, 1831.

Since the receipt of your Letter of 1st Instant acquainting me that the Land selected Point between Rush Cutting and Double Bay is specially reserved, I have selected by T. H. James the 39 Acres in Double Bay with the Water frontage bounded on the East by the at Double bay. Fence of Messrs. Cooper and Levey and on the West by the Stream of Water.

Hoping that this will meet His Excellency's approbation,
I have, &c.,

T. HORTON JAMES.

[Enclosure HH to Minute No. 7/1831.]
(No. 31/39.)

Copy of a Letter from The Surveyor General to The Honble.
The Colonial Secretary, dated

Sir, Surveyor General's Office, 9th February, 1831.

I have the honor to acknowledge the receipt of your Letter No. 31/95 dated 29th January, in which you inform me that His Excellency The Governor having submitted to The Executive Council the Claim made by Mr. T. H. James to (50) Fifty acres of Land at Watson's Bay, together with my Reports thereon of the 3rd January and 4th March, 1829, had come to the decision in the absence of better evidence to abide by the opinion of Captain Piper, who purchased Watson's right, and had accordingly been pleased to order, as Mr. James already possesses Eleven acres of Land in Watson's Bay, that he be allowed to select Thirty nine Acres in the same Neighbourhood to complete the original quantity conformably with the description given by Captain Piper, it being understood that the Land, which he may so select, shall not encroach upon the Four acres of Humphries or to the Allotments granted to the Pilots, Watson and Siddons, or upon the small Allotments proposed to be appropriated to future Pilots and Fishermen, or upon any Land reserved for Roads or other Public purposes. Instructions acknowledged.

In answer I have to express my regret that the Governor should not have been satisfied with my Report on this Claim of Mr. Horton James, which is the only instance I am aware of having occurred since it has been my Duty to report on such matters for His Excellency's information, where doubtful Claims, set up by an Individual to Land, have been entertained by the Government when unsupported by

1831.
28 March.
Protest by
T. L. Mitchell
against
admission
of claim of
T. H. James.

The Records of this office. I consider it unnecessary to repeat what is stated in my Letters of the 3rd January and 4th March, 1829, on this Subject; I have always been desirous to discover grounds in support of the Claims of Individuals; in this case I was particularly so, because I foresaw the trouble threatened if the Claim was not given way to, and this however is not yet likely to terminate, for no anticipated annoyance on the part of any Individual shall turn me from the conscientious discharge of my Public duty. I trust it may be clearly understood that I do not pretend to question how much His Excellency The Governor may be pleased to grant to Mr. Horton James or any man else, and that this is a very different matter. I protest against the admission of Mr. Horton James's Claim to more than Eleven Acres at Watson's Bay.

1st. Because Eleven Acres and no more had been measured and marked in that Situation by my predecessor to John Watson and on the grounds set forth in my Letters.

2nd. Because the admission of this Claim throws a doubt on the accuracy of my Report, which was founded on the Records of my Office, and may lead to the Establishment of other Claims equally groundless.

3rd. Because I have reason to think that Papers written by Mr. Horton James, in which I am concerned, have been submitted to the Council without having been referred to me.

4thly. Because many Persons (and amongst them Veteran Soldiers) entitled in the clearest manner to Land on Orders of Sir Thomas Brisbane and other Governors have been refused such Land from non compliance with an Order of the present Governor, which would equally deprive Mr. Horton James of any Right to more than Eleven Acres, however clear the Title of the Original Claimant.

On these grounds I beg leave to request that His Excellency The Governor will be pleased to refer the subject for the decision of The Right Honble. The Secretary of State before the Claim of Mr. Horton James to 39 Acres more at Watson's Bay is admitted in the face of my Report.

I have, &c.,

T. L. MITCHELL, Sr. Genl.

[Enclosure JJ to Minute No. 9/1831.]

COPY of a Letter from His Excellency The Governor to the Commissrs.
for the Survey and Valuation of Lands, dated

Gentlemen,

Government House, 6th February, 1828.

Instructions to
commissioners
for survey and
valuation of
lands.

You will herewith receive a Commission under the Great Seal, by which you are appointed Commissioners for the Survey and Valuation of Lands, within this Territory and its Dependencies.

The objects embraced by this Commission are four: First. The division of the whole Territory into Counties, Hundreds and Parishes in manner hereinafter mentioned;

Secondly. A General valuation of Waste and unoccupied Lands throughout the Territory; Thirdly. The Reservation of Land for Roads, Sites of Towns and various other Public purposes;

Lastly, The appropriation of Lands for the support of the Clergy and Education of Youth.

In the performance of the important duties thus confided to you, you will be guided by the following Instructions:—

1st. You are to divide and apportion the whole of the Territory into Counties, each of which shall contain as nearly as may be Forty Miles Square, and to apportion each County into Hundreds, each of which shall as nearly as may be, comprise an Area of One hundred Square Miles, and again to subdivide each Hundred into Parishes, of which each shall, as nearly as may be, comprise an Area of Twenty five Square Miles.

2nd. In the proposed division, however, you will have regard to all such great natural divisions, as may be formed by High Lands, Rivers, Streams, Islands or otherwise, preferring a clear and well defined natural Boundary Line, even at the sacrifice of regularity in the Dimensions, Provided that no County, Hundred or Parish shall in any case exceed or fall short of the Dimensions before described to the extent of more than one third part; subject to the qualification mentioned in this Paragraph, You are to adhere as closely as possible to the exact dimensions already prescribed.

3rd. You will, as the Survey proceeds, make to me from time to time regular Reports in Writing of your progress, specifying therein, with all possible precision, the limits of each County, Hundred and Parish which you may have apportioned. To these Reports also, you will annex Charts or Maps of every such County, Hundred and Parish, and every care must be taken to avoid doubt and uncertainty respecting the precise proposed Boundaries of each.

4th. Your second object has been already stated to be the making a Valuation of all Waste and ungranted Lands in the Colony; for this purpose, you will strike

an average value of the Lands in each Parish separately, taking into your consideration the fertility and other natural, accidental, or Local advantages or disadvantages of the Land in each such Parish as a Basis for the calculation. You will assume that the Land would be purchased in Tracts, containing One thousand, nine hundred and twenty Acres each, and be held in Fee Simple in free and common Succage without the Payment of any Quit Rent or Duty, and that the price would be paid in ready money at the time of the Conveyance; upon these assumptions, you will consider how much money a Purchaser might reasonably be expected to pay.

5. You will make written Reports to me of the progress of this Valuation, and, in order to prevent uncertainty and confusion respecting the Lots of Land which will, upon such your Valuation, be hereafter offered for sale, You are also to prepare Charts of each Parish with division lines, by which the whole Parish shall be divided into Lots of Six hundred and forty acres each to be in such Charts severally described by a numerical Mark. To these Charts you will moreover attach Schedules, in which you will point out and describe the natural or artificial Land Mark corresponding with the division lines on the chart.

6. The two operations of Survey and valuation, you will effect contemporaneously; but you are to understand that neither will extend at present into Districts which lie entirely beyond the range of any actual Settlements.

7th. In the third place you are, in the course of your Survey, carefully to ascertain and Report to me what particular Land it would be proper to Reserve in each County, Hundred and Parish for Public purposes, Public Roads and other internal communications whether by Land or Water, for the erection of Towns, Villages, Churches, School or Parsonage Houses or as places for Interment of the Dead, for the future extension of existing Towns or Villages, for purposes connected with the Health and recreation of the Inhabitants, for Quays and Landing places in the Neighbourhood of navigable streams or on the Sea Coast, or generally for any other purpose of Public convenience, health or gratification.

8th. In addition to the specification in your Reports of the Tracts or pieces of Land appearing to you to be best adapted for the various Public purposes thus enumerated, you will also accurately distinguish such Tracts or pieces of Land in the Charts or Maps annexed to those Reports.

9. The subject, that remains, is the appropriation of Lands for the Maintenance of the established Church and for the Education of Youth in the principles of that Church; For these most important purposes it will be your Duty to mark out and set apart in each County, into which you may divide the Territory, a Tract of Land comprising One Seventh part in extent and value of all the Land in such County.

10. This Land, to be called the Clergy and School Estate of that County, must as nearly as may be lie in one contiguous and unbroken Tract; If, however, this should be impracticable without serious injury or inconvenience to private Settlers, then you will be at liberty to allot such Estate in two or more Contiguous Tracts in the same County. You will nevertheless take especial care that the Clergy and School Estates in each County be not interspersed with or divided by other Lands except in those special cases. If a sufficient quantity of vacant and unallotted ground cannot be found in either of the Counties to make up the Clergy or School Estate of that County, then you will supply the deficiency by an Allotment of Land from the nearest adjacent County.

11th. These Estates are to be of an average quality and value in reference to the general quality and value of the Lands comprised within the County, in which each allotment may be made. You will also select such situations for the said Estate as shall afford in each County a reasonable and equal share of every natural advantage of Water Carriage and Internal communication, which may be possessed by the Lands in general throughout such County.

12. Your Report upon the subject of the Tracts so to be appropriated for the Clergy and School Estates will be Special and distinct Reports, made in reference to each County, and must point out with all possible precision the particular Tract appropriated.

13th. Lastly, in case you should not unanimously concur in any Report which I have hereinbefore directed you to make, you are respectively to communicate to me the grounds and reasons of the different opinions which you may severally entertain.

14. I will merely add that, the various Duties, upon which you have now received my Instructions, extending to Objects of the highest importance, I have every confidence that they will be executed not only with judgement and ability but with the utmost despatch of which their performance will admit.

I have, &c.,

RA. DARLING.

1831.
28 March.

Instructions to
commissioners
for survey and
valuation of
lands.

[*Enclosed in the foregoing.*]

GEORGE THE FOURTH by the Grace of God of the United Kingdom
of Great Britain and Ireland, King, Defender of the Faith and
so forth,

To whom all these presents shall come, Greeting.

Know ye that we, having taken into our Royal consideration, the Loyalty, Integrity and Ability of our Trusty and Well beloved Thomas Livingston Mitchell, Esquire, Our Acting Surveyor General of the Colony of New South Wales and its Dependencies, have appointed him to be our Chief Commissioner, and having also taken into Our Royal consideration the Loyalty, Integrity and Ability of our trusty and well beloved William Cordeaux of Leppington in the County of Cumberland in the said Colony, Esquire, and George Meares Countess Bowen of Sydney in the said County, Esquire, have appointed them to be the Colleagues of the said Thomas Livingston Mitchell and joint Commissioners with him to apportion the said Colony and its Dependencies into Counties, Hundreds and Parishes; and in the execution of this Commission all Civil Officers are hereby required to be aiding and assisting them the said Commissioners; and they are to obey all such Orders and directions as from time to time they shall receive from The Governor or Acting Governor of the said Colony for the time being, and in the execution of the said Orders and directions the said William Cordeaux and George Meares Countess Bowen are to conform to such Instructions as they or either of them shall receive from the said Chief Commissioner.

In testimony whereof we have caused these our Letters to be made Patent and the Great Seal of our Colony to be hereunto affixed.

Witness our trusty and well-beloved Ralph Darling, Esquire, Lieutenant General of our Forces, Governor and Commander in Chief in and over our Colony of New South Wales and its Dependencies, the Twenty sixth day of February, One thousand eight hundred and twenty eight, in the Ninth Year of our
Reign.

RA. DARLING,

Governor in Chief.

By Command of His Excellency the Governor.

ALEX. MCLEAY.

[Enclosure LL to Minute No. 14/1831.]

(No. 31/64.)

COPY of a Letter from The Surveyor General to The Honble.
The Colonial Secretary, dated

Sir,

Surveyor General's Office, Sydney, 7th March, 1831.

Claim by
T. L. Mitchell
to protest
against
decisions of
governor.

I have to acknowledge the receipt of your Letter dated the 5th Instant, No. 31/187, in which you state that The Governor, having laid before the Executive Council several of my Letters in which I remonstrate against His Excellency's decisions on matters connected with my Department, You have been directed by His Excellency at the instance of the Council to request that I will point out by what part of the Instructions, which were issued to the joint Commissioners and under which I am now acting, I consider myself authorised to make any such remonstrance.

In reply, I have the honor to state that I have never received any Instructions defining the Duties of the Office I fill here, and that I am not aware of the Letters to which you allude, in which I am stated to remonstrate against His Excellency's decisions on Matters connected with my Department. If in any of my Correspondence I have done so and that it is beyond the line of my duty, I can only say that it must have been in cases where I mistook the nature of the duty of The Surveyor General of New South Wales, which, in fact, has never been explained to me.

I sought in vain for a Copy of Mr. Oxley's Commission, and I have received no commission myself, so that I have continued the Correspondence much in the manner in which it had hitherto been carried on.

It has been my Duty to write thousands of Letters, and I have not such a high opinion of my Correspondence to suppose that a Governor desirous of finding a flaw may not find several therein; nor is it consistent with human nature than an Officer should feel perfect satisfaction in the indefatigable performance of his duty, under such an unfavourable circumstance.

With respect to the Instructions to the Joint Commissioners under which you state me to be now acting, requesting also that I should point out by what part of them I consider myself authorised to make any such remonstrance, I have with much deference to observe that these, with a copy of the King's to The Governor respecting the Commissioners, which was sent them for their guidance, would perhaps justify even a remonstrance on my part in certain Cases, and that I have,

therefore, under these peculiar circumstances, addressed a Letter to The Secretary of State on the Subject, which I have deferred sending a copy to His Excellency until now, because you informed me that my former Letter had not yet been sent.

1831.
28 March.

I have, &c.,

T. L. MITCHELL, Sr. Genl.

[Enclosure MM to Minute No. 14/1831.]

(No. 31/67.)

COPY of a Letter from The Surveyor General to The Honble.
The Colonial Secretary, dated

Sir, Surveyor General's Office, Sydney, 7th March, 1831.

In attention to your Letter No. 30/181 informing me that you are directed by His Excellency the Governor with reference to my Letter of 28th December last to request that I will report for His Excellency's information, at what time, by whom and for what express purpose or purposes the piece of Land, which is proposed to be given to Mr. Street, was reserved; I have the honor to state that, as the Land proposed to be given to Mr. Street is a part of the Market Wharf as the Walls will testify, there can be no doubt of its being reserved; but the time when this took place and by whom the Reserve was made it is difficult to ascertain exactly. A large extent of Land here is coloured green on all the Maps and was always considered reserved for the Dock Yard, and that is all I am able to state on the subject. My Letter No. 30/235 was accompanied by a Report on and Plan of this Ground, shewing what I proposed for an Engineer's Yard, etc.; by reference to this Plan and likewise to the Plan of the Allotment for that, which was transmitted through my Office by the Director of Public Works, it will be sufficiently evident that Street's Allotment is part of the Market Wharf.

Report re
reserves at
Darling
harbour;

With reference to that part of your Letter, in which you inform me that you are also directed by His Excellency The Governor to request that I will report for His Excellency's information when and by whom the Reserve round the Gaol at Parramatta was ordered, and for what several purposes it was specially intended, I have the honor to state that the same difficulty arises on this as on the former cases. I know not at what time and by whom it was made, but the space is coloured green and on it is written "Reserved for Government and other Public purposes"; this I found on the Maps of Parramatta and it has remained as I found it; and, with respect to Reserves in general, I beg to observe that a portion of Land once reserved, or in other words refused to Individuals on the ground of the Land being either required from its locality for some Special purpose, or kept vacant for the health, comfort or convenience of the Inhabitants, such a Reserve is likely to continue so, not only from deference to the judgment of those who directed this Reserve to be made, but because Applications by Individuals for such Land, having been once refused, it would be unreasonable that other Individuals should subsequently obtain it.

reserve around
gaol at
Parramatta;

and reserves
in general.

I have, &c.,

T. L. MITCHELL, Sr. Genl.

[Enclosure OO to Minute No. 17/1831.]

(No. 31/78.)

COPY of a Letter from The Surveyor General to The Honble.
the Colonial Secretary, dated

Sir, Surveyor General's Office, 14th March, 1831.

The tenor of your Letter No. 30/209 dated this day has induced me to let all other business stand, and search for some document in support of what I distinctly stated in my Letter No. 31/74; and I am now enabled to refer you, for the information of His Excellency The Governor, to my Letter dated 4th June, 1829, by which you will learn that a Copy of the King's Instructions was enclosed in your Letter to the Commissioners No. 28/2 dated 6th March, 1828.

Transmission
of King's
instructions to
commissioners.

I have, &c.,

T. L. MITCHELL, Sr. Genl.

[Enclosure PP to Minute No. 17/1831.]

(No. 29/2.)

COPY of a Letter from The Surveyor General to The Honble.
The Colonial Secretary, dated

Sir, Surveyor General's Office, Sydney, 4th June, 1829.

I have the honor to state, for the information of The Governor in reply to your Letter No. 29/18 dated 2nd Inst., which refers to a Memorandum which I had the honor to make to His Excellency respecting the employment of the joint Commissioners, That we have now commenced our Duties and wish to proceed

1831.
28 March.
Proceedings of
commissioners.

strictly according to the letter of the Instructions of His Excellency to us, founded on those of His Majesty, of which we have been also favoured with a Copy enclosed in your Letter No. 28/2 dated 6th March.

With this view, finding that the division of the Colony into Counties is the first in the Order of Duties proposed therein, We have maturely considered that subject and made a division respecting which I beg to refer to our Report No. 1, dated 2nd Inst., This division being so arranged as to admit of the accurate survey of such natural Boundaries as still require to be traced.

Under the same Head of division, the Subdivision into Hundreds and Parishes is recommended, but the progress of this branch of Duty can only keep pace with that of my Department; We therefore would proceed, with The Governor's approbation, with the duty proposed under the next great Head, in those Counties where the parochial divisions have been already made; these are Cumberland and Bathurst.

I refer to the Valuation (by Parishes) of all the Waste Lands; and this we propose to proceed with in Cumberland; because the Quadruplicate Copies of parochial Maps of that County (required by the Instructions) are drawing towards completion.

On this duty, therefore, we would now commence according to the Instructions. We have fixed certain days for meeting, Monthly and Weekly; and our next day of Meeting will be on Friday when our Report will probably convey to His Excellency in more detail the proceedings in contemplation, and to which with respect to the valuation I apprehend no cause of delay from my temporary absence.

I have, &c.,

T. L. MITCHELL, Chief Comm'r.

[Enclosure QQ to Minute No. 17/1831.]

(C No. 28/2.)

COPY of a Letter from The Honble. The Colonial Secretary to The Commissioners for the Survey and Valuation of Lands, dated

Gentlemen, Colonial Secretary's Office, Sydney, 6th March, 1828.

Transmission
of instructions
and
commission.

Herewith I have the honor to transmit to you a Letter addressed to you by His Excellency the Governor, pointing out your Duties as Commissioners for the Survey and Valuation of Lands, together with the Commission by which you are appointed; and I am directed to request that you will have the goodness to acknowledge the receipt of same.

I have, &c.,

ALEXR. MCLEAY.

[Enclosure RR to Minute No. 17/1831.]

COPY of a Letter from The Commissrs. for the Survey and Valuation of Lands to the Honble. The Colonial Secretary, dated

Sir, Surveyor General's Office, Sydney, 7th March, 1828.

Letter
acknowledged.

We have the honor to acknowledge the receipt of your Letter of the 6th instant, together with a Letter of Instructions addressed to us by His Excellency The Governor, pointing out our Duties as Commissioners for the Survey and Valuation of Lands, and the Commission by which we are appointed.

We have, &c.,

T. L. MITCHELL, Actg. Sr. Genl.

WILLIAM CORDEAUX.

G. M. C. BOWEN.

[Enclosure SS to Minute No. 17/1831.]

(No. 31/76.)

COPY of a Letter from The Surveyor General to The Honble. The Colonial Secretary, dated

Sir, Surveyor General's Office, Sydney, 12th March, 1831.

Refusal by
T. L. Mitchell
to submit copies
of letters.

In reply to your Letter No. 31/202 dated Yesterday, I have the honor to inform you that I do not feel myself bound to furnish you with duplicates of the Four Letters recently sent by me to His Excellency The Governor merely for transmission to The Secretary of State; and I do not think it would seem respectful to that Minister on my part to enter into any Correspondence with you respecting the contents of Letters, submitted to His judgment and consideration as Secretary of State for the Colonies. This being the view I now take of your reference to such Letters, notwithstanding what is said in my Letter No. 31/65, and I beg also to state that I find, from the nature of the Correspondence, it would encroach too much on that which properly belongs to the duties of my Office.

I have, &c.,

T. L. MITCHELL, Sr. Genl.

[Enclosure No. 6.]

1831.
28 March.

MR. T. C. HARRINGTON TO SURVEYOR-GENERAL MITCHELL.

Sir, Colonial Secretary's Office, 16th March, 1831.

I am directed by His Excellency the Governor to inform you, in reference to the correspondence which has lately passed between you and this Department, that His Excellency felt it necessary to take the same into consideration in Council; when, on a review of the various Documents above alluded to, the Council expressed their opinion "that the Surveyor General had been guilty of a neglect of Duty and disobedience of orders," and, upon this decision, they are restrained from recommending his immediate Suspension from Office, only by an Apprehension that any change in the conduct of the Survey Department might be attended with inconvenience to the Public Service. The Council at the same time suggested that an intimation should be conveyed to the Surveyor General "that, on any repetition by him of the improprieties animadverted on by the Council, the Government will be under the necessity of resorting to the only measure by which the recurrence can be prevented."

Opinion of executive council *re* conduct of T. L. Mitchell.

I am therefore to apprise you that, had the Suggestion of the Council been carried into effect (which was unavoidably delayed as the minute of its proceedings was not completed) previous to your Letter of the 12th instant, No. 31/76, the Governor should have considered it his duty, immediately on receipt of that Letter, to have directed your Suspension from Office, and I am now directed distinctly to inform you that, however painful it may be to His Excellency, He will consider it to be His indispensable duty to suspend you, should you not immediately comply with the Orders conveyed to you in my Letter of the 11th instant, No. 31/202.

Proposed suspension of T. L. Mitchell.

I am further directed to apprise you that, having taken your Letter of the 12th instant, No. 31/70, above alluded to, into consideration, the Council came to the decision that, by inserting the word "you" in your recapitulation of the purport of my Letter, you have perverted the true meaning, and have attempted to lead to the erroneous impression that you were required to communicate to me the contents of Letters addressed by you directly to the Secretary of State, the true and obvious purport of the requisition being that the Duplicates should be transmitted to the Governor, as the originals had been.

Distortion of letter by T. L. Mitchell.

I am also directed to inform you, with reference to your Letter of the 14th instant, No. 31/78, that the Council, on a full review of the whole of the Correspondence on the Subject to which it relates, can discover no grounds to justify your repeated assertion that the "Extract of the King's Instructions" was transmitted officially for the guidance of the Commissioners, as you inserted with your own hand in your Letter (written by your Clerk) of the 4th June, 1829, No. 29/2, the date and number of my Letter of the 6th March, 1828, No. 28/2. You must have been satisfied on reference to that Letter, when ascertaining its date, that the Extract of the King's Instructions formed no part of the Enclosures transmitted with it. If further evidence of this fact were necessary, the Letter from your Office dated the 7th March, 1828, would furnish it. It is signed by yourself and the joint Commissioners, and acknowledges the receipt of mine of the 6th of that month, with its several enclosures, which enclosures are distinctly enumerated, no mention

Denial of statement by T. L. Mitchell.

1831.
28 March.

Opinion of
executive
council *re*
conduct of
T. L. Mitchell.

whatever being made of the Extract of the King's Instructions. The Council therefore felt the more surprise that you should have made so erroneous a Statement as it is obvious you have done, and that you should still persist in the same. I am therefore to apprise you that it appears to the Council, as it did to His Excellency, as intimated in my Letter of the 14th instant, that the Extract of the King's Instructions never was officially communicated to the Commissioners for their guidance, and that neither to them nor to you was it at any time competent to assume any power or discretion whatever grounded on a Document even to the existence of which you had never been authorised to refer.

I am in conclusion to request that you will forthwith comply with the orders conveyed in my Letter of the 11th instant, No. 31/202.

I have, &c.,

T. C. HARINGTON.

[Enclosure No. 7.]

(No. 31/84.)

SURVEYOR-GENERAL MITCHELL TO COLONIAL SECRETARY MACLEAY.

Sir, Surveyor General's Office, 17th March, 1831.

Request by
T. L. Mitchell
for return
of original
letters ;

In reply to Your Letter of Yesterday's date, I have to state, for the Governor's information, that I declined forwarding Duplicates, 1st as I did not conceive it usual, and 2ndly, because it was not in my power to comply with the order from not having perfect Copies of the Originals; but being now forced by the hardest alternative to supply Duplicates of these Letters to the Secretary of State, I am under the necessity of requesting that the originals may be returned to me for the purpose of being Copied, especially the first Letter, respecting the Roads, of which I have no duplicate Copy.

To the rest of Your Letter, I shall for the present silently submit without any observations.

and for leave
of absence.

I have now to request leave of Absence from His Excellency The Governor to proceed to England on urgent affairs, two months hence; when I trust I shall have been able to place the affairs of my department in train to admit of my absence without prejudice to the Public Service.

I have, &c.,

T. L. MITCHELL, S.G.

[Enclosure No. 8.]

MR. T. C. HARINGTON TO SURVEYOR-GENERAL MITCHELL.

Sir, Colonial Secretary's Office, 18th March, 1831.

Refusal of leave
of absence.

With reference to your Letter of yesterday's date, No. 31/84, I have the honor by the direction of His Excellency the Governor to transmit to you the accompanying Packet, containing certified copies of the Letters of which Duplicates are required for transmission to the Secretary of State; and to inform you, in reply to your Application for leave to return to England, that circumstances do not permit of its being complied with.

The Enclosures I have to request you will have the goodness to return,

I have, &c.,

T. C. HARINGTON.

GOVERNOR DARLING TO UNDER SECRETARY HAY.

(Despatch per ship Janet Izat.)

1831.
28 March.

My dear Sir, Government House, 28th March, 1831.

I cannot forward the Despatch, which I have been under the necessity of addressing to the Secretary of State by the present opportunity, respecting Major Mitchell, without requesting your attention to it. It may be sufficient to remark here that his Head appears to have been turned by the importance of his Office, since the duties of the Land Commissioners and the Survey of the Church Lands have been transferred to him, in addition to the Road Department and his Duties as Surveyor General. You will see, that he talked of the *high and independant* Situation he has been placed in, of *his being responsible to the Public* and of *his and the Inhabitants* considering a certain measure as highly objectionable, the Government, of course, having no longer any control over him. The sneers and insinuations in some of his letters are indecent in the extreme. In proof of this, it will be sufficient to refer you to his letter of the 7th ult. No. 31/65 respecting *Clement Doughty*, copy of which is annexed to my notes on his letter of the 15th December last, which accompanies my Despatch of this date, marked "Separate." Having stated what was not true in that letter, as he has done in several other instances, he appears, on being detected, to have given vent to his irascible feelings in a train of impertinent observations. You will judge of my disposition towards him by my private Letter to you of the 6th June, 1829. At that time, I looked upon him as a hard working, rude, ill tempered fellow, who quarrelled with every one, and who, I may add, is still as much detested as ever by those who have any business to transact with him; notwithstanding the "facilities" which he so courteously affords persons wishing to select Land, who are not "*fastidious*." Anxious to get the business of the Government done, I was willing to make every Sacrifice, and he was allowed to "snarl and growl" unheeded, until at last his insolence became intolerable. I can only say, if those proceedings are not at once put down in a way that will operate as an example to deter others, there will be an immediate end to all subordination and to the Government itself. I will leave you to judge what the effect must be when the Duplicates of such letters as Major Mitchell's, charging the Governor with every species of misconduct, as well as his common official Correspondence, conveying the most contemptuous sneers, are written by the Clerks in his Office. Letters of that description must of course make an impression on the persons, who copy them; and the manner in which the Governor's Conduct

Criticism of
T. L. Mitchell.Effect of letters
written by
T. L. Mitchell.

1831.
28 March.
Effect of letters
written by
T. L. Mitchell.

has been represented by their Chief no doubt forms a very prominent part of the Evening's conversation, and is spread in the course of a short time throughout the Town to the great injury of the Government and the Colony. I include both, inasmuch as it must weaken the former, and a weak Government in such a Colony as this must in the end prove ruinous to it. A man, who cannot be fully confided in, should not be placed here or be continued.

You will only do me justice in believing that these Representations occasion me much pain; I have not been a Volunteer in any case, but have abstained until the conduct of the Individuals has compelled me to bring their names forward. Major Mitchell is in fact the Accuser.

Previous
reports re
conduct of
A. M. Baxter.

In the case of Mr. Baxter, I took the liberty of privately apprising Sir George Murray, when I did myself the honor of writing to him on the 8th November, 1828, on the occasion of his Appointment to the Colonial Department, of Mr. Baxter's incompetency. As my Letter was not acknowledged, I felt unwilling, even after Mr. Baxter's disreputable habits became notorious, to say more with respect to him. You will hear from any one of whom you may choose to enquire, and I could wish that reference were made to Mr. Riddell, the Treasurer, who at least could not have been unfriendly to him, and I have no doubt he will satisfy you that his Conduct has been disgraceful in the extreme, having been almost constantly in a state of inebriety.

Address to
A. M. Baxter
from members
of bar.

Notwithstanding this, he obtained an Address* from 14 Members of the Bar on leaving the Colony, which affords some proof how little importance is attached to Character by individuals who could be prevailed on to put their names to such a Document. I may now ask what must have been the Situation of this Government with such an Attorney General, and Mr. Moore as Crown Solicitor. The former incompetent, the latter certainly not disposed to serve the Government. When writing in this manner, I am persuaded you will not take amiss my expressing my Sentiments and Feelings with candour. Presuming on this, I must say that nothing could be more unfortunate than the Order to restore Mr. Moore to the Public Service. I am aware it did not prescribe the Situation, but I had no other means of complying with the Secretary of State's Orders, and the want of legal knowledge and experience of the Crown Lawyers at the time rendered the Appointment of a Crown Solicitor, who was acquainted with the forms of business, necessary to Public justice. Besides as Mr. Moore appeared to have been apprised of the Order, the Government was not strong enough to resist his Re-appointment, and I yielded from necessity. The Situation of the Government from

Effect on
government
of incompetent
legal advisers.

* Note 74.

these combined causes has been extremely embarrassing; the Conduct of its legal matters has fallen into the hands of a man, whose Conduct, from whatever cause it proceeds, leaves the Government without a chance of success. I cannot omit mentioning in this place a case in which the Government has lately been cast. You may perhaps recollect the circumstance of *Girard's Representation** and the Allusion in it to a piece of ground which he had taken possession of without any right and fenced in. The Fence was removed, as recommended by the Attorney General, Girard having no claim whatever to the Ground. He brought his Action and the Government had to pay Mr. Keith, Mr. Moore's late Partner, £57 14s. 6d., being the Costs, besides Damages to the Amount of £60. I took an opportunity of speaking to Judge Dowling who tried the Case; and he informed me, that it *did not appear by the Proceedings that the Ground belonged to the Government*, Mr. Moore who conducted the Case having neglected to put in a plea of justification until it was too late. I desired upon this that Mr. Moore would move for a new Trial; but he said the Judge's Charge was of such a nature as to preclude any chance of success. The Situation of the Government is rendered pretty obvious by this one case. Girard has, in consequence, again fenced in the Government Ground and has set the Government at defiance. We must therefore submit to the loss of the Ground, forcibly taken possession of by an Alien and to the payment of £117. I have called for a Report of this Trial and of others which have lately taken place with a view to their transmission to the Secretary of State, the Questions which they involve being highly important in the circumstances of this Colony. Lt. Governor Stirling sent three men by His Majesty's Sloop Comet, who were supposed to be Run-away Convicts from this Colony and who had committed a Felony at Swan River; but whom he had not the means at the time of bringing to Trial. These Men brought their Actions severally against the Sheriff for detaining them while the fact of their being Convicts was under investigation. The two first Actions were defended by Mr. Moore, and the Damages in each Case was £200, the costs increasing the Expenses of the two to more than £500. I desired that Dr. Wardell might be employed in the third case, and the Damages were given at £20. The Men then brought Actions against the Captain of the Comet, and it being important that the Government should not be supposed to have acted arbitrarily or inconsiderately, or be again subjected to Heavy Damages, Mr. Therry was employed to conduct the Defence. The Result was, Captain Sandilands, who brought the men forcibly from Swan River and kept them several weeks on board Ship, was cast with

1831.
25 March.

Action brought
by F. Girard
against
government.

Actions brought
by suspected
runaways from
Swan river.

* Note 75.

1831.
28 March.

Mismanagement
of legal
business.

Inattention of
W. H. Moore
to business.

Damages of *one Farthing*; while the Sheriff, in the two Cases defended by Mr. Moore, having detained the men only during the Investigation whether they were actually Convicts, was adjudged to pay £200 in each. It is evident that these Cases, as well as Girard's, have been grossly mismanaged to say the least, and that the Government has paid dearly for the Confidence placed in Mr. Moore. I am aware, that Mr. Moore has had matters to attend to, which properly do not belong to his Office, in consequence of Mr. Baxter's insufficiency. What I complain of is, that he does not pay attention to the business which he undertakes, as may be seen from the Cases I have cited, the consequence of which is that Government has been subjected to very heavy Expenses, his own more immediate duties being at the same time neglected, as is shewn by the Representations of the Deputy Commissary General and Collector of Internal Revenue, forwarded with my Despatch of the 6th December last, No. 69, which obliged them to have recourse to other assistance, thus subjecting the Government to further Expense. In short, Mr. Moore is considered even by his friends to be one of the most idle Men living. You will perceive, from the facts now communicated, how we are circumstanced. Unless the Government is supported by Crown Lawyers of Character, experience and ability, it cannot make any effectual stand. I trust in God that the Gentlemen, whom we are led to expect, will enable the Government to recover its lost Ground, and to appeal to justice with at least some degree of confidence.

I beg to observe that I have not noticed several of Major Mitchell's observations and Assertions; and I think on reflection it would have been more consistent, had I simply forwarded the Minutes of Council on his Case, which so clearly shew his Character and disposition, without entering into any explanation of my conduct at the instance of such an Accuser.

I remain, my dear Sir,
Very faithfully yours,

RA. DARLING.

Inability to
obtain map
from
T. L. Mitchell.

P.S.—I have omitted to instance, when speaking of Major Mitchell, that I have not been able to the present moment, to obtain a Map or Sketch of the Colony, as at present proposed to be divided, though I have repeatedly *mentioned to him personally* the inconvenience and embarrassment I feel, having nothing better to refer to when Settlers come to speak about their Land, than a common Map* of Arrowsmith's, which I brought out with me. I suppose I shall be favored with a Copy, in common with others when his new Map has been published.

R.D.

VISCOUNT GODERICH TO GOVERNOR DARLING.
(Despatch No. 33, per ship Georgiana.)

1831.
29 March.

Sir, Downing Street, 29 March, 1831.

I have the honor to acknowledge the receipt of your Dispatch of the 7th of October last No. 65, enclosing, in compliance with the directions conveyed to you by my Predecessor in his Dispatch of the 31st of July, 1828, No. 17, a report of the opinions entertained by yourself and by the Members of the Legislative Council relative to the question of Juries in Criminal cases.

Despatch
acknowledged.

I entirely agree in the general views and the reasoning on which the majority of the Council have come to the conclusion that the introduction of Grand and petit Juries on criminal Trials would, in the present state of the Colony, be inexpedient. With the exception of the concession towards this object, which you were directed by Sir George Murray's Dispatch of the 7th of April, 1830, I allude to the substitution of a Civil for a Military Jury in any cause in which the Governor or any of the principal officers of the Government are parties, I am not prepared to direct any further alteration for the present in the ordinary system of trial observed in New South Wales.

Approval of
opinions *re*
trial by jury.

I am, &c.,
GODERICH.

VISCOUNT GODERICH TO GOVERNOR DARLING.

(Despatch No. 34, per ship Georgiana: acknowledged by Governor Darling, 18th November, 1831.)

Sir, Downing Street, 29th March, 1831.

With reference to my Dispatch of the 12th of January last No. 14, relative to an advance of £3,500, on the terms therein stated, for promoting the Establishment of a College at Sydney, I have the honor to transmit to you the Copy of a further representation from Dr. Lang on that subject, in consequence of which I am induced to authorize you to bring under the consideration of the Council the propriety of making to him the payment of £1,500, on his arrival in the Colony with the number of Emigrants proposed in his Letter. This Sum will be considered a part of the £3,500, which it was agreed, in the Memorandum accompanying my Dispatch before mentioned, should be advanced from the Colonial Treasury for the purpose of establishing the academical Institution in question. Dr. Lang further understands that no additional advance will be made by the Colonial Government, until they shall be satisfied that at least £1,500 shall have been actually expended upon the proposed Building.

Instructions
re advances for
establishment
of college.

1831.

29 March.

Instructions
re advances for
establishment
of college.

When this fact shall have been made to appear, you will recommend to the Council the advance of the remaining £2,000 at Intervals (covering a space of eighteen months), as originally agreed upon between this Department and Dr. Lang, who will be held personally responsible for the due execution of this Agreement.

I have, &c.,
GODERICH.

[Enclosure.]

REV. J. D. LANG TO VISCOUNT GODERICH.

My Lord,

London, 15 March, 1831.

Inquiries
re possible
immigrant
mechanics
from Scotland.

Since I had last the honor of addressing your Lordship, I have been residing for several weeks in different parts of Scotland, chiefly with a view to ascertain to what extent the emigration of industrious Mechanics from that Country to New S. Wales would be expedient on the one hand and practicable on the other; and I do myself the honor to inform your Lordship that the result of my enquiries on that subject has been as follows:—

1. That the wages of Mechanics in Scotland are at present comparatively very low.
2. That a great many of that class of operatives, especially in the City of Edinburgh and in the Town of Greenock, are either out of employment or very inadequately employed.
3. That many respectable individuals of the Class in question would gladly emigrate to New South Wales with their wives and families, were their passage paid in the first instance, on condition of their repaying the stipulated amount of it by weekly instalments from their wages in the Colony, which the high price of mechanical labor and the low price of the articles of subsistence would very soon enable them to do.

Brig available
for transport
of immigrants.

I have also ascertained that a Vessel of 350 Tons register, which was employed last year in conveying free Emigrants from the West of Scotland to Quebec, and which is capable of accommodating at least 60 families of free emigrant Mechanics, could at present be chartered in the Town of Greenock for the Voyage to N. S. Wales for the sum of £1,500, exclusive of the cost of outfit, Stores, etc., which would probably amount to a similar sum; and that the owners of the said Vessel are willing, contrary to the usual practice in such cases, to receive the said sum of £1,500 on the Ship's arrival in N. S. Wales.

Request for
advance to pay
for charter of
brig.

I beg therefore most respectfully to propose to your Lordship that, if your Lordship would be pleased to authorise the Govr. of N. S. Wales to advance the sum of £1,500 from the Colonial Treasury for the payment of the Chartering of the Vessel above-mentioned on her arrival in the Port of Sydney with a Cargo of 60 families of Mechanics, or of 50 such families, and from 20 to 40 Pauper Children of 12 years of age from the Charity work-house of Edinburgh, security being given for the repayment of the said sum of £1,500 in five years on the buildings to be erected for an Academical Institution in the Town of Sydney, myself and my friends would advance the whole amount requisite for the outfit and provisioning of the said Vessel, and would use every available means, in the way of religious discipline and moral restraint, to

induce the said emigrants to fulfil their agreements on their arrival in N. S. Wales, and to set a virtuous and praise-worthy example to the laboring population of that Colony.

I beg moreover to state in conclusion that, if the experiment I propose to make should be found successful, the very respectable mercantile house, whose letter I do myself the honor to enclose, would willingly contract either with the Colonial Govt. or with any body of respectable Merchants in the Town of Sydney for the conveyance of a certain number of respectable Mechanics with their wives and children to N. S. Wales every year, an object the accomplishment of which has been long earnestly desired in the Colony and would prove of unspeakable advantage in a great variety of respects to the Colonial Population. I have, &c.,

1831.
29 March.

Proposed
annual
shipments of
immigrants.

JOHN DUNMORE LANG.

[Sub-enclosure.]

MESSRS. ALAN KER AND CO. TO REVD. J. D. LANG.

Revd. Sir,

Greenock, 10th March, 1831.

In reference to your communication of the 7th Inst., relative to the Chartering of a vessel for the conveyance of free Emigrant Mechanics with their wives and families to New South Wales, we beg to inform you that we are willing to charter for that purpose the Brig Stirling Castle, of 350 Tons Register, for the sum of £1,500 stg., provided you can effect any arrangement for the repayment of that sum, with Interest, from the time of the vessel's Sailing, on her arrival at the Port of Sydney, New South Wales. The requisite expenses for the fitting up of Berths, and for the purchase of Stores, etc., for the passengers being defrayed by you.

Tender of
brig for
conveyance of
immigrants.

We are, &c.,

ALAN KER AND CO.

We beg leave to add that the Brig Stirling Castle, within named, carried out last year from this Port to Canada above 250 Emigrants, and is well adapted for carrying Passengers.

VISCOUNT HOWICK TO GOVERNOR DARLING.

(Despatch per ship Georgiana.)

Sir,

Downing Street, 29th March, 1831.

The Revd. Dr. Lang having applied for three months further Leave of Absence, I am directed by Viscount Goderich to acquaint you that he has granted him an extension of Leave to the period in question.

Leave of
absence
for Revd.
J. D. Lang.

I have, &c.,

HOWICK.

GOVERNOR DARLING TO SIR GEORGE MURRAY.

(Despatch No. 31, per ship Janet Izat; acknowledged by Viscount Goderich. 18th October, 1831.)

Sir,

Government House, 29th March, 1831.

I have the honor to forward at the desire of Mr. Drew a Memorial representing certain grievances in having, as he conceives, been unjustly deprived of Land by my order.

Transmission
of memorial
from S. Drew.

1831.
29 March.

I am really at a loss to Understand what Mr. Drew means by a representation of this nature, every possible pains having been taken to accommodate and serve him. The correspondence, which has taken place, will fully prove this.

Land granted to S. Drew.

The case appears to be as follows:—Mr. Drew obtained a Grant of Land of 600 Acres, which he described as half a Mile South of Rodd's Farm, and running due South *80 Chains or one Mile* on the Bank of the Wollombi Brook.

Mr. Rodd afterwards applied for the intermediate space between his Father's Grant and Mr. Drew's Northern Boundary and obtained a promise of it.

On hearing of this, Mr. Drew represented that the late Surveyor General had directed, in consequence of the Nature of the Ground, that the frontage of his Grant on the Wollombi should be extended.

Orders were immediately given to cancel the Authority to Mr. Rodd, and to grant to Mr. Drew the Land selected by that Gentleman on his (Mr. Drew's) Northern Boundary, *not as an Additional Grant*, for which he would have had immediately to pay Quit rent, but as An Original Grant, thus adding, without any claim or even application on the part of Mr. Drew, half a square mile on the most favorable terms to the Land he had received from my predecessor, extending his original Grant to one square Mile and a half.

Application for land by Rodd.

Mr. Rodd, being disappointed in obtaining the half square Mile which he had been promised on Mr. Drew's *Northern* Boundary, applied to be allowed to take it on his Southern Boundary. Mr. Drew then stated that he had also improved the Land in that direction, and requested if he could not be allowed to purchase it, that Mr. Rodd should be required to indemnify him.

Claim made by S. Drew.

It appeared to me that Mr. Drew had already received every reasonable indulgence, and that the precedent of paying people for improvements made on Land, to which they had no Claim, would prove extremely inconvenient in this Colony.

Request by S. Drew for second land grant.

Mr. Drew then in October last, his Property having been sold by the Sheriff, applied for another Grant as an indemnification for his Losses; but, as he was without any means whatever, as stated in his own letter, Land could have been of no other use to him than for the purpose of raising Money. His Application was consequently refused.

Having gone through this detail, which I trust, Sir, will satisfy you that Mr. Drew has no just ground of dissatisfaction or Complaint, I must beg to draw your attention to one or two facts.

1st. It will be seen, by the accompanying Copy of a letter to the late Surveyor General, Notifying the Selection of his Grant of 600 Acres, that he states it to be half a Mile South of Rodd's Farm, and running due South *80 Chains or one Mile* on the Bank of the Wollombi; while, in the Letter annexed to his Memorial, which he transmits *as a Copy of the above*, it will be seen that the extent of the frontage on the Wollombi is stated at *120 Chains or one Mile and a half!* So that, in his spurious Copy, he has not encreased the Number of Chains only from *80 to 120*; but, to be consistent when inserting the equivalent in Miles, has also encreased the frontage to *one Mile and a half* instead of *One Mile!* It is to be presumed that this was necessary to make out his case.

1831.
29 March.

Alterations
in letters by
S. Drew.

2nd. Mr. Drew's statement, even in other respects, is not a Candid one, and is besides incorrect in several essential points. He states his embarrassments to have been occasioned by his not being permitted to retain the Land he had Cultivated. This cannot be true, as the extent was inconsiderable, very few Acres only being planted with Maize. Mr. Drew came out here without any Capital, and was employed for some time as a Clerk at a low Salary. His failure as a Settler, if he can be so properly considered, is to be attributed *solely* to his having purchased Stock on Credit, when the prices were extravagantly high, and to the depreciation which had taken place in the value of Cattle when he was Called on for payment. His is by no means a solitary case. Numbers have suffered who were possessed of Capital. He was a mere Speculator without means, and appears to calculate his Losses according to the expectations he had formed of what he might have realised, had he succeeded. His case may serve to shew, what this Government has had to contend with. Every one has suffered, and many like Mr. Drew *of course* blame the Government for their want of success.

Misstatements
by S. Drew.

Causes of
failure as
settler.

I have been unable from a pressure of business to report on Mr. Drew's representation before the present moment. The privilege of complaining on every occasion, however trivial, is one which every Man now thinks he has a right to exercise. Here it is supposed that every one is entitled to just as much Land and as many Convicts as he wishes to receive, without considering that the latter can only be supplied to a moderate extent; the former might be lavished; and the Governor, who exercises a just discretion in the disposal of it, will always be subject to attacks of this Nature. As to myself, I am perfectly indifferent respecting them; but I feel deeply when the public interest suffers, as it must, by the waste of time and interruption,

Causes of
complaints
by settlers.

1831.
29 March.

which is occasioned in attending to representations which are the result of disappointed views, for which the Government can in no respect be answerable or induced by Captious or factious feelings.

I have, &c.,
RA. DARLING.

[Enclosures.]

[Copies of these papers are not available.]

GOVERNOR DARLING TO SIR GEORGE MURRAY.

(Despatch marked "Confidential," per ship Gilmore.)

Sir, Government House, 29th March, 1831.

Despatch
acknowledged.

I have the honor to acknowledge the receipt of Your Despatch, dated the 12th December, 1829, marked "Circular," "Confidential," having reference to the Act which had been passed for the relief of His Majesty's Roman Catholic Subjects, and calling my attention more particularly to the 28th Section of that Act. In reply, I do myself the honor to state, for your information, that there is no religious Order, Community or Society, nor any persons in this Colony, that I am aware of who are bound by Religious or Monastic Vows.

Absence of
religious orders
in colony.

I have, &c.,
RA. DARLING.

VISCOUNT GODERICH TO GOVERNOR DARLING.

(Despatch No. 35, per ship Georgiana; acknowledged by Governor Bourke, 8th January, 1832.)

30 March.

Sir, Downing Street, 30 March, 1831.

Despatch
acknowledged.

I have received your Dispatch No. 56 of the 21st of September last, stating the circumstances under which it had appeared expedient to deposit a portion of the public Money in the Bank of New South Wales, notwithstanding the former mismanagement of the Affairs of that Establishment.

Approval
of public
account at bank
of N.S.W.

I concur in the view taken of this subject by yourself and by the Members of the Executive Council, and I have therefore to approve of the decision to which you came, with the advice of the latter, of again authorizing the Colonial Treasurer to reopen an account at the Bank, and to deposit therein a certain portion of the public Monies as was formerly done, taking care that the amount remaining in deposit does not exceed at any one time, a larger Sum than that which it will be easy to withdraw at any moment that such a step might be deemed necessary.

The Council have very properly recommended that it should be an indispensable condition of the Treasurer's keeping an account with the two Banks that a Copy of the Half yearly Statements of the respective Establishments be transmitted to the Governor within one month after the expiration of each Half-year; But I think it would be no less advisable that this Statement should not only be transmitted to the Governor, but should also be published for the Information of the Community at large. It is right that those, who would be so deeply affected by the mismanagement of these Establishments, should have the fullest means of judging whether their Business has been properly conducted, and you will not, therefore, in any manner afford the countenance of the Government to any Banking Establishment, which shall decline to comply with this Rule, which experience has proved to be so greatly for the advantage of all parties concerned.

I am, &c.,
GODERICH.

1831.
30 March.

Half-yearly
balance-sheets
to be published
by banks.

VISCOUNT GODERICH TO GOVERNOR DARLING.

(Despatch No. 36, per ship Georgiana.)

Sir, Downing Street, 30 March, 1831.

I have the honor to acknowledge the receipt of your despatch, No. 61 of the 3d of October last, representing the difficulty of obtaining competent Individuals to undertake contracts for the erection of Buildings, and enclosing a statement shewing the increase of expence when so undertaken, in comparison with the cost when the work is done by the Government establishments.

Despatch
acknowledged.

In the papers now received from you, I do not perceive any Estimate given of the charge arising from the large Establishments, which are required for the controul and superintendence of the Convicts employed by the Government, nor any calculation made of the expence arising from the great consumption, which annually take place of tools and materials; so that, had I not already decided in favor of the change from other sources of information, I should not have been able to come to a satisfactory conclusion upon the subject. The question, however, which you submit in your despatch, viz., whether, if the idea of having work done by Contract should be abandoned for the present, it may not be necessary to add to the Department of Works, so as to render it equal to the performance of what it may be necessary to undertake, added to your further observations that the superintendence is so deficient that the workmen comparatively do nothing, and that the relief is incalculable, which the Government would experience by the discontinuance of the

Want of
information.

Result of
abolition
of contract
system.

1831.
30 March.

Instructions
re contracts
for public
works.

Government Establishments, furnish strong arguments against the present system, and confirm me in the opinion, which I have already expressed as to the propriety of a change in this respect. You will; therefore, follow the course pointed out in a letter, addressed to you by my Under Secretary on the 4th of December last, taking care to enter into no contract with Individuals for the erection of any Public Building, unless the party undertaking the work shall give ample security to the Colonial Government for the execution of his engagements, and to enforce to the utmost practicable extent the terms of the Bonds, which may be entered into by the Contractor or his securities. I am, &c.,
GODERICH.

VISCOUNT GODERICH TO GOVERNOR DARLING.
(Despatch No. 37, per ship Georgiana.)

Sir, Downing Street, 30 March, 1831.

39th regiment
to be
transferred
to India.

His Majesty having approved of the 4th Regiment of Foot proceeding by Detachments in charge of Convicts to New South Wales, I have to desire that, on the arrival there of the Service Companies of that Corps, the 39th Regiment may proceed to India, according to the further directions which will be communicated to you by the General Commanding in Chief.

I am, &c.,
GODERICH.

GOVERNOR DARLING TO VISCOUNT GODERICH.
(Despatch No. 32, per ship Janet Izat.)

My Lord, Government House, 5th April, 1831.

5 April.
Appointment
of secretary
and under-
secretary of
state.

I have been just now honored with the receipt of your Lordship's Despatches, Marked "Circular," dated the 22d of November last, the one Announcing that His Majesty had been graciously pleased to confide to you the Seals of the Colonial Department, the other notifying that your Lordship had appointed the Lord Howick as one of your Under Secretary's of State, and transmitting a Memorandum shewing the division of the business between his Lordship and Mr. Hay.

I beg to assure Your Lordship of my earnest desire to obey Your Lordship's Commands and conform to Your wishes on all occasions, and to express my hope, that I may be so fortunate as to merit Your Lordship's Approbation and Confidence.

I have, &c.,
RA. DARLING.

GOVERNOR DARLING TO VISCOUNT GODERICH.
(Despatch marked "Separate," per ship Craigevar.)

1831.
5 April.

My Lord, Government House, 5th April, 1831.

I do myself the honor to transmit for Your Lordship's information the accompanying copy of a Communication, which I have addressed to the Lords Commissioners of His Majesty's Treasury, respecting Mr. Jackson the Barrack Master.

Report *re*
J. S. Jackson.

As the Lords Commissioners of the Treasury have directed that the Expences of the Barrack Department should be defrayed from the Military Chest, since Mr. Jackson received his appointment under the authority of Earl Bathurst, I have been under some difficulty as to the Department to which I should address myself on the subject of Mr. Jackson's inefficiency.

I have not ventured to remove or suspend him though he has been totally useless, and I have put up with the trouble occasioned by his incompetency to the duties of his Situation, until I found it impossible to obtain any accounts from him. I have in consequence directed that his Pay shall be Stopped until his Accounts are rendered, but the embarrassment felt at present is very great and will of course be increased. I therefore trust, if the Barrack Department of this Command is under Your Lordship's control, that measures may be taken to provide for the efficient discharge of the duties which appertain to it, as I see no prospect of their being performed by Mr. Jackson.

Inefficiency of
J. S. Jackson.

Stoppage of
pay pending
accounts.

The Pay is ten Shillings a day, with the Allowances of a Captain in the Military Service.

Salary of
barrack-master.

I have, &c.,
RA. DARLING.

[Enclosures.]

[These papers were a letter from Governor Darling to the honorable J. Stewart, dated 5th April, 1831, with enclosures thereto. The letter detailed the arrangements for the salary of the barrack-master and the accounts of the barrack department, and reported the inefficiency of Jackson, the barrack-master.]

VISCOUNT HOWICK TO GOVERNOR DARLING.

(Despatch per ship Mary to Hobart town.)

Sir, Downing Street, 6th April, 1831.

6 April.

I am directed by Viscount Goderich to transmit to you the enclosed Copy of a Letter from the Secretary to the General Commanding in Chief, with a statement of the Services of Lieutenant Jonathan Warner of the New South Wales Veteran Companies, and to acquaint you that it is his Lordship's desire that

Recommendation of
J. Warner
as military
settler.

1831.
6 April.

this Officer, who appears to be now residing in New South Wales, may be admitted to the benefits held out by His Majesty's Regulations to Officers becoming settlers in New South Wales and Van Diemen's Land.

I have, &c.,
HOWICK.

[Enclosure.]

LORD FITZROY SOMERSET TO UNDER SECRETARY HAY.

Sir, Horse Guards, 29th March, 1831.

Recommendation of J. Warner as military settler.

I am directed by the General Commanding in Chief to acquaint you for the information of the Secretary of State that Lieutt. Jonathan Warner of the New South Wales Veteran Companies has obtained his Lordship's permission to dispose of his Commission with a view to his becoming a Settler in New South Wales. A statement of his services is herewith annexed, and Lord Hill is enabled to report favorably of his conduct on all occasions.

His Lordship has accordingly to request that Lord Goderich will communicate to Lt. Genl. Darling such Instructions thereon as he may think proper.

Lieutt. Warner is now residing in New South Wales.

I have, &c.,
FITZROY SOMERSET.

Services of Lieutt. Warner.

Services of J. Warner.

Ensign York Lt. Infantry Volrs.	20 July, 1808.
Lieutt.	16 Novr., 1809.
$\frac{1}{2}$ pay	20th May, 1817.
1st Vetn. Company	18 Novr., 1824.
1st West I. Regiment	9 April, 1825.
New S. W. Vet. Companies	24 Sept., 1825.

GOVERNOR DARLING TO VISCOUNT GODERICH.

(Despatch No. 33, per ship Janet Izat; acknowledged by Viscount Goderich, 21st October, 1831.)

My Lord, Government House, 6th April, 1831.

Appointment of T. S. Townsend as draftsman.

I have the honor to acquaint Your Lordship that I have nominated Mr. Thos. Scott Townsend to the Situation of Draftsman in the Surveyor General's Department, until Your Lordship's pleasure shall be known.

Establishment of draftsmen.

The Establishment of Draftsmen fixed by Sir George Murray is seven. The Names of the persons now employed, who have been Appointed by Your Lordship's predecessor, are as follows, Viz. :—

Mr. White; Mr. Larmer; Mr. D'Arcy; Mr. Davidson; Mr. Balcombe.

Testimony in favour of T. S. Townsend.

I beg to enclose for Your Lordship's information the accompanying Copy of a letter from Mr. Herries, respecting Mr. Townsend, and the Surveyor General's Report, stating that he considers that Gentleman qualified for the situation of Draftsman.

I have, &c.,
RA. DARLING.

[Enclosures.]

1831.
6 April.

[These two letters recommended Thomas Scott Townsend for employment in the survey department.]

GOVERNOR DARLING TO VISCOUNT HOWICK.

(Despatch marked "Immediate," per ship Janet Izat.)

My Lord, Government House, 6th April, 1831.

It appearing, in Consequence of the impracticability of inducing the Convicts to Work as other Mechanics and Labourers, that it would require an Establishment of *Fifty* Shoemakers to make up the Shoes required for the Prisoners necessarily maintained by the Government, I would recommend as being more Convenient and less expensive under all Circumstances to have the Shoes sent out from England, rather than keep up the Establishment which would be necessary to have them made up here.

Objections
to manufacture
of shoes in
colony.

When I first recommended that the *Materials* should be sent from Home, I was led to believe that a much Smaller Number of Shoemakers would be able to make up the whole of the Shoes required; but, when the period for the last issue arrived, there was not only a great deficiency, but the Shoes, which had been prepared, were made in so very indifferent a Manner that the sewing gave way in a few days, and the Men, who had not the means of having them remade, were in fact barefoot.

I therefore request that 10,000 pairs of Shoes may be sent out for the service of the ensuing Year 1832, in preference to the Arrangement proposed by the Board, in the Report which accompanied the Estimates sent to the Lords of the Treasury in the Month of December last for the supply of 1832, as by this means the Establishment of Shoemakers, instead of being encreased to fifty, may be entirely broken up.

Requisition
for shoes.

I take leave to suggest that the order for the supply of Shoes, now required, may be promptly given and the Shoes forwarded without any loss of time, or much inconvenience will be experienced.

I have, &c.,

RA. DARLING.

GOVERNOR DARLING TO VISCOUNT HOWICK.

(Despatch per ship Janet Izat.)

My Lord, Government House, 7th April, 1831.

7 April.

I have the honor to acquaint Your Lordship that the Half Salary, to which Dr. Lang, the Clergyman of the Scots Church, is entitled Under the regulations, having returned Home on

Payment of
salary of Revd.
J. D. Lang.

1831.
7 April.

Payment of
salary of Revd.
J. D. Lang.

Leave, will be issued in the Colony on the urgent Application of his Mother and friends, the other Moiety being paid to the person who officiates for him in Sydney.

I have made this Communication to prevent any issue on Account of Salary being made to Dr. Lang at Home.

I have, &c.,
RA. DARLING.

GOVERNOR DARLING TO VISCOUNT GODERICH.

(Despatch No. 34, per ship Janet Izat; acknowledged by Viscount Goderich, 27th September, 1831.)

8 April.

My Lord,

Government House, 8th April, 1831.

Transmission
of report *re*
expediency
of circuit
courts.

I do myself the honor to transmit for Your Lordship's information the enclosed Copy of a letter from the Chief Justice and the Assistant Judges of the Supreme Court in reference to the Despatch of Your Lordship's predecessor, dated the 16th May, 1830, No. 40, directing me to call on their Honors to report their opinion as to the expediency of the power of establishing Circuit Courts, which is vested in His Majesty by the 13th Section of the 9th Geo. 4th, Chap. 83rd, being called into operation.

Opinion of
R. Darling *re*
circuit courts.

In stating my own opinion on this point, as directed by Sir George Murray, I beg to observe that it appears to me that it would be quite sufficient, if the Court were enabled to proceed to any particular District, as the circumstances of the Moment might render Necessary, without fixing periodical Circuits. There have been only two instances in which it appeared at all important that the Trials should take place out of Sydney. One was that of the Bushrangers at Bathurst last Year, whose proceedings rendered it expedient that they should be tried in the District where the outrages had been committed; The other of a Daring Banditti, who had Committed Depredations at Hunter's River, and whose punishment on the Spot was a matter of Consequence.

Special courts
proposed.

I would therefore take the liberty of suggesting that Authority should be given, if practicable, for special Courts being held at Bathurst, Maitland or in such other Districts as Circumstances might require. Bathurst is 150 Miles from Sydney, Maitland above 100; But I cannot think it at all necessary that Circuit Courts should be held either at Windsor or Campbell Town, as was the case under the late arrangement, Windsor being only 35 Miles and Campbell Town 33 Miles from the seat of Government, and both in the same County as Sydney.

I am aware that Individuals are subjected to much inconvenience and loss of time in attending the Courts at Sydney as

Witnesses, and that the Expense to the Public is not inconsiderable; But I apprehend that the Expences of Circuit Courts would in a very short time, if not at present, greatly exceed that which is incurred by bringing Witnesses to Sydney, and that the inconvenience, which would be occasioned by periodical Circuits, would be greater to the public Service than that which Individuals at present experience. Besides, if Circuit Courts should be established, it would immediately be considered necessary to make more suitable arrangements than the present, which are totally unfit for the accommodation of the Court and the Persons attending it; As also for the more permanent Security of the Prisoners, which would require proper Jails to be built on an adequate Scale, as the Prisoners would be kept for Trial in the Country instead of being sent to Sydney as at present.

As Your Lordship is now in possession of the opinion of the Judges and of the view which I have taken of this Matter, which I offer with great deference, I trust You will be enabled to determine without difficulty on the point referred for our consideration.

I have, &c.,

RA. DARLING.

[Enclosure.]

[A copy of this letter, dated 31st December, 1830, is not available.]

GOVERNOR DARLING TO VISCOUNT GODERICH.

(Despatch No. 36, per ship Sovereign.)

My Lord,

Government House, 12th April, 1831.

12 April.

I have the honor to acquaint Your Lordship, in reference to Sir George Murray's Despatch dated the 24th of August last, No. 75, that I have transmitted as directed to the Treasury Board a statement of the Persons belonging to the Police and Jail Establishments as they stood on the 1st of January, 1828, the date from which the Expences of those Establishments have been paid by the Commissariat Department.

I avail myself of this opportunity of stating for Your Lordship's information, with reference to my Despatch of the 3rd Feby. last, No. 17, that the Augmentation of the Mounted Police has enabled me already to reduce a large proportion of the ordinary Constabulary, and that I shall continue the revision of the Police of the several Districts, and hope soon to have it in my power to report more Circumstantially as to the reductions which may be found practicable and the arrangements which may in Consequence be made.

1831.
8 April.
Objections to
periodical
circuit courts.

Transmission
of statement
re gaol and
police
establishments.

Reductions
of ordinary
police.

1831.
12 April.

Necessity for
mounted police
against
bushrangers.

I have found from experience that the ordinary Police are not equal, in a Country of this extent and Character, to keep down Bushranging, where these Banditti find no difficulty in obtaining Horses as they proceed, and eluding the Pursuit of Constables who are not Mounted.

I am quite satisfied, had it not been for the Mounted Police last year, that the Bushrangers, which at that time were in several detached Bodies (two of them in remote Districts), would have occasioned very Serious embarrassment by the Consternation and alarm produced amongst the Settlers.

In making the necessary arrangements, Your Lordship may be assured that every attention shall be paid to economy, consistent with the tranquillity of the Colony. I have, &c.,

RA. DARLING.

GOVERNOR DARLING TO VISCOUNT HOWICK.

(Despatch per ship Sovereign.)

My Lord,

Government House, 12th April, 1831.

Employment
of F. Moran
as surgeon
at Maitland.

I have the honor to acquaint Your Lordship, in reply to Mr. Hay's Letter of the 18th of September last, that Dr. Moran was employed to attend the Sick of the Mounted Police at Maitland from the 1st of January to the 31 December, 1828, Supplying Such Medicines as they might occasionally require, for which he received the Sum of £38. From the 1st May, 1829, to the 8th of January, 1830, he was allowed at the rate of £100 per Annum, the care of such Convicts, belonging to Road Parties or otherwise employed in the Service of Government, having been added to his former duties.

The principal object of Mr. Moran's employment was to prevent the necessity of Sending Such Men to the Hospital at Newcastle, a distance of 20 Miles, as did not require Hospital treatment, it being a common practice with the Prisoners to feign illness, in order to avoid Working on the Roads. By this arrangement, all slight cases were attended by Dr. Moran, and, as he inspected the Men at Maitland, coming from the interior on their way to Newcastle, many were prevented proceeding who did not require being Sent to Hospital. I did not report the Circumstance, as the Situation of Mr. Moran was not considered in the Nature of an appointment but as a Contingent Expense, as he was bound by his agreement to supply the Men whom he attended with Medicines.

I have, &c.,

RA. DARLING.

GOVERNOR DARLING TO LORDS COMMISSIONERS OF TREASURY.
(Despatch per ship Sovereign.)

1831.
12 April.

My Lords, Government House, 12th April, 1831.

I have been instructed by the Secretary of State for the Colonies to transmit, for Your Lordships' information, a Statement of the Pay and Allowances of all Persons belonging to the Police and Jail Establishments of this Colony, in reference to a report of the Comptrollers of Army Accounts, dated the 4th of March, 1830; and I have the honor Accordingly to transmit the same, with Copy of a Letter from the Auditor General, by whom the Statement has been prepared.

Transmission
of statement
re gaol and
police
establishments.

I beg to add that I am at present engaged in revising the Police Establishment of the Colony, and hope to be enabled to make such a reduction as will lead to a Considerable Saving.

I have, &c.,

RA. DARLING.

[Enclosures.]

[Copies of these papers will be found in a volume in series II.]

GOVERNOR DARLING TO VISCOUNT GODERICH.

(Despatch No. 37, per ship Sovereign; acknowledged by
Viscount Goderich, 31st January, 1832.)

My Lord, Government House, 13th April, 1831.

13 April.

In making the Communication, which I now feel myself called on to submit to Your Lordship, I beg, as prefatory to it, to refer Your Lordship to the Despatches, which I had the honor to address to Sir George Murray on the Subject of New Zealand, dated the 12th August last No. 50, and the 22d Sept. No. 57.

Reference
to previous
despatches.

In the former communication, I took occasion to represent generally the Sanguinary proceedings, which have taken place at New Zealand, and which in many instances have been the consequence of the disorderly and outrageous Conduct of the Crews of the Vessels, which frequent those Islands.

In the present I have to make known to Your Lordship the Circumstance of an Event, which is distinguished as An Act of premeditated Atrocity on the part of the Master and Crew of a British Vessel, the object of which was to obtain a Common Article of Merchandize.

It appears that a Captain Stewart of the Brig Elizabeth, a Trader between this and New Zealand, being desirous of procuring a Cargo of Flax, proceeded for the purpose to *Entry Island*, which lies in Cook's Straits, And there entered into an Agreement with a Chief named Ranparaha to supply him on the Condition of his Conveying Ranparaha and his Tribe to "Bank's

Assistance
given by crew of
brig *Elizabeth*
in massacre
of Maoris to
procure cargo
of flax.

1831.
13 April.

Assistance
given by crew of
brig *Elizabeth*
in massacre
of Maoris to
procure cargo
of flax.

Peninsula," which is on the Eastern Coast of the Middle Island (the Islands of New Zealand Consisting of three) in order to their having an opportunity of avenging some Act formerly Committed by the People of that District.

Captain Stewart received the Chief and his People on board the *Elizabeth*, who it is stated were Numerous, exceeding 100, and proceeded with them according to his agreement.

The following was related to me this Morning by a Son of one of the principal Chiefs, who said *his father had desired he would come to Sydney and tell the Governor all that had happened, that the white people might be punished.*

This Man, who appeared extremely intelligent, stated that the Natives were kept on board the *Elizabeth* in perfect secrecy; so much so, that it was not known that they had arrived until some days after, when they Landed.

It appears that Captain Stewart went on Shore in the mean time, and Used every possible Artifice, by professions of kindness and the offer of Arms and Ammunition, to induce the Chief of the District "*Mara Nui*" to go on board his Brig. He at length succeeded, and "*Mara Nui*" took his Daughter with him, a girl as described of 11 or 12 Years old.

They were taken into the Cabin and "*Mara Nui*" was immediately put in Irons by the Mate, named Clements. Unacquainted with his fate, "*Mara Nui's*" Wife proceeded on board and several Canoes went off, the people as they arrived being secured by Ranparaha, whose Tribe, as I have stated, remained in Concealment on board the *Elizabeth*.

After Securing the Chief, to which it appears some importance was attached (by the exertions used by Captain Stewart to induce him to visit his Vessel), Ranparaha and his people landed the same night, and appear to have indulged their natural ferocity to the utmost by putting every one to death without distinction of Sex or Age, and burning their Village to the ground.

It seems they then re-embarked with the remains of their Victims, which were not reserved as mere trophies, but were also made use of to gratify their inhuman appetites. "*Mara Nui*" and his Wife, seeing the fate which awaited them, strangled their Child; and, as they appear to have foreboded, they, with the other Prisoners, on the return of the *Elizabeth* to Entry Island, were landed and put to death in Cold blood.

The Native, whom I have mentioned as having related these facts, was accompanied by a fine lad of about fifteen, the Nephew of "*Mara Nui.*" He was made Prisoner at Banks's Peninsula, and said that three of "*Mara Nui's*" Brothers had been killed on that occasion, or afterwards put to death at Entry Island.

1831.
13 April.

The Sanguinary proceedings of these Savages could only be equalled by the atrocious conduct of Captain Stewart and his Crew. Ranparaha may, according to his Notions, have supposed that he had sufficient cause for Acting as he did. Captain Stewart became instrumental to the Massacre (which could not have taken place but for his Agency) in order to obtain a supply of Flax.

This event was first brought under my Notice early in the Month of February last, and I lost not a Moment in giving orders that it should be immediately proceeded in, the Elizabeth, the Captain and the Crew being here at the time. The Depositions, which were taken before the Magistrates (Copies of which are enclosed for Your Lordships' information), were referred to Mr. Moore, the Crown Solicitor, on the 7th February, the day they were received. But it will be seen, by the accompanying Copy of Mr. Moore's letter, that he entertained doubts whether there were sufficient grounds for putting the parties on their Trial.

Action taken
against crew of
brig *Elizabeth*.

I nevertheless desired that he should proceed, as will be seen by the accompanying correspondence, considering it a case in which the Character of the Nation was implicated, and that every possible exertion should be used to bring the offenders to justice. It has, however, lain over to the present time, and there is reason to apprehend that the parties, with the exception of Captain Stewart, who was held to Bail, have all left the Colony, which may render any proceeding in his case ineffectual.

A Mr. Gordon Brown, who resided for some time in New Zealand, and who intends to return thither, first brought this matter under Notice. I delayed taking any further steps until the result of the legal proceedings should be known. A recent occurrence, however, has induced Mr. Browne again to draw my attention to the subject, which coupled with the appeal made to me by the New Zealand Chief through his Son, as I have already stated, appears to me to render it necessary that this Government should not, by any Supineness on the part of its officers, which it may have the power of Counteracting, allow it to be supposed that these proceedings are Countenanced or viewed with indifference.

Information
given by
G. Brown.

In requesting your Lordship's attention to the enclosed Copy of a letter from Mr. Gordon Browne, I beg to point out the Coincidence of his remark with that made in Mr. Marsden's letter, which was forwarded with my Despatch No. 50 of last year, and which would appear to be confirmed by the appeal made to me by the New Zealand Chief, Vizt., that they look to this Government for redress for the injuries they have sustained;

1831.
13 April.

without which, it is to be apprehended that they will avenge themselves on the European Settlers, the law of retaliation appearing to be in perfect accordance with their notions of justice.

I need not take up your Lordships' time by any endeavour to enforce the observations contained in Mr. Browne's letter. They appear to be very judicious and cannot fail to receive due attention.

Action
proposed by
R. Darling.

It therefore only remains for me to apprise your Lordship of the course, which in the present exigency it is my intention to pursue, and which I am induced to hope will answer the purpose desired.

Resident to
be sent to
New Zealand.

I shall immediately send a person in the Character of *Resident*, which appears in accordance with the wishes of the Natives, so as to assure them of the desire of His Majesty's Government to afford them protection and to tranquillize the minds of the Settlers, who are apprehensive that their lives will be made answerable for the proceedings of their Countrymen. Such an Authority being once established in those Islands, a foundation will be laid, which may hereafter, if desirable, be extended and improved to our Advantage.

Vessel to be
detailed for use
of resident.

It will be necessary, as the Islands are very extensive, that a Vessel should be attached to the Resident for the purpose of enabling him to visit the different Settlements on the Coast and to communicate on any emergency with the Seat of Government. It is my intention to employ one of the Government Vessels in this Service, and to place Captain Barker, 39th Regiment, in the situation of Resident. I am in daily expectation of the arrival of that officer from King George's Sound. Lt. Governor Stirling speaks of him in terms of warm Commendation. His Services at Fort Wellington in Raffles Bay, where he Succeeded in conciliating the Natives, who had always been hostile to our Settlement and exasperated at an unfortunate occurrence* which had taken place previous to his assuming the Command, recommended Captain Barker to my Notice, and now point him out as being well qualified for restoring Confidence between the Natives at New Zealand and the European Settlers. These are now becoming numerous, several of our Merchants have Establishments there, and the Trade is of great importance to this Colony.

Nomination
of C. Barker.

Increase
of trade.

It will be seen by the accompanying Return from the Custom House, as compared with that transmitted with my Despatch No. 57 of last year, that the Trade is progressively increasing; and I have no doubt, as the Natives are now much less anxious for Arms and Ammunition than formerly, being as is Understood amply provided, that they will discover other wants, which it would be more advantageous to us to supply, and which sound

policy and the principles of humanity should induce us to encourage.

1831.
13 April.

Their Climate is moist, and they appear to have discovered, how much more comfortable warm Clothing is than that which they Manufacture from their Flax. The Chief's Son, whom I saw yesterday, had substituted a Blanket for his former upper Garment; and I understand that Blankets are now more acceptable as Presents than any other Article.

Preference of
Maoris for
warm clothing.

When the intercourse between the Settlers and the Natives is more generally established, the latter will no doubt acquire a taste for our Manufactures, which it may be presumed will be in demand as far as they possess the means of furnishing an equivalent.

Prospects
of trade.

An Application has been made to Me just now on the part of some New Zealanders, who have lately arrived, that the Heads, alluded to in Mr. Gordon Browne's Letter, should be given up to them, being, as they state, the Heads* of their relatives and friends. I shall immediately endeavour to have their Wishes Complied with, and shall make a point, as far as may be in my power, to put a stop to this inhuman practice. The demand for Heads, or the means of disposing of them, will stimulate their passion for War, and Counteract the exertions which are made to civilize them.

Traffic in
human heads.

This barbarous traffic appears infinitely more disgusting than the Slave Trade, which may be Considered as a branch of it, and which it would certainly have the effect of promoting, in as much as the desire to obtain Prisoners would be increased, who, instead of being kept as Slaves to be employed in the Service of their Captors, would to a certain extent be immolated as Victims to this New and detestable Commerce.

I hope to be enabled by the next opportunity to inform your Lordship of the particulars of the arrangement about to be made, which I am not prepared to do at this Moment; but I have thought it better to put Your Lordship in possession of the occurrences which have rendered it necessary, by this opportunity, as the proceedings at New Zealand may possibly reach Your Lordship through some other Channel.

I have, &c.,

RA. DARLING.

P.S. 16th April.—Since closing my Despatch, I have received a letter from the Archdeacon, transmitting one from the Revd. Mr. Williams of the Church Missionary Society at New Zealand, Copies of which I do myself the honor to enclose for Your Lordship's information, and which Confirm the Communication I had previously received.

Additional
reports.

[Enclosures.]

[Copies of these papers will be found in a volume in series III.]

GOVERNOR DARLING TO VISCOUNT GODERICH.

(Despatch No. 38, per ship *Sovereign*; acknowledged by
Viscount Goderich, 19th November, 1831.)

My Lord, Government House, 14th April, 1831.

Transmission
of report by
C. Sturt.

I do myself the honor to forward for your Lordship's information, in reference to My Despatch dated the 21st of November, 1829, No. 118, addressed to Sir George Murray, apprising him that Captn. Sturt, 39th Regiment, had proceeded on a Second Expedition to explore the Country to the Southward, in order to ascertain the course and termination of the "Murrumbidgee," the Report of that officer, Containing an Account of his proceedings and the result of this important Undertaking,* which Your Lordship will perceive is in every respect highly satisfactory.

Reasons for
delay in
transmission.

It appears necessary, before I proceed farther, to explain to Your Lordship the cause of this report having been delayed Until the present moment, the result of the Expedition having been Notified here in the Month of May last. Captain Sturt, thinking that his original report which had been drawn up in the Field (Copy of which is now enclosed) was not prepared with that accuracy, which was necessary in the case of a Document intended for submission to His Majesty's Government, expressed his desire to have an opportunity of revising and correcting it. He was too much exhausted on his return to Sydney to undertake what he had proposed, having suffered severely by the exertions consequent on the Service on which he had been employed, and, being soon after sent to Norfolk Island in the course of his Military duties, where he still remains, he has not had an opportunity of rendering his report more perfect. I have therefore thought it better, rather than delay the Communication any longer, to forward the accompanying Copy of his original report, which contains information sufficient to render it an important document to those who take an interest in the Concerns of the Australian Colonies.

Order issued
re expedition.

I now beg to draw Your Lordship's attention to the Copy of a Government order,* which was published as soon as the Report was received, which contains an outline of Captn. Sturt's proceedings from his embarking on the *Murrumbidgee*, until he reached the Southern Coast at Encounter Bay, a little to the Eastward of Gulph St. Vincent. During his progress, he discovered two Rivers, which he named the "Murray"† and the "Lindesay," and at the same time ascertained that a third River, which he found flowing from the Northward into the "Murray," is the Darling, which he discovered on his former Expedition, and which will be seen by my Despatch of the 21st of November,

Discovery
of rivers.

* Note 31.

† Note 79.

1829, No. 118, was one of the objects of Captain Stuart's Second Expedition. I beg to point out that it is extremely desirable that this fact should be ascertained, of which however, from the observations he has made, Captain Sturt appears to entertain no doubt whatever. It is also important, as the Outlet from Lake "Alexandrina" at Encounter Bay is so imperfect, that measures should be taken to ascertain whether there is a Passage from the Lake into Gulph St. Vincent. I have been unwilling to Undertake either of these objects from an apprehension that my employing Captain Sturt had not been approved.

1831.
14 April.
Necessity
for further
exploration.

Having put Your Lordship in possession of Captain Sturt's Report, it is unnecessary for me to trespass on your time in pointing out what is best explained in the Document itself; I may however be permitted to draw Your Lordship's attention generally to the favorable manner in which Captain Sturt speaks of several parts of the Country, and of Rivers "Murrumbidgee" and "Murray."

I have now to request Your Lordship's favorable consideration of Captain Sturt's services.

Services of
C. Sturt in
exploration.

He was employed on his first Expedition* for a period of five Months, during which he was exposed to the utmost severity of the Climate, the heat from the long continued Drought having been intense, which, together with the privations he suffered, being frequently without Water, materially affected his Health. I beg to refer Your Lordship to my Despatch of the 24th April, 1829, No. 47, transmitting Captain Sturt's report of his proceedings on that occasion.

After a short repose, he was induced to Undertake a Second Expedition, the immediate subject of the present Communication, which proved equally successful and still more important than the first.

The result has been that the Character and extent of the Rivers Macquarie and Castlereagh have been ascertained; That three Considerable Rivers, the "Darling," the Murray and the "Lindesay," have been discovered, an event of the very first importance to this Colony; the first passing through an extensive tract of Country, running to the Southward, where it Unites with the "Murray," which in conjunction with the Murrumbidgee and the "Lindesay," proceed to the Coast, and form an extensive Lake, which immediately Communicates with the Sea. Thus a very considerable portion of the Interior has been explored, and in the direction, with reference to the Settlement of Western Australia and the advantages of the Climate in that quarter, certainly the most desirable for the extension of this Colony.

Results of
expeditions.

* Note 80.

1831.
14 April.
Testimony to
services of
C. Sturt.

These important Services have been performed by Captain Sturt in a Manner highly creditable to his Zeal and talents. Both Expeditions were conducted with skill, and the management, he has shewn in inducing his people to submit to fatigue and privations of no ordinary Character, proves him to be well qualified for such Undertakings.

Promotion
proposed for
C. Sturt.

Having placed Captain Sturt's Services before Your Lordship, it only remains for me to recommend his case to Your Lordship's most favorable Consideration; and I beg respectfully to express my hope that His Majesty's Government will consider that his Zeal and the important Services he has rendered give him a just claim to Promotion. It is not I believe Unusual in such Cases to reward officers in this manner. It has been as well merited in the present instance as it could have been on any occasion, and such a Mark of favor would not only be gratefully appreciated by the Individual in question, but would Act as a Stimulus to rouse others to exertion. I need not, My Lord, point out that, when Individuals find their Services disregarded, they become indifferent. Zeal is an essential quality in the Character of the Officers of the Government of such a Colony as this; and it is highly desirable that they should feel assured that no important Service will remain Unrequited.

Expenditure
on expeditions.

I request Your Lordship will be pleased to Authorise the Expense incurred in the Equipment of the Party under Captain Sturt's orders, Vizt.: Value of Stores Supplied.—1st Expedition, £204 15s. 9d.; 2nd do., £265 19s. 4½d.; Total, £470 15s. 1¾d.

I have, &c.,
RA. DARLING.

[Enclosures.]

[Copies of these papers will be found in a volume in series V.]

GOVERNOR DARLING TO VISCOUNT GODERICH.

(Despatch No. 39, per ship Sovereign.)

20 April.
Transmission
of returns
relating to
convicts.

My Lord,

Government House, 20th April, 1831.

In compliance with the orders conveyed to me in the Several Despatches Specified in the Margin,* I do myself the honor to transmit herewith the following Annual Returns for the last year, Vizt.:—

1st. Return of applications for Convict Servants, shewing the manner in which they have been answered respectively.

* The margin is blank in the copy available.

2nd. Return of Convicts employed by the Government, in the Several Departments and Public Establishments.

1831.
20 April.

3rd. Return of Convicts necessarily maintained by the Government, being under Judicial Sentence, to which is added the Number of Convicts employed by the Government, as detailed in Enclosure No. 2.

Transmission
of returns
relating to
convicts.

4th. Return of the Tickets of Leave granted during the past year, with a Statement of the Prisoners' original Sentences, and of the circumstances which have led to their receiving this indulgence.

5th. Return of the Convicts, who are supposed to have escaped from the Colony.

6th. Return of the Persons who have been Prisoners, that have Cleared out during the Year, at the Office of the Principal Supt. of Convicts and left the Colony.

I have, &c.,

RA. DARLING.

[Enclosures.]

[*These returns have been omitted.*]

GOVERNOR DARLING TO VISCOUNT GODERICH.

(Despatch No. 40, per ship Sovereign; acknowledged by Viscount Goderich, 26th October, 1831.)

My Lord,

Government House, 21st April, 1831.

21 April.

I have the honor to transmit, for Your Lordship's information, Copy of a Minute of the Executive Council in the case of Constable Geary, who has been disabled by Wounds received in an encounter with a desperate gang of Bushrangers in the Month of October last, in the District of Bathurst, as I have already had the honor of reporting in my Despatch No. 63 of last year.

Constable
disabled by
bushrangers.

Geary's conduct on the occasion, alluded to, was highly praiseworthy; and, as it is only an Act of justice, as he is no longer able to obtain the necessary means of Support for his family, that the Government and the Colony, in whose Service he has suffered, should afford him at least some assistance in so doing, I feel no hesitation in recommending his case to Your Lordship's favorable consideration.

I have directed that Geary shall receive a Conditional Pardon and be placed on the Pension of one Shilling a day, of which I hope Your Lordship will be pleased to approve.

Pardon and
pension
granted.

I have, &c.,

RA. DARLING.

[Enclosure.]

[*A copy of this minute, dated 1st March, 1831, will be found in a volume in series II.*]

1831.
24 April.

VISCOUNT GODERICH TO GOVERNOR DARLING.
(Despatch No. 38, per ship Mary to Hobart town.)

Sir, Downing Street, 24th April, 1831.

Control of road
department.

The late Secretary of State having in his Dispatch of the 13th of July, 1830, confirmed the appointment of Mr. P. Simpson and Mr. Lambie to the Road Branch of the Surveyor General's Department, I have but few observations to offer in reply to your Dispatch of the 24th of September last. Notwithstanding the objections entertained by you to the present arrangement, as directed by my Predecessor for superintending the Roads, I regret that I cannot consent to any alterations, at present, in that respect, the Commissioners of Colonial Enquiry having, in their report,* recommended, not only the continuance of it, but also the transfer to the Surveyor General of the duties performed by the Director of Public Works in addition to those which are already discharged by that Officer.

Proposed
transfer of
J. Abbott to
Tasmania.

I have already notified to you in my Dispatch of the 22 of Decr. last, my acquiescence in the transfer of Mr. Abbott's services to Van Diemen's Land, whenever a vacancy takes place in the Surveyor General's Department in that Island; but, as his removal thither, prior to such Vacancy, will diminish the number of Surveyors at New South Wales and encrease the Establishment in the other Colony, I cannot give my consent to the arrangement, which you have proposed with a view to his accommodation, unless you are of opinion that the Surveyor General will not feel the want of his Services, in which case you are at liberty to make what arrangements you may think proper with Colonel Arthur for his removal, at once, to Van Diemen's Land.

I am, &c.,
GODERICH.

VISCOUNT HOWICK TO GOVERNOR DARLING.
(Despatch per ship Mary to Hobart town.)

Sir, Downing Street, 27th April, 1831.

27 April.
Advance of
salary to
J. Dunlop.

I am directed by Viscount Goderich to acquaint you that an advance of £150 has been made to Mr. Dunlop, who, you were informed by Sir George Murray in his Dispatch of the 9th of Novr. last, had been appointed to the charge of the Observatory at Paramatta, and I am to desire that you will cause the amount to be repaid to the Colonial Government by a corresponding deduction from the Salary assigned to that Situation. Mr. Dunlop's full Salary will not commence until his arrival in the Colony, but half salary will be allowed to him from the date of his Embarkation.

I have, &c.,
HOWICK.

* Note 9.

GOVERNOR DARLING TO VISCOUNT GODERICH.

1831.
27 April.

(Despatch No. 41. per ship Sovereign.)

My Lord,

Government House, 27th April, 1831.

I regret that a pressure of Business has prevented my replying before the present moment to Sir George Murray's Despatch, dated the 12th August last, No. 72, transmitting Copy of a Correspondence, which had taken place with Mr. John Stephen, Junr., on the subject of his suspension from office, and requesting I would acquaint him whether any fresh matter had transpired in the Colony respecting that Individual.

Delay in reporting re J. Stephen, jr.

I must confess my disappointment on finding that the proceedings with respect to Mr. Stephen were not immediately confirmed. I had presumed that the Minute of Council, transmitted with my Despatch of the 29th June, 1829, No. 81, afforded ample proof of Mr. Stephen's criminality, both as a Magistrate and as a Servant of the Government, and would furnish a sufficient reply to any appeal he could make either to Parliament or the Public.

Regret at delay in confirmation of dismissal of J. Stephen, jr.

I beg to enclose a Paper for Your Lordship's Information containing some "Remarks" on Mr. Stephen's letters, and pointing out certain particulars which it might be supposed from the correspondence had escaped observation; such for example, as will be seen on reference to Page 9,* of the Enclosure, which clearly shews that he had certified to a fact as a Magistrate, which he knew to be false. It may save time to instance the matter alluded to. On the 1st May, 1829, Mr. Stephen gave "Jane New a Certificate, stating she became free on the 27th of the preceding month. On the 5th of the same month, only four days after, he addressed a letter to her former Master, residing at Van Diemen's Land, requesting he would intercede with the Lieut. Governor of that Colony to obtain remission of her Sentence, as the period of her transportation would not expire till the month of April, 1831. This single fact would I conceive justify his dismissal from the Service, but there are others pointed out in the accompanying Paper, which shew his utter disregard of veracity. The last paragraph has reference to a letter written by Mr. Sydney Stephen to the Colonial Secretary on the 6th December, 1829, in which he terms the Conduct of his brother John, the immediate subject of this communication, as "dishonorable" and "ungrateful."

Remarks on letters of J. Stephen, jr.

False certificate given by J. Stephen, jr.

Opinion of S. Stephen re conduct of J. Stephen, jr.

I request Your Lordship will be at the trouble of referring to my former Report,† which contains Copies of the letter to Jane New's Master above alluded to, as well as of the Certificate

* Note 81.

† Note 82.

1831.
27 April.

granted to her by Mr. Stephen, and Your Lordship will be able to determine whether there is not sufficient ground without any fresh matter for confirming the decision of the Council.

Misconduct of
J. Stephen, jr.,
at Jersey;

It may not be out of place to mention here that, some time after Mr. Stephen's arrival in this Colony, I received a communication from the Lieut. Governor of Jersey, where it appears he had formerly resided. The object was that proceedings might be instituted against him in consequence of some transactions during his residence at Jersey, but I was not informed of the particulars. His Retreat having been discovered, he determined from that moment to leave the Colony. A pretty correct judgement might be formed of his general character by his conduct here without reference to his former proceedings. It would be sufficient to instance his intercourse with "Jane New," a Woman of the most profligate Character, convicted of Shop-lifting, while under transportation, and the abandonment of his Wife and Children.

and in New
South Wales.

As my proceedings in the cases of certain officers of this Government did not receive that countenance and support, which I trust I shall be excused for thinking they had a claim to, it is the more important that the confirmation of Mr. John Stephen's dismissal should be publicly notified, in order to shew the determination of His Majesty's Government to support the local authority in punishing vice and immorality.

Necessity for
confirmation
of dismissal.

Request for
attention to
report *re*
T. L. Mitchell.

I feel it to be my duty, while on this subject, to request Your Lordship's early attention to the Report* on the Conduct of Major Mitchell, the Surveyor General. His case was so fully gone into in Council, and the various instances of his disobedience of Orders, insubordination and marked disrespect to the local Government, so fully detailed in the Minutes of its proceedings, that I shall not take up Your Lordship's time by dwelling on the subject in this place; but I earnestly submit to Your Lordship that Major Mitchell's removal from the Civil Service is indispensable to the proper Conduct of this Government, as the means of preventing others, who, like him, might be disposed to follow an ill example, when they could hope to do so with impunity. His prompt dismissal would be an incalculable advantage to the Service, inasmuch as the ground, which has been lost, would be regained by that step, and it would tend more than any other measure to reestablish the authority of the local Government.

Necessity for
dismissal of
T. L. Mitchell.

I have, &c.,

RA. DARLING.

* Note 83.

[Enclosure.]

1831.
27 April.

REMARKS ON Mr. John Stephen's Answer* to the Five Charges, which he deduces from the Proceedings of Council.

Replies to remarks by J. Stephen, jr., re irrelevancy of his answers;

1. He denies that his answers to the Council were not relevant or direct, and remarks that, if such were the impression on the Governor, it is singular that no question was repeated, nor any explanation required of an answer given by him. It is a fact, however, that questions were repeated, and explanations asked for, although it was considered sufficient to enter a question only once on the Minutes.

2. He states that the Executive Council shew ignorance of the Colonial Law, which makes it imperative on Magistrates to grant Certificates of Freedom. The Law, to which he refers, authorises Magistrates to give a Certificate to satisfy a person about to hire a Servant, that he may do so without incurring any Fine; but this Law does not apply in Mr. Stephen's case; for the Certificate if given according to this Law would be from Mr. Stephen to *himself*.

issue of certificates by magistrates;

He states that he trusts that Sir George Murray will not permit *so false an assertion as that of the identity of Mrs. New and Mrs. Dixon being satisfactorily proved, to be made without* closely investigating the proofs of the identity. The observations of Mr. Stephen on this subject are too absurd to merit any notice, but the enclosed Letter from Captain Rossi shews that the identity was notorious.

identity of J. New;

3. He denies having held communications with Jane New after the escape from the Factory. He calls this a base assertion, but the Certificate of Freedom must have been given to her, after her escape from the Factory; and, if Mrs. Dixon and Mrs. New be identified as one and the same person, there can be no doubt whatever on the subject.

communications with J. New;

4. He states that as a Magistrate he was compelled by Law to grant a Certificate of Freedom, and that as Registrar of the Supreme Court there was scarcely a Day on which he was not required to grant such a Certificate. He adds that he had granted many dozens of such Certificates, and his conduct was never before questioned.

his issue of certificates of freedom;

How far Mr. Stephen is borne out by facts in making this Statement will be seen by the enclosed Letters from Mr. Hely the Principal Superintendent of Convicts, and from Mr. Manning the present Registrar of the Supreme Court.

He says that he is surprised that any reference should have been made to the Document forwarded in proof of Mrs. New's conviction, as it was a false and mutilated Document contradicted by four Affidavits.

and proof of conviction of J. New.

The Document alluded to was a Letter from the Colonial Secretary of Van Diemen's Land to the Colonial Secretary of New South Wales, dated the 26 September, 1827, stating that permission had been granted to Jane Henrie, alias Maria Wilkinson, to proceed with her Husband James New to Sydney. In the margin, it was stated that the prisoner was tried at Chester on the 27 of April, 1824, and had arrived at Hobart Town by the "*Brothers*" in 1825. The figure 4 in the date 1824 appears actually to have been written over an Erasure where the figure 2 had originally stood; and the name of the Ship was not correct, as Jane New had arrived in Van

* Note 84.

1831.
27 April.

Replies to
remarks by
J. Stephen, jr.,
re proof of
identity
of J. New.

Diemen's Land by a Ship named the *Henry*. The Document, however, was filed in the Supreme Court in the very State in which it was received by the Colonial Secretary, and an affidavit by him was founded upon it, to prove that Jane New was not free in March, 1829.

Of the four Affidavits produced by Mr. Stephen to contradict this Document, the first is by Mr. Carlisle, Surgeon in the Royal Navy, who states correctly that Jane Henrie alias Jane New was a Prisoner on board of the ship *Henry*, of which he was Surgeon Superintendent, but the rest of the Affidavit is not very creditable to him, nor to the framer of it. He states that he, "according to the best of the Deponent's recollection of the original Indents, believes the period of Jane New's Sentence to be almost expired," and "further apprehends that as a *mistake has been made as to the Ship* in which She arrived in the Colony, there may be also one as to *the period* at which She received her Sentence"! !

The Second Affidavit is by Jane New herself, who Swears positively that She was tried at Chester on the 27 of April, 1822, and Sentenced to Transportation for 7 Years.

The third Affidavit is by James New, the husband who Swears that at the time of his Marriage he was informed at the Secretary's Office in Hobart Town that Jane New had then (July, 1826) only three Years to Serve before her Sentence would expire.

The fourth Affidavit is by James Horton, who States that he was present at the Trial of Jane New alias Maria Wilkinson at Chester in Spring 1822.

These of course are the Affidavits alluded to in Mr. Stephen's Certificate dated the 1st May, 1829, as Shewing that Jane New had become free on the 27th of the preceding Month. It is evident, however, that he himself did not put any confidence in those Affidavits, but that on the contrary he knew that Jane New was still a Prisoner, for, *on the 5 of the same month*, just four days after the date of his Certificate to Jane New, he addressed a Letter to a person named *Officer*, a Settler in Van Diemen's Land, with whom Jane New had formerly lived as a Servant, requesting of him to intercede with Lieutenant Governor Arthur for a remission of the remainder of Jane New's Sentence, which he states would not expire before the 27 April, 1831. It is remarkable that, notwithstanding this Letter, he now asserts that the Document proving that Jane New's Sentence would not expire till the 27 April, 1831, was false and mutilated, and contradicted by 4 affidavits. There was, as above shewn, an error in the Name of the Ship, but that was perfectly immaterial as to the period of her Sentence: and Mr. Stephen's Letter to Mr. Officer clearly proves that he knew the Document to be perfectly correct as to the date of Trial and the Sentence. It is therefore most extraordinary and scarcely credible that Mr. Stephen made an Affidavit, which was read by Mr. Wentworth in the Supreme Court on Saturday the 27 of June, Charging the Colonial Secretary with having falsified the Document alluded to, and with having afterwards sworn that it was genuine, thus literally charging him with Forgery and Perjury. The late Solicitor General, who was present in Court, applied for a Copy of this Affidavit, in order that the full charge which it contained might be immediately refuted; but this was refused by the Court! and the Colonial Secretary had no means afforded him of contradicting the

Charge, excepting by filing an Information for a Libel against the Editor of the Monitor for having inserted in his Paper of 4th July, 1829, a very offensive paragraph on the subject.

In the mean time, the Colonial Secretary received from Mr. Burnett the Colonial Secretary at Van Diemen's Land a Letter dated the 3rd August, 1829, of which and of its enclosure, the Annexed are Copies, containing a full acknowledgment of the error made in the original Document with respect to the Name of the Ship and Shewing most Satisfactorily the correctness of it in point of Date. The Certificate granted by Mr. Stephen is as follows, vizt.: "I certify that the Bearer hereof Jane New became free on the 27th Ultimo as appears by affidavits filed in my office." He now states that this was not a positive assertion of her being free, but only testifying the fact that certain Affidavits were in his possession on which her Claim to Freedom rested. This quibble is too absurd to merit any remark. The words of the Certificate are as positive as they could be, and the Letter from the Chief Justice before transmitted, as well as the annexed Letter from the present Registrar, clearly prove that there were no Such Affidavits filed in Mr. Stephen's Office as are referred to in his Certificate.

5. Mr. Stephen denies his having refused to produce the affidavits to the Executive Council, but it surely is unnecessary to say more on this subject than merely to refer to the Minutes of the Council.

Mr. Stephen denies his having been instrumental to Jane New's first escape, but there can be no doubt whatever on the subject after reading the Sheriff's Letter of 28 March, 1829, of which a Copy has already been transmitted to The Secretary of State, stating Mr. Stephen's very irregular and unauthorised interference with the Duty of the Sheriff on that occasion. He states indeed that his conduct on the occasion alluded to met with the approbation of the Judges, and a Letter of Mr. Justice Dowling, although dated 13 January, 1829, two months before the circumstance took place appears to be brought forward in proof of this approbation.

The general Certificate of good conduct given to Mr. Stephen by the three Judges and the Attorney General has no particular relation to this or any other case, and it appears, by Mr. Dowling's Letter of the 24th December last, that his Letter of 13 January, 1829, was in answer to one from Mr. John Stephen, urging him to lay before the Governor in Council a Petition on behalf of Jane New after she had Sentence of Death recorded against her for Stealing out of a Shop.

He states that he was ordered by the Chief Justice to prepare an order of the Court for the detention of Jane New for the purpose of transmission to Van Diemen's Land. This may be correct; but it is certain that, after the writing of the order, and putting it when signed into the hands of the Sheriff, the proper officer of the Court, it was not his duty to interfere further in the matter. He, however, took the order to the Colonial Secretary and desired to know how he was to dispose of Jane New, as the Court had ordered her to be returned to the Factory, and the Sheriff had refused, or at least did not consider that he was authorised to take Charge of her for that purpose.

The Sheriff's Letter of 28 March, 1829, last completely contradicts this last Statement, which indeed was denied by Mr. Stephen on the day after it was made by him.

1831.
27 April.

Replies to
remarks by
J. Stephen, jr.,
re proof of
identity
of J. New;

denial of
connivance
in escape
of J. New;

and order for
detention of
J. New prior
to transfer to
Tasmania.

1831.
27 April.

Replies to
remarks by
J. Stephen, jr.,
re

He states that he had to meet Mr. McLeay on that day on other Business. If so, it was without any previous appointment with Mr. McLeay, and certainly no other Business was entered upon by Mr. Stephen during the Interview.

He says that, on his return to Court, he made out the order, but this though immaterial is not correct, for he certainly had previously made it out, and actually put it into the hands of the Colonial Secretary.

treatment
of J. New ;

He States that on going out of Court he saw Mrs. New surrounded by Constables and bleeding at the head. This is positively contradicted by the Under Sheriff, who saw her as She left the Court House, and neither observed any marks of blood, nor heard of her having been struck by a Constable or any other person. See Mr. Macquoid's Letter of 22 December, 1830.

Mr. Stephen observes that the Remark Said to have been made by "Mr. Stephen" of "New, take care of your Wife" was made by his Brother and not by him, he being distinguished as Mr. John Stephen, whilst his Brother as Senior is called Mr. Stephen. How far Mr. John Stephen is borne out in this Statement is shewn by the enclosed Letter from Mr. Sydney Stephen, dated 26th February, 1831, who positively denies knowing anything of the Transaction. It appears from this Letter that it was not Mr. Sydney Stephen who moved for a Writ of Habeas Corpus to bring Jane New from the Factory as Stated in the Minutes of Council, but that, upon his refusal to make such a Motion, Mr. Francis Stephen placed the Brief and Fee which had been offered to him in the hands of Mr. Wentworth.

refusal of
legal inquiry ;

Mr. John Stephen next complains of General Darling having debarred him of the right of defending himself before a Competent Tribunal a Court of Law, and annexes the Extract of a Letter from the late Attorney General on this Subject. There is no doubt that Mr. Stephen might have been prosecuted under the Colonial Law for punishing persons who harbour Prisoners of the Crown, but it was judged more expedient in consideration of his Situation as a Magistrate and a Public Officer to give him an opportunity of vindicating his Conduct before the Executive Council, rather than to expose him in a Court of Justice.

and "illegal
proceedings"
of F. N. Rossi.

He called The Secretary of State's attention to the "*illegal Proceedings*" of Captain Rossi in refusing to proceed with the case when brought before him. The annexed Letter from Captain Rossi, dated the 14th of February, 1831, most satisfactorily explains the whole of that Gentleman's conduct on the occasion. It appears that Captain Rossi informed him that it was vain for him to deny his having lived with Jane New, as it was matter of notoriety that such was the case, and that any affidavits he might make could not rebut the Affidavits of the Constables with respect to his two Certificates found together in a Woman's Pocket. If further proof were required of the identity of Mrs. New and Mrs. Dixon, it might easily be obtained, but the circumstance of Jane New being the person who was concealed in the House of Amos Crisp until driven from thence by the arrival of the Constables is perfectly notorious. After leaving the House of Amos Crisp, she is said to have gone to the Hut of a person employed on the Farm of Mr. Cordeaux in the immediate Neighbourhood, and there obtained a Bonnet and

Reported
movements
of J. New.

Shoes, which she had been obliged to leave in the hurry of her leaving Crisps, and from thence to the House of one Nathaniel Boon, a Settler in the District of Airds.

1831.
27 April.

Reported
movements
of J. New.

It is stated that she afterwards went to Vacluse the Residence of Mr. William Wentworth, near the entrance of Port Jackson, for the purpose of embarking from thence with Mr. John Stephen; but, in consequence of the strict Inspection of which Mr. Stephen complains, it was found impracticable to embark her, although in Boy's Clothes; and she therefore returned to Vacluse, where she remained till the 6th of July following when she embarked on board of a Cutter called the Emma Kemp and went in her to New Zealand, where she remained till late in the last Year, when it is said that she returned to England by a Whaler. The fact of her having been some time at Vacluse may be proved by calling upon Mr. Cole, who went to England soon afterwards, and who may be heard of by enquiring of Mr. Crook Surgeon in the Royal Navy, lately returned from hence, to whom Mr. Cole mentioned that he had seen Mrs. New at Vacluse.

Mr. Stephen says that Something besides a pure love of justice has dictated Some of the Proceedings against him. His insinuations are not unexpected; but they are not reconcilable with the Extract of his pretended Letter from his Wife, announcing the Removal of The Governor and the Colonial Secretary and expressing regret on the occasion as she knew that both were his warm Friends. The Annexed Copy of a Letter from Mr. Sydney Stephen to the Colonial Secretary, dated December 6th, 1829, will sufficiently Shew that Gentleman's opinion of the Conduct of his Brother Mr. John Stephen towards the Colonial Secretary, which he terms "dishonorable and ungrateful."

General
remarks re
J. Stephen, jr.

[Sub-enclosure No. 1.]

[This was a copy of the letter with three enclosures from sheriff Macquoid to colonial secretary Macleay, dated 28th March, 1829; see page 43 et seq., volume XV.]

[Sub-enclosure No. 7.]

MR. SYDNEY STEPHEN TO COLONIAL SECRETARY MACLEAY.

Sir, York Street, Sydney, 26th February, 1831.

Having seen a Pamphlet purporting to be "a report of certain proceedings against John Stephen, Junr., Esqr., late Commissioner of Crown Lands, etc., and an appeal to the House of Commons respecting the same," I deem it to be a duty I owe to Myself to point out two errors contained in it, one an error in the report of the Council, and another error in the Statement of Mr. John Stephen, Junr.

The report of the Council States that the Motion for a Writ of Habeas Corpus was made by me, which is a mistake. Mr. New employed my brother, Mr. Francis Stephen, who is an Attorney, to take the necessary proceedings for Such a Motion. He offered me a Brief with a fee of 10 Guineas to make the Motion, but I refused, because I was of opinion that the Governor had the power to revoke assignments, an opinion which I expressed to several persons at the time. On my refusal, the Brief and the fee were placed in the hands of Mr. Wentworth.

Denial by
S. Stephen of
statements by
J. Stephen, jr.

I never took any part in the application for a Writ of Habeas Corpus, directly or indirectly.

The other error to which I allude is in the assertion of Mr. John Stephen, that I was the individual Spoken of in the affidavit of a person named Cleme, where that person States, that "Mr. Stephen suddenly appeared and said, 'New take care of your Wife.'" It was not I, and I know nothing of that transaction.

I was originally employed for Jane New to defend her on a Charge of privately Stealing in the Dwelling House of Madame Reus, above the Value of £5. She was found guilty, as I conceive very properly and as I stated at the time to Mr. Henry Shadforth, who was one of the Jury. I did not move in arrest of Judgment, though I knew at the time of the Trial that the Judges had held, in certain prosecutions

Defence of
J. New by
S. Stephen.

1831.
27 April.

conducted by me on behalf of the Crown, when Acting Solicitor General, that the Act under which She was tried ceased to be in force in the Colony, from the time that the Act of Mr. Peel repealing it was known here, which was before the Commission of the offence; as well because I did not agree in Such a decision (which the late Attorney General would remember) as also because I thought it best for the Colony that She should suffer for the offence. Afterwards indeed I saw several affidavits, which made me think She might have been innocent, and I then Submitted that point to the Court, upon which She was recommended to a Pardon.

Reasons for
submitting
statement.

I state these facts to you, Sir, for the information of His Excellency the Governor, in the hope, that he will do me the justice to believe that I am not involved in this transaction.

I do not think it fair that I should have any Suspicion excited against me of having assisted in that Woman's escape. I have refused to avail myself of the Credit attached to a Barrister, of having urged a point of law Successfully on behalf of a Prisoner, and I refused a Fee, both from a principle of duty. I think it hard to have Such imputations believed, as well as to lose the Credit which I consider I deserved, but which I was Content to forego, and which I should not now have proclaimed, but for the Pamphlet referred to above.

I trust that in any future Communication with the Secretary of State, should His Excellency ever have any on this Subject, His Excellency would be pleased to notice the mistake of the Council and the erroneous Statement of Mr. John Stephen.

I have, &c.,
SYDNEY STEPHEN.

[The additional sub-enclosures are not available.]

GOVERNOR DARLING TO VISCOUNT GODERICH.

(Despatch No. 42, per ship Sovereign; acknowledged by
Viscount Goderich, 24th October, 1831.)

My Lord,

Government House, 27th April, 1831.

Despatches
acknowledged.

I have the honor to inform Your Lordship that Sir George Murray's despatches of the Several dates and Numbers expressed in the Margin,* relating to the Clergy and School Corporation, have been duly received, and that His Majesty's Instructions, directing the appointment of five Commissioners to Manage the Affairs of the Corporation and to perform the Several duties vested in that Body, have been carried into effect, as will be seen by the enclosed Copy of the Instrument issued for that purpose.

Appointment of
commissioners
for church and
school estates.

Instructions
issued by
R. Darling.

I have further the honor to transmit for Your Lordship's information copies of the Instructions Severally furnished to the Commissioners, the Treasurer and the Surveyor General, in pursuance of the measures directed in Sir George Murray's Despatches above specified. There is one point, however, which I would beg to Submit for reconsideration, which is, the Advantage that would result from Continuing the Archdeacon in the Superintendence of the Male and Female Orphan Schools, rather than placing it in the hands of Committees to be established for the purpose, as directed by the Despatch of the 25th of May, 1829. It is due to Mr. Broughton to State that he is well qualified for this important Charge, and that the interest he Continues to take in the Success of these Establishments is a proof that he has no desire to be relieved from their Superintendence. I might at the same time add that, from the distance of these Schools from

Proposed
superintendence
of orphan
schools by
archdeacon.

* The margin is blank in the copy available (note 85).

Sydney, there would be much difficulty in finding persons competent to the Charge, who could spare time and would incur the Expense of Visiting them as would be necessary.

1831.
27 April.

I now do myself the honor to enclose, for Your Lordship's information, a Comparative Statement of the Expense of the Office Establishment employed by the Trustees of the Corporation, and that of the present Commissioners. It will be seen that a saving of £695 a year has been effected, independent of the Travelling Expenses allowed the Clerical Trustees, attending the general Courts of the Corporation, which amounted to nearly £200 per Annum. I have much pleasure in assuring Your Lordship that the Archdeacon has evinced every desire to cooperate with the Government in keeping down the Expense by placing the office Establishment on the lowest possible Scale. As preparing the Accounts and Statements to be furnished by the Treasurer will occasion a considerable addition to the business of that Office, I have been induced to grant an encrease of £25 to the Salary of the Clerk, who is to Make up those Accounts, and who will now receive £250 a year, which, considering the duties he has to perform, there being no other Clerk in the Office, and the responsibility of his Situation, is only a Moderate remuneration for his Services.

Expenses
of office
establishments.

Salary of clerk.

I have the honor further to enclose copy of a letter from the Commissioners, requesting that a reasonable Allowance may be made to Such of them as may be necessarily employed in inspecting the lands on any particular occasion. I have seen the Archdeacon on the Subject, and, being satisfied that the Expense will be inconsiderable, I have signified that an Allowance for the above purpose will be made unless Your Lordship should disapprove of it.

Travelling
allowances for
commissioners.

I have, &c.,

RA. DARLING.

[Enclosures.]

[Copies of these papers will be found in a volume in series VII.]

GOVERNOR DARLING TO VISCOUNT GODERICH.

(Despatch No. 43, per ship Craigevar.)

My Lord,

Government House, 29th April, 1831.

29 April.

I have the honor to acquaint Your Lordship, in reference to Sir George Murray's Despatch dated the 26th of August last, No. 73, that every Necessary arrangement has been made preparatory to delivering over the Coal Mines to the Australian Agricultural Company.

Arrangements
for transfer of
coal-mines to
A.A. company.

Being desirous of immediately breaking up the Government Establishment at Newcastle, which consists of Branches of the

1831.
29 April.

Proposed
transfer of
buildings.

Inability of
E. Parry to
accept mines
and buildings.

Proposed
abolition of
government
establishment
at Newcastle.

Despatch
acknowledged
re exchange of
land with
A.A. company.

Department of Works and of the Convict Department, I directed a Communication to be made to Sir Edward Parry, proposing that he should immediately take possession of the Coal Mines and offering at the same time to transfer such of the Government Buildings as might be necessary for the accommodation of the Company.

Your Lordship will perceive, by the enclosed Extract of Sir Edward Parry's reply, that he is not yet prepared to receive the Mines, and, considering the buildings to be at an inconvenient distance, he has declined taking them on the part of the Company. I shall however proceed according to my intention of breaking up the Government Establishment, retaining only such Men for the present as are attached to the Mines, who will of course be transferred to the Company with that Establishment.

I am aware that some inconvenience will be occasioned by discontinuing the Government Establishment; but the experiment may be worth Making, whether Contractors can be found who are Competent to undertake the repairs and erection of such Buildings as may be required.

As soon as the arrangement is completed, I shall do myself the honor to report for Your Lordship's information the extent of the reduction which may be made.

2nd. As I am now writing on the subject of the Australian Agricultural Company's concerns, I avail myself of the opportunity of acknowledging Sir George Murray's Despatch, No. 23, dated the 21st of April last Year with respect to the exchange of a portion of the Company's Grant at Port Stephen for Land to be selected elsewhere, and stating the Conditions under which the exchange would be permitted.

The Matter was submitted to the Executive Council, and the necessary communication was in. Consequence Made to Sir Edward Parry, who has been authorised to Select other Land on the part of the Company to the extent pointed out in the Instructions I have received. When Sir Edward Parry shall have Selected the Land, and the arrangement is completed, I shall have the honor of reporting fully for Your Lordship's information.

I have, &c.,
RA. DARLING.

[Enclosure.]

EXTRACT from Sir Edward Parry's letter, dated Newcastle,
24th March, 1831.

Opening of
coal-mine by
A.A. company.

"We are now employed in quarrying Stone Several Miles up the Hunter, for a foundation for the Engine, the intended Shaft having been Sunk as far as is practicable, till the Water is Cleared out.

We are at the Same time Constructing a Blacksmith's Shop, habitations for the Workmen, and an inclined plane with a Rail-Road for Conveying the Coals to the Sea; in all which operations, I am employing at great expense all the free labour I can procure.

1831.
29 April.

"Notwithstanding these exertions, I cannot Safely Reckon upon having the Company's Works in full play in a less period than four or five Months from this date; it being impossible to make Sure, for two days together, of the Work being Carried Steadily on by the free people principally employed upon it.

Date for full operation of mine.

"The Stock of Coal now already raised at the Government Pit is equivalent to only three or four Months' Consumption. I would therefore suggest that it would be unsafe, as regards the Supply to the Public, to relinquish *immediately* the Government Works; from which in my opinion, not less than five or Six Months' Supply Should be raised (reckoning from this date) before the Mines are turned over to the Company, especially as that *particular Class* of Workmen will not be actually required for the Company's Works for about two Months longer.

Proposal for continued coal-mining by government.

"His Excellency may be assured that no exertion Shall be wanting on my part to expedite our taking the whole business of the Coal Works into the Company's hands; it being obviously of essential importance to the Company's interests, to obtain with the least possible delay, some return for the large outlay they are at present incurring.

Desire for transfer of coal-mines.

"In a few days I shall have the honor of proposing to you, what Stores belonging to the Government at this place I should wish to purchase for the use of the Company."

VISCOUNT GODERICH TO GOVERNOR DARLING.

(A circular despatch per ship Margaret.)

Sir,

Downing Street, 12th May, 1831.

12 May.

The determination of His Majesty's Government that the Crown Lands in the Australian Colonies shall, in future, be disposed of by Public Sale only, renders necessary some alterations in the Instructions, conveyed to you in Sir George Murray's Circular despatch of the 1st of Nov. last, with a view to secure uniformity in the mode of disposing of the Crown Lands.

Instructions re remission of purchase money on land for military.

By that despatch, you were authorised to allot to Soldiers, discharged from His Majesty's Regiments serving to the Eastward of the Cape, tracts of Land in the following proportions:—

Non Commissioned Officers	200 acres
Rank and File	100 „

The course, adopted in order to preserve to officers of the Army the privileges for which their services had previously qualified them, appears to me to be equally applicable to the case of the discharged Soldiers; I have therefore to direct that free Grants

1831.
12 May.

Instructions
re remission of
purchase money
on land for
military.

of Land shall not be made to these Soldiers, but that they, in common with other persons, shall purchase their land at the Public Sales; the following proportion of the purchase money being remitted to them, viz.:—

Non Commissioned Officers	£50
Rank and File	25

It is possible difficulties may arise in the execution of this arrangement from the ignorance or inexperience of the parties. In that case you will adopt such Regulations as you may judge best calculated to obviate the inconvenience, which may be experienced, taking care to give me full information upon the subject.

I am, &c.,
GODERICH.

VISCOUNT GODERICH TO GOVERNOR DARLING.
(Despatch No. 39, per ship Mary to Hobart town.)

15 May.

Instructions
re advance
to Revd.
J. D. Lang.

Sir,

Downing Street, 15th May, 1831.

I transmit to you herewith the Copy of a further Letter from the Revd. Dr. Lang upon the subject of the advance of £1,500, referred to in my Despatch of the 29th of March last, No. 34; and I have to desire that the above Sum of £1,500 may, in the event contemplated by him, be paid to the persons mentioned in his Letter, upon the same conditions as were prescribed in the case of himself.

I have, &c.,
GODERICH.

[Enclosure.]

REVD. J. D. LANG TO VISCOUNT HOWICK.

My Lord,

Edinburgh, 3d May, 1831.

Proposed
departure of
brig *Stirling*
Castle with
immigrants.

I do myself the honor to inform your Lordship that the Ship *Stirling Castle* of 350 Tons register, which I chartered for the conveyance of free emigrant Mechanics with their wives and children to New South Wales, on conditions which I had the honor to state to your Lordship in a former letter, will be ready to sail from the Port of Greenock about the 20th of this month, and that the Mechanics, who proceed by her to the Colony, are of the following descriptions, vizt.:—Engineers, Carpenters, Stonemasons, Blacksmiths, Bricklayers, Coopers and Plaisterers.

Request re
advance for
charter of brig.

As the sum of £1,500 however, which your Lordship has authorised the Governor of New South Wales to advance from the Grant to the proposed College in Sydney for the payment of the Charter of the said Vessel, *is payable on my arrival* in the Colony, and as the Ship Owners have suggested to me that it would be satisfactory to them, were the said sum rendered payable to some other person or persons in the event of my decease before the Vessel's arrival in

the Colony, I beg leave most respectfully to request that your Lordship will be pleased to order that, in the event of my Death during the voyage, the said sum of £1,500 may be payable on the same conditions and for the same purpose to the Revd. John McGarvie, A.M., and Thomas Barker, Esqr. of Sydney, or to the Survivor of them.

1831.
15 May.

Request *re*
advance for
charter of brig.

I have, &c.,

JOHN DUNMORE LANG.

GOVERNOR DARLING TO VISCOUNT GODERICH.

(Despatch No. 45, per ship Lady Harewood; acknowledged by Viscount Goderich, 23rd December, 1831.)

My Lord,

Government House, 25th May, 1831.

25 May.

I have the honor to acquaint Your Lordship, in reference to my Despatch of the 29th of January last, No. 10, that His Majesty's Sloop Comet returned to this Port on the 23d inst., the whole of the people* (87 in Number) having been removed from Pitcairns Island to Otaheite, agreeably to the Instructions communicated to Captain Sandilands for that purpose.

Removal of
Pitcairn
islanders.

I have further the honor to transmit, for Your Lordship's information, copy of a letter addressed to me by Captain Sandilands, which contains the particulars of his proceedings in carrying this Service into effect, and to acquaint Your Lordship that I have confirmed the agreement, which he entered into with Mr. Bicknell, for supplying the People taken to Otaheite with the Provisions Necessary to their Support for a period of Six Months, the Expense of which will be trifling, as the terms and Scale of Allowance are very moderate. I request Your Lordship's Authority for the Amount being Charged in the Public Accounts.

Agreement for
provisions at
Otaheite.

I beg to add that Captain Sandilands has informed me, that circumstances did not permit of his proceeding to Rotumah, and that he was consequently unable to act on the information received from the Honble. Captain Waldegrave of His Majesty's Ship Seringapatam as communicated in my Despatch of the 29th of January last.

Inability to
remove escapees
from Rotumah.

I have, &c.,

RA. DARLING.

[Enclosure.]

[A copy of this letter is not available.]

VISCOUNT GODERICH TO GOVERNOR DARLING.

(Despatch No. 40, per ship Mary to Hobart town.)

Sir,

Downing Street, 28th May, 1831.

28 May.

With reference to my Despatch of the 22d of March last, No. 26, I have the honor to acquaint you that I have appointed the Revd. George Innes to be head Master of the School about

Appointment of
Revd. G. Innes
to school at
Sydney.

1831.
28 May.

to be established at Sydney. His full salary will not commence until his arrival in the Colony, but half salary will be allowed to him from the date of his embarkation.

Advance to
Revd. G. Innes.

I have also to apprise you that the Agent has been directed to issue the sum of £150 to Mr. Innes to enable him to defray the expences of his approaching voyage to New South Wales.

I am, &c.,
GODERICH.

VISCOUNT HOWICK TO GOVERNOR DARLING.
(Despatch per ship Mary to Hobart town.)

31 May.

Sir,

Downing Street, 31 May, 1831.

Application by
J. T. Rodd for
land grant.

The Secretary of State having received from Mr. Rodd, late of the Surveyor General's Department at New South Wales, a further application on the subject of Land, I am directed by Viscount Goderich, with reference to Mr. Hay's Letter to you of the 12th of December, 1828, to transmit to you a Copy of Mr. Rodd's second application and of the answer which has been returned to it.

I have, &c.,
HOWICK.

[Enclosure No. 1.]

MR. J. T. RODD TO UNDER SECRETARY HAY.

Sir,

Wollombi, New South Wales, 17 March, 1830.

Request for
land grant by
J. T. Rodd.

I have the honor to acknowledge the receipt of your letter dated 12 of Decr., 1828, and beg leave to request that you will be pleased to submit to the Right Honble. the Secretary of State for the Colonies the enclosed Memorial and other documents, which I confide will correct the misrepresentation that appears to have been transmitted home as regards the extent of Land I hold by Grant in this Colony.

In addition to the subject matter contained in my Memorial, I respectfully submit that, when I was appointed to the Surveying Department, every Assistant Surveyor was allowed a Reserve of Land without reference to his means; and I was informed by Major Goulburn, the Colonial Secretary, the same privilege would in course be extended to me, but which has never been done; neither have I received an additional grant in extension, but have confined myself to the cultivation and improvement of the land granted to me through the means I possessed before I was appointed to the Surveyor General's Department.

Under all the circumstances of my unfortunate case, I respectfully request a Grant of the land, I now rent of the Government, under the existing Regulations, at £2 5s. per annum, containing 1,800 acres, and immediately adjoining my own farm, as laid down in the annexed plan.

I am, &c.,
J. T. RODD.

[Enclosure No. 2.]

1831.
31 May.

VISCOUNT HOWICK TO MR. J. T. RODD.

Sir, Downing Street, 31 May, 1831.

I have to acknowledge the receipt of your letter of the 17 of March, 1830, addressed to Mr. Hay, requesting under the circumstances of your case, as stated in that letter and in a former communication which you have addressed to this Department, that a Grant may be made to you of the land, which you now rent of the Government, consisting of 1,800 acres immediately adjoining your own farm. Letter acknowledged.

Having submitted your application to the Secretary of State, I regret to acquaint you that his Lordship sees no ground for deciding on your case, otherwise than his Predecessor has done. It is stated, in the letter last received from you, that the grant of land, which you now hold, was made through the means you possessed before you were appointed to the Surveyor General's Department, and that the additional Land for which you now apply is that to which you consider yourself entitled as an officer once belonging to that Department, a reserve, to the extent which you claim, and which was promised to you during the administration of Sir Thomas Brisbane, having been made in favor of every assistant Surveyor then employed in the Public Service, without regard to any pecuniary means which he may have possessed at the time such reserve was ordered. With reference to the above observation, Lord Goderich deems it right that you should be informed that such a practice was wholly unsanctioned by the Government at home, and that the Secretary of State cannot now recognize in your case the principle of granting Lands to Public Officers upon any other principle than that which applied to ordinary Settlers. Refusal of request for land grant.

I am directed to add that your former and present application ought to have been transmitted through the Governor, and that no answer will in future be returned to any representations addressed by you to this Department, which do not come through that Channel according to the Regulations of which notice has been given in the Colony. Irregular transmission of application.

I am, &c.,
HOWICK.

VISCOUNT HOWICK TO GOVERNOR DARLING.

(Despatch per ship Mary to Hobart town.)

Sir, Downing Street, 31 May, 1831.

I am directed by Viscount Goderich to transmit to you herewith, for your Information, the Copy of a Letter, which has been addressed by his Lordship's desire to Mr. Windeyer, in answer to an application from that gentleman for an allotment of Land on the Woolloomooloo Estate for the purpose of erecting a residence thereon. Reply to request by C. Windeyer for building allotment.

I have, &c.,
HOWICK.

[Enclosure.]

1831.
31 May.

VISCOUNT HOWICK TO MR. CHARLES WINDEYER.

Sir,

Downing Street, 31 May, 1831.

Letter
acknowledged.

Lord Goderich has received, through the Attorney General of New South Wales, an application from you, dated 21 Decr., 1830, for an allotment of Land in the Woolloomooloo Estate with a view to the erection of a Residence thereon.

Irregular
transmission
of request.

The Channel, through which you have transmitted your Petition, is not, as you must be aware, the regular one; All communications addressed to the Secretary of State by Persons residing in the Colony having been directed by a Public Notice to be forwarded in the first instance to the Governor, if the Parties addressing them wished to avoid the delay of their being sent back to the Colony for the Governor's Report. In the present case, however, the Secretary of State does not deem it necessary to adopt that course, as the Regulations, which have recently been established in respect to the disposal of all Lands belonging to the Crown by sale, have obliged the Secretary of State to decline at once acceding to all applications of the nature of that which you have transmitted.

Refusal of
request for
building
allotment.

The Secretary of State directs me to add that it will, of course, be in your power to purchase the land, which you are desirous of acquiring for the object mentioned in your letter, on application to the Governor in the manner pointed out by the Regulations, should he see no reason for reserving it for public purposes.

I am, &c.
HOWICK.

GOVERNOR DARLING TO VISCOUNT GODERICH.

(Despatch No. 47, per ship Lady Harewood; acknowledged by
Viscount Goderich, 24th December, 1831.)

4 June.

My Lord,

Government House, 4th June, 1831.

Transfer of
settlement at
King George's
Sound to
government of
West Australia.

I have the honor to acquaint Your Lordship, in reference to my Despatch of the 31st of January last No. 13, that the Settlement of King George's Sound has been transferred to the Government* of Western Australia, and that the Troops and other Persons belonging to this Government have been withdrawn, and have arrived here. I beg to enclose, for Your Lordship's information, Copy of a letter which I have received from Lt. Governor Stirling on the Subject, in which he speaks of Captn. Barker 39th Regiment, the late Commandant of King George's Sound, the officer whom I informed Your Lordship in my Despatch of the 13th of April last, No. 37, it was my intention to employ as Resident at New Zealand.

Murder of
C. Barker
by natives.

I regret to inform Your Lordship that, after leaving King George's Sound, Captn. Barker was unfortunately killed by the Natives, when endeavouring to ascertain whether there was any Communication between Lake Alexandrina and Gulf St. Vincent. But I cannot better put Your Lordship in possession of that

* Note 86.

Officer's Character, the Zeal and enterprise which distinguished the performance of his duties, and the loss which this Government has sustained by his death, than by transmitting to Your Lordship the accompanying Copy of a Government Order* which I issued on that occasion.

1831.
4 June.

Testimony to
services of
C. Barker.

The death of Captain Barker has occasioned some embarrassment, as it is difficult to find a person qualified for the Situation I had intended to place him in at New Zealand. Captain Sturt, whose Services in exploring the Interior will bring him to Your Lordship's recollection, had induced me to think of him even before Captain Barker for that Service; but I was anxious to reserve him for the pursuit of the object which he had so successfully commenced, having no doubt His Majesty's Government would be desirous of availing itself of his qualifications and talent for that particular Service. In addressing Your Lordship's predecessor on the subject of Captain Sturt's discoveries, I did not think it necessary to point out the danger which he incurred in making them, supposing it was sufficiently obvious, and that his Services would be duly appreciated. If not before adverted to, the fate of Captains Logan* and Barker will shew the personal hazard at which the important discoveries of Captain Sturt have been made.

Difficulty in
nominating
resident for
New Zealand.

Dangers
encountered
by C. Sturt.

I now beg to inform Your Lordship that it is my intention to employ Captain Sturt at New Zealand, should there be no objection on his part; and I propose immediately sending for him to Norfolk Island, where he is at present Stationed. It is an object to conciliate and keep the New Zealanders in good humour, and Captain Sturt's disposition and Character give him the best Chance of Succeeding with them.

Proposed
appointment
of C. Sturt as
resident in
New Zealand.

I regret the delay which has taken place in this matter, but Your Lordship will see that it was unavoidable.

I have, &c.,
RA. DARLING.

[Enclosures.]

[Copies of the letter, dated 4th March, 1831, and order, dated 23rd May, 1831, will be found in a volume in series III.]

GOVERNOR DARLING TO VISCOUNT GODERICH.

(Despatch No. 48, per ship Lady Harewood: acknowledged by Viscount Goderich, 14th December, 1831.)

My Lord,

Government House, 6th June, 1831.

6 June.

I have the honor to transmit to Your Lordship, in pursuance of the intention expressed in my Despatch of the 31st February last, No. 17, Copies of two Government Orders which

Transmission
of government
orders.

* Note 87.

1831.
6 June.

have been lately published, one Notifying the arrangement which has been made for reducing the Scale of "Gratuities" to Convicts employed as Overseers, etc., from three Classes to two, the other for employing Prisoners of the Crown in the situation of ordinary Constables at a reduced rate of Pay; by which arrangements a Saving to no inconsiderable Amount will accrue to the Government, and the Service in both cases will be fully as well provided for.

Government
order *re*
gratuities to
convict
overseers;

The object of the first Measure was to simplify the arrangement, as well as to reduce the Expense. The Old Scale consisted of three Classes: The first at 1s. 3d. a day, the Second at 10d., and the third at 6d.

The New Scale Consists of two Classes: the first at 1s. a day, the latter at 8d.

Those formerly allowed 1s. 3d. will receive 1s. a day.

Those, who received 10d., are reduced to 8d., and Such, as were Allowed 6d., will receive 8d.

and *re* convicts
employed as
constables.

2nd. With respect to the Second, the order relating to the Constabulary, the object was to provide persons, who would perform the duties of ordinary Constables in a More efficient manner than hitherto, and at a lower rate of Expense; and there is no doubt that this has been effected by the incentive, which is held out to good Conduct in the Shape of indulgences after certain periods of service.

The ordinary Constables have hitherto received £41 a year. Under the present System, they will be allowed £31 19s.

Economy
effected in
salaries of
constables.

In the Month of March last, there were 43 District Constables, and 142 Ordinary Constables employed. The pay of the former was £51 14s. 6d. a year, which was then reduced to £41, the pay of an Ordinary Constable, and 65 of the latter were discontinued, so that the reduction of the Expense in this Case will exceed £3,000.

Payment of
fees for spirit
licenses to
military chest.

In addition to this, The Sum of £5,100, being the Amount of Fees received during the year as Licenses to sell Spirits, has been paid into the Military Chest, it having been provided by the Act of Council,* passed last year, that all Fees received on that account should be applied in aid of the Expense of the Police Establishment. So that by these Arrangements His Majesty's Treasury, which has hitherto paid the whole Expense of the Police, has been Saved upwards of £8,000.

Saving effected
to English
treasury.

Reduction of
constabulary.

The reduction of the Constabulary has been effected Solely through the means of the augmentation of the Mounted Police, as reported in my Despatch No. 17 of the present year above referred to; and I beg to assure Your Lordship that no Measure could be more effectual; it has given general satisfaction, as, by

* Note 88.

the judicious arrangements of the officer Charged with the Superintendence of that Establishment, every part of the Colony, even the most remote, enjoys a degree of tranquillity hitherto Unknown.

1831.
6 June.

Influence of mounted police.

I beg leave to add that, when some arrangements, which are in progress, have been carried into effect, I have no doubt that I shall be able to make a still further reduction of the Constabulary of the Districts. I shall have the honor of reporting fully when the Establishments alluded to have been finally determined.

I have, &c.,

RA. DARLING.

[Enclosures.]

[These orders, dated 20th and 23rd May, 1831, have been omitted as they are summarised in the despatch.]

GOVERNOR DARLING TO VISCOUNT HOWICK.

(Despatch per ship Lady Harewood.)

My Lord,

Government House, 6th June, 1831.

In reference to Mr. Hay's letter of the 30th of November last, I have the honor to state for the information of Lord Viscount Goderich that Lt. Percy Simpson never held the appointment of Resident Magistrate at Portland Head. Mr. Simpson, being employed in the Road Department, and having a large Number of Prisoners Under his Superintendence, a great proportion of whom were Working in Irons under Colonial Sentence, was Appointed a Magistrate, in order to enable him the better to Control the ill disposed Individuals he had to deal with. Mr. Simpson no doubt Acted in other Cases, when his time permitted, for the Convenience of the Neighbourhood, but he never received Pay or Allowances of any Kind as a Magistrate. He is no longer in that Situation. Having been lately declared Insolvent in the Supreme Court, it was considered proper to discontinue his name with some others under similar Circumstances, when the present Commission of the Peace was issued.

Employment of P. Simpson at Portland head.

Removal from magistracy for insolvency.

I have, &c.,

RA. DARLING.

GOVERNOR DARLING TO VISCOUNT HOWICK.

(Despatch per ship Lady Harewood.)

My Lord,

Government House, 7th June, 1831.

7 June.

I have the honor to inform Your Lordship, in reference to Mr. Hay's Letter of the 7th of April last, that a very laborious revision of the Commissariat Establishment has lately taken place, as reported* by the present opportunity to the Lords

Revision of commissariat establishment.

* Note 89.

1831.
7 June.

Commissioners of His Majesty's Treasury; and I beg to express my hope that it will not be necessary to incur any Additional Expense to enable the Deputy Commissary General to prepare the Statements necessary to completing the Returns, etc., required by the Colonial Department.

I have, &c.,

RA. DARLING.

GOVERNOR DARLING TO VISCOUNT HOWICK.

(Despatch per ship Lady Harewood.)

9 June.

Transmission
of map by
C. Sturt.

My Lord,

Government House, 9th June, 1831.

With reference to my Despatches No. 47/1829 and 38* of the present Year, transmitting Captain Sturt's Journals and Reports of the Expeditions Undertaken by him with a view to Explore the Interior of this Country, I have now the honor to forward a Map prepared by that Officer, shewing the route pursued by him on the two occasions in question.

I have, &c.,

RA. DARLING.

[Enclosure.]

[A copy of this map will be found in the volume of charts and plans.]

GOVERNOR DARLING TO VISCOUNT GODERICH.

(Despatch marked "Separate," per ship Lady Harewood; acknowledged by Viscount Goderich, 15th December, 1831.)

10 June.

Deliberations
by executive
council re
insolvency of
C. Wilson.

My Lord,

Government House, 10th June, 1831.

Having adverted in my late Despatches to the circumstance of some of the Civil Officers having been declared Insolvent, and more especially in my letter to Mr. Hay of the 22nd February last, in which I mentioned the case of Captain Wilson, the Director of Works, as tending to bring discredit on the Public Service and to interfere with the proper Discharge of his Duty; I was in consequence induced to bring the Matter under the consideration of the Executive Council, where it underwent a long and patient Investigation. Captain Wilson was first called on by letter to reply to certain questions which were stated in writing, but, his answers not being satisfactory, he was subsequently examined in person before the Council.

The result of the Investigation is contained in the annexed Resolutions of the Council, which explain the view taken of the case, and will I presume be sufficient to enable Your Lordship to judge of Captain Wilson's Conduct.

It will be seen by the Resolutions that his having involved himself to so large an amount, his debts being about 4,000£, though he has been but a short time in the Colony, has been

* Note 90.

animadverted on as evincing great imprudence on his part, and that the Council has further remarked on the circumstance of his having availed himself of the Persons employed under him to endorse his Bills, which could not fail to weaken the influence which it was necessary he should have preserved unimpaired as the Head of a Department. There are other matters which have been remarked on by the Council, but which I shall not take up Your Lordship's time in entering upon in this place, as they are stated in the Resolutions of the Council.

Should Your Lordship wish to be more particularly informed of Captain Wilson's Case, I would beg leave to point out that the whole of the Proceedings upon it will be found in the Minutes of Council which will be made up and forwarded with as little delay as possible after the end of the present month.

I have, &c.,

RA. DARLING.

P.S.—In order to bring the subject of this Communication more fully under Your Lordship's notice, I beg that reference may be made to my Despatch of the 23rd September last, No. 58.

[Enclosure.]

MINUTE No. 24.

PRESENT:—The Governor; Archdeacon; Colonial Secretary; Colonel Lindesay.

Minute of proceedings of executive council *re* insolvency of C. Wilson.

2. In reference to the Proceedings on the 28th Ultimo, the Governor laid before the Council a letter from Captain Charles Wilson, Director of Public Works, making certain addenda to some of the answers given on his examination before the Council, also a letter from the Sheriff, enclosing a Statement shewing the particulars of the several Sales of Captain Wilson's Property.

In consequence of the great discredit which has been brought upon the Service of Government by the instances, which have lately occurred, of Civil Officers being declared Insolvent, the Council felt it incumbent on them to enter very minutely into the case of Captain Wilson.

After a careful review of the several Documents having reference to the pecuniary difficulties which have embarrassed him, and after personal explanations offered by him on his examination before the Council, they have come to the following conclusions, *vizt.*:—

1st. That, however justifiable may have been his motives, as stated by himself, in embarking so largely in Agricultural Concerns, the occurrence of such serious embarrassment and such

1831.
10 June.

Minute of
proceedings of
executive
council *re*
insolvency of
C. Wilson.

considerable deficiency, within so short a period after his arrival in the Colony, proves the existence of great imprudence and mismanagement on the part of Captain Wilson.

2nd. That Captain Wilson's Conduct in involving two persons employed in his Department has been highly reprehensible, as depriving him of the Control it is indispensable he should have over his subordinate officers; but there is no reason to believe that, at the time he allowed them to contract engagements for him, he had any apprehension of their being called upon to make any actual payment on his account.

3rd. That whether Captain Wilson's Conduct in mortgaging a Property, for which he had not paid, be justifiable or not, depends entirely upon the faith to be put in the Statement of Mr. McDonald, from whom the Estate was purchased, against the positive statement of Captain Wilson and the Affidavit of his Nephew, who declare that McDonald gave his assent to the Mortgage in question; and it is fair to add that Mr. McDonald was very recently a convict, and is now holding a Conditional Pardon.

4th. That, although it is admitted by Captain Wilson that Furniture to the amount of £50 purchased upon Credit, and yet unpaid for, was included in the Bill of Sale given by him as security for his debt to Mr. Lamb, the Council are not of opinion that this was done with any fraudulent intention.

5th. From the replies returned by Captain Wilson to the various Queries addressed to him, it appears that his agricultural Live and dead stock was sold by the Sheriff under a Warrant of Attorney to satisfy the Claims of particular Creditors, and that a preference was intended to be given to one Creditor especially to the amount of £200. The Council consider such a Proceeding having been taken in the contemplation of immediate Insolvency to be exceedingly reprehensible; but, as the entire transaction has been set aside by the Supreme Court as illegal, they do not consider it necessary to enter more fully into the circumstance.

6th. In conclusion, the Council very much regret that Captain Wilson should not have kept such accounts as might have enabled him to afford satisfactory information of the Causes which, in so short a time, have occasioned so great a deficiency as appears by the Schedules of his Debts and Assets.

E. DEAS THOMSON,
Clerk of Council.

GOVERNOR DARLING TO VISCOUNT GODERICH.

1831.
11 June.

(Despatch No. 50, per ship Lady Harewood.)

My Lord, Government House, 11th June, 1831.

With reference to the Instructions contained in Sir George Murray's Despatch No. 54, dated 6th July, 1830, I have the honor to forward herewith two of the Returns therein called for. One shewing the Number of Convicts in the Colony on the 1st January and 1st of July in the Years 1826, 1827 and 1828, the other, the Number of Applications for Female Convicts as Servants, etc., in the years 1827 and 1828.

The Return intended to Shew "the Expense of the Department of the Superintendent of Convicts, including the Expense for Building," etc., has been furnished by the Deputy Commissary General; but it appears to be so little calculated to answer the object required, and is so Voluminous and Complicated, occupying 85 Sheets of Paper, that it would be Useless to forward it in its present Shape. I regret extremely the delay which has thus been occasioned in Complying with the orders received; But the Statement shall be immediately revised and transmitted by the next opportunity, in a form which I trust will prove Satisfactory to Your Lordship.

I have, &c.,

RA. DARLING.

[Enclosure No. 1.]

RETURN of the number of Applications from Settlers and others for Female Convicts as Servants in the Years 1827 and 1828, Stating the number of Applications Complied with, and how many Convicts were assigned, also the number of Applications rejected in each Year.

Year.	Number of Applications made.	Number of Applications Complied with.	Number of Applications not Complied with.	Number of Women Applied for.	Number of Women assigned.
1827	1,140 ..	952 ..	188 ..	1,204 ..	955
1828	1,047 ..	953 ..	94 ..	1,097 ..	997

N.B.—No Application is rejected if made in the prescribed form where the applicant is eligible to become the Assignee of a Female Convict.

More Women arrived in the Colony during the above Years than the necessary wants of eligible applicants required; Consequently there was at all times a Superabundant number of Assignable Females in the Establishment.

For the Committee of Management.

M. ANDERSON.

Female Factory, Parramatta, 12th May, 1831.

A Copy:—ALEX. MCLEAY, Colonial Secretary.

1831.
11 June.
Return of convicts in colony.

[Enclosure No. 2.]

RETURN of the Number of Convicts in the Colony of New South Wales on the 1st January and 1st July in each Year from 1826 to 1828 both inclusive, stating the Number assigned as Servants and the Number not assigned, distinguishing those kept at Work as a Punishment, from those waiting for Masters, distinguishing also the Males from the Females.

Years.	Dates.	Males.					Females.					Grand Total.		
		In Private Service.	In the Ordinary Service of Government.	Probationary on the Roads.	Under Penal Sentence.	Sick.	Total Maintained by Government.	Waiting for Masters.	Under Punishment.	Sick.	Total Maintained by Government.		General Total.	
								1st Class.	2nd Class.	3rd Class.				
1826	1st January.	Estimated at 10,000, but no accurate Returns were received during that Period.				66	.....		51	86	13	209	1,093	16,313
	1st July.....	.....	.....	.....	.....	99	.....	125	60	95	14	294	1,193	16,413
1827	1st January.	11,737	2,279	715	1,074	72	4,140	60	58	110	12	240	1,172	17,049
	1st July.....	11,533	2,330	545	1,310	77	4,262	105	91	104	22	322	1,369	17,164
1828	1st January.	11,937	2,235	624	1,561	85	4,505	122	90	174	19	405	1,544	16,986
	1st July.....	11,953	2,018	901	1,737	84	4,740	167	149	167	18	501	1,655	18,348

Note.—The number of Males stated in the Column "In the Ordinary Service of Government" may be considered as having been necessarily employed, for, excepting in 1827, and then only for a short period, it cannot be said that there were Men waiting for Masters.

Note.—The Number of Females "Awaiting Masters" arises from the circumstance of the greater portion being old, feeble, or otherwise incapacitated from becoming Servants.

Princl. Supdt. of Convts. Office, Sydney, 10th June, 1831.

FREDK. A. HELY.

[Enclosure No. 3.]

1831.
11 June.

MR. F. A. HELY TO COLONIAL SECRETARY MACLEAY.

Sir, Princel. Supdt. of Convicts' Office, 6th July, 1831.

In returning to you the Duplicate of the Return transmitted to you with my Letter of the 16th Ultimo No. 31/392, I have the honor to acquaint you, with reference to your observation as to the difference in the Number of Convicts appearing therein, and that shewn by the Census last taken, that the Return in question* was made up from a different Source, and without any reference whatever to the Census taken in 1828. By the Census taken that year, the Number of Convicts was:

Males	14,155, and
Females	1,513, making

a Total of 15,668, whereas the Number appears to have been 18,348; but, as I believe it was at the time estimated that omissions had occurred in taking the Census of about 2,000 Persons in consequence of the Inaccuracy of the Returns made by many of the Settlers, and the omission of Runaway Convicts in the Bush, and others not having fixed Places of Residence, the Numbers stated in the Return furnished by me may be assumed to agree with the Census.

I have, &c.,
FREDK. A. HELY.

A Copy:—ALEX. MCLEAY.

GOVERNOR DARLING TO VISCOUNT GODERICH.

(Despatch No. 51, per ship Eamont; acknowledged by
Viscount Goderich, 6th March, 1832.)

My Lord, Government House, 13th June, 1831.

13 June.

Having referred to the Auditor General for his examination and report the accounts which accompanied the letter from the Colonial Agent, of which the enclosed is a Copy, I do Myself the honor to transmit for Your Lordship's information a Copy of Mr. Lithgow's report, together with a "general State" prepared by him of Mr. Barnard's Account for the Years 1826, 1827, 1828 and 1829, by which it will be seen that the Auditor General Supposes there was a Balance of £14,205 5s. 1½d. in the hands of the Colonial Agent at the end of the year 1829.

Report *re*
accounts of
colonial agent.

Your Lordship will perceive by the Report that, from the want of the necessary information, the Auditor is not enabled positively to determine the Balance in Mr. Barnard's hands, and it is therefore to be presumed that he is in error in supposing him to be in possession of so large a Sum.

* *Marginal note.*—Return of Convicts in the Colony, 1st Jany. and 1st July in 1826-7 and 8.

1831.
13 June.

Proposed
separation of
Tasmanian
accounts.

I beg Your Lordship's attention to the suggestion of the Auditor that the Accounts of Van Diemen's Land may be kept totally distinct from those of this Government, and a Moiety or some other reasonable portion of the Agent's Salary may be charged against the Government of Van Diemen's Land.

I have, &c.,

[Enclosures.]

RA. DARLING.

[Copies of these letters will be found in a volume in series II.]

GOVERNOR DARLING TO VISCOUNT HOWICK.

(Despatch per ship Eamont.)

My Lord,

Government House, 13th June, 1831.

Despatch
acknowledged.

I have been honored with Mr. Hay's Letter of the 5th October last, transmitting Copy of a Letter addressed to me by Mr. Wilmot Horton on the 2nd November, 1827, Conveying Instructions for extending the Grant of 2,000 Acres of land originally made to Mr. Icely, and requesting I would report to the Secretary of State why these Instructions had not been carried into effect.

Reasons for
non-compliance
with
instructions
re land grant
to T. Icely.

I now beg to State in explanation that, Mr. Icely having received an additional Grant of 360 Acres Subject to Quit Rent, by which his original Grant was encreased to 2,560 Acres, and having also been allowed to rent with a view to purchase 9,600 Acres, which at first he declined or rather did not immediately avail himself of, though he subsequently did so, I appear to have thought it unnecessary to communicate with him on the receipt of Mr. Horton's Letter, as will be seen in reference to that Letter* which, in order to prevent any misconception of my Motives, I have been induced to return herewith, with the Notes made on it at the moment. One is in Pencil to the following effect:—"I shall say nothing at present respecting Mr. Icely's additional Grant." The other Note was Written in Ink, being an observation on a part of the Letter to which it immediately refers.

At this distance of time, I can only suppose, as Mr. Icely had already received Authority for a larger quantity of land than directed by the Secretary of State, though not exactly in the same proportions, that I must have thought it unnecessary to communicate with him at the moment on the Subject, and Mr. W. Horton's Letter was put away as Your Lordship now sees it, and, as regarding Mr. Icely, was forgotten.

As I am apprehensive from Mr. Hay's Letter of the 5th of October last, to which I am now replying, that I may be supposed improperly to have withheld from Mr. Icely the Additional Grant, which it was the intention of Mr. W. Horton he should

* Note 91.

receive, I have lately extended his Grant "on the Quit rent System" to the quantity ordered by Mr. Horton, so that he now holds about 15,000 Acres.

1831.
13 June.

Extension of
land grant for
T. Icely.

Wishing to Understand whether Mr. Icely considered himself aggrieved by my proceedings, though aware I had on all occasions treated him with every possible attention, which I have much pleasure in stating his conduct has always merited, I desired the Colonial Secretary to write to him in order to ascertain the fact, and I beg to enclose for Lord Goderich's information a Copy of Mr. Icely's reply.

Transmission
of letter from
T. Icely.

I have, &c.,

RA. DARLING.

[Enclosures.]

[Copies of these two letters are not available.]

GOVERNOR DARLING TO VISCOUNT HOWICK.

(Despatch per ship Eamont.)

My Lord, Government House, 14th June, 1831.

14 June.

I beg leave, in reference to the Communications* lately made to the Secretary of State respecting the Conduct of Major Mitchell, to transmit for Lord Goderich's information the accompanying Extract of a Letter,* which I have received from Lt. Governor Arthur, of whom I was induced to enquire whether the Surveyor General in that Colony would, consistently with the necessary attention to his other more important duties, undertake the Superintendence of the Road Department, and what arrangements he had made in this respect? Your Lordship will perceive that, even at Van Diemen's Land, the Scale of which and of the Survey Department employed there bears hardly any proportion to this Colony, Lt. Governor Arthur is of opinion that the Surveyor General's Superintending the Roads would be impracticable. He expresses himself as follows, Viz. :—"But, as to Superintending the operation of making the Roads, he can only do so to the injury of the Public Service and to the inconvenience of the Community. There is, I am sure, abundant employment for the Surveyor General without devoting any part of his time to Road Making."

Opinion by
G. Arthur *re*
supervision
of road
department
by surveyor-
general.

I have thought it the more necessary to put Your Lordship in possession of Lt. Governor Arthur's Sentiments on this point, Understanding that Major Mitchell entertains an expectation, either from the Report† of the Parliamentary Commissioners or some other Channel, that his Control is to be still more Widely extended, in order as it may be presumed to add to the powers of the "high and independent Office" which he supposes himself to hold.

Expected
extension of
powers by
T. L. Mitchell.

There were one or two points in Major Mitchell's representations lately transmitted, which, being much occupied at the time,

1831.
14 June.
Remarks by
T. L. Mitchell
re land.

I did not think it necessary to enter into at any length. One was the delay which takes place before Settlers can obtain possession of their Land, and another the variety of arrangements which had been resorted to with respect to the disposal of Land, the large quantity that Settlers had obtained with a view to purchase, while no Land had been put up for Sale according to the King's Instructions.

Temporary
arrangements
for disposal
of land.

These points are all very simple and easily replied to. The propositions of the Council for the disposal of the vacant Lands were transmitted to the Secretary of State so far back as the Month of August, 1828, and a decision on the Subject was expected in the ordinary course of Communication. An Arrangement was Consequently made to meet the current demands or applications for Land; But, as the decision did not arrive as was expected, and it was apprehended that continuing to act for any great length of time on the first arrangement might prove inconvenient, should the propositions of the Council not be adopted by His Majesty's Government, other expedients were resorted to. As to Land being sold according to the King's Instructions* of the Year 1825, I have only to remark that it has never been practicable to this moment. The Commissioners, with Major Mitchell at their head, were a Mere dead Letter. When he was empowered to Act Solely, he then gave in a Scheme for disposing of the Lands, but which was totally inconsistent with the Instructions. I need only add in proof of this that no report of any Parish, much less of any County, has ever been received from Major Mitchell, as being Surveyed and Valued, So as to be notified for Sale according to the King's Instructions.

Inability to
fulfill royal
instructions.

Time occupied
in location of
settlers.

Major Mitchell has stated that on an average it is more than five Months before Settlers are put in possession of their Land. This may be true, as I never thought of making any such Calculation, knowing that no unnecessary delay ever took place. It is not however correct as far as relates to New Settlers, whose Applications it has always been made a point to expedite the moment they are Sent in; and the order is given for their location, as soon as the Surveyor General reports that their Selection is unobjectionable. I might add that no New Settler, who has made an unobjectionable Selection, has ever been delayed so long in obtaining possession of his Land, as now must necessarily be the case under the Instructions of January last, which have just been received.

I have felt it necessary to put Your Lordship in possession of this explanation, that you may the better Understand Major Mitchell's temper and disposition. I am at present engaged with

* Note 93.

the arrangements necessary for carrying the New Instructions for the disposal of Land into effect, and I hope by an early opportunity to be able to transmit a Copy of the Regulations which it is proposed to adopt for the Consideration of Lord Viscount Goderich.

1831.
14 June.

I have, &c.,
RA. DARLING.

VISCOUNT GODERICH TO GOVERNOR DARLING.
(Despatch marked "Separate." per ship Surry.)

Sir, Downing Street, 15th June, 1831. 15 June.

In my despatch, marked "Separate," of the 15th of March last, I acquainted you with the considerations which had induced me to recommend to His Majesty to relieve you in the Government of New South Wales. I have now the honor to acquaint you that the King has been pleased to appoint Major General Bourke as your Successor. The ship, in which General Bourke proposes to proceed to the Colony, is appointed to sail early in July next, so that he may be expected to reach Sydney shortly after the arrival of this communication.

Appointment
of R. Bourke
as governor.

I am, &c.,
GODERICH.

VISCOUNT GODERICH TO GOVERNOR DARLING.
(Despatch No. 41, per ship Margaret.)

Sir, Downing Street, 19th June, 1831. 19 June.

I have received your Dispatch No. 68 of the 10th of November last, enclosing a Memorial from Mr. Harris complaining of a breach of faith on the part of the Colonial Government of New South Wales, during the administration of Sir Thomas Brisbane, in respect to an agreement which was entered into with him for superintending the construction of certain Works which were then in progress in the Colony.

Despatch
acknowledged.

I request that you will inform Mr. Harris that there are so many difficulties opposed to my entering upon an investigation of his claim (which is purely one for a Court of Law to decide) that I must decline any interference, leaving it to him to obtain redress for any supposed infraction of the conditions, on which he undertook the superintendence of the Works in question, by bringing his case before the regular Tribunals of the Colony, as was recommended to him in the first instance by the Colonial Government.

Claims of
S. L. Harris to
be settled by
legal action.

Mr. Harris has transmitted with his Memorial three Books of Plans, specifications, etc., which, as he may require, I herewith enclose for the purpose of being returned to him.

I have, &c.,
GODERICH.

1831.
20 June.

VISCOUNT GODERICH TO GOVERNOR DARLING.
(Despatch No. 42, per ship Margaret.)

Sir, Downing Street, 20th June, 1831.

Despatch
acknowledged.

I have the honor to acknowledge the receipt of your Despatch No. 74 of the 21st December last, reporting on that part of Mr. Hall's Letter to Sir George Murray, in which he charges you with an intention to deprive him of certain Land therein referred to; and I have, in consequence of the Information communicated by the Surveyor General and by the Assistant Surveyor, who was appointed to measure the Land in question with other Grants adjoining, to desire that you will acquaint Mr. Hall that he appears to have so completely misrepresented the facts of the case that His Majesty's Government will not in future listen to any complaints, which may be sent home by him of a similar nature, which shall not be accompanied by the most satisfactory evidence of the accuracy of his Statements.

Refusal to
receive further
complaints
from E. S. Hall.

I have, &c.,
GODERICH.

GOVERNOR DARLING TO VISCOUNT GODERICH.

(Despatch No. 53, per ship Eamont; acknowledged by
Viscount Goderich, 25th January, 1832.)

My Lord, Government House, 20th June, 1831.

Transmission
of minute of
executive
council *re*
actions against
magistrates.

Having felt it necessary to bring under the consideration of the Executive Council the cases, which are stated in the accompanying Minute of its Proceedings, one of which relates to Mr. Reid and another to Mr. Simpson, Magistrates of the Territory, who have appealed to the protection of the Government against the proceedings of two Individuals, one of whom has been awarded Damages for certain Acts done by them in their Magisterial Capacity; I request Your Lordship will be pleased to refer to the Minute, as the best means of being informed of the facts of the respective cases, and of the view taken of the Subject generally by the Council, which is placed in the clearest light.

Relief
recommended
for magistrates.

Your Lordship will perceive that I did not omit to bring Sir G. Murray's Despatch of the 10th July, 1830, No. 62, under the consideration of the Council, being immediately connected with the Subject of the cases in question, and that, after full and mature consideration of the Instructions it contain, the Council still felt it necessary that the Government should relieve the Magistrates from the pecuniary responsibility they had incurred. It may be proper to apprise Your Lordship that, had the Government not done so, these Gentlemen would both have been immediately thrown into Jail, as neither of them possessed

the means of satisfying the demands against them. Mr. Simpson, who is no longer a Magistrate, subsequently to the occurrence in question, claimed the benefit of the Insolvent Act; and Mr. Reid had been obliged to leave his Farm and was residing at Newcastle, when he acted on the occasion alluded to Solely to prevent delay, the Magistrate, who does the business (gratuitously) at that Station, being absent at the moment.

1831.
20 June.

I beg further to state my opinion, and in doing so I am fully impressed with the necessity of imposing the strictest economy, that the Establishment of Stipendiary Magistrates in this Colony is not Sufficient, and that the want of officers of this Class adds in a variety of ways, which are not immediately Seen, to Expenses far beyond the amount of the Salary they would receive. It will be seen on reference how disproportionate the Establishment here is to that of the Cape of Good Hope and other Settlements, while, from the Character of this, no place can more require an efficient Magistracy. It might further be observed that the weight of Business, which is thrown on the Government (which renders the employment of additional Clerks indispensable) by having recourse to the assistance of anyone who can be prevailed on to Act as matter of favor, is very burthensome, as Such Persons never perform the duty with the same degree of attention as a Stipendiary Magistrate, who feels the necessity of informing himself and is careful not to incur pecuniary responsibility or Censure.

Necessity for increase in number of stipendiary magistrates.

I am further quite Satisfied, if the Magistrates who Act gratuitously are to be made responsible in a pecuniary point of view for their proceedings, that they will not Act. Some have expressed a wish to be excused from Acting and have only Continued as a matter of favor, while Several of the Settlers and Inhabitants of Sydney have declined the Appointment, by which it will be seen that the Situation of Magistrate is not So highly prized as may be supposed at Home.

Expected refusals to act as magistrates.

Annexed to the foregoing cases in the Minute of Council, are those of the Editor of the Sydney Gazette and of Captain Wright, late Commandant at Norfolk Island. Those are also fully explained in the Minute. The former was prosecuted for publishing the Governor's reply* to a public Address, presented by the principal Inhabitants of the Colony, as a Means of counteracting the foul aspersions which had been cast on his Character. The Editor in this case published the "Reply" to the Address as matter of course, all communications on the part of the Government being made public through the medium of his Paper.

Minute of executive council re cases of Revd. R. Mansfield and T. Wright.

1831.
20 June.

Minute of
executive
council *re* cases
of Revd.
R. Mansfield
and T. Wright.

Your Lordship has already decided that Captain Wright was fully and honorably acquitted of the Charges brought against him by Messrs. Wentworth and Hall, which appeared in the Sydney Monitor. The case now alluded to was another attempt on the part of those Individuals to recommence proceedings against that officer; but the Court, aware of their motives, immediately dismissed the case. Captain Wright, however, in meeting it, incurred an Expense of £17 18s. 8d., from which he has prayed to be relieved, and which the Council has recommended on the grounds stated in the enclosed Minute. I have, &c.,

RA. DARLING.

[Enclosure.]

EXTRACT from Minute No. 20, of the Proceedings of the Executive Council, on the 27th April, 1831.

PRESENT:—His Excellency The Governor; The Venble. the Archdeacon; The Honble. the Col. Secretary; The Honble. Colonel Lindesay.

His Excellency the Governor presented for the Consideration of the Council applications to the Government, on the part of James Reid, Esqr., and Percy Simpson, Esqr., Justices of the Peace, to be relieved from the Consequences with which they are threatened, arising out of the discharge of their Magisterial duties, together with the Several documents explanatory of their respective cases, of which the following is an Abstract, "Vizt." :—

1st. In the Case of Mr. Reid, it appears that a free Woman named Ann Canny threatens to bring an Action against him for false imprisonment, having been Sentenced by Mr. Reid (who was called upon to act at Newcastle during the temporary absence of the regular Magistrate) as a Vagrant, and living in a State of Adultery, for three Months to the 3d Class of the Female Factory, as a house of correction. Roger Therry, Esqr. who, in the absence of an Attorney and Solicitor General, has been employed to defend this Case, States it as his opinion that it is inexpedient to proceed to trial. The Magistrate he Considers has Manifestly exceeded his jurisdiction, as the facts disclosed in the deposition do Not appear Sufficiently Strong to Warrant even a Commitment to a house of Correction. Under these circumstances, he recommends that Amends Should be tendered to this Woman to the extent of £15 or even £20, as, in the event of an Action, she may not only be Awarded damages to that, and even to a large Amount, but also very heavy Costs would be incurred.

2nd. In the Case of Mr. Simpson, it appears that one Cokely, a Convict whose Sentence had expired, was brought before him, and, having been Considered as a Convict illegally at large, was Sentenced to be punished, for which punishment an Action was brought against him in the Supreme Court, and a Verdict awarded for the Plaintiff of £10 damages, with Costs, amounting after having been taxed to £70 10s. Mr. Simpson observes that Cokely admitted his being a runaway, and his Companion Murphy, who Suffered the same punishment, was Subsequently found to be a runaway from an Iron Gang. He also considered himself borne out in the course he

Minute of
executive
council in
cases of
J. Reid and
P. Simpson.

pursued by the Colonial Laws, which would have been the case, had Cokely become free Subsequently to the passing of the Act of Council, dated the 12th May, 1830, which provides that Prisoners, who have Absconded, tho' their original Sentence may have expired, Shall be liable to Serve the time of their Absence, and to be dealt with in all respects during that time as transported felons.

His Excellency the Governor also laid before the Council a Despatch* from the Right Honble. the Secretary of State, directing that, in order to guard the public against losses and to render the Magistrates more Cautious in their proceedings, they Should be held responsible for any Acts undertaken by them in their Magisterial capacity, which may not be in Strict Conformity with the Law.

Upon a lengthened and very deliberate Consideration of these cases, the Council were of opinion that it would be Scarcely possible for them to arrive at a perfectly Satisfactory decision. If they were to be guided by a mere Abstract desire to Save expenditure, they must, according to the letter of the Secretary of State's instructions, adjudge the damages and Costs to be defrayed by the Magistrates, who are principals in these transactions; and they are Sensible that, in recommending a departure from these instructions, it behoves them to Act with the more reserve, inasmuch as they are aware that other Similar Actions are now depending, which, in the probable event of adverse Verdicts, may entail a Charge on the public through the precedent now to be established. At the Same time, judging according to their acquaintance with the State of this Colony, and from Circumstances, which cannot possibly be appreciated by any who are not locally and familiarly acquainted with it, they must express a persuasion that the expenses in question ought not to fall upon the Magistrates. They cannot but be aware that the Government of this Colony is, by the Circumstances of its Situation, necessitated to include in the Commission of the Peace persons who, without any intended disrespect to them, must be admitted not to be in point of property able to Sustain without inconvenience the effect of a Verdict against them, on Account of their Magisterial Acts. The Magistrates are more-over placed in Circumstances of much risk and hardship, to which no parallel exists in England, from the great Multitude of Crimes and misdemeanors, brought under their Cognizance through the vicious character of the population, and in consequence of their being invested with a Summary jurisdiction, which, as being applicable to one part of the Community and to none besides, becomes in its administration a Subject of much perplexity. In discriminating the persons who are amenable to that jurisdiction, from those who are within the ordinary operation of the Law, the most Careful and experienced judgment is liable to err, while, in Consequence of the thinly-peopled state of the Country, the Magistrates are Cut off from the possibility of mutual Consultation; and few individuals among them enjoy the advantage of being able to rectify their own first impressions by a reference to the opinion of others. Under these circumstances, the Council must entertain Strong doubts of the justice of any recommendation, whereby, for a venial error in judgment, the expense of damages and Costs Should be thrown upon the Magistrates, the effect of which they are fully aware would be Seriously to embarrass the Fathers of

1831.
20 June.

Minute of
executive
council in
cases of
J. Reid and
P. Simpson.

* Marginal note.—16th July, 1830, No. 62.

1831.
20 June.

Minute of
executive
council in
cases of
J. Reid and
P. Simpson ;

large families, to deprive the public of their Services, and to induce, throughout the most respectable portion of the Community, a disinclination to act in the Commission of the Peace. On the other hand, they are fully aware how Necessary it is not to encourage, by too great facility in relieving the Magistrates from the consequence of their errors, a spirit of inattention and carelessness in deciding upon the Cases brought before them. They are therefore of opinion :

First, that the principle laid down in the Secretary of State's letter above alluded to, however just in the Mother Country, cannot be applied in all its Strictness in this Colony.

Secondly, that the Expences of the trial of Mr. Percy Simpson Should be defrayed by Government.

Thirdly. That, as the case of Mr. Reid has not yet proceeded to trial, the Sum of £20 Should in the first instance be granted with a view to enable his Attorney to Compromise the Suit ; or, if that cannot be accomplished, that the Same Sum Should be paid into Court previous to the trial, in satisfaction of damages and Costs.

Fourthly, that His Excellency the Governor be recommended to address a Circular letter to the Magistrates, pointing out to them the heavy expense incurred by the public in consequence of the Verdicts pronounced against their decisions, recommending them in every case attentively to weigh and Consider the provisions of the law under which they may direct the infliction of any Sentence ; and informing them that the Government will not feel itself justified in relieving them from the pecuniary Consequences of any Suits in which it shall appear that, by due care, caution and attention on their part, they might have avoided those Misconceptions which have laid them open to Actions for damages.

and re costs
and fine in suit
of Wentworth
v. Mansfield,

2nd. His Excellency the Governor laid before the Council the Bill of Costs, amounting to Sixty Eight pounds, Seventeen Shillings and twopence, in the case of "The King at the prosecution of W. C. Wentworth, Esqr., against the Rev. Ralph Mansfield, Editor of the Sydney Gazette," for a libel in publishing the reply* of the Governor to an address presented to him by certain of the Inhabitants of the Colony ; and His Excellency requested the opinion of the Council, whether, as Mr. Mansfield had merely acted in this case under the Orders of Government, he Should not be relieved from the whole of the expences to which he had thus been Subjected, namely, the above Amount of the Costs of his defence, and Ten pounds, being the fine Awarded by the Court.

Upon this case, the Council deemed it sufficient to remark that Mr. Wentworth, instead of being Satisfied, as in justice and propriety he Should have been, with transmitting his representations against the Governor to the Secretary of State through the ordinary official Channel, caused them to be printed in an office in Sydney in a pamphlet of very libellous Character. This, as he is understood to allege, was designed for Circulation in England only ; but it unquestionably found its way to the public Notice here, and became the Subject of much Notoriety and observation. This led to the Address above Alluded to, containing Some Strong observations on the Conduct and Motives of Mr. Wentworth, and the publication of the Governor's answer, to that address, although Containing no

* Note 94.

Stronger remarks than the circumstances fully Warranted, was the Subject of the Action brought by Mr. Wentworth against the Government Printer for Libel. The Council are of opinion that the Editor of a Newspaper was morally justified in publishing a Comment provoked by Such a proceeding, and that the Government under whose direction it took place Should Secure him from damages by paying the Expences attendant on this prosecution.

1831.
20 June.

3. His Excellency the Governor laid before the Council a letter from Captain Thomas Wright of the 39th Regiment, enclosing a bill amounting to Seventeen Pounds, Eighteen Shillings and eight pence, which had been furnished to him by Mr. Norton, Solicitor of Sydney, for opposing a rule to Shew cause why a Criminal information Should not be filed against him for an illegal punishment, whilst Commandant at Norfolk Island in 1827. It appears that this rule was refused by the Judges and the proceedings dismissed, Captain Wright observes upon the impossibility of avoiding these expensive and Malicious prosecutions, which, though the parties may be fruitless in their attempts to criminate, do from their nature (being Criminal informations in which the Costs are allowed) become very oppressive, and therefore requests that His Excellency will Sanction the payment of the Expences incurred.

Minute of executive council re costs incurred by T. Wright.

The Council, having fully considered the Subject, were of opinion that, as the result of the proceedings proved that Captain Wright had not acted illegally, nor in any way contrary to his duty, in the matter in question, he was entitled to be reimbursed for the expences to which he had thereby been Subjected, it being also extremely important to Show that officers under Similar circumstances will be protected by the Government in the faithful discharge of the Arduous and Unpleasant duties which devolve upon them in this Colony.

A true Extract:—E. DEAS THOMSON, Clk., Col.

VISCOUNT GODERICH TO GOVERNOR DARLING.
(Despatch No. 43, per ship Margaret.)

Sir,

Downing Street, 21st June, 1831.

21 June.

With reference to my despatch of the 22d of March last, No. 26, I have the honor to acquaint you that I have appointed the Revd. Robert Forrest to be Head Master* of the Grammar School, about to be established at Paramatta. His full salary of one Hundred Pounds per annum will not commence until his arrival in the Colony, but half salary will be allowed to him from the date of his embarkation.

Appointment of Revd. R. Forrest as master of King's school, Parramatta.

I have also to apprise you that the Agent has been directed to issue the sum of £150 to Mr. Forrest to enable him to defray the expences of his approaching voyage to New South Wales.

Advance to Revd. R. Forrest.

I am, &c.,
GODERICH.

* Note 95.

VISCOUNT HOWICK TO GOVERNOR DARLING.

(Despatch per ship Margaret; acknowledged by Governor Bourke,
8th January, 1832.)

Sir, Downing Street, 22d June, 1831.

I am directed by Viscount Goderich to call your attention to the enclosed report, dated 27th of May last, from the Comptroller of Army Accounts to the Lords Commissioners of His Majesty's Treasury, wherein they notice the receipt of £5,000 into the Military Chest at New South Wales as a Loan from the Colonial Treasurer to the Commissariat Department, to be repaid when required; and I am directed by Lord Goderich to desire that you will furnish their Lordships with the Information respecting these Loans and respecting any future advances of the same nature, which the Comptrollers in their report have suggested.

I have, &c.,

HOWICK.

[Enclosure.]

LETTER TO LORDS COMMISSIONERS OF TREASURY.

My Lords, Comptroller's Office, 27th May, 1831.

With reference to our report No. 393 of 27th ultimo, returning Cash accounts of D.C.G. Laidley for the service at New South Wales from 25th August to 24th October, 1829, we now return those for the succeeding period from 25th October to 24th December, 1829; in doing which, we have to notice the receipt of £5,000 into the Military Chest as a Loan from the Colonial Treasurer to the Commissariat Department, to be repaid when required.

We have in former accounts from this station observed Loans between the Commissariat and the Colonial Treasury, as well as with the Bank of New South Wales, respecting which we are not in possession of any particular information.

With regard to the present loan to the Commissary, it may be remarked that the whole Expenditure from the Chest for the two months to 24th December was little more than £31,000, whilst the Balance in the Chest on the 24th October was (in round numbers) £26,000, and the proceeds of the Bills upon your Lordships for the single month of November £6,000, making together a Sum of £32,000. We do not, therefore, see the necessity for this Loan of £5,000 from the Colonial Treasurer on 3rd December, more especially as the amount received for Bills in December was £17,000, leaving a Balance in hand on 24th Decr. of upwards of £45,000, including of course the £5,000 borrowed and £20,000 in British Money received from England on the 1st December.

Having adverted to our report No. 901 of 18th March, 1829, relative to Colonial Bank Paper being employed in New South Wales in payment on the Public Account, we think it would be desirable in the present case to call the attention of the Lt. General Commanding to these Loans, desiring him to afford Your Lordships every information in his power respecting them, especially as regards the description of Money or Paper in which the advances and repayment are required to be effected, and, with reference to the frequent occurrence of these Loans, to state to Your Lordships his opinion as to their necessity or expediency, particularly as

1831.
22 June.
Request for
details re
loans to
military chest.

Loan from
colonial
treasury to
commissariat.

Proposed
request for
reports re
loans.

regards transactions of this nature with the Bank of New South Wales (which if we are not mistaken is merely a private Establishment). It will be proper at the same time, we submit, to make a communication thereon to the Commissary in charge, noticing to him the means he apparently had (as above shewn) of meeting the demands of the Service without such a Loan, and directing him to acquaint Your Lordships with the reasons for which it took place, the Coins or Currency in which it was made by the Colonial Treasurer and may have been since repaid from the Military Chest, with any other explanation he may think necessary for Your Lordships' satisfaction.

We have, &c.,

H. DRINKWATER.
W. HERRIES.

1831.
22 June.
Proposed
reference to
commissary
in charge.

GOVERNOR DARLING TO VISCOUNT GODERICH.

(Despatch No. 54, per ship Eamont.)

My Lord,

Government House, 22d June, 1831.

Major Mitchell the Surveyor General having urged that Copies of the Letter, which he has addressed to the local Government on the Subject of the "reprimand,"* as he terms it, which was conveyed to him by direction of Sir George Murray in Consequence of the inaccuracy of the Maps produced in the Supreme Court in the Action Wardell versus Thorpe, should be transmitted to Your Lordship, I now do myself the honor to forward Copies of Major Mitchell's Letters accordingly.

It was not my intention to have troubled Your Lordship's predecessor or Yourself with these documents, nor am I aware what advantage Major Mitchell can hope to derive from their being brought under Your Lordship's Notice; but, as he has repeatedly desired it, I must beg Your attention to his letter of the 22d April, 1830, in particular, as furnishing a further proof of the improper Style of his official Correspondence, on which it has lately been my painful duty pointedly to remark.

In order to satisfy Your Lordship that no advantage was taken of the opportunity of communicating Sir George Murray's Sentiments to the Surveyor General to indulge in observations, which could in any degree hurt Major Mitchell's feelings, I beg to enclose a Copy of the Colonial Secretary's letter to him on the occasion alluded to.

I have, &c.,

RA. DARLING.

[Enclosure No. 1.]

SURVEYOR-GENERAL MITCHELL TO COLONIAL SECRETARY MACLEAY.

Sir,

Surveyor General's Office, 9th March, 1830.

I have the honor to acknowledge the receipt of your Letter of the 4th instant, No. 30/246, informing me "that, in the Case of the Action of Wardell against Thorpe, which the latter met for the purpose of ascertaining a right of Road through the Petersham Estate, it appears that the proceedings of the Attorney and Solicitor General were grounded on the assumed accuracy of Documents

Transmission of
correspondence
with
T. L. Mitchell.

Style used by
T. L. Mitchell
in corre-
spondence.

Action lost
through
defective maps
from office
of surveyor-
general.

1831.
22 June.

Action lost
through
defective maps
from office
of surveyor-
general.

Denial of
statement by
T. L. Mitchell.

furnished from my Office, and that their failure to obtain a verdict arose from the production before the Court of a Map from the Same, allowed to be of superior Authenticity, and that you are therefore directed by His Excellency the Governor, at the suggestion of the Executive Council, to apprise me of this Circumstance, in order that I may see the necessity of every document, which may be required for Official or other purposes, being Carefully examined previous to being sent from my Office."

I beg leave to state, however, for His Excellency the Governor's information, that, although I was present during the whole of the proceedings, under a Subpoena on the part of Wardell Compelling me to bring *all* documents into Court, I am, nevertheless, unconscious up to this moment that any such Circumstance occurred in the Case. I trust I may therefore be permitted to request, in justice to myself, that His Excellency will be pleased to point out more particularly how any blame attaches to me respecting the result, for it has always been my endeavour to supply, from the defective documents left in this Office by my Predecessors, such only as are accurate, and I am moreover very anxious to know in what manner it may be in my power to pay particular attention to the suggestion of His Excellency and the Executive Council.

I have, &c.,

T. L. MITCHELL, Sr. Genl.

[Enclosure No. 2.]

SURVEYOR-GENERAL MITCHELL TO COLONIAL SECRETARY MACLEAY.

Sir, Surveyor General's Office, Sydney, 22nd April, 1830.

Letter
acknowledged.

I had the honor to receive your reply of the 16th April, No. 30/450 to my Letter dated 9th March, in which I requested to be informed more particularly in what way blame attached to me respecting the result of the Action "Wardell v. Thorpe," and in what manner it was intended by the Governor and Executive Council that I should pay more attention than I now do to the preparation of Documents sent from this Office.

Proposed
correction of
documents in
survey office.

In this reply, you are pleased to State that the Evident want of examination (query by whom?) of the first documents is probably a sufficient answer to both my enquiries, and point out, with respect to the second, the expediency of employing some of the younger branches of my Department in Correcting and expunging the Errors left by my predecessor. To which I would observe that the Supposed Errors are discrepancies in Original and Authentic Maps, and that I am hereby required to set the recently arrived Surveyors about Correcting what may appear at first Sight errors, and expunging what one document Contains to render it Conformable to the rest, in order to prevent the production of papers manifestly (query apparently?) inaccurate or self Contradictory.

Criticism
of use of
documents by
law officers.

It certainly appears from one of the Extracts furnished me (*viz.*, from a Communication of the Law Officers, dated 24th July, 1829) that these Gentlemen were misled by the documents transmitted to them from this Office. But I think it equally plain, from the other Extracts, that these Gentlemen ought not to have been misled by them, but, on the Contrary, that they might have derived a clear insight into the real state of the question.

The Solicitor General states that the most ancient Map Contained no trace of the road in question, from which it would appear probable that there was no road when this Map was Constructed.

The same Officer says the legal document, the Grant of the Land, when produced in Court, was found upon examination to Contain no reservation to the Government of a right of Road. The next Map in point of Antiquity contains two dotted Lines which were proved (as any one would have supposed) to indicate that a road was *then* intended in that direction, and, accordingly a more recent Map shews this road as marked out by Mr. Hoddle, by Mr. Oxley's orders, together (as it is avowedly a 'ompileation) with all other roads supposed to exist, or actually used through the Lands in question.

Surely, Sir, if these things be so, this eloquent appeal, intended I suppose to arouse the dormant energies of this Department, might have been spared.

In justice to the Chief Draftsman, I feel bound to state that I consider the nature of his duties so incessant and laborious that they admit of no addition, and that they Cannot be fairly Compared with the Life of an Assistant Surveyor, this appointment being, in fact, that which Mr. Thompson Came from England with, and the occupation being one of Comparative tranquillity, and a bush life being attended with much less expense, Mr. Thompson applied to be allowed to follow it, and it has only been at my urgent request, on account of his great usefulness and accuracy in the charting of Grants generally at this Office, that he has been induced to remain in a station where his health suffers, and on which, Considering the responsibility and incessant nature of his duties, and the Expense of keeping house in Sydney, the remuneration of an Assistant Surveyor is not adequate: at least such is my opinion which I beg respectfully to submit to the Consideration of His Excellency.

I have, &c.,

T. L. MITCHELL, S. Genl.

[Enclosure No. 3.]

SURVEYOR-GENERAL MITCHELL TO COLONIAL SECRETARY MACLEAY.

Sir, Surveyor General's Office, 12th April, 1831.

I have had the honor to receive your Letter No. 30/269, dated 5th inst., in which you Convey to me a reprimand from the Right Honorable The Secretary of State, respecting the inaccuracy of the Maps produced in Court in the Action "Wardell versus Thorpe."

I have now therefore the honor to request that you will be so good as inform me whether any Copy of my Letters to you, Nos. 30/136 and 30/193, relative to the reports of the two Law Officers accompanied these reports, when they were sent to the Home Government.

I have, &c.,

T. L. MITCHELL, S. Genl.

[Enclosure No. 4.]

COLONIAL SECRETARY MACLEAY TO SURVEYOR-GENERAL MITCHELL.

Sir, Colonial Secretary's Office, Sydney, 5th April, 1831.

With reference to former Correspondence on the subject of the Action brought against Mr. Joshua Thorp for a Trespass in endeavouring to establish a right of Road through the Petersham Estate, I am directed by His Excellency the Governor to transmit to you the following Extract of the Despatch* in which the Secretary of State signified his approval of the Expense incurred in that Case being charged in the public Accounts, vizt. :—

"I feel it incumbent upon me, however reluctant I may be, to desire that you will take an early opportunity of pointing out to

1831.
22 June.

Employment of
J. Thompson as
draftsman.

Letter
acknowledged.

Transmission
of criticism
from secretary
of state to
T. L. Mitchell.

* Note 96.

1831.
22 June.

Major Mitchell the expense, which has thus resulted to the public from the inaccuracy of the Documents furnished by the Surveyor General's Department to the Law Officers of the Colony, which I trust will have the effect of inducing him to direct more attention, in future, to the Careful examination of such Charts as may be prepared under his superintendence."

I have, &c.,

ALEX. MCLEAY.

VISCOUNT GODERICH TO GOVERNOR DARLING.
(Despatch No. 44, per ship Margaret.)

23 June.

Instructions
re transfer of
government to
R. Bourke.

Sir,

Downing Street, 23d June, 1831.

This Letter will be delivered to you by Major General Bourke who, I acquainted you by my Dispatch of the 15th Instant, had been selected by His Majesty as your Successor, and I have His Majesty's Commands to signify to you His Royal Pleasure that you do put him in full possession of the Government of New South Wales and its Dependencies.

On delivering over the Government to General Bourke, you will of course place at his disposal all the Dispatches and Documents, which His Majesty's Government may have had occasion to address to you during your administration, and His Majesty has full confidence that you will communicate in the most confidential manner to General Bourke all the Information in your possession respecting the Interests of the Colony, and furnish him fully with all your sentiments as to the most eligible manner of proceeding in carrying into execution the Commission with which His Majesty has invested him.

Approval of
administration
by R. Darling.

I have, in conclusion, to express to you His Majesty's Approbation of the Zeal, which you have manifested in the discharge of the important Trust which had been confided to you, and His Satisfaction at the great improvements, which have taken place in the Colony during the time that you have presided over its affairs.

I have, &c.,

GODERICH.

VISCOUNT GODERICH TO GOVERNOR DARLING.
(Despatch No. 45, per ship Margaret.)

24 June.

Sir,

Downing Street, 24th June, 1831.

In my Dispatch No. 27 of the 23d of March, I stated to you my intention of referring to the Consideration of the Law Officers of the Crown the representations which you had made

to me upon the subject of certain observations,* made by Mr. Justice Stephen upon the occasion of a trial, which took place in the Supreme Court in a case of prosecution for libel against the Editor of the Sydney Gazette for publishing a reply of the Governor to an address presented to him by certain Inhabitants of the Colony. I did not take that course in consequence of any doubt, which I entertained of the indiscreet manner in which Mr. Stephen had expressed himself, or of the prejudicial consequences which might arise, if such indiscretion were unnoticed; but, as the question involved the conduct of a Judge acting in his Judicial Capacity, the usual course of proceeding in such cases prescribed that reference, as a necessary preliminary to any ulterior steps.

Having now duly considered all the circumstances of the case, I cannot hesitate to express my opinion that the conduct of Mr. Justice Stephen, in expressing himself in the manner admitted by himself, was highly indiscreet, and by no means in keeping with that necessary reserve, which ought to regulate the Language of a Judge when animadverting from the Bench upon questions of a political nature; and, although I have not thought it necessary to advise His Majesty to recall Mr. Stephen, you will communicate to that Gentleman the Sentiments which I have now conveyed to you; And, unless he shall be more cautious in future, it will be impossible for me any longer to leave him in the discharge of his high functions. There is no part of His Majesty's Dominions where the conduct of those, who administer the Law, more requires to be regulated with judicious caution than in New South Wales. The peculiar nature of the Society, the unavoidable difficulties of the Government and the great distance of the Colony from this Country, all concur in enforcing this principle; and it would be in vain to hope for a successful or satisfactory administration of Justice, if the party-feelings, inseparable from all Societies, but peculiarly eager in one so limited and constituted as that of New South Wales, are suffered to find a place upon the Judicial Bench. I cannot doubt that those Gentlemen, who now fill those Seats in New South Wales, and to all of whom I wish these observations to be communicated, will feel the force of what I have stated, and that it will not again be necessary for the Secretary of State to perform the painful and delicate duty of animadverting upon the conduct or Language of a Judge.

I have, &c.,
GODERICH.

1831.
24 June.

Reference of
judicial remarks
by J. Stephen
to crown law
officers.

Censure passed
on J. Stephen.

Necessity for
"judicious
caution" in
judges in New
South Wales.

* Note 97.

1831.
25 June.

VISCOUNT GODERICH TO GOVERNOR BOURKE.

(Despatch No. 1, per ship Margaret.)

Sir,

Downing Street, 25 June, 1831.

Transmission
of commission
and instructions
to R. Bourke :

Herewith I transmit to you His Majesty's Commissions, appointing you Captain General and Governor in Chief in and over the Territory of New South Wales, and of the Island of Van Diemen's Land, together with Instructions, under the Royal Sign Manual, for your guidance in administering the affairs of that Government.

I am, &c.,

GODERICH.

[Enclosure.]

[*The commission and instructions will be found on page 837 et seq.*]

VISCOUNT GODERICH TO GOVERNOR BOURKE.

(Despatch No. 2, per ship Margaret.)

Sir,

Downing Street, 25 June, 1831.

and of letters
patent as vice-
admiral.

I have the honor herewith to transmit to you His Majesty's Letters Patent appointing you to be His Majesty's Vice Admiral, Commissary, and Deputy, both in the Territory of New South Wales, and in the Island of Van Diemen's Land, and in the maritime parts of the same and thereto adjoining.

I am, &c.,

GODERICH.

[Enclosure.]

[*A copy of the letters patent will be found in a volume in series VII.*]

VISCOUNT GODERICH TO GOVERNOR BOURKE.

(Despatch No. 3, per ship Margaret; acknowledged by Governor Bourke, 11th January, 1832.)

26 June.

Sir,

Downing Street, 26th June, 1831.

Neglect of duty
by W. H. Moore
as crown
solicitor.

I have received a Dispatch* from General Darling, enclosing the Copy of a Letter from the Deputy Commissary General and of another from the Collector of Internal Revenue at New South Wales, complaining of neglect of duty on the part of Mr. Moore, the Crown Solicitor, in the cases therein referred to. It is difficult to reconcile with the offer, previously made by Mr. Moore to undertake the duties of Solicitor General in addition to those of his present office without any assistance beyond what he might obtain at his own individual expence, the excuse, which he made, when applied to by the Collector of Internal Revenue, for not prosecuting the claim of the Government against Mr.

* Note 93.

Panton, viz., that he had already too much Business in his hands to attend to this case. I have therefore to desire that, on your arrival at New South Wales, you will enquire into the circumstances, and if you find that Mr. Moore's Conduct in the instances, which are pointed out by the Commissary General and the Collector of Internal Revenue, is to be attributed to any culpable neglect on his part, you will not hesitate to remove him from his office of Crown Solicitor, appointing some person to discharge its duties until you shall receive further Instructions upon the subject from home.

I am, &c.,

GODERICH.

1831.
26 June.

Instructions
re dismissal of
W. H. Moore.

VISCOUNT GODERICH TO GOVERNOR BOURKE.

(Despatch No. 4, per ship Margaret.)

Sir,

Downing Street, 27th June, 1831.

27 June.

In acknowledging the receipt of General Darling's Dispatches of the 7th and 21st December last, accompanied by Transcripts of the Minutes of the Proceedings of the Executive Council for the half years ending the 31st December, 1829, and the 30th of June, 1830, I have to acquaint you that, in consequence of the delay which has occurred in sending home these Minutes, and the causes which have given rise to it, as explained by Mr. Thomson, I am induced to allow him the Services of a Clerk to assist in preparing these Documents for transmission to England; and as one of the grounds, for which this extra-assistance is claimed, is the number of Copies which the Clerk of the Council is called upon to prepare of these Proceedings, I request that you will give your attention to the subject with the view of reducing if possible his Labour in this particular. You will understand that the charge on account of this extra-assistance is not, in any one year, to exceed £100.

Authority for
employment of
clerk as
assistant to
E. D. Thomson.

I am, &c.,

GODERICH.

GOVERNOR DARLING TO VISCOUNT GODERICH.

(Despatch No. 55, per ship Eamont; acknowledged by
Viscount Goderich, 23rd January, 1832.)

My Lord,

Government House, 27th June, 1831.

I have the honor to acknowledge the receipt of Sir George Murray's Despatches, dated the 8th and 10th of November last, No. 91 and 93, and regret to find that there should be any objection to granting authority for the Expences reported to have been incurred in my letters of the 9th and 12th April last year.

Despatches
acknowledged.

It is incumbent on me Under this Circumstance to State that, had the legal Establishment, of which Sir George Murray

1831.
27 June.

Causes of
legal expenses
incurred.

Speaks, been properly filled, the Public would not have been subjected to the Expences, which a due regard to the Character of the Government has rendered it necessary to incur.

As to the "propriety and reasonableness of the demands," I beg to observe that the inefficiency and negligence of the Law Officers obliged the Government to have recourse to the private practitioners of the Bar, experience having shewn in innumerable instances that no confidence could be placed in the Crown Lawyers.

Objections to
taxing of costs
of W. Foster
and R. Wardell.

As to the charges of Mr. Foster and Dr. Wardell being taxed, as directed in Sir George Murray's Despatch, I am satisfied that any attempt to that effect would be fruitless and only lead to additional Expense. It would of course be opposed by the parties interested, and the Government could not contend with any hope of Success against Lawyers of professional knowledge and experience. It is also to be doubted whether, if even Successful, the Sum, which might be recovered, would be equal to the Expense which would be incurred in prosecuting the matter. Your Lordship will be Satisfied that I have not been indifferent to the interests of the Government in this respect, when you peruse the enclosed Extract of a letter from the Chief Justice, transmitting the Copy of the Judgment of the Supreme Court in a case, in which the Charges having been already taxed and Still being considered exorbitant and improper, the court was moved in order to their being retaxed. The matter was placed in the hands of the Crown Solicitor, who, from time to time, delayed proceeding in it, until it became too late for the court to interfere. Thus the Government not only failed in its object, but was Saddled with the Expences of the Proceedings which took place.

This is by no means a Solitary instance. Several might be adduced in which, through the ignorance or negligence of the Law Officers, the Government has been Unnecessarily Subjected to very Considerable Expense.

As to Mr. Moore's Statement* of the cases he had in hand, it may have Served his purpose at the time to bring it forward, but they gave him no trouble, and the Collector of Internal Revenue and Deputy Commissary General were at length under the necessity of applying for Authority to place the business of their Department in other hands, as I have already reported, Seeing that it was in vain to depend on him.

As Mr. Kinchela, the Attorney General, has just now arrived, I shall not fail to put him in possession of the desire, expressed in Sir George Murray's Despatch, that measures should be taken to reduce by every practicable means the legal Business of the

Inability of
W. H. Moore
to conduct
legal business.

Proposed
reduction of
legal business.

Government; and I trust that, by appointing him to the Commission of Enquiry, for which his Situation points him out as a proper Person, that the object in view will be accomplished. I have only further to express my hope that, by placing the Conduct of the Legal Business in his hands, the local Government will be relieved from the labour and responsibility which circumstances have hitherto compelled it to assume; and that Your Lordship's Department will no longer be subjected to such representations as I have on many occasions very unwillingly addressed to it.

1831.
27 June.

Expectations
re J. Kinchela.

I have not thought it necessary to avail myself of the Authority, Conveyed in the Despatch of the 10th of November above referred to, by allowing Mr. Moore any permanent Aid in his Office, as the Barristers and other Subordinate Branches of the Judicial Department have been employed, whenever Mr. Moore has required their Assistance; and as I conclude, when the Solicitor General arrives, the legal Establishment of the Crown will be sufficient for all the duties it will have to perform.

No assistance
granted to
W. H. Moore.

With reference to the observations in the Despatch of the 8th of November on the subject of the withdrawal of the assigned Servants from the Editors of the Sydney Monitor and Australian Newspapers, I do not hesitate to admit that my object was to prevent, as far as I was able, those Individuals from disturbing "the peace and good order of Society." I certainly Conceived that their proceedings were infinitely more injurious than a Master's ill treating his Servant, or improperly indulging him. In either of the latter cases, the evil would be limited and confined. In the other, the whole range of the Convict population, who can hardly be supposed under any Circumstances to be well disposed to the Government, are likely to be affected by their licentious and seditious proceedings.

Reasons for
withdrawal of
assigned
servants from
E. S. Hall and
A. E. Hayes.

I have, &c.,

RA. DARLING.

[Enclosure.]

EXTRACT from Chief Justice Forbes' letter Marked Private,
dated Sydney, the 14th May, 1831.

"I BEG leave to enclose a Copy of the judgment of the Supreme Court, as it was read from the Bench at the time of discharging the rule referred to, and which connects in order the facts of the case, and the grounds upon which we felt ourselves compelled to decide. *What Should have been done* was this: the Solicitor General for the defendant Should have attended in person, or instructed his Clerk how to act at the taxation of Costs before the Master, and, if he were dissatisfied with the taxed bill, Should have taken immediate Steps to have it reviewed, or Submitted to the Court. The Master Should not have allowed the Costs of a previous and distinct proceeding, in no way part of the cause, but Should

Transmission
of judgment.

Procedure on
taxing of costs.

have Struck them out. But, after a bill is regularly taxed in presence of the parties, and paid, and judgment finally entered up, and two terms (there were three in these Cases) Suffered to elapse without objection regularly and effectively taken, it would be quite unprecedented and dangerously irregular for the Court to reopen the Cause, or rather to recall it into Court."

I remain, &c.,

FRANCIS FORBES.

[Sub-enclosure.]

JUDGMENT.

Edward Smith Hall } Supreme Court, Saturday, 19th March, 1831.
 v. } This was an application to the Court to have
 Fredk. Augt. Hely. } the Plaintiff's Costs of Suit in this cause
 referred to the Master for re-taxation on a
 general Suggestion, without Specifying particulars, that there were many items in the Bill overcharged, and others that ought not to be allowed at all. The case stood over for the consideration of the Court, whether, after the lapse of so much time intervening since the cause was tried, and the Costs taxed, the Court had authority to direct the taxation to be reopened. The illness of some of the Members of the Court, since this matter was argued, has prevented all the Judges from meeting to Consider and determine before now the point Submitted to our Consideration. We are now however prepared to give Judgment.

This was an action of trespass* in which the Plaintiff recovered a Verdict for £25, together with the usual Costs of Suit. The cause was tried on Wednesday, the 17th March, 1830. On the 8th of April, 1830, the Plaintiff's Attorney got the Bill of Costs taxed by the Master, after three appointments given to the Defendant's Attorney for that purpose. On the third appointment, the Defendant's Attorney's Clerk did attend, and made Some objections to Some of the items of the Bill, which were allowed. An offer had been made by the Plaintiff's Attorney to the Defendant's Attorney to furnish him with a Copy of the Bill of Costs, which was declined on account of the additional expense. The Bill being taxed on the 8th April, the Defendant's Attorney caused it to be paid, in order to avoid execution being taken out, but there was no protest then entered or objection made as to the Amount. Since then, namely, on the 5th January last (nearly ten months after the Bill had been so taxed and paid), the Defendant's Attorney obtained a rule, calling on the Plaintiff to shew cause why the Master Should not review his taxation, and why upon such review the Plaintiff should not refund such Costs as the Master should find to have been overpaid, and why the Plaintiff should not pay the Costs of the reference.

The affidavit in Support of the motion did not specifically point out any objectionable items in the Bills, but alleged generally that there were various Sums overcharged, and that there were others which ought not to have been allowed. Objection was taken, on the part of the Plaintiff, to the affidavit in this respect, it being incumbent, as was alleged, on the part of the Defendant to point out at least some of the items, so as the Court might see at once that there were items overcharged or improperly allowed. We are of opinion that, in regularity of practice, the Affidavit is defective in this respect; but, without relying on that objection, we shall

1831.
 27 June.
 Inability to
 grant order
 for re-taxation.

Judgment in
 application for
 re-taxation of
 costs.

proceed at once to the main point for our consideration, namely, whether, under the circumstances disclosed upon the affidavits, the Court has *Authority*, now after the lapse of three Terms, to direct the Master to retax the Plaintiff's Bill of Costs.

We have diligently looked for some precedent or Authority for such a proceeding, but we can find none to warrant the application now made. A case of *Lord v. Dodderly* was cited in the Argument by the Defendant's Counsel as an authority in point; but the Circumstances of that case were not brought under our Notice, and we cannot blindly adopt it as an authority without knowing on what grounds it was decided. There may have been very peculiar circumstances in that case not to be found in this, taking it out of the general rule. If a case of gross fraud, or Surprize upon the parties, were brought before the Court, that would, of course, render it incumbent on the Court to prevent a rigid Rule of practice from working injury or injustice; but we do not find here that any fraud or surprize is suggested. The Bill of Costs appears to have been regularly taxed in the due course of business by the proper officer of the Court, appointed for that purpose, after notice to the opposite party, and after the Attorney's Clerk had attended the taxation. The Master of this Court is appointed by the Crown, and, for some purposes, his office is judicial, both in law and equity, especially in the province of taxing Bills of Costs. The Court is bound to presume that he is competent to the discharge of his duty and has performed it in a manner befitting his important situation. It may however have happened in this instance that, from want of sufficient activity, vigilance or other causes, arising with those who represented the interests of the Defendant on the occasion in question, the Master has been surprized into the Allowance of items in the Bill not strictly sanctioned by the usage and practice of the Master's office. The question however is whether we can *now*, after the lapse of so many Months, when the cause has been out of Court three terms, and after the proper Season of taxation has been allowed to go by, and after so much laches on the part of the Defendant's Attorney, direct the Master to review his taxation. We think we have no authority for directing Such a proceeding. The cause is now out of Court, and we have no Control over the record or over the parties to it. No precedent for such a proceeding is to be found; and, if we were now to establish one, we fear it would lead to the most dangerous consequences; for if, after the lapse of three Terms, we were to allow a Bill of Costs between Party and Party to be reviewed, after being once regularly taxed and paid, we see no reason why we might not be Called upon to adopt the like course, in other cases after the lapse of three or any Number of years. There is a Marked distinction between a Bill of Costs as between party and party to a suit, and a Bill of Costs as between Attorney and Client. The latter may be taxed at any time; and there are instances of a Bill being allowed to be taxed many years even after it has been paid and Settled; but a bill of Costs as between party and party to a suit Stands on a totally different footing. A Plaintiff is entitled, in general where he recovers damages, to full Costs of Suit. The Costs are part of his Judgment, and they are taxed, as a Matter of course, at the time the Plaintiff is entitled to enter up Judgment for his Damages. Here the Plaintiff was entitled to enter up Judgment for his Damages and Costs, after the lapse of four days in the following Term,

1831.
27 June.

Judgment in
application for
re-taxation of
costs.

1831.
27 June.

Judgment in
application for
re-taxation of
costs.

the Costs being taxed by the Master. The Costs being part of the Judgment, they could not be Severed; and as well might the Defendant Seek to Set aside the whole Judgment after the lapse of three Terms, as to Seek now to reduce the Costs. The time is gone by for such a proceeding. If the Defendant has slumbered over his rights, and has indiscreetly and incautiously paid in his own wrong, what he was not bound to pay for Costs, he has himself to blame. A full opportunity was given for having this matter determined, or of righting himself within the same term of which Judgment was signed. If there has been any wrong done the Defendant, the Court deeply regrets it; but they have no power of setting him right, after he has suffered the proper time and Season to elapse. It appears to us therefore that this Rule must be discharged.

VISCOUNT GODERICH TO GOVERNOR BOURKE.

(Despatch No. 5, per ship Margaret; acknowledged by
Governor Bourke, 17th March, 1832.)

8 July.

Sir,

Downing Street, 8th July, 1831.

Transmission
of letter of
complaint from
T. L. Mitchell.

I transmit to you herewith the Duplicate of a Letter from Major Mitchell, Surveyor General of New South Wales, complaining of unnecessary interference with the duties of his office, and of a want of confidence towards him on the part of the Colonial Government. The original of Major Mitchell's Letter appears to have been transmitted* by him to General Darling for the purpose of being transmitted to England in the usual course; but as no Communication has been, as yet, received from that officer on the subject of it, I am unable to give that consideration to the case which I should have been enabled to do, had the Report of General Darling been previously received.

Opinion *re*
abilities of
T. L. Mitchell.

As, however, I have every reason to believe that Major Mitchell is an Officer of considerable Talent and experience, and that he has most zealously devoted his time and attention to the duties of his Profession, I should regret his labouring under the impression (however erroneous it may be) that the Government of New South Wales were not disposed to appreciate his merits; and you will therefore give your earliest attention to the representations contained in his Letter to Sir George Murray; and, should you find, upon enquiry, that he has any ground for the complaints which he has urged, you will endeavour to make such arrangements for conducting the Business of the departments of which he has the charge, as shall remove all future cause of dissatisfaction.

I am, &c.,

GODERICH.

[Enclosure.]

[*This was a copy of the letter from T. L. Mitchell to Sir George Murray, dated 15th December, 1830, with the sub-enclosures Nos. 1, 2, 3 and 4; see page 131 et seq.*]

Proposed
adjustment *re*
complaints.

GOVERNOR DARLING TO VISCOUNT GODERICH.

(Despatch No. 56, per ship *Eamont*: acknowledged by
Viscount Goderich, 25th December, 1831.)1831.
8 July.

My Lord,

Government House, 8th July, 1831.

I have the honor to transmit for your Lordship's information the enclosed Copy of a Government order, Containing Regulations to the following effect, "Vizt." :—

Transmission
of order re
regulations for
charges and
rations of
assigned
convicts.

- 1st. The charge to be made the Masters of Convict Servants, when Under treatment in the Colonial Hospitals.
- 2nd. The Conveyance of Convict Servants from the place of Assignment to the residence of their Masters.
- 3rd. The Payment for the Clothing, with which the Convicts are Supplied at the time of their assignment, on their arrival from England or Ireland.
- 4th. The issue of Provisions and Clothing to the Convict Servants of Settlers.

I beg to observe that these Several points were fully considered in Council, and I have much pleasure in Stating that the arrangements, though they will be attended with Expense to the Settlers, in the same ratio as they will relieve the Government, have not occasioned the slightest dissatisfaction; But, on the contrary, I understand all Classes Consider them equitable and expedient. It had long been my intention to bring these regulations forward, but I was prevented by the State of the Colony and the distressed situation of the Settlers. The propriety of the delay appears to be proved by the Cheerful acquiescence of the Parties, who will be subjected to the Additional Expense, which these Regulations impose.

Popular
approval of
regulations.

It appears, with reference to the *1st Head*, that, during the Month of January last, 91 Assigned Servants were Maintained and treated in the Hospital at *Newcastle*, for whose use 1,097 Rations were issued, and in the Month of February 106, for whom 1,528 Rations were drawn from the Commissariat. Such of these Men, as were discharged from Hospital, received a further issue of Rations to enable them to return Home. There can be no doubt from this statement, which includes only one Hospital, that the saving to the Government, taking the whole together, will be very considerable.

Assigned
servants
maintained in
hospital at
Newcastle.

With reference to the *2nd Head*: The Masters, taking charge of their Servants at the place of Assignment, will afford the means of a still further reduction in the Constabulary than that which has been lately reported, as the Constables have hitherto been employed in conducting the Settlers' Servants to the Interior. I am Unwilling to proceed in this reduction, until the System which has been adopted shall be perfectly established.

Transfer of
assigned
convicts to
masters.

1831.

5 July.

Payment by
settlers for
clothing of
convicts.

The Amount of the Saving Under the 3rd Head must of course depend on the Number of Convicts imported, as the Settler, who receives a Man on his arrival here, is to pay 20s. for the Suit of Clothing which is issued to him at that time. The average of the two last years was 2,976; the sum, which will be paid into the Military Chest, may therefore be Stated in round Numbers at £3,000 Annually.

Regulations re
rations and
clothing for
assigned
convicts.

The *4th and last Head* has no reference to the Government in a Financial point of view; but I calculate on its effects as very important, inasmuch as it insures to the assigned Servants a due proportion of wholesome Food and Comfortable Clothing, which I apprehend they have not received in all cases. There will Consequently be less discontent; And, if it should furnish the means of ascertaining what Persons ought to be excluded from the indulgence of receiving Servants, it would be a Matter of no little consequence.

In making these observations, it is only fair to state that the Settlers generally treat their Servants with liberality; but there are many, who, either from want of means or an injudicious parsimony, do not supply them as they ought.

I have, &c.,

RA. DARLING.

[Enclosure.]

[*This order, dated 29th June, 1831, has been omitted.*]

VISCOUNT GODERICH TO GOVERNOR BOURKE.

(Despatch No. 6, per ship Margaret; acknowledged by
Governor Bourke, 27th February, 1832.)

9 July.

Sir,

Downing Street, 9th July, 1831.

Arrangements
re emigration
to British
possessions.

In my Dispatch to General Darling of the 23d of January last, I adverted to certain arrangements, which were in the contemplation of His Majesty's Government for promoting the Emigration to the British Possessions of Agricultural Labourers, and of other persons to whom it was considered desirable to afford assistance in seeking in the Colonies the means of profitable employment, which they are unable to find at home.

Appointment of
commissioners
for emigration.

In conformity with these arrangements, His Majesty has been pleased to appoint a Commission, the object* of which will be found to be explained in the accompanying paper, which has been issued for the Information of the public.

The preparatory measures, which General Darling was instructed by my Dispatch above mentioned to adopt, will, it is conceived, prevent any inconvenience from arising, should any of these Emigrants arrive sooner than was expected; but I deem

it advisable, in addition to the precaution which I then adopted to direct the immediate appointment of some officer of the Colonial Government to superintend the disposal of all Emigrants of this description on their reaching the Colony. The person, whom I consider the fittest to be entrusted with this duty (not being prepared to authorize any distinct or separate appointment for that purpose) is the officer upon whom devolves the responsibility of assigning the Prisoners of the Crown upon their arrival. He must obviously be well acquainted with the wants of the Settlers in respect to labor, and consequently able to point out to the Emigrant the quarter, to which he should apply with a view to obtain Employment. In order however that he may, at all times, be prepared with the best Information upon this point, you will instruct him to take the proper steps for ascertaining the extent of the demand, so that, in whatever number the Emigrants may arrive, they may have none of these difficulties to encounter which might follow from the neglect of such a precaution.

I am, &c.,

GODERICH.

[Enclosure.]

[*This was the printed circular from the commissioners for emigration, numbered 1 and dated 8th July, 1831.*]

VISCOUNT GODERICH TO GOVERNOR BOURKE.

(Despatch No. 7, per ship Margaret.)

Sir,

Downing Street, 10th July, 1831.

In addition to the Instructions, which have been conveyed to General Darling relative to the disposal of the Crown Lands in New South Wales, and with reference to those parts of the Royal Instructions which have been addressed to you relating to the same subject, I deem it necessary to explain to you, in a separate Despatch, that, although it is the wish of His Majesty's Government that all the public Lands in the Colony should, as a general principle, be put up to public Auction, and although a minimum price of 5s. an acre has been named, yet that, in mentioning that Sum, it is not intended to deprive you of the discretionary power of fixing a higher price on Land, to which its Situation gives a peculiar value, and of keeping it out of the market until that price can be determined. Five Shillings was intended to be the minimum price for Land possessing no peculiar advantages; but, as the reserves, which have hitherto been retained in the settled Districts, and which are now to be offered for sale, must be of much higher value, care must be taken that they are not by a forced Sale disposed of for less than they are

1831.
9 July.

Instructions for
appointment of
superintendent of
immigrants in
colony.

10 July.

Instructions
re minimum
price for sale
of lands.

1831.
10 July.

Instructions
re minimum
price for sale
of lands.

really worth. The principle of competition will, in general, prevent this from taking place; but, when a considerable quantity of Land is thrown suddenly upon the market (particularly as ready money payments are required), it may very possibly happen that, by the absence of any one with the means of bidding against them, Individuals may be enabled to obtain Land much below its real value. To prevent this from happening, you will not permit any Land, either in the settled Districts or in Situations otherwise peculiarly valuable, to be put up for sale except at a price calculated not upon that which it may be likely immediately to command in the market, but upon that which it ought to bear upon a fair comparison of its value in reference to what has been fixed upon ordinary Waste Lands.

Maps to be
exhibited
shewing prices
of land.

In order that no disappointment to Individuals may occur from their entertaining an expectation of being able to purchase such Lands at a cheaper rate than these Instructions will allow, it will be advisable that Maps should, as soon as possible, be publicly exhibited in the Surveyor General's Office, in which the prices of the several Lots, calculated on the principle I have laid down, should be distinctly marked.

I am, &c.,

GODERICH.

GOVERNOR DARLING TO VISCOUNT GODERICH.

(Despatch No. 57, per ship Eamont; acknowledged by
Viscount Goderich, 28th December, 1831.)

14 July.

My Lord, Government House, 14th July, 1831.

Despatch
acknowledged.

I have the honor to Acknowledge the receipt of Your Lordship's Despatch dated the 27th of December last, No. 6, respecting Mr. Walter Raymond, and directing, Under the Circumstances of his case, that he shall receive a Grant of 2,500 Acres of Land, as stated in the letter addressed to him by Lord Howick.

Absence of
record of
application by
W. Raymond
for land.

I have caused particular Absarch to be made for Mr. Raymond's former Application as alluded to in his letter to your Lordship, but no Document whatever can be found on the subject. It is possible that in Conversation he may have casually mentioned his wish to obtain Land, but he certainly never made the usual Application to that effect.

I apprehend the fact to be that Mr. Raymond came out on a Whaling Speculation, and, not having succeeded in it from the distress of the times as he states, he was Naturally desirous to diminish his loss as much as possible by obtaining a Grant of Land, which, as it was not his intention to remain here, he would have found no difficulty in disposing of. In assuring Your Lordship that there can be no objection on my part to allowing Mr. Raymond a Grant, or any other person whom Your Lordship

may consider has a Claim to Land, I beg to point out that many impositions are practised on the Government as well here as at Home in this respect. I would instance the case of a Man Named Kent, who arrived some time ago with an order* from Lord Leveson Gower, that he should immediately receive 5,000 Acres, and that the same quantity should be reserved, to be made over to him by Grant on his exporting a certain quantity of the Extract of Mimosa Bark. Mr. Kent, who was a Bankrupt and a very worthless character, was put into Jail on his arrival here, and his Creditors applied to be placed in possession of the Land for which he had obtained the Order. This was of course refused, and Mr. Kent was liberated on making some arrangements with his Creditors respecting the Land. Had I declined giving the Land to Mr. Kent, who had no Claim whatever to it, his Creditors who are now satisfied would have made common Cause with him and represented it as a serious grievance, and the Local Government would probably have incurred the imputation of having Acted harshly and with unnecessary Strictness.

1831.
14 July.

Order for land grant obtained by T. Kent.

I might further instance the case of Mr. Gregory Blaxland, who came out with a *Conditional* Order* (luckily) to receive 40 or 50,000 Acres of Land, on a scheme, which he had submitted to Your Lordship's predecessor. The time of Myself and the Council was occupied for Several days in investigating the grounds of his project, when it appeared to be without any foundation, as he had not taken one Single Step or made any arrangement to effect what he proposed. He was however allowed to receive two Square Miles (1,280 Acres) which have, in like manner as Mr. Kent's Grant, been transferred to his Creditors.

Conditional order for land grant obtained by G. Blaxland.

Every man, who cannot obtain Land and Convict Servants as he wishes, thinks no doubt he has a right to complain of the Governor's injustice, and the threat of representing the matter to the Secretary of State or sending the case to the Editor of the Monitor is no uncommon occurrence. It is not difficult to judge from these facts, My Lord, whether the Situation of the Governor of this Colony is what it ought to be.

Discontent of applicants for indulgences.

I have, &c.,

RA. DARLING.

VISCOUNT HOWICK TO GOVERNOR BOURKE.

(Despatch per ship Asia.)

Sir,

Downing Street, 15th July, 1831.

15 July.

I have laid before Viscount Goderich your Letter of the 14th Instant, in which you request to be informed what retired allowance will be granted to the two clerks to the private Secretary to the Governor of New South Wales, whose situations it is

Letter acknowledged.

* Note 103.

1831.
15 July.

Instructions to
be issued *re*
reductions in
establishments.

proposed to reduce. His Lordship will have occasion very shortly to explain to you the principles on which His Majesty's Government have determined that reductions of Establishment, founded on the Report* of the Commissioners of Colonial Enquiry, shall be carried into effect; and, as he perceives by a late Despatch received from General Darling that he has already been able to reduce one of the Clerks, attached to the Private Secretary's Office, by transferring his Services to that of the Colonial Secretary, Lord Goderich is of opinion that it will be advisable, unless you shall be able to dispose of the remaining Clerk in the same manner, to postpone the measure alluded to in your Letter, until you shall be in possession of the Instructions, which are about to be forwarded to you, in reference to the recommendations of the Commissioners.

I have, &c.,
HOWICK.

GOVERNOR DARLING TO VISCOUNT GODERICH.

(Despatch No. 58, per ship Eamont.)

My Lord, Government House, 15th July, 1831.

I have the honor to acquaint Your Lordship, in reference to Sir George Murray's despatch dated the 20th of June, 1830, No. 50, that the Sum of £5,389 12s. 6d., was transferred on the 19th of April last from the Colonial Treasury to the Military Chest, on Account of the Company of the Staff Corps, stationed here in the Years 1826 and 1827.

I have, &c..
RA. DARLING.

GOVERNOR DARLING TO VISCOUNT GODERICH.

(Despatch No. 59, per ship Eamont.)

My Lord, Government House, 16th July, 1831.

I have the honor to acknowledge the receipt of Your Lordship's Despatch, dated the 15th of February last, Marked "Circular," on the Subject of the "Blue Book," and, as the preparation of that Document is considered by Your Lordship as properly belonging to the office of Colonial Secretary, I have furnished that Officer with a Copy of Your Lordship's Despatch.

As the Blue Book for 1829 is not yet quite Completed, I was induced not long since to request the Auditor General to undertake the preparation of that Document for the last Year, being anxious that Your Lordship Should be furnished without loss of time with information to the latest period, rather than wait until the Colonial Secretary could prepare it.

* Note 9.

Payment on
account of
staff corps.

16 July.
Despatch
acknowledged.

Compilation
of "blue book"
by W. Lithgow.

Mr. Lithgow has accordingly applied himself as closely as possible to the Book for the Year 1830 but has not yet been able to finish it, it being very difficult to obtain the information required and Class it under the prescribed heads; in proof of which, I need only remind Your Lordship of the Deputy Commissary General's Application to be allowed a separate Establishment for the purpose of preparing the Statements he had been called on to furnish.

1831.
16 July.
Compilation
of "blue book"
by W. Lithgow.

Although I have been prevented forwarding the "Blue Book" for the last year by the present opportunity, the Auditor General has enabled me to furnish Your Lordship with an "Abstract of the Net Revenue and Expenditure of the Colony" for that period, which I trust will answer every purpose that may at the present moment be required, and that the results, which it exhibits as compared with former Years, will prove Satisfactory.

Abstract of
revenue and
expenditure
transmitted.

Revenue.—It will be observed that the Amount of the Fixed Revenue for last year was £103,989 2 10
That of the Year 1829 101,486 2 10 $\frac{3}{4}$

Statement
re revenue;

Shewing an improvement to the amount of . . . £2,502 19 11 $\frac{1}{4}$

This improvement has arisen chiefly on the Duties on Spirits, which exceeds the Amount of the Same duties in the Year 1829 by no less a sum than £5,906 1s.; and, as the labouring Classes compose the great body of the consumers of this article, the increase proves the easy Circumstances enjoyed by this, the most numerous portion of the Community.

The improvement would have been still more Considerable, had it not been Counterbalanced by a falling off, to the amount of £2,763 9s. 9d., in the Duty on Goods of Foreign Produce, owing to the diminished importation of last year. This falling off ought not perhaps to be viewed as matter of regret, as it is in no inconsiderable degree attributable to the circumstance of the Settlers having Substituted Milk, the produce of their own Establishments, for the Ration of Tea and Sugar, which they formerly Supplied to their assigned Servants, a change which, without being at all detrimental to the latter, is certainly beneficial both to their Employers and to the Colony at large.

It will be observed in regard to the *Expenditure* that, while a diminution has taken place in that portion defrayed from the Colonial Treasury, the Expences of the Military and Convict Establishments have also undergone a reduction to a very considerable Amount.

and re
expenditure.

1831.
16 July.
Statement re
expenditure.

In the Year 1829, the Proceeds of Bills drawn on His Majesty's Treasury, and the consignment of Specie from thence, amounted together to £174,426 17 3 $\frac{1}{4}$
In 1830, the Proceeds of Bills drawn was 138,699 19 7

being a reduction of £35,726 17 8 $\frac{1}{4}$
no Specie having been received from England in the latter Year.

The Amount of the Commissariat Expenditure in the Year 1829 was £197,912 11 1 $\frac{1}{4}$
In 1830 162,717 8 2 $\frac{1}{4}$
exhibiting a corresponding reduction of no less a Sum than £35,195 2 11

This extent of reduction is principally to be ascribed to the Supply of Salt Meat for the Troops and Convicts in the Year 1830 having been provided by Slaughtering the Government Cattle, to the fall of the Price of Grain when the Drought ceased, and to the reduction of the Prices of Agricultural Produce generally in the last Year.

A saving in the Expenditure defrayed by the Commissariat was also effected by the appropriation of other Produce, raised by the labour of Convicts, to their Support and Maintenance. The amount of this Saving has, it will be seen, been estimated on a very moderate valuation at £10,768 18s. 8 $\frac{1}{2}$ d.

While the diminution of the Expenditure to so large an Amount must prove gratifying, inasmuch as His Majesty's Treasury has been relieved in the same proportion; Still, viewed in another light, the aspect is less favorable, as the Sudden depression in the Prices of Agricultural Produce and Stock generally greatly aggravated the embarrassment of the Settlers, which was occasioned by the long calamitous Drought.

The total Expenditure, defrayed within the Colony, for the Maintenance of its Civil, Military, and Convict Establishments in the Year 1830, was £236,560 1s. 2 $\frac{1}{2}$ d.; Besides which, the Sum of £7,331 18s. 6 $\frac{3}{4}$ d. was issued to Military Pensioners, and for other Services of an extraneous Nature not chargeable to the Colony.

To the Expenditure on Account of the Colony, as above Stated at £236,560 1s. 2 $\frac{1}{2}$ d., is to be added the Value of the Stores received from England during the Year. There are no means of ascertaining here the Cost of these Stores, as the Consignments were not accompanied by priced Invoices; but, supposing the Amount to be £20,000, the aggregate Expenditure of the Colony for the last Year cannot have much exceeded £250,000 Sterling.

I feel more than ordinary gratification in making this Communication, as it will I hope satisfy Your Lordship, that every possible attention has been paid to keeping the Public Expenditure within the bounds of economy, and will at the same time afford the means of disproving the Statement of a Gentleman, which had been lately published, who, from his connection with the Colony, might naturally be supposed to possess some information on the subject upon which he writes. It is so much the practice to misstate and Misrepresent, when New South Wales is the subject, that Mr. McQueen ought perhaps to be excused from having fallen into this popular and fashionable error. He has stated the Expences of the Colony in round Numbers to be sure at £500,000 a year, while it appears, by the Auditor General's Statement, that last Year the amount could have been little more than £250,000, no unimportant proof of the correctness of that excellent rule, which recommends, as the best means of arriving at the truth, to believe only half of what we hear or is asserted. I should not have Noticed Mr. McQueen's Statement, but that it may give an unfavorable impression of the Colony, an evil which of course he did not apprehend.

Begging Your Lordship's pardon for this digression, I shall with Your permission add a few observations connected with the immediate Subject of this Communication.

When it is considered that, of the aggregate Expenditure above Stated at £250,000, upwards of £100,000 is derived from local Revenues; that nearly 20,000 Convicts, dispersed over a Superficies comprising upwards of 30,000 Square Miles, are Superintended and provided for; that on an average 3,000 Male and 500 female Convicts are Sent out annually, thus relieving the Mother Country of a large Mass of Criminals; and, when it is further taken into account that the returns, now made by the Colony towards the Commerce of the United Kingdom, in Wool, Oil, Flax and other Produce, and the rapidly extending Market, which it opens for British Manufactures, it must be admitted that there is little ground for Complaints that the Colony is peculiarly burthensome to the Mother Country for the Charge of a want of economy on the part of Government in the Administration of its affairs.

I shall not fail to transmit the Blue Book for 1830 by the next opportunity, with Remarks on Such points as it may be necessary to draw Your Lordship's attention to.

I have, &c.,

RA. DARLING.

1831.
16 July.

Satisfaction
at submitting
statement.

Misstatement
re annual
expenditure by
T. P. Macqueen.

General remarks
on expenditure.

1831.
16 July.

[Enclosure.]

[*This abstract has been omitted.*]

GOVERNOR DARLING TO VISCOUNT GODERICH.

(Despatch marked "Separate," per ship Eamont.)

20 July.

My Lord, Government House, 20th July, 1831.

I have the honor to acknowledge the receipt of Your Lordship's Despatch of the 6th of January last, No. 10, on the subject of the Act of the Colonial Legislature, passed in the Month of January, 1830, for amending the Law of Libel of this Colony, and signifying that, having attentively considered the whole matter, Your Lordship's conviction is that You ought not to give Your sanction* to the measure proposed.

Disallowance
of act of council
11 Geo. IV,
No. 1.

Reasons for
passing of act.

I rely on Your Lordship's indulgence to forgive my endeavouring, in a matter of this nature, to explain the grounds on which it appeared to me that I was justified in bringing the Act in question under the consideration of the Legislative Council, which Body, it must be presumed, would not have passed it, had it not appeared to them to be necessary to the peace and good order of the Community.

Origin of
licentiousness
of press.

It may be satisfactory to shew that the licentious State of the Press of this Colony was not provoked by any measure of my administration. Its origin appears to have been simultaneous with the first publication of a second Newspaper in the Colony. On my coming out to take charge of this Government, the abuse had been carried to such an extent, as to induce Earl Bathurst to draw my attention to it in a particular manner, and I received special Instructions on the Subject, as Your Lordship will perceive by the enclosed Copy of a Despatch, which was addressed to me on my leaving England.

Instructions
re press to
R. Darling.

It may further be useful to a more complete understanding of the case to refer to the accompanying Copy of a Despatch from Sir George Murray, which I accordingly beg to enclose for Your Lordship's perusal and consideration.

Your Lordship will perceive that Earl Bathurst, after commenting on the evil consequences to be apprehended from the state of the Press in this Colony, was pleased to direct that an Act of Council should be passed, founded in general upon the provisions of the statutes of 38 Geo. 3d, C. 78, and 60 Geo. 3rd and 1st Geo. 4, C. 9, as referred to in His Lordship's Despatch; and further that no Newspaper should be published without a License, and that each Paper should be subjected to a Stamp Duty. The Bill† respecting the "License" was not passed, as the Chief Justice considered the measure illegal, which opinion was

* Note 104.

† Note 105.

afterwards confirmed by the Law Officers in England; and the Act* for imposing a Stamp Duty, though passed by the Council, fell to the ground in consequence of a supposed irregularity in the Proceeding.

1831.
20 July.

Your Lordship will perceive, on reference to Enclosure No. 2, that Sir George Murray, after pointing out that the proprietors of Newspapers must not be required to take out a License, repeats the suggestion, contained in Earl Bathurst's Despatch, that the Newspapers should be subject to a Stamp Duty, and that the "Editors or Publishers should enter into security to pay such fines or penalties as they may incur, and that these securities might perhaps be fixed at a rate, which would prevent the business of publishing Newspapers from falling into the hands of persons of no consideration or property."

Instructions by
Sir G. Murray
re control of
press.

I have referred to these Instructions in order to shew that I have not, as far as they go, exceeded them in the slightest degree. It is evident indeed that I have not acted up to them, as the amount of the security required is not so much as at Home, and the Stamp Duty has not been imposed. As to the clause, which renders the Editors liable to Banishment† upon a second conviction, it was introduced in accordance with the existing Law‡ of England at the time. It may, no doubt, be matter of opinion whether it was necessary or proper to adopt it here. Keeping in mind that this is a *Convict* Colony, I would respectfully leave the question to be determined on the facts stated in Your Lordship's Despatch, in which the extreme virulence of the Colonial Press is admitted as "an evil of a very serious nature, and that those, by whom it is conducted, have without regard to truth or decency been engaged in a systematic and persevering endeavor to bring into contempt, those to whom the Administration of the Colony has been entrusted." Concurring as every one must in this view of the case, I am obliged to confess, which I do with reluctance and every possible deference, that I had been led to a conclusion very different from Your Lordship's, and in which I was supported by the unanimous opinion of the Legislative Council, persons who, from their knowledge of the population and their daily observation of the licentiousness of the Press, possessed every means of forming a correct judgement as to the necessity of the measure.

Modified
compliance with
instructions.

Introduction
of penalty of
banishment.

Had it been my object to check the circulation of Newspapers, as appears to be supposed, the Stamp Duty, which I was authorised by Sir George Murray to impose "even to the amount of fourpence," would no doubt have effected it. But my desire was merely to restrain the Editors within the bounds of

Objects of
R. Darling.

* Note 105.

† Note 25.

‡ Note 29.

1831.
20 July.

“decency.” They could not have avoided paying the Duty; but it was in their power to abstain from writing in a manner which would subject them to punishment as Libellous.

Adherence to
instructions.

My object in entering into this detail has been to shew that, in carrying into effect the measure of which Your Lordship has disapproved, I have in no respect deviated from the line pointed out to me by my Instructions; and it appears that an Act of Parliament* has subsequently been passed, which makes the Law of England precisely the same as the Law of this Colony, with respect to the security required from Editors. If the Legislative Council, composed as it is of the Chief Justice, the Archdeacon, the principal officers of the Government, and the most considerable landed proprietors and Merchants of the Colony, all residing on the spot, is not competent to judge what is necessary or expedient in such a case, the Institution must be altogether nugatory. By its constitution, a Balance is justly established between the Government and the Colonists; and it may fairly be presumed that no unnecessary restriction would be sanctioned without remonstrance on the part of the latter.

Value of
opinion of
legislative
council.

I now beg to acquaint Your Lordship that, having brought Your Lordship's Despatch, the subject of this Communication, under the consideration of the Executive Council, it was advised that a Bill† should be laid before the Legislative Council to repeal so much of the Colonial Act as relates to the banishment of the Editors of Newspapers on a second conviction for Libel, thus placing the Colonial Law on the same footing as the Law of England, as is expressed in the Notice, which has been published and is to the following effect, vizt. :—

Amending bill
proposed by
executive
council.

“The object of this Bill is to assimilate the Law of the Colony to the Law of England, and place them on the same footing with relation to each other, as they stood before the Act of Parliament recently passed, which has repealed so much of the previous Law of England as related to the sentence of Banishment on second conviction for Libel.”

I had expressed my intention in Council of bringing in such a Bill, when I first received the Act of Parliament, passed in the Month of July, 1830, Cap. 73, long before the arrival of Your Lordship's Despatch; but I was prevented doing so, as the Attorney Genl. had not arrived, and I was at a loss for a proper person to prepare the Bill.

This Bill will, I trust, answer every purpose proposed by Your Lordship, as it repeals that part of the Act of Council, to which I am led to suppose Your Lordship objects, and, as the Act was passed for only two years, it will cease altogether at the end of January next. The effect of publicly notifying his Majesty's

* Note 29.

† Note 106.

disallowance of the Act in question would, I am satisfied, be extremely injurious, as far as respects the Press of this Colony. It would be to declare that, notwithstanding its "extreme virulence," its disregard of "truth or decency," and its "systematic and persevering endeavour to bring into contempt those to whom the Administration of the Colony has been entrusted," the Government and the Legislative Council had shewn a desire to act with undue severity towards it, and that His Majesty's Government did not consider its Proceedings as requiring the same restraint, as the Press of the Mother Country. It is very painful to me to trespass so long on Your Lordship's time on this subject; but I cannot dismiss it without adverting to one or two points in Your Lordship's Despatch, in which it would appear there has been some misapprehension, or that I have not expressed myself with sufficient accuracy or clearness.

It is stated, in support of the opinion expressed, that the Law, as it stood before the introduction of the present Bill, was at least sufficiently severe, that the Sentence of three years' imprisonment* pronounced against Mr. Hall shews that the means of coercion were not wanting, while the fact, *which I stated*, that a fine of £100 imposed on Mr. Hayes had been defrayed by subscription, would lead Your Lordship to the conclusion that, in the opinion of at least a considerable portion of the Public, these means had already been too rigorously employed. I beg to observe with respect to the supposed sentence of Imprisonment for 3 years, as I presume Your Lordship has been led to understand my Despatch, that the period mentioned was the amount of five or six different Convictions. I had the honor of stating, in my Despatch of the 4th of February, 1830, that "Mr. Hall had been found guilty of four Libels, written *since his Committal to Jail*, and which had rendered it indispensable to have recourse to additional restraints, the better to ensure that protection to Individuals, for which the existing Laws had proved insufficient."

As to the other point, I assure Your Lordship, I had no intention whatever of stating that the fine of £100 imposed on Mr. Hayes had been defrayed by subscription.† If such had been the fact, the persons who signed the letter would have been too happy to have given the names of the Subscribers at full length, unless indeed they should have been ashamed of their friends and Supporters. My belief, my Lord, is that the fine was paid by the person,† who I stated was supposed to have written the Libel, And who signed the letter in the "Australian."

Your Lordship is further pleased to observe that "a new Law of increased severity may indeed prevent the appearance of Libels against the Executive Government, but You fear, it would

1831.
20 July.

Objections
to public
notification of
disallowance of
act of council.

Misconception
re sentences on
E. S. Hall.

Payment of fine
for A. E. Hayes.

* Note 30.

† Note 107.

1831.
20 July.

Objections to
severity of act
of council.

only do so by putting an end to any thing like free discussion and enquiry, by silencing rather than allaying the irritation and discontent which I apprehended the Libels in question might produce."

The fact of Mr. Hall having been convicted of *four Libels written during his imprisonment*, as stated in my Despatch of the 4th February, 1830, afforded the best proof that there was no reason to apprehend any interruption to free discussion and enquiry. And every number of the Monitor, published since he was pardoned and released from Jail in November last, will satisfy Your Lordship that the Bill, which Your Lordship has considered too severe, has not had the effect of silencing him, and I might add or of obliging him to enter into the required recognizance.

Abstention of
civil officers
from
participation
in press.

The remark on my part was quite casual, which has led to the observations in Your Lordship's Despatch that Persons in responsible situations should avoid a connection with the periodical Press. I cannot better comply with Your Lordship's injunctions on this head, than by continuing the Course I have hitherto pursued, which, I sincerely and respectfully assure Your Lordship, I have never had any intention of departing from. Having spoken to the Colonial Secretary on this subject, he has assured me, notwithstanding anything to the contrary which Your Lordship may have been led to believe, that he has never written a single line for any of the Papers, and I have no reason to suppose that any of the Public Officers have done so. In expressing my hope that this will prove satisfactory to Your Lordship, I cannot conceal the pain I have felt for some time past in having observed that Tattlers have been busily employed in calumniating my Administration. I very willingly abstain from saying more on this point at present, as Your Lordship's Character is an assurance that these Talebearers will be discountenanced.

Instructions
received
re Revd.
R. Mansfield.

I should immediately apprise the Editor of the Sydney Gazette of Your Lordship's opinion and wishes; but, as he is not a Clergyman of the Established Church, as Your Lordship has been led to suppose or in any manner connected with it, and as I have never exercised any control over him, it might perhaps, under these circumstances, be advisable to abstain from doing so at present.

"Insinuations"
re conduct of
R. Darling.

I cannot close my letter without observing, and I am sure Your Lordship will excuse it, that for some time past the Communications, which have been addressed to me from Your Lordship's Office, have in several instances contained insinuations that in my Proceedings (against the Editors of the Newspapers more especially) I have consulted the gratification of my personal

feelings rather than the Character of my Public Situation. The Reproach, my Lord, is unmerited, and is of a nature to preclude reply. I shall not attempt in this place to account for the motives, which may influence the person, who prepares the Despatches and conducts the Business of the Department, from which these contumelious Remarks have proceeded.

1831.
20 July.

I have been induced to make this Appeal to Your Lordship in the anxious hope that You will be at the trouble of judging for yourself of my Character and Proceedings, and that You will not without consideration adopt the opinions or prejudices of others. I ask, my Lord, no favor or indulgence. But I have, in common with every individual under Your Lordship's authority, a Claim to Your Justice and to the merit, which is due to the faithful and conscientious discharge of the Duties of an arduous and laborious situation.

Reasons for
making appeal.

I have, &c.,

RA. DARLING.

[Enclosures Nos. 1 and 2.]

[These were copies of despatches from Earl Bathurst and Sir George Murray dated 12th July, 1825, and 31st July, 1828; see page 16, volume XII, and page 275, volume XIV.]

GOVERNOR DARLING TO VISCOUNT GODERICH.

(Despatch No. 61, per ship Eamont.)

My Lord, Government House, 23rd July, 1831.

23 July.

I have the honor, in reference to My Despatch of the 16th inst. No. 59, to transmit to Your Lordship the "Blue Book" for the Year 1829. As the Eamont, by which I now write, will sail almost immediately, and the Book for the Year 1830 will I hope be prepared by the next opportunity, I propose postponing the remarks which are required on the several heads by the Circular Letter of the 15th Feby. last, until the Blue Book for the Year 1830 is forwarded.

Transmission
of "blue book."

I have, &c.,

RA. DARLING.

GOVERNOR DARLING TO VISCOUNT HOWICK.

(Despatch per ship Eamont.)

My Lord, Government House, 24th July, 1831.

24 July.

I have the honor to acquaint Your Lordship that, previous to the receipt of Mr. Hay's letter of the 14th of December last, transmitting Copy of a letter from the Treasury, in which it is proposed that all Public Works should be executed by Contract, a Notice was inserted in the Gazette, apprising the Public of the wish of the Government to that effect, in order that Persons so disposed might have an opportunity of preparing and making

Introduction
of contract
system for
public works.

1831.
24 July.

Introduction
of contract
system for
public works.

arrangements accordingly. Mr. Hay's letter was received by the Eleanor, the 26th of last Month; the Advertisement to which I allude is dated the 17th; But, even previous to the Advertisement in question, I had sent for a builder of the Name of *Verge*, who I understood was doing business on rather an extensive Scale and had given much Satisfaction. I informed him of what was proposed and requested he would let me know, in the event of Contracts being Called for, if he would Tender for the Work. He declined, saying he had quite enough to do and was Unwilling to extend his Business. I have, notwithstanding, directed the insertion of Several advertisements calling for Tenders, and shall persevere in the measure, though at present I see very little if any prospect of success. According to the progress which is made, the Mechanics shall be assigned, and the Orders Conveyed in Mr. Hay's letter Shall receive every assistance in my power, as the relief, which the Government would derive from the measure, is most desirable.

I have, &c.,

RA. DARLING.

GOVERNOR DARLING TO VISCOUNT GODERICH.
(Despatch No. 62, per ship Eamont.)

26 July.

Report *re* banks
of Australia
and New South
Wales.

My Lord,

Government House, 26th July, 1831.

I have the honor to acknowledge the receipt of Your Lordship's Despatch, No. 20, dated the 29th of January last, and to acquaint Your Lordship that the Directors of the Bank of Australia and the Bank of New South Wales have been called upon for Information relative to the present state of their respective Establishments, and particularly as to the Interest, accommodation or benefit, they would be disposed to give to the Public, provided the whole or a part of the Funds, usually deposited in the Military Chest, were lodged in their Banks, and the Security, which they would be prepared to give in such case. Copies of the Answers of the Directors of both Banks are herewith enclosed, and from these Documents the following appears to be the actual state of those Banks respectively, "Vizt."—

	Nominal Capital in Shares of £100 each.	Actual Capital paid up.	Average amt. of Deposits for last 6 months.	Average amt. of Notes in Circulation in last 6 months.
Bank of Australia	£120,000	£35,000	£58,000	£25,000
Bank of New South Wales }	150,000	24,571	29,974	7,926

It appears that the issue of Bank Notes is regulated only by the demands of the Public for them, and that an encrease of deposits would not materially conduce to an encrease of Paper Issues.

Both Banks are willing to take charge of the Public Money, if deposited with them, but decline paying any interest for it, because, in the present State of the Colony and of their Establishments, they could not derive any Material benefit from an increased Amount of Deposits.

1831.
26 July.

Report *re* banks of Australia and New South Wales.

The only Security, which either Bank can give, is the Credit of the Establishment. Both are joint Stock Companies, and, the Partners being generally the most Wealthy Inhabitants of the Colony, it is considered that there is sufficient Security for all their Engagements.

I have, &c.,

RA. DARLING.

[Enclosures.]

[These letters, dated 12th and 26th July, 1831, were summarised in the despatch.]

GOVERNOR DARLING TO VISCOUNT GODERICH.

(Despatch No. 63, per ship Eamont.)

My Lord, Government House, 26th July, 1831.

I have the honor, in reference to my Despatch of the 11th Ultimo No. 50, to transmit, as required by Your Lordship's Despatch dated the 6th of July, 1830, No. 54, the accompanying Statements, "Vizt.":

Transmission of statements *re* convict establishment.

1st. Of the total Expense for maintaining the Convicts in each of the Years 1826, 1827 and 1828, and the charge per Head for each Convict for 365 days, on the average of each of those Years.

2nd. Of the Expense of the Department of the Superintendent of Convicts in New South Wales in the Year 1829, including the Expense for Building, and Stating the Number of Persons employed on that Establishment, the office each holds, and the Salaries and Emoluments they receive, which Documents I trust will Answer the purpose required.

I have, &c.,

RA. DARLING.

[Enclosure No. 1.]

ACCOUNT of the Total Expense for maintaining the Convicts in each of the Years 1826, 1827 and 1828, and the charge per head for each Convict for 365 Days, on the average of each of those Years.

Account of expenditure on maintenance of convicts.

Year.	Total Yearly Expense.			Average charge per head for 365 days.
	£	s.	d.	
1826	51,106	3	4 $\frac{3}{4}$	11 14 11 $\frac{1}{2}$
1827	62,144	15	1	14 5 8 $\frac{1}{2}$
1828	69,013	6	8	13 16 0 $\frac{1}{2}$

B. The Total expense incurred in 1826 includes Pay and allowances to Superintendents, etc., and the Expenses for each of the Years above stated include the Provisions, Clothing and Necessaries provided for Convicts under punishment at all the Penal Settlements, the amount of which cannot now be distinguished.

Colonial Secretary's Office, Sydney, 20th July, 1831.

[Enclosure No. 2.]

1831.
26 July.Account of
expenditure in
department of
superintendent
of convicts.

AN account of the expense of the Department of the Superintendent of Convicts in New South Wales in the Year 1829, including the expense for Building, and stating the number of persons employed on that Establishment, the Office each holds, and the Salaries and Emoluments they receive.

Office.	Name.	Salary.	Other Emoluments.
<i>Convict Barracks, Sydney.</i>			
Principal Superintendent	Fredk. A. Hely	£ 500 s. 0 d. 0	rec. £50 as Chairman of Ticket of Leave Committee up to 30 June. Member of Land Board £100 per annum
Principal Clerk	J. Macalister	190 0 0	None.
Clerk	J. S. McGillivray	150 0 0	ditto.
Ditto	Thomas Ryan	150 0 0	ditto.
Ditto	Thomas Steel	130 0 0	ditto.
Ditto	Thomas Havenden	100 0 0	ditto.
Ditto	Henry Cahuac	100 0 0	ditto.
Superintendent Convict Barrack.	John Weston	150 0 0	Quarters in Barrack.
Storekeeper ditto	H. S. Green	100 0 0	None.
Clerks	Two	1 3 per diem each.	ditto.
Constables	Seven	to 0 6 ditto	ditto.
Messengers	Four	0 2 3 ditto	ditto.
Temporary Clerk	James Hamilton	0 5 0 ditto	ditto.
<i>Carters' Barracks, Sydney.</i>			
Superintendent	Andw. Murray	127 15 0	A residence
Assistant ditto	E. R. Stack	91 5 0	ditto.
Schoolmaster	Jno. Kingsmill	63 17 6	ditto
1 Conductor & 2 Constables	Three	0 2 6 per diem each.	None.
Overseers	Six	0 0 10 ditto	ditto.
Overseer of Boys	One	0 1 3 ditto	ditto.
Miller	One	0 0 6 ditto	ditto.
Apprentices	Four	14 0 0 per annum each	ditto.
<i>Convict Barracks, Parramatta.</i>			
Clerk	Frederick Latham	0 0 6 per diem	None.
<i>Convict Barracks, Liverpool.</i>			
Superintendent	James Strachan	60 0 0	None.
Overseer	Nichs. Heady	0 1 3 per diem	ditto.
<i>Convict Barracks, Newcastle.</i>			
1 Overseer and 1 Clerk	Two	0 0 6 per diem	None.
<i>Female Factory, Parramatta.</i>			
Ma tron	Ann Gordon	150 0 0	Quarters in Establishment.
Assistant Matrons	Two	50 0 0 each	ditto
Ditto	Two	0 1 6 per diem each.	ditto
Portresses	Two	0 1 6 ditto	ditto
Overseers	Three	0 0 6 ditto	ditto
Storekeeper	Willm. Tuckwell	100 7 6	None.
Clerk	Joseph Turner	91 5 0	ditto.

[Enclosure No. 2]—*continued.*

1831.
26 July.

AN account of the expense of the Department of the Superintendent of Convicts in New South Wales in the Year 1829—*continued.*

Account of expenditure in department of superintendent of convicts.

Office.	Name.	Salary.	Other Emoluments.
<i>Wellington Valley.</i>			
Superint. Government Stock	John Maxwell ...	£ 250 0 0	A house on the Establishment.
Assistant ditto	H. A. B. Bennett..	73 0 0	Quarters on Establishment.
Castrator.....	R. Haviland	30 0 0	None.
Principal Overseer	One	1 3 per diem	ditto.
Overseers	Six	6 ditto each	ditto.
Superannuated Storekeeper	One	6 ditto	ditto.
Overseers, Constables etc....	Five	10 per diem each	ditto.
<i>Emu Plains.</i>			
Superintendent	Jas. Kinghorn ...	250 0 0	A house on the Establishment.
Chief Watchman	Thomas Rose	1 3 per diem	None.
Clerk, Horse breaker and Overseer.	.....	10 ditto each	ditto
1 Overseer and 1 Watchman	Two	6 ditto	ditto
<i>Grose farm and Longbottom.</i>			
Superintendent	Jas. Smith	150 0 0	A house on the Establishment.
Constables, etc.....	Five	From 10 to 2 0 per diem each	None.
Total annual expense for 1829.....£5,172 16 5 including Buildings and Contingencies.			

EXPENSE for Building and for repairs and alterations in the Buildings attached to the Department of the Superintendent of Convicts in 1829.

Expenditure on buildings and repairs.

	£	s.	d.
Hyde Park Barracks	118	1	0
Carters' Barracks	105	0	2
Grose Farm	37	9	7
Longbottom—			
New Buildings	£42	0	0
repairs	13	1	8½
Female Factory—			
Dam and Drain	275	0	0
Repairs	356	14	8
Weaving Shop, Parramatta	146	3	5
		777	18 1
Total	£1,093	10	6½

Colonial Secretary's Office, Sydney, 23rd July, 1831.

GOVERNOR DARLING TO VISCOUNT GODERICH.

(Despatch No. 64, per ship *Eamont*; acknowledged by Viscount Goderich, 26th December, 1831.)

My Lord, Government House, 26th July, 1831.

I have the honor to report for Your Lordship's information, in reference to the Several Communications which I have lately made on the Subject of the retrenchments, which had been carried into effect, and the Considerable Amount to which His Majesty's Treasury had been relieved, that the Sum of £6,400,

Revenue from spirit licenses.

1831.
26 July.

which has been just now received by the collector of Internal Revenue for "Spirit Licenses" granted this Year, will be immediately transferred to the Military Chest to meet the Expences of the Police Department Under the new arrangement, which, together with the Sum received last Year on the Same account, amounts to £11,500.

Proposed sale
of barque
Lucy Ann.

2nd. I have further directed the sale of the Barque *Lucy Ann*, which Vessel it is supposed will produce at least £1,500. This Sum will also be transferred to the Military Chest, and a saving to His Majesty's Treasury of the Wages and Provisions of the Crew and the Expense of the Stores and occasional repair of the Vessel will further be effected.

Proposed
reduction at
dockyard.

As the Government Vessels will now be reduced to three, the Brigs Governor Philip and Mary Elizabeth, and the Schooner *Isabella* (the *Mary Elizabeth* being intended to be employed with the Resident at New Zealand), I propose reducing the Establishment of the Dock Yard to a smaller Scale, which will produce a saving of both Men and Money.

Reductions at
Emu plains and
Grose farm.

3rd. I have further the honor to state that the Superintendent of Emu Plains, whose Salary was £250 a Year, has been replaced by the Superintendent of Grose Farm, the Salary of the latter being £130. He will be succeeded by a subordinate Person at £40 a year, the Establishment having lately been very much reduced. The Saving Under this head will not be less than £200 a Year.

I have reduced the Establishment at Emu Plains as much as possible under present Circumstances. When the Cattle are finally disposed of, it may be broken up altogether.

Abolition of
establishment
at Newcastle.

4th. The Establishment at Newcastle has been totally reduced with the exception of the Men attached to the Coal Mines, and these will be immediately transferred to the Australian Agricultural Company, the Agent having lately signified that he should shortly be prepared to receive them.

I am not aware that any further reductions can be Consistently carried into effect at present.

I have, &c.,

RA. DARLING.

GOVERNOR DARLING TO VISCOUNT GODERICH.

(Despatch marked "Separate," per ship *Eamont*.)

My Lord,

Parramatta, 26th July, 1831.

I have this moment been honored, by the Ship "*Camden*," with the receipt of your Lordship's Letter* of the 15th March last, marked "Separate," notifying Your Lordship's intention of relieving me in this Government, and, as the "*Eamont*" is just about to sail for England, I lose no time in replying to it.

Despatch
acknowledged
re recall of
R. Darling.

* Note 108.

Though totally unprepared for such an Event, I shall now feel the most profound gratitude for His Majesty's gracious condescension in the assurance, which Your Lordship has been pleased to convey to me, that His Majesty appreciated the zeal for the public Service with which I have discharged my duty.

1831.
26 July.

Appreciation
of services of
R. Darling.

If, on the immediate receipt of so unexpected a communication, I should express my Sentiments in a manner which may in the slightest degree appear objectionable, I must crave Your Lordship's indulgence in consequence of the painful Situation, in which I find myself placed by the intimation which Your Lordship has conveyed to me.

Your Lordship will permit me to observe that, with respect to the Rule* laid down by Mr. Huskisson, three Years only have elapsed since it was established; and I am persuaded, had Your Lordship adverted to that circumstance, You would not have thought it just, more especially in such a Case as mine, in which it must have proved ruinous to the Reputation and future prospects of a faithful Servant of the Government, to give it a retrospective effect.

Rule *re*
limitation of
services as
governor.

When it is seen that so many other Governors, all (with a single exception in this part of the World) have been continued long beyond the period prescribed by Mr. Huskisson, will it not be remarked to my disadvantage that I have been the only one, to whom it has been thought proper the Rule should be made strictly to apply.

Possible effects
of rule.

As Your Lordship has been pleased to express your Opinion of the difficulties of my Situation, a just consideration, I would not say compassion, my Lord, for the manner in which I have been calumniated, might, I presume to think, have induced a different course without any fear of injury to the Service.

I cannot abstain from noticing the passage in Your Lordship's Despatch, in which you state that the "misunderstandings and dissensions," which have occurred in New South Wales, render it advisable for the King's Service that I should be relieved. Surely, my Lord, you do not allude to occurrences now some Years gone by, which, as they have long been forgotten here, it might be supposed, would not have been borne in remembrance at home, and after such a lapse of time now be brought against me. But, if your Lordship does allude to them, may I not ask if it be just to make *me* responsible? I feel no hesitation, my Lord, in challenging investigation into the occurrences alluded to, by which it will be seen who was the Aggressor. It has been my misfortune, my Lord, more than once, to be brought in collision with Mr. Justice Stephen and his family. The Acts, which led to it, were totally unprovoked on my part and could not

Reasons given
for relief of
R. Darling.

Disputes with
J. Stephen.

* Note 109.

1831.
26 July.

Report
submitted *re*
J. Stephen.

have been occasioned by me; I considered the last of these as the Act of an impotent old Man, verging on his dotage, if not from Years, from an infirmity of which I would willingly avoid speaking. I was anxious, my Lord, to abstain from noticing the proceeding now alluded to, and resisted it for some time; but, it being considered little short of a public Scandal, I was compelled to report it, and I did so without any feeling or expression of personal hostility. I put Mr. Stephen in possession of my Report that he might reply to it thro' me, according to the established Rule; but he did not think proper to do so, though admonished by Mr. Huskisson on a former occasion, as will be seen on reference to his Despatch of the 11th February, 1828, for not having then conformed to the Rule laid down.

I perceive by Your Lordship's Despatch of the 23rd March, No. 27, which I have received this morning, that the matter has been referred to the Law Officers of the Crown. Though I am satisfied, as Your Lordship states, that the subject generally has not escaped Your Lordship's attention, I am apprehensive that Mr. Stephen's second disregard of the Rule, which Mr. Huskisson endeavoured to enforce, has not been brought under Your Lordship's Notice.

Forbearance
shown towards
J. Stephen.

If I have anything to reproach myself with, in regard to Mr. Justice Stephen, it is the forbearance I have shewn in not reporting his unfitness for his Office. I abstained in order to promote the wishes of His Majesty's Government. But, if there is any doubt on this point, I would recommend that the Chief Justice, who has always been considered his friend, and the Executive Council should be called on to state their Opinion.

It is indeed, my Lord, very painful to me to be compelled to trespass at such length on Your Lordship's time; but, when Your Lordship considers the importance of the subject to me individually, you will pardon my anxiety to account for events, which I can have no doubt have led to the severe but unmerited proceeding, which is now contemplated with respect to me.

Inability
to explain
references.

If Your Lordship does not allude, in speaking of the "misunderstandings and dissensions" which have occurred here, to those to which I have now adverted, and which, indeed, it is almost impossible for me to suppose Your Lordship does, the period being so remote, I confess, I am at a loss to conjecture to what the observations in Your Lordship's Despatch can possibly apply, as I most solemnly assure Your Lordship that no place can be more tranquil than this is, nor am I aware that any misunderstandings or dissensions have occurred for the last three or four Years. The Distress occasioned by three Years' Drought naturally produced dissatisfaction; but the Colony is

Tranquillity
of colony.

now recovering the effects of that misfortune, and all Classes, enjoying the prospect which the favorable change of the Seasons has afforded, appear happy and contented. If you have been otherwise informed, be assured, my Lord, you have been deceived.

1831.
26 July.

It is not my object at the present moment to furnish a picture of the State of the Colony, nor to set forth the Advancement it has made, even under the disadvantages I have pointed out and the difficulties, which personally I have had to contend with. I have no desire to exaggerate them, nor do I lay any claim to infallibility. If I have erred, surely, my Lord, some allowance might have been made, if only in consideration of the Persons I have had to deal with, Men, I may say habitual Drunkards, filling the most important Offices, Speculators, Bankrupts and Radicals, while I (and I only state the fact) have exerted myself strenuously to promote the views of His Majesty's Government and maintain His Majesty's Authority. If it be Your Lordship's will that I should be the Sacrifice, I must submit.

Difficulties of
administration.

It has, I assure Your Lordship, been very gratifying to me to find that the efforts, which have been made to establish Charges against my Administration, have in Your Lordship's opinion failed, and that Your Lordship considers me free from the blame imputed to me. I am not, however, aware of any Charges against me, which have come under Your Lordship's notice, but those of Mr. Hall, the Editor of the Monitor, and of Girard,* the Baker. The Character of these Men gave but little weight to their Accusations, and my replying to their Charges was entirely in compliance with the Rule laid down by one of your Lordship's Predecessors. Mr. Hall's Accusations were in fact a part of his business as the Editor of an Opposition Paper. As to Girard, it would have been impossible to have renewed his Contract, without risking the Mutiny of the Troops. Pray, my Lord, recollect the length they had already gone to, and Your Lordship will judge whether his giving Security would have justified his being again permitted to supply them. The Situation of a Governor actuated by conscientious motives is perilous indeed, if his Reputation and Office depend on his appeasing such Men as Mr. Hall. It may be well to reflect what the effect of the Example may be, which my Case will furnish. What Governor in future will venture to disregard the Opposition Press? Mr. Hall, who decked his Paper with the Symbols of Mourning† to persuade the Public at Home, who were unacquainted with his Character and Proceedings, that the Colonial Press had been "strangled," will not fail to blazon to the World the proud consequences of his triumph, as exemplified by my dismissal. I was informed of Mr. Hall's

Exoneration
of R. Darling
from charges.

Charges made
by E. S. Hall
and F. Girard.

Effects of
recall of
R. Darling.

* Note 110.

† Note 111.

1831.
26 July.

Conditions* at his own desire (of which he also apprised Sir George Murray) with an intimation of course of the consequences in the event of non-compliance; at that time, I disregarded his threats, persuading myself that the faithful discharge of my duty would have afforded me sufficient protection.

I have, &c.,

RA. DARLING.

[Enclosure.]

EXTRACT of a Despatch from the Right Honble. W. Huskisson to Lieut. General Darling, dated 11th February, 1828, and marked Separate.

Censure passed
on J. Stephen.

SECONDLY, that of sending his Vindication to you in a sealed Packet, addressed to the Secretary of State, thereby precluding you from all knowledge of his defence; violating a settled Rule laid down by His Majesty's Government; exhibiting a want of confidence in your justice; precluding the Archdeacon from the opportunity of a Reply; and preventing you from making such comments on the Judge's Defence, as you might have thought necessary.

VISCOUNT GODERICH TO GOVERNOR BOURKE.

(Despatch No. 8, per ship Asia.)

30 July.

Sir,

Downing Street, 30th July, 1831.

Instructions
for dismissal
of civil officers
on insolvency.

As it appears that several of the public officers at New South Wales have lately taken the benefit of the Insolvent Act, a proceeding as little creditable to themselves as to the Government by whom they are employed, I have to desire that you will, at the earliest convenient moment after the receipt of this Dispatch, cause an intimation to be made to all persons, holding public Employments that on no account whatever will they be allowed to retain their Situations, should they have become involved in such pecuniary embarrassments as to be driven to that course; and you will consider yourself authorized in pursuance of this notification to discontinue, without waiting for further Instructions from home, the Services of any public officer whose Insolvency may be thus publicly declared.

I have, &c.,

GODERICH.

VISCOUNT GODERICH TO GOVERNOR BOURKE.

(Despatch No. 9, per ship Asia.)

4 Aug.

Sir,

Downing Street, 4th August, 1831.

Despatch
acknowledged.

I have the honor to acknowledge the receipt of Lieutt. General Darling's Despatch, No. 10 of the 29th January last, reporting the measures which he had taken for carrying into effect the Instructions of Sir George Murray respecting the removal of the Inhabitants of Pitcairn's Island to Otaheite; and

I have to convey to you my approval of those measures, as also of the undermentioned expenses, which have been incurred on account of this Service, viz.:

Remuneration of Mr. Henry for accompanying the Expedition	£50	0	0
Purchase of Articles for the use of the People of Pitcairn's Island, and of Presents for the Natives of Otaheite	228	16	0
	<hr/>		
	£278	16	0

1831.
4 Aug.

Approval of expenditure on removal of Pitcairn islanders.

I am, &c.,
GODERICH.

VISCOUNT GODERICH TO GOVERNOR BOURKE.
(Despatch No. 10, per ship Asia.)

Sir, Downing Street, 5th August, 1831.

5 Aug.

I have the honor to acknowledge the receipt of Lieutt. General Darling's despatch No. 19 of the 7th February last, recommending that the Costs and Damages, amounting to £174 1s. 11d., awarded in an Action of Trespass brought by Mr. E. S. Hall against the late Archdeacon, should be defrayed by the Public. As the Revd. T. H. Scott was only nominally a party in these Proceedings, and, as I presume, was not blameable in the transaction which occasioned them, I perfectly agree in opinion with the Executive Council that it will be proper to relieve Mr. Scott from the payment of the Damages and Costs; and I have, therefore, to instruct you to recommend to the Legislative Council that they be defrayed out of the Colonial Revenue.

Approval of payment of costs in suit Hall v. Scott.

I am, &c.,
GODERICH.

VISCOUNT HOWICK TO GOVERNOR BOURKE.
(Despatch per ship Asia.)

My dear Sir, Downing Street, 6th August, 1831.

6 Aug.

I forward to you the copy of a letter from a lady of the name of Robertson, who not having heard from her son Mr. Kinnear Robertson, who went out to New South Wales in 1829, seems to be under much anxiety as to his fate. I shall therefore be much obliged to you to cause enquiries to be made whether any person of that name has arrived in the Colony as Surgeon of a Convict ship, and whether he is still resident there; in short, any information, which you may be able to obtain respecting this person, cannot fail to be acceptable to the party at whose request this enquiry is made.

Report required re K. Robertson.

I remain, &c.,
HOWICK.

1831.
6 Aug.

[Enclosure.]

[A copy of this letter is not available.]

VISCOUNT HOWICK TO GOVERNOR BOURKE.
(Despatch per ship Asia.)

7 Aug.
Despatch
acknowledged.

Sir, Downing Street, 7th August, 1831.

I have laid before Viscount Goderich General Darling's Letter of the 22d January, 1831, addressed to Mr. Hay, relative to the application of Mr. Davidson for an additional Grant of Land.

Refusal of
extended land
grant for
W. S. Davidson.

Lord Goderich desires me to acquaint you that the Grant of 5,000 Acres, which General Darling, with the advice of the Council, decided upon allowing to Mr. Davidson, was quite as much as he was entitled to receive; and his Lordship, in communicating to Mr. Davidson the decision which the Colonial Government have come to in his case, has intimated to him that he must not expect, under any circumstances, to receive any further extension of his Grant.

I have, &c.,
HOWICK.

VISCOUNT HOWICK TO GOVERNOR BOURKE.
(Despatch per ship Portland.)

12 Aug.
Transmission
of report from
auditors.

Sir, Downing Street, 12th August, 1831.

I am directed by Viscount Goderich to transmit to you the copy of a letter from the Secretary of the Treasury, together with the Enclosure therein referred to, from the Commissioners for auditing the public accounts on the subject of the Expenditure of that portion of the Establishment of New South Wales, which is defrayed by the Commissariat, as being connected with the Convict Establishment in pursuance of the arrangements adopted by His Majesty's Government and communicated to General Darling on the 30th of July, 1827.

Inconvenience
in audit.

You will perceive from the Report of the Commissioners of Audit that the inconvenience, which has been felt in auditing the Accounts of the Commissary General, has chiefly arisen from the frequent changes, which occur both in the number of persons employed and in the amount of the Salaries and allowances which are paid to them, and from not having before them, at the time the audit of the accounts takes place, any distinctly authorized establishment applicable to the period for which the Expenditure under Examination was incurred. With a view of remedying this evil, the Commissioners of Audit submit for consideration the following suggestion, viz.:—That a schedule should be sent

home at quarterly periods, containing all new Appointments or allowances and augmentations of existing salaries, as well as all payments for services or purchases, which may have taken place within such period, and in respect of which cash Warrants may have been addressed to the Commissary, such schedule specifying the nature and date of the authority, upon which the Warrants or directions of the Governor have been founded, or in cases where the transaction has been reported home and no reply as yet received, the date of the Governor's Report upon the subject.

Lord Goderich has desired me to request that you will carry into immediate effect the above suggestion of the Commissioners of Audit by transmitting to this Department, at the periods stated, Schedules of the nature of those proposed (of which a form is herewith enclosed) in order to their being communicated, in the first instance to the Treasury, and eventually to the Audit Office for the Information and guidance of the Commissioners in the Examination of the Commissary's Accounts.

I have, &c.,
HOWICK.

[Enclosure.]

HON. J. STEWART TO VISCOUNT HOWICK.

My Lord,

Treasury Chambers, 6th August, 1831.

I am commanded by the Lords Commrs. of His Majesty's Treasury to transmit to you the enclosed copy of a Report from the Commrs. for Auditing the Public Accounts, dated the 29th Ulto., Wherein they propose certain Regulations for the purpose of more effectually regulating the expenditure of the Colonies of New South Wales and Van Diemen's Land; and I am to request that you will submit the same to the consideration of Viscount Goderich and inform him that my Lords entirely approve of the arrangement proposed and move His Lordship, in case he sees no objection thereto, to give the necessary Instructions to the Officers administering the Governments of New South Wales and Van Diemen's Land for carrying the same into effect, and that a copy of such instructions may be communicated to this Board for their Lordships' Information.

I am, &c.,
J. STEWART.

Transmission
of report by
auditors.

[Sub-enclosure.]

AUDIT COMMISSIONERS TO COMMISSIONERS OF THE TREASURY.

My Lords, Audit Office, Somerset House, 27th June. 1831.

With reference to the Representation, which we had the honor of addressing to your Lordships on the 19th May, 1831, stating our objections to the mode adopted by D.C.G. James Laidley in arranging and making up the Cash Accounts of his Commissariat Transactions in New South Wales, we now beg leave to submit to your Lordships some further remarks, which have occurred to us in the examination of Mr. Laidley's accounts, relative to the payments

Objections to
method for
cash accounts
adopted by
J. Laidley.

1831.
12 Aug.

for the Salaries and allowances of the Civil Establishment, and other articles of a special description in the Colony of New South Wales, and the Authorities by which these payments are supported and sanctioned.

Expenditure transferred to commissariat.

The Subject, we now allude to, has more particularly engaged our attention in the Commissariat Accounts for New South Wales, since the Commencement of the year 1828, when the whole of the Expenditure connected with the Convict and Police Establishments, including the Medical and Agricultural Branches and the Penal Settlements, as well as the Disbursements on account of the Colonial Marine, were transferred to the Commissariat in consequence of Instructions from the Colonial Secretary of State to Governor Darling, dated 30th July, 1827, which were sanctioned by your Lordships' Minutes of 23d Novr. and 15th Feby. following.

Authority for payments.

With the exception of the ordinary Commissariat Expenditure incurred in respect of these Establishments, the whole of the payments made under the above heads by Mr. Laidley are authorised by Warrants of the Governor, which of course exempt the Commissary from any responsibility as to their propriety.

Nature of payments.

A great proportion of the payments in question consists of Salaries and allowances of the Civil Officers and Individuals composing these large Establishments, which are liable to frequent increase in point of numbers, and in which not only new appointments, but also augmentations in the Salaries and Allowances of Individuals already on the Several Establishments, are from time to time occurring, while on the other hand this Branch of the Local Expenditure includes also a variety of Disbursements for purchases connected with the Colonial Marine, and for other Services of an extraordinary nature made under special Directions of the Governor, in respect to which the Commissariat Officer cannot exercise any discretionary power. With regard to the Numerical strength and the rates and Salaries of Allowances in the various Civil Departments connected with the Convict Service, we beg to observe that we have not been furnished with any distinctly authorised Establishments applicable to the period (the year 1828) when this Expenditure first appears in the Accounts of the Commissariat; and we have understood that the Commissioners of Colonial Audit, to whom the Accounts of the Expenditure in question for prior periods have been rendered, cannot, from the state of the Accounts in their office, furnish a complete and correct Establishment of the Salaries and Allowances of those Departments for the antecedent period.

Want of details *re* establishments.

With a view therefore of obtaining some further information on this subject, we have had recourse to the 3d Report addressed to your Lordships by the Commissioners for enquiring into the Receipt and Expenditure of the Revenues in the Colonies and Foreign Possessions bearing date on the 1st Novr., 1830, and relating exclusively to the Australian Colonies and to the various Civil and Military Establishments therein, as the same existed in the year 1828. In this Report, the Commissioners of Enquiry state it to be their opinion that the existing Salaries and Allowances appear to afford an adequate remuneration to the persons receiving the same; and, so far as relates to those Establishments, the expense of which is now transferred to the Accounts of the Commissary, we

find that, with the exception of one or two inconsiderable cases of proposed reduction, the Commissioners have suggested no alteration in the Amount of the Expenditure.

1831.
12 Aug.

For these reasons, and from a due consideration of the constantly increasing extent and importance of the Colony, we apprehend that no subsequent reduction could reasonably be looked for, either in the numerical strength or in the Salaries and allowances of the Departments in question, unless there should be a change of system; and, considering the same as being sufficiently sanctioned, it is our intention to state the whole of the payments made upon these Accounts for allowance without any Enquiry as to the Authorities upon which they were originally founded, and regarding the Warrants of the Governor, together with the Report of the Commissioners of Enquiry, as sufficient Authority for all past periods to the termination of the year 1828.

Passing of
accounts.

In thus admitting the Expenditure on account of the various Convict Establishments for the year 1828, we further propose to adopt the same rates of payment as our Standard rules for the Examination of the accounts for subsequent periods, so as to point out hereafter to your Lordships' attention any increase of Salary or other Extraordinary Expenditure, which we may discover in the subsequent years, in order that such cases may be considered by your Lordships and the Secretary of State, and that proper directions may be transmitted by Government, if necessary, respecting the same.

Rules adopted
for reports.

Your Lordships will doubtless concur with us in opinion that the ascertaining and pointing out such increases of Expenditure forms an important and essential part of the examination of Colonial Accounts, although it must frequently happen in this course of proceeding that your Lordships' attention is directed to matters, which have been already under your consideration, and which have been determined upon and settled by Correspondence between the Colonial Government and the proper Departments in this Country. This can hardly be otherwise so long as Our Official information with regard to the communication made from hence to the Government of New South Wales continues to be as imperfect as at present, and as the inconveniences arising from this source (especially in the case of so remote a Settlement and so peculiar a Service, in which frequent changes and augmentations of Expenditure may be expected to take place) are far from being inconsiderable; our attention has been lately directed to this subject, and we take this opportunity of submitting for your Lordships' consideration the following suggestions:—

We propose that instructions should be given to the Governor of New South Wales to prepare at stated periods (say Quarterly) a Schedule according to a Form transmitted to him, containing all new Appointments or Allowances and Augmentations of existing Salaries, as well as all payments for Services or Purchases, which may have taken place within such period, and in respect of which Cash Warrants may have been addressed to the Commissary, such schedule specifying the nature and date of the Authority upon which the Warrants or directions of the Governor have been founded, or, in cases where the transaction has been reported home and no reply as yet received, the date of the Governor's Report upon the subject. This Schedule the Governor might be directed

Instructions
proposed *re*
quarterly
schedules.

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to forward periodically to the Secretary of State, with a view to its being communicated by the latter to your Lordships' Board, in order that the same might be eventually transmitted to this Office for our information and guidance in the examination of the Commissary's accounts.

Advantage
of proposed
schedule.

By this arrangement, the Secretary of State would have it in his power to ascertain how far the conduct of the Governor in regulating the Expenditure of the Colony is conformable to authorities either previously given or applied for; Your Lordships would have the means of judging of the nature and extent of the transaction, and this Board, previously to the transmission of the Accounts, would be possessed of all the information requisite for their due investigation.

Dates for
initiation of
new system.

If this, or any similar arrangement, shall, after due consideration, be approved of by your Lordships, it may be proper (as a new Governor has lately been appointed) to direct that the operation of the Order shall commence from the date of the new Governor's entering upon the duties of his command in New South Wales; and, as the Commissariat Accounts for the Van Diemen's Land Station are in many respects liable to the above observations, your Lordships may probably deem it expedient to apply the proposed arrangement to that Colony, directing its operation to commence from the 1st Jany., 1832.

We have, &c.,

F. S. LARPENT.
J. WHISHAW.
JAMES CHAPMAN.
HENRY ARBUTHNOT.

VISCOUNT GODERICH TO GOVERNOR BOURKE.

(Despatch No. 12, per ship Asia.)

13 Aug.

Sir,

Downing Street, 13th August, 1831.

Despatch
acknowledged.

I have to acknowledge the receipt of General Darling's Despatch No. 8, of the 29th of January last on the subject of the allowances for forage and Rations, which Colonel Morisset has been called upon to refund, the same having been applied for and obtained by him, contrary to the conditions of his appointment as Commandant of Norfolk Island.

Refund
required from
J. T. Morisset.

I have given my most attentive consideration to the circumstances stated in the Letter, addressed by Colonel Morisset to the Colonial Secretary (of which General Darling has transmitted to me a Copy); but I regret that I do not perceive any sufficient ground for exempting him from the repayment of the whole of the allowances in question, as contemplated by the Order to which General Darling refers in his Despatch of the 1st of October, 1830, and of which I approved in my answer of the 26th of March, 1831.

I have, &c.,

GODERICH.

GOVERNOR DARLING TO VISCOUNT HOWICK.
(Despatch per ship Renown.)

1831.
13 Aug.

My Lord, Government House, 13th August, 1831.

I have the honor to transmit to your Lordship, in compliance with the directions Contained in Mr. Hay's Letter of the 21 of July, 1830, Copies of two Letters from the Director of Public Works, with Inventories of the Furniture at the Government Houses in Sydney and Parramatta.

Transmission of reports re furniture in government houses.

I beg to observe that the Furniture at the latter place is, generally Speaking, worn out and unfit for use. To render the House habitable, which is of itself much in need of repair, it will require to be refurnished.

I have, &c.,

RA. DARLING.

[Enclosures.]

[*These papers will be found in a volume in series II.*]

VISCOUNT HOWICK TO GOVERNOR BOURKE.

(Despatch per ship Asia, acknowledged by Governor Bourke.
29th July, 1832.)

Sir, Downing Street, 14th August, 1831.

14 Aug.

I am directed by Viscount Goderich to transmit to you the enclosed copy of a letter, addressed to a Gentleman in this Country by a Mr. Shairp, a Settler in New South Wales, complaining that a Grant of Land,* consisting of 350 Acres, which had been given to his Father in Law, Mr. Milson, by Sir Thomas Brisbane in the immediate neighbourhood of Sydney, had not, with the exception of 50 Acres, been confirmed by General Darling, who had allotted to him 300 out of the 350 elsewhere.

Transmission of complaint re land grant from W. Shairp.

I also enclose, for your Information, a Copy of the letter which by the direction of Lord Goderich I wrote to Mr. Gillon, the Gentleman to whom Mr. Shairp addressed his complaint.

It is Lord Goderich's request that you will enquire into the circumstances of the case, and remove any injustice which may have been committed towards Mr. Milson in regard to the Land in question, should it appear on investigation that he has any real grounds for complaint. Lord Goderich is satisfied that the Land, of which Mr. Milson has thus been deprived, should not have been granted to him in the first instance; but, if Mr. Milson really had possession of it under proper authority, it certainly does not appear fair to have dispossessed him of it so many years afterwards without at least affording him a more adequate compensation than an equal quantity of Land in another part of the Colony would seem to be, unless indeed it was situated in a spot which made it as valuable as that for which it was

Instructions re redress of complaint.

* Note 113.

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exchanged. You will not fail to report to me, for Lord Goderich's Information, upon the merits of this case at your earliest convenience, and the measures which you may adopt for removing the grievance, should you consider any to exist, of which Mr. Shairp on the part of his relative has complained,

I have, &c.,
HOWICK.

[Enclosure No. 1.]

MR. W. SHAIRP TO MR. W. D. GILLON.

Dear Sir,

Sydney, N. S. Wales, 15 March, 1831.

Request for
confirmation
of land grant
on north shore
of Port Jackson
to J. Milson.

I take the liberty of doing myself the honor to solicit the favor of your reminding your good cousin, Sir T. Brisbane, of a statement which was forwarded to him through Dr. McLeod, late Inspector of Hospitals for this Colony, respecting a Grant of Land which was ordered for my father in law (Mr. J. Milson) previous to Sir Thos. leaving the Colony; but which land has not yet been *positively* confirmed to Mr. M. by the present Govt., altho' his order for the land bears the respective dates of 6th Aug., 1824, and 10th Aug., 1825; but, as the circumstances under which the land was granted are perfectly well known to Sir T. himself, I shall not trouble you with a lengthened detail of them; suffice it to say, that the land is situated on the North Shore (or side) of Sydney Cove, and was granted to my father in law, when land was not so valuable in that situation as it proves to be now. The extent of the Grant was 350 Acres, which Genl. Darling has thought proper to reduce to 50 in that "particular spot" and to allow 300 "somewhere else"; conceiving it to be too much to give any individual in so desirable a situation, being within a mile of Sydney and commanding a view of the Harbour, &c.

Mr. Milson presented a Memorial to Genl. Darling 4 years ago, which was subscribed by Chief Justice Forbes, the late Mr. Balcombe Colonial Treasurer, and by Dr. McLeod; but, no satisfactory reply having been received to it, Dr. M. volunteered to forward a statement of Mr. Milson's case in the hopes that Sir T. might recommend Milson's grant to be confirmed to him by the Secretary of State for the Colonies.

Colonial career
of W. Shairp.

A short history of my adventures since my arrival in this Colony may not be uninteresting to you, and at all events you will pardon the trouble of your perusing the following brief statement:—I arrived in the Colony in May, 1826, as a free emigrant, possessing a capital in hard cash of £700, and, in consequence of my letters of recommendation to the Governor and principal people in the Colony, I received considerable attention. After a lapse of 10 months which I spent in Sydney, waiting with anxiety for a reply to the "Land Board" to decide upon my "claim" for land, I at last was permitted to occupy 1,280 acres, upon improving which and the purchase of cattle, &c., to stock the land with, I nearly exhausted my little capital; but finding it a ruinous speculation to remain upon my farm, as every sort of agricultural produce was daily decreasing in value, and my Grant being situated nearly 200 miles from Sydney (the only market which Settlers have for the produce of their farms), I found it expedient to return to Sydney, and, after remaining there for some months, was employed as a temporary Clerk (having been bred to business at home) in the Col. Secretary's

Office; but, a reduction having taken place by order of the Sec. of State in all the Public Departments in the Colony, it fell to my lot to be paid off with some others.

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I have been obliged to resume my agricultural pursuits, and, having previously taken unto myself a wife (a sine qua non to a young man being desirous to thrive upon his farm), by this connection I obtained an allotment of land on the North Shore (the spot ordered by Sir T. Brisbane to my father in law), and upon which I have expended in building a beautiful Villa and in forming a Garden, &c., upwards of £600. Since I completed my operations in building upon and improving this spot of land, I have lived a very secluded and retired life, and should be very desirous to obtain employment again under the auspices of the *next* Governor who may arrive here, as one is expected ere long; and should it be in the power of Sir T. B., thro' your kind interference in my behalf, to make intercession for me with the Secretary of State either to forward the views of my father in law with regard to the confirmation of his Grant, or mine respecting a small situation under Govt., I shall always feel myself deeply indebted to you for your attention to this my humble request, as, upon application to my father at Boness, he regrets that he has no interest whatever with our late Governor Sir T. B., and, having disposed of his estate and interest in the Co. Linlithgow, he feels a delicacy in applying to Sir A. Hope upon the subject of this epistle.

Allotment
received on
north shore.

Desire for
official
employment.

I have, &c.,

W. SHAIRP, JUNR.

[Enclosure No. 2.]

VISCOUNT HOWICK TO MR. W. D. GILLON, M.P.

Dear Sir,

Downing Street, 22 August, 1831.

I have looked into the case of Mr. James Milson, as stated by his Son-in-law, Mr. Shairp, in the letter from that gentleman which you left with me a few days since. It appears that a Grant of land consisting of 350 acres, was, by an order of Sir T. Brisbane, dated in the years 1824 and 1825, assigned to Mr. Milson within a mile of Sydney, but that it had not been confirmed by Genl. Darling, who succeeded Sir T. Brisbane in the Govt. of New South Wales, upon the ground, as represented by Mr. Shairp, "that it was too much to give to any individual in so desirable a situation." The grant of 350 acres was therefore reduced by Genl. Darling to 50 acres at the "particular spot," at which it was at first allotted to him, the remaining 300 acres being granted to him somewhere else. The Secretary of State is satisfied that Genl. Darling has not deprived Mr. Milson of so considerable a portion of the land in question, without being able to afford a satisfactory explanation; but, as Sir T. Brisbane has not mentioned any of the circumstances in his note, and as Lord Goderich has received none from the Governor, his Lordship is unable to decide how far he was justified in the course which he pursued, or whether Mr. Milson's interests were sufficiently consulted in the subsequent exchange of land which took place. Lord Goderich apprehends that the only course which can be adopted, so far as this Department is concerned, will be to refer the case to the new Governor Genl. Bourke, with directions to cause a full enquiry to be made into the merits of it, and to see that ample justice be done to the party concerned,

Details *re*
grant to
J. Milson.

Case to be
referred to
R. Bourke.

1831.
14 Aug.

if it shall appear that Genl. Darling, in his desire to promote the interests of the Public, should have overlooked those of a private individual.

Inability
to give
employment
to W. Shairp.

The remainder of Mr. Shairp's letter seems to refer to his wish to obtain employment under the Colonial Govt. On this point, Lord Goderich desires me to observe that he can hold out but very faint hopes, if any, of his being able to promote his views. Mr. Shairp has already lost one situation by a reduction of the number of persons belonging to the Department, in which he was employed, and, as further reductions in the Establishment are at this moment in contemplation, it is not probable that the Secretary of State will have any situations to dispose of in that quarter for a very considerable time to come. The numerous candidates however for employment, already on his list, would even preclude his providing for Mr. Shairp, were any vacancy, not at present expected, to occur.

I am, &c.,
HOWICK.

VISCOUNT HOWICK TO GOVERNOR BOURKE.

(Despatch marked "Confidential." per ship Asia.)

15 Aug.

Sir,

Downing Street, 15th August, 1831.

Approval of
detention
of Revd.
J. Vincent
at Sydney.

I have laid before Viscount Goderich General Darling's Letter of the 18th of January last, addressed to Mr. Hay, in which he confidentially communicates the reasons which have guided the Archdeacon in recommending that the Revd. John Vincent should be detained as a supernumerary Chaplain at Sydney, rather than be sent to New Castle to replace the Revd. Frederick Wilkinson, or to any other station which may be unfurnished; and I have now the honor to acquaint you that Lord Goderich approves of the arrangement referred to in his letter. His Lordship trusts, however, that, by the arrival of the Revd. Chas. Dickinson, who was appointed to the ecclesiastical Establishment of the Colony in the room of the Revd. Elijah Smith, will not have left the District of Newcastle long without the Services of a resident Chaplain there.

I have, &c.,
HOWICK.

Expectations
re arrival
of Revd.
C. Dickinson.

VISCOUNT HOWICK TO GOVERNOR BOURKE.

(Despatch per ship Asia.)

20 Aug.

Sir,

Downing Street, 20th Augt., 1831.

Refusal of
building
allotment for
C. Windeyer.

I am directed by Viscount Goderich to acknowledge the receipt of General Darling's Despatch No. 3 of the 4th January last, forwarding an application from Mr. Windeyer, Chief Clerk of the Police Office, for a Grant of Land on the Woolloomoolloo Estate for the purpose of erecting a house for his residence, and

I am to acquaint you in answer that Mr. Windeyer has already been informed in reply to a similar application, which he forwarded through the Attorney General, that his request cannot be acceded to.

1831.
20 Aug.

I am, &c.,
HOWICK.

VISCOUNT GODERICH TO GOVERNOR BOURKE.

(Despatch No. 13, per ship Asia; acknowledged by Governor Bourke, 27th March, 1832.)

Sir,

Downing Street, 21st Augt., 1831.

21 Aug.

I have received General Darling's Dispatch No. 9 of the 29th of January last, forwarding the explanations, of the Revd. Thomas Reddall, in answer to certain allegations contained in Archdeacon Scott's Report of the 1st of September, 1829, on the Church and School Establishments of New South Wales.

Despatch
acknowledged.

The statement of Mr. Broughton, the present Archdeacon, that, since his appointment to the Archdeaconcy, he has had no occasion to charge Mr. Reddall with any neglect of duty or with the display of political feeling, added to the explanation, which Mr. Reddall has himself afforded relative to the cause of his pecuniary difficulties, is so far satisfactory as to induce me to hope that you may not have occasion, in pursuance of the Instructions conveyed to you in my Dispatch of the 30 Ulto, in regard to officers, who have actually taken the benefit of the Insolvent debtors Act, to supersede Mr. Reddall in his Chaplaincy. The advances, which appear to have been made to Mr. Reddall during the administration of Sir Thomas Brisbane, and, in consequence of which, Mr. Reddall is now indebted to the Government to the amount of £700, was an exceedingly improper mode of rendering him assistance, and I have to desire that it may be an invariable Rule of the Colonial Government, in future, to refrain from granting all Indulgences of this kind.

Acceptance of
explanations
re Revd.
T. Reddall.

Disapproval
of advances
to Revd.
T. Reddall.

From the Information communicated by General Darling, as to the nature and extent of Mr. Reddall's Embarrassments, I fear there is little chance of his being able to repay the above Sum of £700 within any reasonable period.

You will not fail, however, to do all in your power, consistently with a proper attention to his misfortunes, to recover the amount; and you will report to me, from time to time, the progress which he may have made in liquidating the Claims of the Government against him.

Advances to
be liquidated.

I have, &c.,

GODERICH.

1831.
22 Aug.

VISCOUNT GODERICH TO GOVERNOR BOURKE.

(Despatch No. 14, per ship Asia; acknowledged by
Governor Bourke, 3rd April, 1832.)

Sir,

Downing Street, 22d August, 1831.

In the report, given in the Sydney Monitor of the 2d of February, 1831, of certain cases of Insolvency declared before the Chief Justice and Messrs. Manning and Savage, Assessors, it is stated that Captain Wilson, Director of Public Works, was declared Insolvent for the Sum of £3,595, and in the course of his Examination it appears that he had, previously to his becoming Insolvent, Twenty assigned Convicts on his farm, whom he afterwards transferred to several of his friends.

I am not aware how far this proceeding may be consistent with the Regulations of the Colonial Government; but, if the practice has existed of allowing persons, possessing assigned Servants, to transfer their Services to others at their own discretion, it is a system, liable in its operation to very great inconvenience, not only as tending to an unequal distribution of Convict Labor amongst the several Claimants, but as involving a principle at variance with that controul over the Convicts themselves, which it is so essential that the Government should retain in their hands. You will therefore adopt measures immediately for putting a stop, if the practice exists, to the transfer of any Convicts from one Master to another, without the previous concurrence of the Colonial Government. Without prescribing to you the details of the Regulation which you will promulgate for giving effect to this measure, I think it right to direct that, whenever the Master of a Convict has no longer the means of retaining him in his Service, he should be returned to the Government, and be reassigned according to the priority of the Claimants, upon the same principle as is observed with respect to the disposal of the Convicts newly arrived.

Having already alluded in my Dispatch of the 30th Ultimo to the cases of those offices, who have taken the benefit of the Insolvent Act, I have nothing, in addition, to observe upon that subject in reference to Captain Wilson, excepting indeed to call your attention to the recommendation of the Commissioners of Colonial Enquiry for uniting the office of Director of Public Works with that of the Surveyor General, an Arrangement which, if in other respects practicable, you will not delay carrying into immediate effect out of any consideration for the Interests of Mr. Wilson, whose insolvency no longer renders it fit that he

Report *re*
insolvency
of C. Wilson.

Objections to
practice of
transfer of
assigned
servants.

Prohibition
of practice.

Office of
director of
public works
to be united
with that of
surveyor-
general.

should be employed in that or any other public Situation in New South Wales, and whom I should have considered it my duty to have superseded, even had the office, of which he has the charge, been kept up as a separate Establishment.

1831.
22 Aug.

I have, &c.,
GODERICH.

GOVERNOR DARLING TO VISCOUNT GODERICH.

(Despatch No. 66, per ship Renown; acknowledged by
Viscount Goderich, 21st March, 1832.)

My Lord, Government House, 23rd August, 1831. 23 Aug.

I have the honor to transmit to Your Lordship the enclosed Salary of Inspector of Slaughter-houses. Copies of two Letters from Mr. E. B. Foster, Appointed Inspector of Slaughter Houses for the District of Sydney Under the Act of the Colonial Legislature of last Year, No. 4, pointing out the inadequacy of his Salary with reference to the laborious nature of the duties he has to perform. The Subject was in Consequence brought under the Consideration of the Executive Council, and I do myself the honor to transmit, for Your Lordship's information, an Extract from the Minute of Proceedings thereon, And to acquaint Your Lordship that Mr. Foster has in Consequence been allowed a Sum equal to the full Amount of the Fees Collected by him as Inspector of Slaughter Houses, instead of a Moiety, the latter after the experience of a Year and a half having been found an inadequate remuneration.

I have, &c.,
RA. DARLING.

[Enclosure No. 1.]

MR. E. B. FOSTER TO COLONIAL SECRETARY MACLEAY.

Sir, 100 Pitt Street, Sydney, 2nd July, 1831.

I have the honor to acknowledge the receipt of your letter of the 29th ultimo, requesting me to transmit to you, for the information of His Excellency the Governor, a statement Shewing the Number of Slaughter Houses, their general distance from each other, the hours at which I am most frequently called upon to attend them, the Number of Cattle Slaughtered weekly on an average, the duties which a Clerk would have to perform if allowed, and other particulars which may Serve to Shew the nature of my Services in the office to which I have been appointed. Report re administration of inspector of slaughter-houses.

In reply, I beg most respectfully to State for His Excellency's information That the number of Slaughter houses, at which I am required to attend, are Six; two of which are Situated in Darling harbour; the third on the Botany Bay road, half a mile beyond the Toll Gate; the fourth at Bexley Plains, half a Mile still further; the fifth about midway between the latter and the South head Road, at the back of the Surry Hills; the Sixth hitherto private near the New Burial ground.

1831.

23 Aug.

Report re
administration
of inspector
of slaughter-
houses.

The hours, at which I am required to attend them, are indefinitely between 7 A.M. and 5 P.M.

The Number of Cattle Slaughtered Weekly on an average are one hundred and fifty.

With regard to the Clerical duties connected with my situation, they consist in transcribing entries of my *Memoranda* as well as Minutes of any appropriate and pertinent remarks, which circumstances may render necessary for me to make.

In addition to the above, I beg it may be distinctly understood that, although the Houses are few, the occupants or those that hire them are many, who, from their respective and immediate calls, daily require my attendance, frequently more than twice even at the most distant of them, as well as not less urgent ones from others more Convenient.

Thus, after walking several hours in the performance of those duties, sometimes advantageously and some times not so, overtaken with fatigue and exhaustion, I am almost incapable of completing my day's work by writing from one to four hours, as occasion may require, in entering the particulars of whatever Cattle may have come under my inspection during the day.

In Conclusion, I must avail myself of the opportunity of remarking that that portion of allowances arising from Fines, which may be levied, as far as I am capable of judging, will not prove worth a consideration, beyond perhaps the first or Second case, as I find in all these people engaged in that source of trade a uniform disposition and willingness to adhere to the rules prescribed by Law.

I have, &c.,

E. B. FOSTER.

[Enclosure No. 2.]

MR. E. B. FOSTER TO COLONIAL SECRETARY MACLEAY.

Sir,

74 Pitt Street, Sydney, 17th March, 1831.

Inadequacy
of salary of
E. B. Foster
as inspector.

In again Venturing to address you, I beg leave most respectfully to state, for the information of His Excellency the Governor, that I feel it incumbent upon me, from my peculiar and urgent condition, to solicit a second time His Excellency's consideration, regarding the emoluments arising from the Situation, he was pleased to appoint me to as Inspector of Slaughter Houses and Cattle, which, in Corroboration of my Letter of the 23rd June last, and after a period of upwards of Nine Months' Service, I have only to repeat, I find insufficient to meet my pasimonious Calls, or indeed to Save me from difficulties which must have unavoidably long since overtaken me, had I not resources of my own to fall upon, of which I regret a considerable Sum has been expended under the impression that better success would result from my Services.

Under these circumstances, and consciousness from my present extreme limited means I cannot much longer sustain the situation, I am once more induced to entreat His Excellency will be pleased either to grant me a Subsistence from my present occupation, by an increase of Salary or allowances, or remove to other Employment that may afford it.

I have, &c.,

EDWD. B. FOSTER.

[Sub-enclosure.]

MEMORANDUM.

21st March, 1831.

1831.
23 Aug.

	£	s.	d.	Income as Inspector of Slaughter- houses.
The total amount of Fees for the Inspection of Cattle in Sydney, from the 1 June, 1830, to the 28th February, 1831, inclusively were	£74	16	0	
Allowance equal to one half the above for that period .	37	8	0	
Salary at the rate of £60 per ann.	45	0	0	
Taking the average of allowance and Salary of the present and two Succeeding Months, from the preceding Nine	27	9	4	
Total	£109	17	4	

By the above Statement, it will be perceived that the whole probable income arising from the Situation will not exceed £110 per annum, which falls very Short of my expences, as they call from me not less than between 150 and 160 pounds annually.

EDWARD B. FOSTER.

[Enclosure No. 3.]

PROCEEDINGS of the Executive Council in the case of Mr. Edwd. B. Foster, Inspector of Slaughter Houses, Sydney.

Extract from Minute No. 20, dated 27th April, 1831.

Present:—His Excellency the Governor; The Venble. the Archdeacon; The Honble. the Colonial Secretary; The Honble. Colonel Lindesay.

Opinion of
executive
council *re*
emoluments of
E. B. Foster.

In reference to the proceedings on the 15th July, 1830, His Excellency the Governor laid before the Council a letter from Mr. Edwd. B. Foster, Inspector of Slaughter Houses for the District of Sydney, representing the inadequacy of his present Salary and allowances to the necessary expences of himself and family, which he states with the strictest economy amount to £150 or £160 per annum.

It appears that Mr. Foster at present receives £60 per annum with an allowance equal to one half of the fees he collects, which, for the nine months the Act under which they are levied has been in operation, have averaged about £100 per annum, making therefore, the whole of the remuneration given to him equal to £110 per annum.

As it appears that the duties of his office have been zealously and satisfactorily performed by Mr. Foster, and considering that £160 per annum is no more than a fair remuneration for his services, the Council recommended that, in addition to his fixed Salary of £60, he should be allowed a Sum equal to the whole of the fees he collects in virtue of his office.

A true Extract:—E. DEAS THOMSON, Clk., Col.

VISCOUNT HOWICK TO GOVERNOR BOURKE.

(Despatch per ship Asia.)

Sir,

Downing Street, 24th August, 1831.

24 Aug.

Mr. Macpherson, the Collector of Internal Revenue, having addressed two letters to the Secretary of State, dated respectively the 19th and 21st of February last, I am directed by

1831.
24 Aug.

Viscount Goderich to transmit, for your Information, a Copy of the answer which has been given to these communications, the originals of which, although forwarded to General Darling for the purpose of being sent home, have not yet arrived.

Proposed union
of offices of
collector of
internal
revenue and
treasurer.

In addition to what is stated in my Letter to Mr. Macpherson, Lord Goderich thinks it right that you should inform him that the question is now under consideration whether it may not be expedient to consolidate the office of Collector of Internal Revenue with that of the Colonial Treasurer, who it is conceived will be able, with the assistance of the persons now employed in his Office, or at most with one additional Clerk, to superintend the Business connected with both Departments. This arrangement has been suggested by the Commissioners of Colonial Enquiry, and the practicability of it seems now confirmed by the Statement made by Mr. Macpherson as to the comparative lightness of the Treasurer's present duties.

Reimburse-
ment of
W. Macpherson
for expenses
of clerks.

In conformity with the promise held out to Mr. Macpherson of allowing a charge for the two Clerks whom he has employed, Lord Goderich desires that you will bring under the consideration of the Council the propriety of reimbursing to him the amount, which he has incurred on this account. But, as in proportion as the claims of the Government upon Individuals for Quit-Rents become ascertained, so will the labour which was necessary at the commencement be lessened, you will not understand the sanction of the Secretary of State for the reimbursement to Mr. Macpherson of the expenses incurred by him hitherto for the two clerks in question, as conveying to you authority for continuing the Services of these Individuals permanently.

Services of
W. Macpherson
to be retained.

Mr. Macpherson's Letters display so much ability and so correct a judgment on the present situation of the Colony that Lord Goderich is particularly anxious that, in the new arrangements which you may have to carry into effect, you may be enabled to avail yourself of his Services in some situation which may afford a fair field for the exercise of the Talents he appears to possess.

I have, &c.,

HOWICK.

[Enclosure.]

[A copy of this letter is not available.]

GOVERNOR DARLING TO VISCOUNT GODERICH.

(Despatch No. 67, per ship Renown; acknowledged by
Viscount Goderich, 3rd August, 1832.)

My Lord, Government House, 24th August, 1831.

I have the honor to transmit for Your Lordship's consideration the accompanying Copy of a Letter from the Commissioners appointed for Managing the Affairs of the Church

and School Corporation, with Copy of the reply thereto, having reference more particularly to the opinion expressed in Sir George Murray's Despatch, dated the 29th of May, 1829, on the Subject of the eighth of the Customs Duties, which had been set apart for the Maintenance of the Orphan Schools.

The Commissioners have gone So fully into the Subject and have stated their opinion with Such Clearness, as to render any explanation of their views totally unnecessary. I shall therefore leave the question in Your Lordship's hands without offering any observations upon it.

I have, &c.,

RA. DARLING.

[Enclosures.]

[Copies of these two letters will be found in a volume in series VII.]

VISCOUNT GODERICH TO GOVERNOR BOURKE.
(Despatch No. 15, per ship Asia; acknowledged by Governor Bourke, 4th May, 1832.)

Sir,

Downing Street, 25 August, 1831.

25 Aug.

I have to acknowledge the receipt of General Darling's Dispatch of the 19th of February last, enclosing a Letter from the chief Judge of New South Wales reporting that Mr. Carter, the Master of the Supreme Court, has been declared an Insolvent debtor under the local Ordinance of the 10 Geo. 4th, No. 7.

Insolvency of W. Carter.

Having in my Dispatch of the 30th Ulto. declared the intention of His Majesty's Government to remove from their offices all persons who may be thus circumstanced, I regret that I have no alternative than to direct the removal of Mr. Carter from a Situation, the duties of which he can no longer discharge with any credit or advantage to the public Service.

Order for removal of W. Carter.

With respect to the Sum, which had been improperly issued to Mr. Carter in consideration of his loss of the office of Chairman of the Quarter Sessions, and which General Darling was required, by Sir George Murray's Dispatch of the 22d of April, 1830, to call upon him to refund, I cannot agree with him that there existed any difficulty in carrying that Instruction into effect. The circumstance of a large portion of Mr. Carter's Salary having been assigned over to his Creditors did not prevent the remaining portion from being applied to the repayment of the Sum issued to him, nor was there any occasion (unless the Colonial Government were parties to the assignment of Salary alluded to) to have allowed the arrangement to hold good, so long as the claim of the public remained unsatisfied; and I cannot therefore but regret that the measure directed by Sir George Murray was not adopted. I fear it is now too late to look for the recovery of any part of the Sum, which Mr. Carter was

Regret at waiving of claim for refund from W. Carter.

1831.
24 Aug.

Transmission of correspondence with commissioners of church and school estates.

1831.
25 Aug.

to have been called upon to refund; but, should any arrears of Salary be due to him at the time of your receiving this Dispatch, you will not fail to withhold either from the Creditors or from Mr. Carter himself so much of the amount as may not exceed that in which he is indebted to the public. I have, &c.,

GODERICH.

GOVERNOR DARLING TO VISCOUNT GODERICH.

(Despatch No. 68, per ship Renown.)

My Lord, Government House, 25th August, 1831.

I have the honor to acquaint Your Lordship, in reference to Your Lordship's Despatch No. 1, dated the 22d Decr. last, that Mr. Assistant Surveyor Abbott has now declined being removed to the Survey Department at Van Diemen's Land, and I have informed the Lieut. Governor Accordingly. I have, &c.,

RA. DARLING.

Refusal by
J. Abbott of
transfer to
Tasmania.

VISCOUNT GODERICH TO GOVERNOR BOURKE.

(Despatch No. 16, per ship Asia.)

Sir, Downing Street, 26th August, 1831.

I have received General Darling's Dispatch No. 5 of the 8th January last, accompanied by the Memorials of Surveyors Hoddle, Richards, Finch, and Ralfe, on the subject of their Salaries, and of an over-payment which has occurred, in each of their cases, from a misapprehension of a Minute, issued by General Darling and founded upon the Instructions of the late Mr. Huskisson, dated the 31st March, 1828.

With respect to the Salaries, which each of the persons, alluded to, will be entitled to receive in future, it is necessary, before I communicate to you final instructions upon this point, that I should make a few observations with respect to those of Mr. Huskisson, by which the Establishment of Officers for the Surveyor General's Department was fixed, and arrangements made with a view to their remuneration. It certainly appears from the Instructions of Mr. Huskisson not to have been his intention that any of the Senior, nor indeed of the Junior, Surveyors should begin to benefit by the new scale of compensation, until a year after it came into operation, that is to say, the arrangement was to commence on the 1st January, 1828, and, at the expiration of a year from that date, the annual increasing payments were to be made. It is also evident that that increase was to be an annual addition to their then Salaries, which the Board appointed to enquire into and report upon the Salaries generally of the

26 Aug.
Despatch
acknowledged.

Salaries of
officers in
survey
department.

Officers employed in the respective Departments of Government, stated to be £250 per annum, exclusive of the following Allowances, viz.:—House-rent £50, Forage for a Horse £45 12s. 6d., making together £345 12s. 6d. so that, according to the arrangement on the 1st January, 1829, the Senior Surveyor, as also the others, would be entitled to a Salary of £270; in January, 1830, to a Salary of £290, and so on, until he should reach the Maximum assigned to his particular Station. This increase of Salary was to be exclusive of the other Allowances, which the Surveyors before received and which were to be continued to them.

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26 Aug.
Salaries of officers in survey department.

From the Minute, however, issued by General Darling, it appears to have been supposed by the Auditor that each of the four Surveyors were at once to enter upon the Maximum Salary which had been assigned to their respective Ranks, and to this cause is to be attributed all the inconvenience which subsequently arose.

Erroneous minute by R. Darling.

There is one anomaly, which calls for remark, in the arrangement fixed by Mr. Huskisson, arising from the Board having stated that *all* the four Senior Surveyors were paid alike, whereas it would appear, not only from Mr. Hoddle's Memorial but from the letter of the Colonial Secretary to the Surveyor General, dated the 5th May, 1830, that Messrs. Hoddle and Richards, the two Senior Surveyors, were in the receipt of £50 a year less than Messrs. Finch and Ralfe.

Salaries of senior surveyors.

Considering, however, the number of years that these four Surveyors have devoted themselves to the Public Service, upon Salaries very inadequate to their duties, as acknowledged by the arrangements subsequently adopted, and moreover that it will not really give them larger Salaries than was contemplated by Mr. Huskisson, I am of opinion that the proposal, contained in Mr. Hoddle's Memorial, should be complied with, and that the principle, as respects his own Salary, should be extended to the other three Surveyors who follow him on the list. By this arrangement, each of the above persons will be entitled to commence at the maximum Salary fixed by Mr. Huskisson for the *Assistant* Surveyors, which is £300 a year from the 1st Jany., 1828 (the Allowance for House Rent being discontinued), which, increasing annually £20, will entitle the four Surveyors to receive Salaries at the rate and from the dates undermentioned, viz.:

Instructions re salaries of senior surveyors.

Mr. Hoddle (whose maximum is £400) .	£380	1 Jany., 1832.
Mr. Richards (whose maximum is £375)	375	1 Jany., 1832.
Mr. Finch (whose maximum is £350) ..	350	1 Jany., 1831.
Mr. Ralfe (whose maximum is £325) ..	325	1 Jany., 1830.

the Senior Surveyor, Mr. Hoddle, being the only one of the four, who will not have reached on the 1st January next the highest

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26 Aug.

Adjustment
of claims of
R. Hoddle.

rate of Salary, to which the Surveyors are entitled according to the rank, which they respectively hold.

The effect of this arrangement will be materially to reduce the sums surcharged against the respective Surveyors, as will be best elucidated by the following Debtor and Creditor Account, which although made in reference to the case of Mr. Hoddle, will of course apply in principle to the rest.

Claim against Mr. Hoddle.

For 1828 Mr. Hoddle was entitled to receive		
a Salary at the rate of	£300	per Annum.
He received	400	
	<hr/>	
Difference		£100
For 1829 Mr. Hoddle was entitled to	320	
He received	400	
	<hr/>	
Difference		80
		<hr/>
Total to be refunded by him		£180

Claim in favor of Mr. Hoddle.

For 1830 Mr. Hoddle received	£200	
He ought to have received	340	
	<hr/>	
Difference		140
For 1831 Mr. Hoddle received	200	
He ought to have received	360	
	<hr/>	
Difference		160
		<hr/>
Difference due to him		300
Deduct over-issue		180
		<hr/>
Total due to Mr. Hoddle on 1st		
Jany., 1832		£120

I have thus endeavoured, in coming to a decision upon the claims of the persons who form the subject of this Despatch, to act with as much liberality towards them as is consistent with my public duty, and I trust that the parties themselves will be satisfied with it.

I am, &c.,
GODERICH.

GOVERNOR DARLING TO VISCOUNT GODERICH.

(Despatch No. 69, per ship Renown; acknowledged by
Viscount Goderich, 25th February, 1832.)

My Lord, Government House, 26th August, 1831.

I have the honor to transmit to Your Lordship, at the desire of Lieut. Col. Morisset, the accompanying letter, which that Officer has addressed to Your Lordship, requesting that he may be placed in Some Civil Situation in this Colony, finding that the expectations, which he had formed on Soliciting the

Request by
J. T. Morisset
for civil
appointment.

appointment which he holds at Norfolk Island, have been totally disappointed.

1831.
26 Aug.

It is my duty to State, though I do not presume to offer any recommendation to Your Lordship, that Lt. Col. Morisset is a very Zealous Officer, whose duties for some time past have been of a most arduous nature. The Conduct of the Prisoners has of late been outrageous in the extreme, having repeatedly avowed their determination, which they have endeavoured to carry into effect, to Murder every one employed at the Settlement, and it is only by the utmost vigilance that they have been prevented accomplishing their object.

Services of
J. T. Morisset at
Norfolk island.

As a Means of contributing to the Security of the Settlement and reconciling the Persons employed there to their situation, who have all expressed a wish to be relieved, I have lately increased the Garrison from 80 to 120 Rank and File, and have appointed additional Constables and overseers, with a promise of their receiving a Pardon in the event of good Conduct for a period of Six Years. I trust that these expedients will allay the agitation which has been experienced, and that the tranquillity of the Settlement will Soon be reestablished.

Increase of
garrison and
constables at
Norfolk island.

The Prisoners at Norfolk Island, who, including those now on their Passage thither, Amount to 554 in Number, are Men of the most desperate Character, a great portion of them being respites, many of whom were Sent from Port Macquarie on that Settlement being thrown open. They are totally regardless of all consequences, and Commit Crimes, as was lately declared in the Supreme Court, with a view to their being brought to Sydney for trial, and thus have an opportunity of making their escape.

Number and
character of
convicts at
Norfolk island.

Reverting to the Subject of Lt. Colonel Morisset's Letter, I beg to acquaint Your Lordship that I have apprised him, it will be necessary for him to address himself to the General Commanding in Chief on the Subject of the Sale of his Commission.

Proposed sale of
commission by
J. T. Morisset.

I have, &c.,

[Enclosure.]

RA. DARLING.

[A copy of this letter, dated 30th June, 1831, is not available.]

GOVERNOR DARLING TO VISCOUNT HOWICK.

(Despatch per ship Renown.)

My Lord,

Government House, 30th August, 1831.

30 Aug.

I have the honor to transmit, for the information of Lord Viscount Goderich, in reference to Mr. Hay's Letter of the 24th October last, the accompanying Copy of a General Order, which was issued here on the 7th of August, 1830, by which Your Lordship will perceive that, previous to the receipt of Mr. Hay's

Transmission
of order *re*
stoppage of
pay of soldiers.

1831.
30 Aug.

letter, the necessary arrangement had been made for regulating the Stoppage from the Pay of Soldiers when under treatment in the Civil Hospitals, by which they are placed on the same footing as when in a Military Hospital. I have, &c.,

[Enclosure.]

RA. DARLING.

GENERAL ORDER.

(No. 123.)

7th August, 1830.

Order *re*
deduction of
pay from
soldiers in
civil hospitals.

THE Lieut. General Commanding is pleased to direct, when Soldiers on Detachment are received as Patients in a Colonial Hospital, that the same deduction be made from their daily Subsistence as in the case of Soldiers admitted into a Military Hospital.

The Inspector of Colonial Hospitals has been instructed to direct the Several Officers in his Department to include in their Diet Rolls all Soldiers, who may be received into their Hospitals, and to furnish the Officer in Command of Detachments at their respective Stations with Such Returns as may be required in Support of the Regimental Accounts, and the usual Stoppage is to be made accordingly and the Amount Credited to the Public.

VISCOUNT GODERICH TO GOVERNOR BOURKE.

(A circular despatch per ship Asia.)

31 Aug.

Sir,

Downing Street, 31 August, 1831.

Regulations *re*

I have to desire that the following Regulations may be promulgated and enforced as standing orders of your Government:—

salaries of
officers on leave
of absence ;

First. Civil or Judicial Officers or Servants of the Government of New South Wales, who may receive leave to return to Europe upon the plea of ill-health or of urgent private affairs, are to be allowed to draw one moiety of their respective salaries and no more during the actual period of their absence from the Colony, and the other moiety of such salaries shall be retained in the Public Treasury, and carried to account of the Public Revenue under the head of savings accrued from salaries of officers absent on leave.

and
performance
of duties of
absent officers.

Secondly. It shall rest alone with the Governor or Lieutenant Governor for the time being to determine the mode in which the duties of absent officers shall be performed until their return to the Colony.

In principle it is desirable that the duties of absent officers should be performed by the officer next in the order of appointment in their own respective Department; but as it may not be found practicable in all cases to act upon that rule, it is still to rest with the Governor or Lieutenant Governor for the time being to select the Officers of Government, to whom they shall think proper to entrust the duties of the absent Officers.

Thirdly. It is to be distinctly understood that in no case are Officers, acting for others absent, to be allowed to demand or

receive any remuneration from such absent Officers, nor are they to be considered entitled to receive the undrawn portions of absent Officers' Salaries.

It shall nevertheless be competent for the Governor or Lieutenant Governor for the time being to grant to Officers, having acted for absent Officers, a reasonable allowance or gratuity, which is not in any case to exceed in one year a fourth part of the whole amount of the respective salaries of the absent Officers, provided only that the Governor or Lieutenant Governor shall certify to the Secretary of State that such extra allowance or gratuity has been granted in reward for meritorious exertions or useful services.

I am, &c.,
GODERICH.

1831.
31 Aug.

Regulation re
allowance for
acting officers.

GOVERNOR DARLING TO VISCOUNT GODERICH.

(Despatch No. 70, per ship Renown; acknowledged by
Viscount Goderich, 26th December, 1832.)

My Lord, Government House, 1st Sept., 1831.

I have the honor to transmit, for Your Lordship's Consideration, the accompanying Copy of a letter from Chief Justice Forbes, with its Enclosure, being Copy of a Petition from a Body of the Land Holders upon the Subject of the Quit Rents of Crown Lands, with a Copy of my reply as advised by the Executive Council.

I have, &c..

RA. DARLING.

1 Sept.

Transmission
of petition.

[Enclosure No. 1.]

CHIEF JUSTICE FORBES TO GOVERNOR DARLING.

Sir, Sydney, 2nd April, 1831.

At the request of the numerous and most respectable body of Landholders, whose Signatures are affixed to the enclosed Memorial to Your Excellency upon the Subject of the Quit rents of Crown Lands, I have the honor to present the Same to Your Excellency, and to add my humble testimony to the important facts set forth, and to the necessity of Some modifications upon the Subject.

I have, &c.,

FRANCIS FORBES.

Support for
petition from
F. Forbes.

[Sub-enclosure.]

MEMORIAL To His Excellency Lieut. General Darling, Governor and Commander in Chief of New South Wales and its Dependencies, etc., etc., etc.

May it please Your Excellency,

The Principal Landholders of New South Wales beg leave respectfully to call the attention of Your Excellency to the distressed State of the landed interests of the Colony, and to impress upon Your Excellency the impossibility of levying the rents reserved upon the Crown Lands granted or reserved Since the Year 1824, without ruin to the Settlers. Of the extent of those distresses, Your Excellency will not require any proof; the low prices of every Article of Agriculture and the daily Sacrifices of Estates, Sold

Petition for
suspension of
collection of
quit rents.

1831.
1 Sept.

Petition for
suspension of
collection of
quit rents.

Adverse
influences on
agriculture in
colony.

under executions at Law, abundantly prove them. We feel assured, however, of Your Excellency's Sympathy with the Sufferings of this Class of the Colonists, and of Your Excellency's willingness to do everything in the power of the Local Government to relieve them. In the Confidence of this feeling, we earnestly request that Your Excellency will use Your influence in drawing the attention of the Right Honble. the Secretary of State for the Colonies to the Consideration of our Case.

To Your Excellency it is well known, from the experience you have had in New South Wales, that, from many local Causes, a very Small portion of this Colony can be Cultivated with advantage and that the great Mass of our Lands must be employed in Grazing. We have no foreign Markets accessible to us to take off the production of our Soil. With South America, we have no articles of interchange. In Asia, the habits of the people are too inveterately fixed and labour is too Cheap to admit of any beneficial export, and Europe is too far off to allow us to enter into competition with its inhabitants in their own Markets. These Causes are permanent in themselves, and we cannot look forward to any reasonable period of time, when they will cease to operate. Our only Market, therefore, for our Agricultural productions, is confined to our own Consumption; and this must, of necessity, be so limited for many Years to come that, under ordinary circumstances, we Shall always produce a great deal more than we Consume; and the Selling price of the article must frequently fall below the cost of its production. That this is not an unfair Statement of the case may be at once proved by reference to the present State of our Market. Although the Colony has been Suffering under an unprecedented drought of three Years' continuance, the price of Wheat is only four shillings per bushel; of Maize, one Shilling and six pence per bushel; and of tobacco, cured in the leaf, six pence per pound. If the ensuing harvest be favorable, which we have every reason to anticipate, the prices of those Articles must fall below the cost of producing them, and a large portion must remain upon the hands of the grower, without Sale at any price. Such prospects are very discouraging to Farmers, who are Settled along the Coasts, and within a Moderate distance of Sydney; but, to Settlers in the interior, they act as a complete prohibition to agriculture. For the expense of Carriage across the Mountains, or from any considerable distance by land, would amount to more than the value of the Article, when delivered at Sydney, the only Market of any Consequence in the Colony.

From this general view of the Subject, it will be seen that Lands, beyond the Mountains and in the distant parts of the Colony, cannot be employed in tillage, without the certainty of loss, and that Such lands must, therefore, continue to be employed in grazing. Assuming then, as a general proposition, that the Lands of New South Wales can only be applied, with advantage, to pastoral purposes, it becomes a Simple question, can the Grazier, in the interior of the Colony, afford to pay rent for the Land he occupies, and to what amount? We feel confident in asserting that he cannot; and that it will be found upon the most liberal calculation of the expenses of Stocking and maintaining a grazing establishment, and Conveying its produce to market on the one Side, and of the net proceeds of such establishment on the other, that Capital invested in Sheep, Cattle or horses in this Colony, will not, under the most favorable circumstances, yield a profit equal to the lowest rate of

Inability of
graziers to
pay rent.

interest for Money; and Consequently, that nothing is left to meet the payment of rent. This fact is, we presume, too universally admitted to require us to enter into a detail of the Calculations, upon which our assertion is founded. Although the Same Sheep, which four Years ago would have fetched four pounds, may now be purchased for nearly as many Shillings, yet few persons are tempted to invest Capital in Sheep; and Cattle are frequently exposed in the public Market without buyers at any price. With butcher's meat at one penny per pound, and the average price of our Wool one Shilling, it becomes self evident that a grazing establishment must be a losing concern; and it is equally evident, that every Succeeding year will depress the value of Stock, still more, from the natural Multiplication of their Species. Assuming the prices however to be permanent, as they Stand, it will be found that the profits of grazing, under the most favored Circumstances, are already much beneath the lowest rate of interest for Money, and that land cannot afford to pay rent. Whatever the Settler, therefore, is called upon to pay as rent, must be in fact drawn out of his Capital.

We are apprized that Some few Years ago, when the waste Lands of the Colony were first thrown open to the Competition of the Colonists, a great error prevailed as to their Value; and we hope it will not be considered out of our place to advert to the Cause of that error, although it is well known to Your Excellency. Until within the last Six or Seven Years, the Government, which was the greatest consumer in the Colony, used to fix, at the beginning of every harvest, what was then considered a remunerating price to the Farmer, and to receive Wheat and other provisions into Store at Stated prices. In those days, it was deemed necessary to confine the Settlers within very limited boundaries, both to prevent the escape of the Convicts, and to avoid hostilities with the aborigines. When those boundaries were enlarged, and the waste Lands of the interior thrown open to the enterprize of the Colonists, they naturally were led to associate the idea of existing prices with a more extensive production, and many of them, acting under this delusive impulse, pressed forward to purchase lands at a price, which no present known mode of employing land in the interior will afford. This was the cause why Land, at that time, Sold freely for five Shillings per Acre. The Consequence was inevitable, and it has turned out as might be expected foreseen. Many purchases of Land, so made, have been abandoned; many others, with partial improvements on them, have since been resold for less than the cost of the improvements; and many Settlers have been ruined.

It is admitted, as a Maxim in Political Economy, that the Value of Land, like that of every other disposable Article, must depend upon the demand, and the quantity to be disposed of. This proposition, clear in the abstract, is Strongly illustrated by the actual State of things in New South Wales. The Interior, so far as it continues to be explored, discovers exhaustless tracts of Land, nearly Similar in quality, and from the local causes already alluded to, suited only for grazing. Like every other article, of which the Supply so far exceeds the demand, the value of the located Lands must be lessened by every accession of Territory, and the natural course of live Stock is to Multiply its kind, and consequently to diminish its value. These two causes combining have rendered Land in the interior of nominal value, and reduced the price of

1831.
1 Sept.

Petition for
suspension of
collection of
quit rents.

Inability of
graziers to
pay rent.

Erroneous
valuation of
land in interior.

Actual value
of land in
interior.

1831.
1 Sept.

Petition for
suspension of
collection of
quit rents.

Probable
consequences
of collection of
rents.

Cattle and coarse woolled Sheep to less than the Cost and Charges of breeding and driving them to Market.

It must indeed be admitted that Such an Unnatural State of things cannot last long, and will correct itself. A great proportion of the Lands already located must be abandoned, or retained only under Circumstances of necessity. But it is equally true that, in the progress of this result, if the reserved rents of Land be insisted upon, it will eventually cause the ruin of many deserving persons, who have embarked their all in this Colony, in the hope that, in tearing assunder those ties which bound them to their Native homes, they were making a better provision for their families; it will materially impede, if it do not entirely Stop, the Emigration of those respectable classes of persons, who are absolutely necessary to the moral well being of this Colony; and will reduce the Interior of New South Wales to the vast, unreclaimed wilderness which the first Emigrants found it.

Request for
suspension of
collection of
quit rents and
revision of
land tenures.

We have, however, the fullest confidence in the Wisdom of His Majesty's Government, and that no disposition will be wanting to avert the evils which we anticipate, and to afford every relief, to which we may be reasonably entitled. We would therefore most earnestly request Your Excellency to Suspend the Collection of Quit Rents, reserved upon all lands falling within the description to which we have more particularly referred, until the further pleasure of His Majesty shall be made known. And that Your Excellency will forward a Copy of this Petition to the Right Honble. the Secretary of State for the Colonies and recommend such a revision of the whole Subject of granting Lands in this Colony, as may lead to a more equitable adjustment of the rents reserved, as well as of the tenure by which they are granted, and of the Rules and Regulations respecting them.

J. BLAXLAND.	EDWD. WOLLSTONECRAFT.
RICHARD JONES.	GEO. DUNN.
WILLM. OGILVIE.	JNO. LAMB.
W. B. CARLYLE.	JAS. ADAIR.
JAS. GLENNIE.	JOHN BINGLE.
J. WALKER.	JOHN COGHILL.
WM. BROWN.	PETER MCINTYRE.
J. MACLAREN.	W. WARLAND.
J. PIKE.	JOHN MCARTHUR.
J. MUDIE.	WM. MCARTHUR.
ALEXR. BERRY.	JAS. MCARTHUR.
W. LITHGOW.	W. WALKER.
S. WRIGHT.	JAS. NORTON.
A. BELL, JUNR.	W. J. BROWN.
A. BELL, SENR.	A. B. SPARK.
W. COX, SENR.	J. JAMES.
WM. BOWMAN.	L. MACALLISTER.
W. COX, JUNR.	HELENUS SCOTT.
R. FITZGERALD.	J. MITCHELL.
J. COX.	J. BOWMAN.
F. BEDDICK.	F. A. HELY.
G. T. PALMER.	NELSON LAWSON.
J. PALMER.	J. B. BETTINGTON.
R. LETHBRIDGE.	WM. LAWSON, JUNR.
J. TINGCOMBE.	WM. DUMARESQ.
W. LAWSON, SENR.	GEO. FORBES.

[Enclosure No. 2.]

1831.
1 Sept.

GOVERNOR DARLING TO CHIEF JUSTICE FORBES.

Sir, Government House, 23rd August, 1831.

I have the honor to acquaint you in reference to your letter of the 2nd April last, that the communications Subsequently received from the Right Honble. the Secretary of State for the Colonies, with respect to the Subject of Land generally, have until lately prevented my taking into consideration in Council the Memorial from the Landholders, which accompanied your letter, praying that the Collection of Quit Rents may be Suspended until the pleasure of His Majesty's Government be made known.

Reply to
petition.

I have now to request that your Honor will be pleased to inform the Gentlemen, who Subscribed the Memorial above referred to, that, having given the Subject the fullest consideration in Council, with an anxious desire to meet their wishes as far as might be consistent with reference to the cases of the purchasers of Land, and other circumstances connected with the question generally, I regret that it is not in my power to comply with their request under the Instructions I have received as regards the Suspension of the Collection of Quit Rents; But that, in transmitting my Report on the Subject of the Instructions above alluded to, I shall not fail to forward their Memorial as they desire to the Right Honble. the Secretary of State.

Inability
to grant
suspension
of collection
of quit rents.

I have, &c.,

RA. DARLING.

GOVERNOR DARLING TO VISCOUNT GODERICH.

(Despatch No. 71, per ship Renown; acknowledged by
Viscount Goderich, 18th March, 1832.)

My Lord, Government House, 7th Sept., 1831.

7 Sept.

I avail myself of the earliest opportunity of apprising Your Lordship, in reference to my Despatch of the 13th of April last, No. 37, that, in Consequence of the Communication which Your Lordship has been pleased to make to me of Your Lordship's intention to remove me from the Government of this Colony, I shall not venture to proceed with the arrangements Notified in the Despatch, above alluded to, with respect to New Zealand.

Decision
against
appointment
of resident in
New Zealand.

I do myself the honor at the same time to put Your Lordship in possession of Copies of the following Documents which I had collected, with a view to enable me to make the necessary arrangements and to prepare Instructions for the Person to be employed on that Service:—

Transmission
of papers
relating to
New Zealand.

1st. Letter from Mr. Gordon Brown, with a Chart of New Zealand and a paper containing references thereto.

2nd. Letter from Lieut. McDonald, R.N., Commanding the Ship Sir George Murray, and Proprietor of a Considerable Establishment at Hookiangā, where the above Ship was built.

1831.
7 Sept.

Transmission
of papers
relating to
New Zealand.

3rd. Letter from the Revd. Wilm. Yates, employed by the Church Missionary Society at the Bay of Islands, where he has been for a few Years past. Mr. Yates is a Clergyman of the established Church, A Most respectable and well informed Man.

I beg to add that the Schooner Mary Elizabeth, which has been preparing for the Service in question, will be ready to proceed, should my Successor think proper to Act on the intended measure.

I have, &c.,

RA. DARLING.

[Enclosures.]

[Copies of these letters, dated 24th April, 9th June and 1st September, 1831, will be found in a volume in series III.]

GOVERNOR DARLING TO VISCOUNT GODERICH.

(Despatch No. 72, per ship Renown.)

10 Sept.

Despatch
acknowledged.

My Lord, Government House, 10th September, 1831.

I have the honor to acknowledge the receipt of Your Lordship's Despatch No. 19 of the 23rd January last, calling my attention to the measures, which have been proposed for relieving the Parishes in the South of England of a portion of the Agricultural Labourers, who are unable to obtain employment.

I beg to acquaint Your Lordship that I lost no time in bringing Your Lordship's Despatch under the consideration of the Executive Council; and I do Myself the honor to transmit for Your Lordship's information Copy of a Circular Letter, which was in Consequence addressed to the Members of the Legislative Council, not holding offices under the Government, and the Magistrates generally throughout the Colony.

Circular letter
sent to members
of council and
magistrates.

Your Lordship will be aware that it is not in my power under present Circumstances, being in expectation of being immediately relieved in the Administration of this Government, to enter into the Subject of Your Lordship's Despatch in a Manner which the importance merits; but I shall take care that my Successor receives every information which may be necessary to assist him in acting on the views of His Majesty's Government, as now Communicated by Your Lordship.

Minute re
tax on labour
of convicts.

With this view, I have recorded, in the Proceedings of the Executive Council, a Minute of which the enclosed is a Copy, which relates to the proposed "Tax upon the labour of Convicts, and other means which have been suggested for providing for the Expense of introducing free Labourers into the Colony."

I have abstained from Acting on the Measures generally Suggested in the Minute, as it could only be done effectually by a person possessing the Confidence of His Majesty's Government;

but, it appearing that there could be no objection to the measure proposed in Paragraph No. 6, I brought it under the Consideration of the Council, and the enclosed is a Copy of a Government Notice, which has been issued, pointing out the extent of the abatement which will be allowed in the redemption of Quit Rents for the introduction of free Labourers.

1831.
10 Sept.
Abatement of
quit rents on
introduction of
free labourers.

I have, &c.,

[Enclosure No. 1.]

RA. DARLING.

COLONIAL SECRETARY MACLEAY TO MEMBERS OF LEGISLATIVE
COUNCIL.

(Circular No. 31/18.)

Sir, Colonial Secretary's Office, Sydney, 18th July, 1831.

I am directed by His Excellency the Governor to inform you that, with a view of relieving the distress prevailing among the Agricultural Labourers in the South of England, it has been suggested to His Majesty's Government that, if the Parishes were enabled to send to New South Wales those who are without employment, the Colony might receive with advantage a considerable number of such Emigrants.

Proposed
immigration of
agricultural
labourers
from England.

The Right Honorable the Secretary of State for the Colonies in making this communication to His Excellency observes that, if the Parishes, now burthened with a greater number of Labourers than they can employ, should seek to relieve themselves by sending away those Superfluous Labourers, their object will naturally be to do so on the easiest Terms they can, and they will therefore rather direct their Emigrants to North America than to New South Wales, unless means be devised of making up to the parishes the difference of expense resulting from a longer passage. His Excellency is therefore called upon for information as to the extent to which the Colonists may be disposed to promote a measure, which if practicable cannot fail to be highly advantageous to the Colony; and, in order to enable His Excellency to furnish His Majesty's Government with the information required, I am commanded to request that, after communicating with the more respectable Settlers in your neighbourhood, you will with as little delay as possible transmit to me answers to the following Queries, viz. :—

Necessity
for subsidy
towards
immigration.

1. Are any of the Settlers in your neighbourhood desirous of obtaining the services of Free Agricultural Labourers or other Workmen from England, and, if so, what sum will they enter into an engagement to contribute towards bringing out every such Labourer or Workman, whether unmarried or with a Family?

Inquiries re
conditions for
immigrants
acceptable
to settlers.

2. For what number of Labourers or Workmen are they willing to enter into an engagement, and what Wages will they undertake to pay them on their entering into Indenture for a period not exceeding Seven Years to serve the Settler, who shall thus bear a portion of the expense of their passage to this Colony?

3. What number of Free Labourers or Workmen are the Settlers in your neighbourhood willing to employ, and at what rate of Wages under Indenture as above, if the men and their families be conveyed hither without any Contribution on the part of the Settlers towards defraying the expense of their passage?

You will be pleased to observe that, in order that there may be no doubt as to the extent to which the aid of the Settlers may be

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10 Sept.
Proposed
engagement
to be signed
by settlers.

depended upon, it is necessary that you should procure and transmit to me with your report an engagement according to the annexed Form, signed by each person who may be disposed to advance Money for the intended purpose, and Stating the number and description of persons he may desire to have, and the Sum to be applied towards the expence of passage, which he engages to deposit here whenever he shall be required to do so.

I have, &c.,

ALEXR. MCLEAY.

[Sub-enclosure.]

FORM OF ENGAGEMENT.

Form of
engagement.

I, A B of C in the Colony of New South Wales, being desirous of obtaining the Services of _____ Agricultural Labourers from England, do hereby engage to deposit in the hands of the Colonial Treasurer, whenever the Colonial Government shall require it, the Sum of _____ to be applied towards the expense of Conveying the said _____ Agricultural Labourers to this Colony to be bound by Indenture to serve me for the Term of _____ Years.

Given under my hand at _____ this _____ day of _____.

Signed,

A B.

[Enclosure No. 2.]

MINUTE FOR THE CONSIDERATION OF THE EXECUTIVE COUNCIL.

Minute *re* tax
on labour of
convicts and
other means
to assist
immigration.

It appears necessary to consider more particularly that part of the Secretary of State's Despatch, dated 23rd January last, No. 19, laid before the Council on the 8th Ultimo, which relates to a Tax upon the labour of Convicts, and other means which are Suggested for providing for the Expense of introducing free Labourers into the Colony.

The Secretary of State considers—

1st. As the Tax of ten Shillings a Year on each Convict, as proposed by the Commissioners appointed to enquire into the Revenue and Expenditure of the Colonies, was merely for general purposes, that a still heavier one might be imposed, if to be applied to the introduction of free Labourers from England.

2nd. That every measure which goes to diminish the extreme eagerness of the competition for the Services of Convicts is desirable.

3rd. That the Tax and the manner of applying its produce would contribute to this end; by the former, the labour of Convicts would be rendered less Cheap, by the latter, the Supply of free Labourers would be increased and Wages Consequently lowered.

4th. That the amount of the Tax Should be as high as possible without preventing the Colonists from employing Convicts; and that, in arranging the details, attention Should be paid to the Several Classes, So as to determine whether the Tax Should be uniform, or vary according to the occupations and acquirements of the Individuals. And further whether the Measure Should apply to Females, which His Lordship is inclined to think it ought not.

5th. That the Tax Should be extended to Convicts holding Tickets of Leave, it being desirable that there Should be more difference than at present exists between their Situation and that of free Labourers.

6th. That an abatement might be made in the Quit Rents, in proportion to the Number of Persons whom the Settlers individually may bring into the Colony.

The Tasmanian Company were permitted* to take out 50 persons to Van Diemen's Land, an allowance being made towards the redemption of their Quit Rent of £20 for every Woman and £16 for every man.

In drawing the attention of the Council to the preceding propositions, I am induced to offer a few remarks on the Subject. It is evident that the good or ill effects of the introduction of the lower Orders into this Colony must depend entirely on the Character and description of the Individuals. If they are industrious agricultural Labourers, they will be a great acquisition. If, on the Contrary, they are Paupers, whom, from their idle and dissolute habits, the Parishes are anxious to get rid of, as may be apprehended, they will be not only a heavy burthen to the Government, but a very Serious evil to the Community.

With respect to the Tax proposed on *assigned* Convicts, viewing it as a Matter of Revenue applicable to general purposes, I should at least doubt the expediency of it; But if Coupled with the introduction of free Labourers and confined to that object, the advantages of it are obvious, and I think quite Sufficient to justify its adoption, as Soon as the State of the Colony Shall permit of its being imposed.

The Number of Convicts in private Service is estimated at 13,400; but supposing it not to exceed 12,000, a Tax even at the rate proposed by the Commissioners of Enquiry, of ten Shillings a head per annum, would produce £6,000. It is not possible to ascertain here what would be the Expense of bringing out Families of the description alluded to; but, according to Dr. Lang's proposition to the Secretary of State, it would appear to be about £50, as he Says the Expense of the outfit of Sixty families would be about equal to the freight of the Vessel, for which £1,500 was to be paid. Of course the Number of Labourers would be encreased, if fewer families were brought out. Perhaps 50 unmarried Labouring Men and 30 families might be brought out for the Same Sum as 60 families; thus the proceeds of the Tax would provide for the Passage and outfit of 100 Labourers and Sixty families. If applied only to assist in meeting these Expenses, the Parishes paying the larger proportion, the Numbers of the Individuals to be provided for, would of course depend on the Sum to be allowed for each from the proceeds of the Tax.

If the Tax in question be imposed, it Should certainly be higher on Tradesmen and Such Individuals, as from their acquirements are more valuable, than on common Labourers. Trades Men Should not be assigned, but be hired out for 6 or 12 Months at a time, as the Settlers, with the exception perhaps of a few of the most considerable, would not require them permanently.

With reference to the proposition (Par. 5) respecting the Tax in question being extended to Men holding *Tickets of Leave*, it does not appear to me liable to the objection which some suppose, that is, that it would diminish the boon and of course render the indulgence less Valuable. I am satisfied the advantage is so great, that the Convicts would not be less anxious to obtain it.

1831.
10 Sept.

Minute re tax on labour of convicts and other means to assist immigration.

* Note 10.

1831.
10 Sept.
Minute re tax
on labour of
convicts and
other means
to assist
immigration.

The tax would of course in this case, as in that of the assigned Convicts, be regulated according to the acquirements of the Individual, being less for a Labourer than a Tradesman. Tradesmen can earn from 7s. to 10s. a day, and, it is generally understood, work just so many days as will enable them to maintain themselves the rest of the Week in idleness. The necessity of Working a longer period, in order to obtain the means of paying the Tax, appears desirable on every account. More Work would be done which would be a great accommodation to the Inhabitants, and the evil propensities of the Individuals in question would be kept longer under restraint.

The Number of Men holding Tickets of Leave is Stated at about 2,750, 750 of these reside in Sydney, and many in Parramatta, Windsor and the other Towns. As it is an object of some importance that these people Should be dispersed more generally over the Colony, and enter into the Service of the Settlers, it has been Suggested that those who reside in Sydney, where, if they were not so numerous, they might be induced to Work more, Should be taxed higher than those in the Smaller Towns, and that those living in the Country, or in the Service of Settlers, should be wholly exempted from the Tax, or pay at a lower rate than the Men residing in the Small Towns.

According to the preceding proposition, there would be two distinct Scales, *Tradesmen* and *Labourers*, each being divided as follows, Viz. :—

- 1st. Residents in Sydney.
- 2nd. do. Parramatta, Windsor, Liverpool, Newcastle.
- 3rd. Residents in the Country or employed by the Settlers.

Considering the whole Number of Ticket of Leave Men to be 2,750 as Stated, and supposing the highest rate of Tax, that is on Tradesmen living in Sydney, to be £5, and the lowest rate, on Labourers living in the Country, to be £1, I presume it would not produce less than £5 or £6,000.

This Tax might I think very fairly be applied towards the Expenses incurred by His Majesty's Government in maintaining the *Convict* Establishments, which, in the distressed State of the Mother Country, would be a very desirable relief.

As to the measure now in progress, under the Instructions of the Secretary of State, of ascertaining the demands of the Settlers for free Labourers, and also, to what extent they will contribute towards their introduction, I am quite Satisfied it will prove fruitless. Very few, if any possess the means of advancing Money for Such a purpose, and though Some may now express their desire to receive free Servants, when they arrive, they may not be in circumstances to employ them, or may object to them as not being exactly Suited to their purpose. The proposed Tax, therefore, appears under all circumstances the most convenient and effectual means of accomplishing the object in View.

The Suggestion, contained in Par. 6, appears a very advantageous Auxiliary to the promotion of the proposed measure. The Settlers, by employing their own Agents or Friends at Home, would be more likely to obtain useful Servants of good Character, who would form an intermediate Class between them and the Convicts, which is much required, than by depending on Individuals Sent out under any general arrangement.

As to the Tax on *assigned Convicts*, it is evident that the Colony is not in a state to admit of it at present without pressing too heavily on the Settlers, who in general have large arrears to pay up. It Should be postponed for two years, and the proceeds of the Tax on Tickets of Leave might be applied in the meantime to the introduction of free Labourers.

1831.
10 Sept.

Minute *re* tax on labour of convicts and other means to assist immigration.

That Tax could be brought into operation on the first of next year; and I would further Suggest that the adoption of the Measure alluded to in Par. 6, with respect to the abatement in the Quit Rents, Should be Notified as Soon as the Sums can be fixed, which it may be proper to allow for each Man and Woman who may be brought out.

Govt. House, Sydney, 20th August, 1831.

RA. DARLING.

[Enclosure No. 3.]

GOVERNMENT NOTICE.

Colonial Secretary's Office, 26th August, 1831.

IN pursuance of Instructions issued by the Right Honble. the Secretary of State for the Colonies, with the view of promoting the introduction of Agricultural Labourers and Mechanics, His Excellency the Governor directs it to be notified to those Settlers, who are permitted to redeem the Quit Rents payable on their respective Grants by any given Number of Years purchase, that they will be allowed an abatement in the redemption of the Said Quit rents as follows:—

Abatement of quit rent for introduction of free labourers and mechanics.

For every family, which they Shall bring into the Colony, consisting of a Man, his Wife and two Children	£35
Or for every Woman	15
For every Man	12
For every Child not exceeding two of any one family	4

By His Excellency's Command,
ALEXR. MCLEAY.

GOVERNOR DARLING TO VISCOUNT HOWICK.

(Despatch per ship Renown; acknowledged by Viscount Goderich, 6th April, 1832.)

My Lord, Government House, 10th September, 1831.

I do myself the honor to transmit, for the information of Lord Viscount Goderich, in Consequence of the Instructions Conveyed in Your Lordship's Letter of the 10th of February last, Copies of three Letters received from Merchants of Sydney, who are concerned in the Trade with New Zealand, containing the best information in their power to afford with respect to the quantity of New Zealand Flax, which could annually be procured from those Islands and the price at which it could be delivered at Sydney and in England, as required by Your Lordship's Letter.

Transmission of letters *re* New Zealand flax.

1831.
10 Sept.
Returns of flax
imported from
New Zealand.

I beg to add that it appears, by the Custom House Returns, that the quantity of Flax, imported into Sydney from New Zealand during the 18 Months ending the 5th of July last, was as follows, "Vizt.":—

	Tons.	Rated Value.
From 6th January to 5th July, 1830	406	£10,153
To 5th January, 1831	434	9,450
To 5th July, 1831	609	13,394

Your Lordship will find, on reference to my Despatch of the 7th inst. No. 71 by the present opportunity, which relates more generally to the State of the Islands of New Zealand, that the Enclosures, which accompany that Despatch, refer also to the Trade in Flax with this Colony.

I have, &c.,

RA. DARLING.

[Enclosures.]

[Copies of these letters, dated 7th and 8th September, 1831, will be found in a volume in series III.]

GOVERNOR DARLING TO VISCOUNT GODERICH.

(Despatch No. 73, per ship Renown; acknowledged by Viscount Goderich, 7th March, 1832.)

12 Sept.

Reduction in
establishment
of dockyard.

My Lord,

Government House, 12th Sept., 1831.

I have the honor to transmit for Your Lordship's information, in reference to Paragraph No. 2 of my Despatch of the 26th of July No. 64, Copy of a Minute fixing the Establishment of the Dockyard on a reduced Scale; below which, considering there are a Number of Boats necessarily employed, besides the three Vessels mentioned in my former Despatch, I am induced to think it cannot be reduced without subjecting the Government to a Much greater Expense than is incurred by the Maintenance of the present Establishment.

The only Persons employed beside those stated in the Minute are:

The Master Attendant and Harbour Master at	£500	a Year.
Master Builder	" 150	"
Clerk	" 91 5s.	"

I do myself the honor to enclose a Return of the former Establishment, by which the extent of the reduction which has taken place will be seen.

I have, &c.,

[Enclosure No. 1.]

RA. DARLING.

MINUTE No. 83.

Government House, 23rd August, 1831.

Minute re
reduction in
establishment.

LET it be notified that the Establishment of Workmen employed in the Dock Yard will be as follows from the 1st of the ensuing month:—

The Master Attendant to be required to send in a return of the men to be retained, and of those to be discontinued, making a special application for such as are necessary to complete the Works now in hand.

It is to be distinctly understood that the Establishment retained is intended for effecting trifling repairs only, and that any work, which may be required of a more considerable nature, is to be performed by Contract, viz.:

Constable and Overseer, 1; Blacksmith, 1; Blacksmith and Turner, 1; Cooper, 1; Shipwrights, 2; Sailmakers, 2; Watchmen, 3; Messenger, 1; Labourers, 2.

Nails when required are to be obtained from the Lumber Yard.

The Master Attendant will be Careful that the men, when not engaged in any immediate repairs, are kept Constantly employed in preparing such articles as may be useful for the Vessels and Boats, so as to prevent delay when they may be demanded.

RA. DARLING.

[Enclosure No. 2.]

GENERAL Return of the Number of Persons of each Class actually employed in His Majesty's Dock Yard at Sydney.

Master Attendant's Office, 13th Augt., 1831.

1831.
12 Sept.
Minute re
reduction in
establishment.

General return
of persons
employed in
dockyard.

Nature of employment.	Number.
Master Builder	1 Free.
Master Attendant's Clerk	1 „
Assistant ditto	1 Bond.
Constable	1 Free.
do. and General overseer	1 „
Apprentices	8 „
Blacksmiths	3 Bond.
Block Maker and Turner	1 „
Coopers	1 „
Nailors	1 „
Painters	1 „
Rope Makers	3 „
Shipwrights	9 „
Carpenters or inferior Workmen	5 „
Sail Makers	6 „
Sawyers	4 „
Watchmen	1 Free, 5 Bond.
Messengers	1 Bond.
Labourers	3 „ *
Overseer over labourers from Town	1 „

Gangs.

Total 13 Free, 45 Bond.

JNO. NICHOLSON.

* Pitchboiler and a boy attending the Sail Makers, etc., and Blacksmiths.

GOVERNOR DARLING TO VISCOUNT GODERICH.

(Despatch No. 74, per ship Renown; acknowledged by Viscount Goderich, 26th February, 1832.)

My Lord, Government House, 14th September, 1831.

14 Sept.

I have the honor to acquaint Your Lordship that, in consequence of the Instructions lately received with respect to the disposal of land, I have signified, that the practice of granting Land as "Marriage Portions" will be discontinued from the end of the present Month.

Discontinuance
of land grants
as marriage
portions.

1831.
14 Sept.
Details *re*
land grants
as marriage
portions.

It appears, on reference to the record of my Despatches to Your Lordship's Office, that I have omitted to report that these Grants have been made free of Quit Rent, the Council being of opinion, to whom the question was referred, that the Boon would otherwise have been unavailing.

The enclosed is a Copy of the Minute of Regulations, which was issued in Consequence of the Proceedings which took place, and I have the honor to State for Your Lordship's information that the whole quantity of Land, which has been granted as Marriage Portions, is 29,600 Acres.

I have, &c.,
RA. DARLING.

[Enclosure.]

MINUTE No. 1.

Minute *re*
land grants
as marriage
portions.

Government House, 1st January, 1830.

LET it be noted that, having brought under the Consideration of the Executive Council the subject of granting Land to young Ladies, and Females of other Classes, as Marriage Portions from the Crown, the following general principles have been laid down, and will be observed in all Cases as far as may be practicable, viz. :—

1. That Grants Free of Quit Rent should be made to individuals of good character in all classes, born in Wedlock (with the exception only of the children of actual Convicts) to such extent as the Governor may with reference to the Condition in Life and general Circumstances of the parties deem expedient, but not exceeding Twelve hundred and eighty Acres.

2. That residence should be enforced as much as practicable, though it is impossible to lay down precise rules in this respect.

3rd. In case of non-residence, the Land to be given on the same Conditions respecting improvements as may be required in ordinary Grants.

That every Deed of Grant shall Contain a Clause, entailing the Land on the wife and the children of that Marriage.

RA. DARLING.

GOVERNOR DARLING TO VISCOUNT GODERICH.

(Despatch No. 75, per ship Renown; acknowledged by Viscount Goderich, 24th February, 1832.)

16 Sept.
Transmission
of letter from
M. C. Cotton.

My Lord, Government House, 16th Sept., 1831.

I do myself the honor to forward for Your Consideration the accompanying Copy of a Letter from Mr. Cotton, the Collector of Customs, in Consequence of Your Lordship's having declined to authorise his receiving a Grant of Land and a Building Allotment, and stating the reasons why he considers himself as having a Claim to the Same indulgence in this respect as the other Officers of the Civil Government.

Proposed
building
allotments for
civil officials.

In forwarding Mr. Cotton's Application, I beg to state my opinion that, as House rent is extremely high in Sydney, it is only a reasonable indulgence to allow the Officers of the Government

1831.
16 Sept.

an Allotment of Ground in the Neighbourhood of the Town for the purpose of Building a residence for their Families. As to their receiving Grants of Land for Agricultural purposes, I am no longer disposed to recommend it.

I beg at the Same time to request Your Lordship's reconsideration of Dr. Bowman's case, who, as will be seen on reference to Your Lordship's Despatch of the 28th of March last, was refused an Allotment of Ground for the purpose of Building. Dr. Bowman has the Stronger Claim to the indulgence which he Solicits, as he was deprived of the Apartments which he had occupied for Some Years in one of the Wings of the Civil Hospital, there being no other Building belonging to the Government, in which the Executive and Legislative Councils could be accommodated.

Claims of
J. Bowman
to building
allotment.

I have, &c.,

RA. DARLING.

[Enclosure.]

MR. M. C. COTTON TO COLONIAL SECRETARY MACLEAY.

Sir, Sydney, 11th July, 1831.

I have the honor to acknowledge the receipt of your letter, dated the 1st inst., informing me that the Secretary of State had signified to His Excellency the Governor that, in consequence of the New Regulations which have been adopted for the disposal of the Crown Lands by Sale, my application for Land cannot be complied with; and, in reply, to State, for the information of His Excellency, that, immediately previous to my embarkation for this Colony, having been honored with an interview by Mr. Under Secretary Hay, I availed myself of the opportunity to enquire, whether any regulation existed to preclude the Civil Servants of the Government from obtaining Land, he informed me that there was no Such impediment, and, as Salary was calculated in this respect as Capital, I should be entitled to a Maximum Grant, and that it was unnecessary to carry any specific authority from His Majesty's Government to that effect; it was only therefore, on my arrival here, that I became aware that the Civil Servants were excluded from this boon; and, being desirous of acting in every way in accordance with the decision of Government, I abstained from forwarding through His Excellency any application for Land to the Home Government; but, finding that certain of the Civil Servants, who left England *subsequently* to me, had been accorded, not only a Maximum Grant, but likewise a Town Allotment in the Neighbourhood of Sydney, I was induced, conceiving that the delay in presenting my application, arising out of my deference to the Orders of the Government, would not influence my Claim, to Solicit an equal Share of the benefits they had obtained. And I now therefore request that you will be pleased to lay this Statement before His Excellency, in order, if he Should see fit, that he may bring the circumstances under the favorable Consideration of His Majesty's Government, with a view to my being placed in the enjoyment of the Same privileges, in respect of Land, as the other Civil Officers of the Crown, to whom I have alluded.

Request by
M. C. Cotton
for land grant.

I have, &c.,

M. C. COTTON.

1831.
17 Sept.

VISCOUNT GODERICH TO GOVERNOR BOURKE.
(Despatch No. 18, per ship Asia.)

Sir, Downing Street, 17th Sept., 1831.

Refusal of
application
by B. Langa
for land.

I have received General Darling's Dispatch No. 23 of the 7th February last, submitting to my consideration the application of Mr. Langa, the Comptroller of Customs, for an allotment of Land in the neighbourhood of Sydney on which to erect a House for his residence, and for a grant of Land similar to that received by the other Civil Officers of the same class; and I regret to acquaint you, in reply, that it is not in my power, consistently with the principle on which I have lately been obliged to decline acceding to other applications of the same kind, which have recently been sent home by General Darling, to comply with the request now submitted in Mr. Langa's behalf.

I have, &c.,
GODERICH.

VISCOUNT GODERICH TO GOVERNOR BOURKE.
(Despatch No. 19, per ship Asia.)

18 Sept.

Sir, Downing Street, 18 Sept., 1831.

Employment
of Revd.
C. P. N. Wilton
as assistant
to Revd.
S. Marsden.

I have received General Darling's Dispatch No. 24 of the 18th February, accompanied by a Letter from the Archdeacon, recommending the employment of the Revd. Mr. Wilton to assist Mr. Marsden, the Senior Chaplain of the Colony, in the performance of the Clerical duties, which devolve upon him in the Parish of Paramatta.

It appears that Mr. Wilton, previous to this arrangement, was Master of the female orphan school, an appointment which he has now relinquished, and that he is Chaplain of the Parish of Kissing Point, a distance of eight Miles from Paramatta, where he performs clerical service every Sunday Morning.

Objections to
allowance
to Revd.
C. P. N. Wilton.

The only part of the arrangement proposed, to which I see any objection, connected with the Assistance which it has been deemed necessary to afford to Mr. Marsden, is the allowance to Mr. Wilton of 15s. for every Sunday on which he may be so engaged, in addition to the Salary which he already enjoys as a Colonial Chaplain, particularly as there are many Districts within the Colony, the Chaplains of which are obliged to proceed as great a distance to perform two Services of a Sunday as that between Kissing Point and Paramatta, who would not fail to bring forward a similar claim for additional Remuneration upon the same principle on which it has been recommended in the case of Mr. Wilton.

In the scheme submitted by Archdeacon Broughton for the Establishment of a School at Paramatta with the view of extending the means of Education in the Colony (which was transmitted for the consideration of His Majesty's Government in General Darling's Dispatch of the 10th of February, 1830), it was proposed that the Master should be a Clergyman of the established Church, and that he should act as an Assistant to the resident Chaplain, Mr. Marsden. Having acceded to the recommendation of the Archdeacon in respect to the Establishment of such an Institution at Paramatta, as well as at Sydney, the Clergyman, who has been appointed as Master to the School at the former place, will of course supersede Mr. Wilton in the new duties, which have been imposed upon him as assistant to Mr. Marsden; and, as Mr. Wilton will then only have charge of the Parish at Kissing Point, which charge compared with the duties of some of the other Chaplains would leave him little to do, it would appear necessary to make some new arrangement, as regards Mr. Wilton, for the purpose of apportioning his and their Labours more equally.

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School-master
to act as
assistant.

I shall not fail to communicate with Mr. Scott, the late Archdeacon of New South Wales, on the appointment of a proper person to succeed Mr. Wilton as Master of the female orphan School; but, as any religious Instruction, which the Children may require, can be equally well afforded to them by the resident Chaplain of the Parish in which the Institution is situated, I do not propose, unless I am induced to alter my opinion from the Information which I may receive from Mr. Scott, to appoint a Clergyman to the charge of it, being satisfied that there will be no difficulty in finding a person properly qualified for such an office, without his being in Holy orders.

Master proposed
for female
orphan school.

I have, &c.,

GODERICH.

VISCOUNT GODERICH TO GOVERNOR BOURKE.

(Despatch marked "Separate," per ship Asia.)

Sir, Downing Street, 19th Sept., 1831.

19 Sept.

I have received General Darling's Dispatch marked "Separate" of the 10th of February last, reporting the Insolvency and other circumstances connected with Mr. Baxter, the late attorney General of New South Wales.

Despatch
acknowledged
re A. M. Baxter.

Having forwarded the Instructions, which have appeared to me necessary to Colonel Arthur, who very properly declined, in consequence of the Information communicated to him by General Darling, to permit Mr. Baxter to exercise the functions of a Judge in Van Diemen's Land, I am not aware that any

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19 Sept.
Effects of
insolvency
of officers.

particular observations are called for in reference to this unfortunate case, as brought under my notice in the papers received from General Darling. In regretting the difficulties which the late Governor has experienced from the misconduct of some of the Civil Officers and from the inefficiency of others, I have to express my hope that similar inconvenience will not be felt by yourself in administering the Affairs of the Government.

Approval
of advance
to Mrs.
A. M. Baxter.

I approve of the advance of £200 made to Mrs. Baxter, after the departure of her husband to Van Diemen's Land, to enable her to return to this Country; and I have directed the Colonial Agent to call upon Sir James Gordon, the Gentleman referred to in General Darling's Letter of the 14th of March last, for the repayment of the Sum so advanced. I have, &c.,

GODERICH.

Refusal to
repay advance.

P.S.—Since this despatch was written, I have learnt that Sir James Gordon has refused to repay the sum advanced to Mrs. Baxter, which will, therefore, I fear be lost to the Colony. The advance under all the circumstances of the case was scarcely to be avoided; at the same time the inconvenience, which has resulted from it, shews how necessary it is to abstain, unless in cases of the most urgent necessity, from granting any similar indulgence.

GOVERNOR DARLING TO VISCOUNT GODERICH.

(Despatch No. 77. per ship Renown; acknowledged by
Viscount Goderich, 18th June, 1832.)

My Lord, Government House, 19th Septr., 1831.

Objections to
cutter employed
in customs
department.

I have the honor to transmit for Your Lordship's Consideration the enclosed Copy of a Letter from the Collector and Comptroller of the Customs, representing the unfitness of the Cutter, which is attached to that Department, for the Service on which she should be employed.

The Vessel alluded to named the Letitia Bingham is a Colonial built Vessel, about 67 Tons, and the Expense of her Maintenance is not less than £400 a Year.

I beg to draw Your Lordship's attention to the Concluding Paragraph of the enclosed Letter, it being of importance that the Vessel employed here in the Revenue Service should be able to proceed beyond the Heads of Port Jackson and Visit the different Bays on the Coast, and examine such Vessels as She might fall in with at Sea; and which it is Understood the Colonial Legislature has not the power of Authorising.

I have, &c.,

RA. DARLING.

[Enclosure.]

MESSRS. COTTON AND LANGA TO COLONIAL SECRETARY MACLEAY.

Sir, Custom House, 3rd August, 1831.

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Objections to cutter *Letitia Bingham*.

We have the honor to request that you will represent to His Excellency the Governor the unfitness of the Cutter attached to this Department for the purposes to which she is intended, and the difficulty, if at all practicable, of obtaining a Vessel here suitable to perform the duties required of her.

The circumstance of the present Cutter being unseaworthy renders her incapable of performing an essential duty, that of occasionally visiting the Inlets and Harbours to the Northward and Southward of the Port, as a check against any illicit traffic.

As the advantage that might be expected from an efficient Revenue Cutter is not alone the protection, she would afford the Revenue, which is rapidly increasing to an Amount of Considerable importance, but also as a further, and we would submit necessary security against the escape of prisoners.

The present Cost of the Revenue Cutter, charged in the accounts of this Department, is as follows, viz. :—

Expenditure on revenue cutter.

	£	s.	d.
Master at 7s. 3d. per day	132	6	3
Crew of 6 men at 1s. 10d.	200	15	0
Rations, say £12 a head	84	0	0

Per annum £417 1 3

independent of occasional repairs; and, as this amount would be entirely saved should the arrangement take place that we now propose, the difference of expense between an efficient Cutter and the present one we apprehend would not be Considerable.

While on this subject, we would beg leave to suggest, for His Excellency's Consideration, the propriety of a Communication being made with His Majesty's Secretary of State for the Colonies, with the view of obtaining some Legislative Enactment, there being at present no Law to authorise the boarding of any Vessel beyond the limits of the Colony, in order to render available the services of the proposed Cutter within a reasonable distance of the Coast; as circumstances may arise of Small Craft hovering either with an intention of availing themselves of an opportunity of Smuggling, or receiving runaway Convicts.

Legislation proposed.

We have, &c.,

M. C. COTTON, Collr.
BURMAN LANGA, Contr.

GOVERNOR DARLING TO VISCOUNT GODERICH.

(Despatch No. 78, per ship *Renown*; acknowledged by Viscount Goderich, 26th December, 1832.)

My Lord, Government House, 20th Sept., 1831.

20 Sept.

I have the honor to forward to Your Lordship, at the desire of Major Lockyer, the accompanying Memorial, which he has addressed to Your Lordship, praying that the 2,000 Acres of Land, which he received for purchase during the administration of Sir Thomas Brisbane, may be confirmed to him as a free

Request by E. Lockyer for land grant.

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Grant, and that he may further be allowed an Additional Grant of 6,000 Acres in Consequence of the Capital he has expended in the Colony, together with a Copy of a letter addressed to him in answer.

I have, &c.,

RA. DARLING.

[Enclosure No. 1.]

[A copy of the memorial is not available.]

[Enclosure No. 2.]

MR. T. C. HARINGTON TO MAJOR LOCKYER.

(No. 31/2,124.)

Colonial Secretary's Office,

Sydney, 19th September, 1831.

Sir,

In acknowledging the receipt of your letter of the 30th Ultimo, enclosing a Memorial, and requesting that it may be forwarded to the Right Honorable the Secretary of State for the Colonies,

I am directed by His Excellency the Governor to inform you that your Memorial Shall be forwarded by the first opportunity, but that it is not in His power to hold out to you any hope of its Success, as all similar applications for Grants of Land, on the part of Officers of the Military, as well as Naval Services, who have Settled here, have been refused.

I have, &c.,

T. C. HARINGTON.

Memorial to
be forwarded
to England.

VISCOUNT GODERICH TO GOVERNOR BOURKE.

(Despatch No. 20, per ship Asia.)

Sir,

Downing Street, 21 Sepr., 1831.

21 Sept.
Transmission of
order re land
for naval and
military officers.

With reference to that part of my Despatch to General Darling, No. 21 of the 11th February last, which relates to the mode in which it was proposed, in consequence of the change in the system observed in the disposal of the Crown Lands in the Australian Provinces, that Officers of the Army and Navy should in future obtain land, I have to acquaint you that His Majesty's Government have been induced to modify the General Order, transmitted to you with my above Despatch, in consequence of an enquiry into the Regulations in force in the North American Colonies. It appears that the practice has been to give land in those Colonies to Officers in proportion to their "Rank" and without reference to the "Length of Service." In the Australian Provinces, a different practice has obtained.

There, the indulgences to Officers in respect of land have been granted in proportion to "Length of Service" and without reference to "Rank" in the Army. It does not appear how this difference arose, neither does it appear that any benefit has resulted from it; and, as it is the object of His Majesty's Government to

simplify and reduce to uniformity the Regulations respecting the disposal of the Crown Lands in the Colonies, it has been determined to substitute the General Order herewith enclosed for that of the 24th February, 1831, which assimilates the Regulations, respecting the disposal of Crown Lands to Officers of the Army in Australia to those established in North America, by placing upon the same footing the qualifications of Officers for land in both places.

I am, &c.,
GODERICH.

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Transmission of order *re* land for naval and military officers.

[Enclosure.]

[*This was the printed general order, numbered 504 and dated "Horse Guards," 1st August, 1831.*]

GOVERNOR DARLING TO VISCOUNT GODERICH.

(Despatch No. 79, per ship *Renown*; acknowledged by Viscount Goderich, 4th August, 1832.)

My Lord, Government House, 21st Sept., 1831.

I have the honor to transmit for Your Lordship's information, in reference to My Despatch No. 55 of the present Year, the accompanying Copy of a report drawn up by the Chief Justice, the Colonial Secretary, the Attorney General, and the Colonial Treasurer, in Consequence of the Instructions conveyed to me in Your Lordship's Dispatch No. 93, dated the 10th of November last.

I have, &c.,

RA. DARLING.

Transmission of report from executive council.

[Enclosure.]

MEMBERS OF EXECUTIVE COUNCIL TO GOVERNOR DARLING.

Sir, Council Chamber, Sydney, 23rd August, 1831.

In compliance with the instructions of the Secretary of State, as contained in a despatch addressed to Your Excellency under date the 10th November last (an extract of which was enclosed for our information), directing that we should enquire into and report to Your Excellency upon the causes of the extraordinary number and expence of legal proceedings in which the Crown is involved in this Colony, and the most convenient mode of applying a remedy, We have duly proceeded with the enquiry directed by the Secretary of State, and we have the honor to report thereupon as follows:—

Report by executive council *re* law-suits involving the crown.

It appears to us that the subject of our enquiries may be most conveniently considered under *two* general heads, *Viz.*, The reasons of the extraordinary number of civil suits, brought in the Supreme Court of the Colony for the recovery of debts due to the Crown, and the remedy which may be applied, both to diminish the amount of litigation and to facilitate the recovery of public debts.

In the conduct of this enquiry, we have found it necessary to call upon the Crown Solicitors, as well as the Colonial Secretary, The Collector of Internal Revenue, and the Deputy Commissary

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General, for such information as they could furnish, and as might enable us to report more fully upon the several matters submitted to us; and we have the honor to append their examinations to this report.

Before we proceed to State our view of the causes of the amount of actions at the suit of the Crown, or to suggest any remedy, We would beg leave to clear the case of two points upon which some misapprehension would appear to have been entertained.

Recovery of
debts due to
crown.

The first is with respect to the law relating to the recovery of debts due to the Crown, upon which the Right Honorable the Secretary of State surmises that there is some defect in the state of the law, or in its practical administration, and suggests that the law and practice of extents, as used in England, might be beneficially introduced. We have the honor to report that the law and the practice of extents for the recovery of public debts in this Colony are precisely the same as in England; and, from the Statement of the Chief Justice confirmed by the Certificate of the Chief Clerk of the Supreme Court, it will be seen with how much expenditure and efficacy extents in chief may be obtained and used in New South Wales, where, from the nature of the case, it will admit of that form of remedy.

Upon the second point, it appears to us that some misapprehension has been caused by the undefined manner in which the term "Warrant of Attorney" is used by Mr. Moore, in his Letter referred to in the Secretary of State's despatch.

The Warrants of Attorney therein mentioned are not Warrants of Attorney to sue, in the ordinary sense of the term, but *cognovits* or Warrants to confess judgement for debts admitted to be due to the Crown, and which have been given by the debtors to the officers of Government as securities for the payments of their debts, and lodged in the hands of the Crown Solicitor to be entered up and execution taken out *instantly*, against the lands, goods, and body of the debtor, in case any default should be made by him, a single and expeditious remedy attended with less trouble and expense than Commissions and extents under ordinary circumstances, and resorted to by the Public Officers of this Colony, as the usual Security for debts contracted with the Crown.

Actions pending
in supreme
court.

Proceeding to the first general head of Inquiry, we have the honor to state that, as matter of fact, there have been at no one time eighty actions pending in the Supreme Court. There appears to have been grounds or causes of action to that amount for debts due to the Crown in the hands of Mr. Moore, at the date of his letter referred to by the Secretary of State. But these causes of action arose, in part, from the accumulated arrears of ten or twelve years preceding, and principally from the sale of Government Cattle and Sheep upon a large Scale and the inability of the purchasers to pay for them at the time appointed, and the consequent necessity of resorting to legal measures to secure immediate or ultimate payment.

Mr. Moore, in his examination before us, states that, out of the causes of action enumerated by him, some have been settled, others secured by the addition of fresh sureties, and in others legal proceedings are still suspended on account of the known insolvency of the debtors, and the hope that, by the extension of indulgence, the Crown may be ultimately satisfied.

Mr. Nicol Allan (into whose hands the Civil business of the Crown passed, in consequence of the necessity of Mr. Moore's giving his exclusive attention to the Criminal business of the Colony) states that, since his engagement, not more than four or five suits have been brought into Court at one time for the recovery of Crown debts; and that, at this present time, not more than two are pending; and that he has recovered or secured the cost from the parties in all cases except two.

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Suits brought
by N. Allan.

From the above short view of facts, as they are more fully detailed in the examinations of Mr. Moore and Mr. Allan, as well as from the Statements of the Colonial Secretary and the Deputy Commissary General, it will be seen that the amount of causes of action in the hands of Mr. Moore, at the date of his letter, was in a great degree accidental, arising out of extensive Sales of Stock by the Government; and that it cannot be considered as affording any criterion of the usual amount of business, in which the Crown is engaged in the Supreme Court.

It may not be out of place to observe that, in the Year referred to by Mr. Moore, such was the extent of pecuniary difficulty amongst all classes in this Colony that one thousand eight hundred and eighty actions were entered in the Supreme Court alone, and process issued thereupon for the recovery of debts due to private individuals.

Actions for
recovery of
debts.

As a general reason for the number of debts which from various causes accrue to the Crown in this Colony, we have to report that, from the infancy of the establishments, and from the wants of those means which are supplied by older communities, the officers of the Government are engaged in transactions of a nature calculated, in times of pecuniary difficulty, to give rise to the necessity of resorting to legal measures for the enforcement of public debts. The sales and rent of the waste lands of the Colony; The Sales of Cattle and Sheep, which have been accumulating ever since the Colony was founded; The necessary Contracts for the Supplies of convict prisoners; The management of the Roads, ferries, and markets, and the collection of tolls and revenues, as well as a multitude of subordinate duties, which devolve upon the Government, necessarily engage its officers in a variety of Contracts and dealings, and expose them to consequent disputes and litigation in the Courts.

Causes of
actions.

Upon proceeding to report upon that part of our Commission, which requires us to suggest some more easy mode of recovering Crown debts in this Colony than has been hitherto practised, laying the number of such debts out of the case for the present, We have already had occasion to remark that some mis-apprehension has been received of the existing state of the law with respect to the legal remedies of the Crown for the recovery of public debts.

We are not aware that any alteration can be beneficially adopted in this respect.

It is said by Mr. Moore, the Crown Solicitor, and confirmed by the Collector of Internal Revenue, and Mr. Allan, That the practice of taking cognovits is very usual in the public Officers charged with the collection of the Revenue, and that this mode of securing the Crown is less expensive, more expeditious, and equally effective with the mode of proceeding by a Commission and Extent.

Practise of
taking
cognovits.

We apprehend that, with regard to debts contracted with the Crown in this Colony, a discretion must necessarily be reposed in

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the Government, to be exercised under the due advice of its officers. in determining whether, in particular cases, it will order that the law be carried to its extremity, or whether it will sanction the indulgence of further time, founded on the nature of the debt and the expectation of its ultimate payment.

Supposing that legal proceedings should be ultimately instituted, we apprehend that the laws advisers of the Crown should be left to exercise a sound discretion as to the best mode of proceeding on behalf of the public. And, assuming that the law officers are qualified to discharge their duties, it does not occur to us, upon the maturest consideration of the subject upon which our opinion is required, that the present legal remedies at the Command of the Crown are susceptible of any improvements which it is in our power to suggest.

We have, &c.,

F. FORBES, Ch. Justice.

ALEXR. MCLEAY,

JOHN KINCHELA, Atty. Genl.

C. D. RIDDELL, C. T.

[Sub-enclosure.]

Appx. No. 1.

STATEMENT of the Chief Justice with regard to the Law as it stands in respect of recovering Crown Debts.

The Law of England for the recovery of all Debts due to the Crown is the law of New South Wales, and the same legal modes of recovering them are here in force. Several cases have occurred of Extents at the Suit of the Crown, and one in particular I would call to the attention of the Commissioners, viz.: The Case of Captain Piper, the late Naval Officer, charged with the collection of the Customs as a proof of the celerity with which this mode of recovering a Crown Debt may be carried into effect.

The particulars of this case will appear by the following Certificate of the Chief Clerk of the Supreme Court:—

Appx. No. 2.

CERTIFICATE of the Chief Clerk of the Supreme Court.

I, John Gurner, Chief Clerk of the Supreme Court, do hereby certify that it appears, by the records of the said Court, that, in the case of the King v. Piper, a commission to enquire into a debt due to the Crown was issued from this office late in the evening of the 5th April, 1827, and that the Inquisition was duly taken thereupon and returned the following day (6th April) into this office, and that on the 7th April an extent in Chief was issued against the Estate and Effects of the said Defendant. And I further certify that, since the foregoing Inquisition and Extent, other similar proceedings have been instituted in the Supreme Court for the recovery of Crown Debts, and that it appears, by the records of the said Court, that, in the course of this present Year, two extents in Chief have been issued, namely in the King v. Harris, Extent issued on the 9th March, 1831, and in the King v. James, Extent issued on the 3rd May, 1831, in witness whereof I have hereunto set my hand this 17th day of August, 1831.

Sydney, 20th August, 1831.

Sufficiency of
legal remedies.

Statement by
F. Forbes *re*
law for
recovering
crown debts.

Certificate by
J. Gurner *re*
suit King *v.*
Piper.

Appx. No. 3.

EXAMINATION of Mr. Wm. Hy. Moore, Crown Solicitor:—

Question. Does Mr. Moore recollect for what causes the Warrants of attorney referred to in the communication to the Secretary of State were given? *Answer.* The Warrants of Attorney were given to secure Debts due to the Crown partly for Cattle and Sheep purchased by Individuals, partly for the Rent of the different Tolls and Ferries in the Colony. These Securities having been taken in the different offices in which the transactions were made on account of the Government, I have no means of ascertaining for what particular purpose these Warrants of Attorney were Individually given. It is the practice of the Government in letting the Tolls and Ferries to require security by Bond for the performance of the duties, the principals themselves becoming further bound by Warrant of Attorney.

Question. Is it known to Mr. Moore whether even these means have been found sufficient for the security of Government? *Answer.* They have not been always available in recovering the Money, but they have been as available as an extent would have been.

Question. Which do you consider in general as the most Cheap and expeditious means of recovering a Debt due to the Crown? *Answer.* I consider the cheapest and most expeditious mode is by taking a Warrant of Attorney from the Debtor. Upon which the proceedings at law are much more summary and less expensive than proceeding by extent, The ordinary process of execution in this Colony being against all the lands and property of the Party at the Same time.

Question. Can Mr. Moore state what the Grounds were generally, for which the Bonds were granted, referred to in his communication to the Secretary of State? *Answer.* Principally for Market dues, the Rents of the Tolls, Tolls and Ferries, and for Contracts entered into with the Government for supplies and for the performance of Work.

Question. For what were the Promissory Notes taken? *Answer.* For the sale of Government Cattle and Stock and refuse Stores from the Commissariat and other offices; these Notes were taken by the auctioneers at the time of Sale as a Security for the payment of the purchase money; there is one promissory note for the purchase of a House in George Street, another for auction Duties due by an auctioneer to Government. With regard to the Eighteen Cases from the Revenue office Mr. Moore cannot at this time recall them to his recollection.

Question. What were the twelve Cases from the Commissary General? *Answer.* These were Promissory Notes granted for payment of Cattle and Sheep.

Question. You describe yourself as appears by the Secretary of State's Letter as engaged at one time in having to sue for the Crown upon upwards of Eighty suits, What was the cause of such an accumulation of Business at one time? *Answer.* Many of them were Debts of very old standing, some of ten or twelve years or more, but chiefly on account of the sales of Cattle and Sheep sold by the Government during the few previous Years, and, in consequence of the extraordinary depreciation of the value of live stock and Property in general, the parties became incapable of meeting

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Examination
by executive
council of
W. H. Moore
re official
legal business.

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re official
legal business.

their engagements. In consequence of the general distress, Indulgence had been extended to the parties and their securities renewed from time to time with the view of ultimately securing the rights of the Crown. Another cause of accumulation in my hands individually was the sudden death of Mr. Sampson, the late Solicitor General.

Question. Were these Actions generally pursued up to Execution or settled, or how are they disposed of? *Answer.* The most urgent were proceeded into execution, several were suspended and fresh securities taken in which other parties joined. In consequence also of having to attend to the Criminal business, I found it impossible to carry on the Clerical business of so many suits, and, by the order of the Government, they passed into other hands.

Question. Are there any Civil Suits of the Crown now pending in your office? *Answer.* There are no proceedings actually pending; there are judgments on which executions have not been taken out in consequence of not being able to discover that the parties have any property on which a levy can be made.

Appx. No. 4.

EXAMINATION of Mr. Nicholas Allan, Acting as Solicitor for the Crown:—

Question. How long have you been employed to conduct the Civil business of the Crown? *Answer.* About twelve months.

Question. Can you inform us how many Suits are pending at the instance of the Crown? *Answer.* There are two.

Question. What is the greatest number you have had pending at one time? *Answer.* I have never had occasion to have more than four or five in Court at one time. I have process for seven or Eight, but some of them were settled before coming into Court. In all cases except two, I have recovered the Costs from the parties, either receiving them or have had them secured to the Crown.

Question. Have you ever proceeded by extent? *Answer.* In two instances, and these upon Affidavits of danger. In other cases, I have not been able to obtain those affidavits and then the simplest and least expensive mode of proceeding according to the summary practice of the Supreme Court. In proceeding by extent, the Expence of the Commissioners and Jury amounts to Eight Guineas independently of other incidental expences. The Commissioners charge is one Guinea each, the Juryman's Ten and sixpence; Special Jurors are allowed fifteen shillings each by the Colonial Act.

Question. What Instructions do you receive from the Public offices when you are applied to to recover debts due to the Crown? *Answer.* The instructions are to write to the parties to endeavour to draw them into giving security to Government without proceeding against them to the extremity of the law, and in many instances it has the desired effect, The object being ultimately to secure the Government without putting either party to expence. Had Government acted differently, in many cases the parties would have been ruined, who are now enabled to retrieve themselves. In applying to the Crown Debtors, they generally do not hesitate to give a Warrant of attorney, which is the cheapest security and affords the most expeditious remedy for the Crown in case of default.

Examination
by executive
council of
N. Allan.

Appx. No. 5.

EXAMINATION of Depy. Comsy. Gen. Laidley:—

Question. You are requested to state the nature of the Debts contracted through the Commissariat office to the Crown. To recover which it has been necessary to resort to the Courts of Law?

Answer. There are two Classes, the first are the forfeitures arising from the nonfulfilment of contracts, made with Government; Second, the Non-payment, at the time they became due, of notes at maturity given to Secure the payment for Cattle purchased at Government Sales.

Question. Have you found any difficulty in recovering the Debts due to the Crown, which have occurred in your office? *Answer.* Yes. I have found great difficulty so long as the Civil business of the Crown was in the hands of Mr. Moore. But, in consequence of my representation to the Colonial Secretary of the 27th October, 1830, I have since employed a private Solicitor and I have recovered upon all the promissary Notes due to the Crown with the exception of those due by four Individuals.

Question. Can you state why the different Debtors to the Crown did not pay their Debts? *Answer.* I am persuaded they had not the means of doing so owing to the pressure of the times, and I can mention one case that of McFarlane, who purchased Cattle from the Crown in 1827 and would be glad to take at this time half the purchase money he then engaged to pay for them, and give all their increase into the Bargain.

Appx. No. 6.

EXAMINATION of Mr. McPherson, Collector of Internal Revenue:—

Question. How long have you acted as Collector of Internal Revenue? *Answer.* Since the 2nd Novr., 1829.

Question. Are you aware that at the death of the late Solicitor General a certain number of Documents of Debt were handed over to Mr. Moore? *Answer.* Mr. Moore himself told me so and gave me a list of them, of which I now produce a Copy. There are in this List thirty three Warrants of Attorney and Twenty three Bonds and Promissary Notes, Nine Orders for Inquisition upon Writs of extent; he gave all of these up to me with the exception of the last nine.

Question. What was the cause of the Debtors standing suits rather than paying? *Answer.* I think in most cases they would have paid, had prompt legal measures been taken. Since I have employed a Private Solicitor, I have found very little difficulty in obtaining payment by instalments.

Question. What security for payment of a Crown Debt do you exact? *Answer.* A Bond with Warrant of Attorney or Cognovit from the Principals with two sureties joining in the Bond but not in the Warrant of Attorney. In the event of irregularity in the payment, I then insist upon the sureties joining in the Warrant of Attorney.

Question. Have you ever used Writs of Extent? *Answer.* I have used them in about five or six cases, and in those Warrants of Attorney to confess Judgement had not been taken.

Question. Do you conceive a Warrant of Attorney or Cognovit a Proper mode of securing a Crown Debt? *Answer.* From experience I have found it the easiest and simplest mode of proceeding. Writs of Extent are expensive and I only resort to them in those cases wherein I have not obtained a Warrant of Attorney.

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Examination
by executive
council of
J. Laidley;

and of
W. Macpherson.

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—
Examination
by executive
council of
A. Macleay.

Appx. No. 7.

EXAMINATION of the Honble. Alexr. McLeay, Esqr., Colonial Secretary of New South Wales:—

Question. What was the cause of the great number of outstanding Debts due to Government at the commencement of the Year 1830? *Answer.* It was occasioned by the Sale of Government Stock (one in December, 1827) which had been increasing ever since the foundation of the Colony, and which in pursuance of directions from the Home Government were sold by auction. As ready money could not be expected for the amount of Sales to such an extent, It was deemed advisable to take promissary notes from the purchasers. Soon afterwards the depreciation in the price of Cattle, partly occasioned by the Numbers brought into the market at that period, became so great that the parties were totally unable to meet their engagements to Government.

—
VISCOUNT GODERICH TO GOVERNOR BOURKE.
(Despatch per ship Asia.)

22 Sept.
—
Land grant for
W. H. Geary.

Sir, Downing Street, 22d Sept., 1831.

I am directed by Viscount Goderich to enclose the copy of a letter, which has been received from Lieut. W. H. Geary of the Royal Navy, and to request that, under the particular circumstances therein stated, you will make to him a Grant of Land under the Regulations which were in force in the year when he first made application for the same, provided he returns to the Colony within a reasonable time.

I have, &c.,
GODERICH.

[Enclosure.]

[A copy of this letter is not available.]

—
VISCOUNT GODERICH TO GOVERNOR BOURKE.
(Despatch No. 21, per ship Asia; acknowledged by Governor Bourke, 4th May, 1832.)

23 Sept.
—
Instructions re
abolition of
office of master
of supreme
court.

Sir, Downing Street, 23 Sept., 1831.

With reference to my Dispatch of the 25th Ultimo, in which you were informed of my intention to recommend to His Majesty the removal of Mr. Carter from the office of Master of the Supreme Court, I have the honor to acquaint you that the opportunity now offers for carrying into effect the arrangement, contemplated by General Darling in his Dispatch of the 7th of January, 1828, for abolishing this Office. You will consult with the Chief Justice as to the best mode of executing this measure, either by the augmentation of the Salaries of the chief and assistant Clerk of the Supreme Court, as originally suggested by General Darling and the Chief Justice, or by any other mode that may be deemed preferable, provided it be attended with a saving as great as that originally proposed.

I have, &c.,
GODERICH.

GOVERNOR DARLING TO VISCOUNT GODERICH.

(Despatch No. 80, per ship Renown: acknowledged by
Viscount Goderich, 8th March, 1832.)

1831.
23 Sept.

My Lord, Government House, 23rd Sept., 1831.

In acknowledging the receipt of Sir George Murray's Despatch, dated the 12th of November, 1830, No. 95, on the subject of the course to be pursued when it may be necessary to make any alteration in the Duties, which are levied under the Authority of the Local Legislature, or to make any additions to the public Establishments, or other appropriation of the Colonial Revenue, than that at present sanctioned; I do myself the honor to transmit to Your Lordship the accompanying Copy of a letter, addressed to Me by the Attorney General, pointing out the inconvenience and in fact the injury, which the Public Service would sustain, if he Should not be allowed a Clerk to assist him in the business of his Office. Being satisfied that the Assistance Solicited by Mr. Kinchela was necessary, I was induced to bring his application under the Consideration of the Legislative Council in the form of a Minute, and the Question was then put, whether the Sum required to provide for the proposed Expense should be allowed. It was carried in the Affirmative, and I do myself the honor to enclose for Your Lordship's information an Extract from the Minute of Council, which will enable Your Lordship to determine whether the Course, which has been adopted, is Such as was intended by Sir George Murray's Despatch.

Despatch
acknowledged.

Request by
J. Kinchela
for clerk.

I am sure Your Lordship will excuse me in making this Communication, if I request Your Lordship's attention to that part of the Attorney General's Letter, which adverts to the State in which he found the Office, as left by Mr. Baxter, without any Records or public Documents of any Kind to which he could refer. This incidental observation of the Attorney General affords at least Some proof of what I have before Stated of Mr. Baxter's unfitness for the Situation he held here, and of the embarrassment and Expense to which this Government has been Subjected by his Appointment.

Absence of
records in office
of attorney-
general.

I have, &c.,
RA. DARLING.

[Enclosure No. 1.]

ATTORNEY-GENERAL KINCHELA TO COLONIAL SECRETARY MACLEAY.

Sir, Attorney General's Office, 10th September, 1831.

I take the liberty of submitting to Your Excellency's Consideration that you would be pleased to direct that furniture should be supplied for the office of the Attorney General at the Court

1831.
23 Sept.

Request by
J. Kinchela
for clerk.

Records filed
in office of
attorney-
general.

Absence of
records on
arrival.

House, and that a Clerk and Stationary should also be supplied there for the public use; in making this application, I beg to assure Your Excellency that I am not actuated by my own individual benefit, but from a feeling that such allowances are necessary for the preservation of the public Documents, lodged in the office of the Attorney General, and to prevent the delays to the public business, which must necessarily arise from a want of proper assistance in the Despatch of the business of the office. Your Excellency is aware that, in the office of the Attorney General of this Colony, are deposited all the Informations and Examinations taken by the Magistrates in the entire Colony, and the proceedings of the different Benches of Magistrates in their Petty Sessions, and also all the Inquisitions taken by the Coroners, there to be kept and preserved for public use, and also various Securities and documents from the different public Departments, which are to be proceeded upon for the recovery of the debts due to the Crown, and that those Documents should be preserved and taken care of, to be forthcoming and produced upon any Criminal or Civil proceeding, or if necessary to be referred to on public business, and that, on the promotion, removal or death of the Attorney General, his Successor, upon receiving the keys of his office, should be put into the possession of all the public Documents belonging to his office, to enable him fully to carry on the public business; before the building of the Court House, there were no public Offices, where those documents could be preserved, and they were therefore necessarily kept in the private Houses of the respective Officers, in consequence of which the public business has at times been much impeded, and the Government has sustained losses upon the death of some of the public officers, from the loss or the difficulty of obtaining those public Documents and Securities. On the finishing of the Court House, His Honor the Chief Justice, to whom the disposal of the public Offices attached thereto belonged, was pleased to appoint two Chambers for the use of the Attorney General, when he appointed the offices for the other public officers of the Court; all those offices, except that of the Attorney General, were supplied with furniture, Clerks and Stationary at the public Expense. On my arrival in the Colony, the Chief Justice was pleased to appoint to my use as Attorney General the Apartments formerly appointed for the use of my predecessor; but, on receiving the keys of those apartments, I found them empty, and did not then, nor have I since been put into the possession of any one document, belonging to my office, and on enquiry I understand few of them are now to be obtained, except such as came to the hands of the Crown Solicitor, whilst he acted in the place of the Attorney General before my arrival, so that, on a reference to me on any business previous to my arrival, I am unable to give any Information whatever, and Some time back on a reference to me by the Auditor General, respecting some accounts that had been Sent into his office, and which required the Signature of the Attorney General, of his having received the documents therein referred to, to enable the party to receive the Money required, being unable to refer to those documents, I handed the Papers to the Crown Solicitor to search for them; this day I was again applied to from the Audit Office for those papers, but could not procure them. Since my

arrival here, for want of any place to deposit public documents, I have been obliged to hand them to the Crown Solicitor to keep with the other Documents in his possession, until I should procure the necessary furniture for my office, which I conceived would have been immediately supplied to me; and, on the Trial of the Murderer of Waterworth the other day, I felt the inconvenience of not having the public documents kept and preserved in my office, as they ought at all times to be; in the course of that trial late in the evening, a point was incidentally made on behalf of the Prisoners, on which I conceived the Inquisition taken by the Coroner would have been of Service, for though, at the time the Inquisition was taken, the Murderers were unknown, the production of it would in a great degree have thrown a light upon the matter in Argument; had that Document been in my office, it might have been instantly produced; it was however at the private residence of the Crown Solicitor, and could not then be procured; in consequence, the Jury, on the question being referred to them by the learned Judge, not having been able to come to a decision, were discharged, and the trial put off. Other cases have arisen where I have found the inconvenience of the want of the public documents of my office; and therefore feel it my duty, as the first Law Officer of the Government, to Submit to the consideration of Your Excellency those impediments, delays and obstructions to the public business of the Colony, which I am convinced Your Excellency will be pleased to think ought to be remedied.

1831.
23 Sept.

Necessity for filing of public documents in office of attorney-general.

As to the assistance of a Clerk and Stationary, I beg leave to State that in the office of the Attorney General is conducted the correspondence with the Government, and the heads of the different Departments, upon all subjects requiring his opinion on the various matters submitted to him, and also the Correspondence with the Magistrates through the entire Colony on their official business, and that the Drafts of bills to be laid before the Council, and of the deeds and Conveyances required by any of the public Departments are also prepared in his office; Of the Multiplicity, variety and importance of the various matters Submitted to my office, I do not on my own account complain; but I find that, with all the industry and application I can bestow upon them, it is impossible that without assistance I can get through the public business with that Despatch which the public Service requires, and that delays must occur much against my wishes, that I am anxious Should be prevented; and when I state to Your Excellency that the various labours that occupy my time, I trust you will be pleased to think that, for the public benefit, it is expedient that assistance should be supplied to the Attorney General's Office; the answers to all the correspondence of my office, I am obliged to prepare, as also the drafts of all the bills for the Legislative Council. Deeds and conveyances submitted to me, when I have prepared the Draft of any letter, Bill or other Documents, I am obliged to copy it out for use, instead of proceeding to prepare other business, and thus many hours of every day are employed by me in Drafting Documents, which would be much better done by a Clerk; and, when I am engaged in Court on public business, all the other business of my office is at a stand for want of a person to copy the various drafts, which I would have ready prepared for him. Copies of the Attorney General's correspondence on all public business should also

Duties of attorney-general.

Necessity for assistance of clerk.

1831.
23 Sept.

be written into a Book, for the use of himself and his Successors, in reference to the public business of his office; this from the pressure of more important matters, I have not been able to perform; I need not state to Your Excellency the pressure of business now in my office, or the other matters that are kept waiting Until I have finished what is at present before me; and I submit, to Your Excellency's consideration, that the Expense of a Clerk would be more than compensated by the Despatch of the public business. As to Stationary, that used in the office of the Attorney General is employed solely for the public use on all the various Subjects, and for the purposes above referred to, and Should on that account, I respectfully Submit, be Supplied at the public Expense.

Request for
clerk and
stationery.

Salary of
J. Kinchela
as attorney-
general.

In Stating these reasons as the grounds of my application, I beg to add that, when I had the honor of being appointed Attorney General of this Colony in England, I was informed that my Salary was £1,200 a year, which at the time I conceived to have been the Salary of my predecessors, and which I considered would be paid to me without any deduction or drawback whatever; and I did not, until my arrival here, know that my Salary was £200 a year less than that of my predecessors. As to the Amount of the Salary which His Majesty's Government may think proper to attach to the office of the Attorney General here, it is not for me to make any observation; but, considering the Rank, Responsibility and Labours of the Attorney General of this Colony, I would presume to hope that Your Excellency would be pleased to think, that, out of my reduced Salary, I ought not to be called upon to pay the Expense of the furniture for the public office of the Attorney General, or of a Clerk and Stationary employed for the public use.

I have, &c.,
JOHN KINCHELA.

[Enclosure No. 2.]

EXTRACT from Minute No. 1 of the Proceedings of the Legislative Council, on Tuesday, the 20th of September, 1831.

PRESENT:—The Governor; The Chief Justice; The Archdeacon; The Colonial Secretary; The Attorney General; The Comptroller of Customs; The Auditor General; Colonel Lindsay; Robert Campbell, Esqr.; Alexr. Berry, Esqr.; Richard Jones, Esqr.; John Blaxland, Esqr.; Edward Charles Close, Esqr.; Hannibal H. McArthur, Esqr.

4. The Governor next presented the following Minute, for the consideration of the Council:—

His Excellency The Governor, in laying before the Council a Statement of the Revenue and Expenditure of last Year, together with a comparative Statement of the Same for the Years 1829 and 1830, recommends to the Council that the Sum of one hundred and fifty Pounds per annum be allowed to enable the Attorney General to provide a Clerk, that officer having represented that it is out of his power without such assistance to prevent the business of his office falling in arrear, which it is most desirable to avoid, as it would be attended with serious injury to the Public Service.

It is also recommended that a sum not exceeding Sixty Pounds be allowed for the expense of furnishing and fitting up the Public Office of the Attorney General, so as to enable that officer to

Minute of
legislative
council re
clerk and
furniture for
attorney-
general.

preserve in a proper manner the Records and other Public Documents, which are deposited in or pass through his office, as the loss or injury of any of those Records or Documents, which Cannot otherwise be prevented, would be a serious evil.

It is further recommended, that a Sum not exceeding Twenty five Pounds per annum be allowed to meet the Expense of providing Stationary to the office of the Attorney General, the actual Expenditure only to be Charged and Certified by that officer.

19th Sept., 1831.

RA. DARLING.

"The question was then put, that the Several Sums mentioned in the foregoing Minute be appropriated in the manner therein recommended and carried unanimously in the affirmative."

A true Extract:—E. D. THOMSON.

VISCOUNT GODERICH TO GOVERNOR BOURKE.

(Despatch No. 22, per ship Asia; acknowledged by Governor Bourke, 14th March, 1832.)

Sir,

Downing Street, 24th September, 1831.

24 Sept.

With reference to Sir George Murray's Despatch of the 23 of July, 1830, No. 67, wherein General Darling was informed that His Majesty had been pleased to appoint Mr. Edward McDowell to be Solicitor General of New South Wales in the room of Mr. Sampson deceased, I deem it expedient to transmit to you the copy of a communication which, by my direction, was made to Mr. McDowell on the 18th of August last, but, from the circumstance of the Ship in which he had taken his passage having in the meantime sailed, this letter unfortunately never reached his hands.

Transmission
of letter for
E. McDowell.

I have since reconsidered all the circumstances that induced me to recommend to His Majesty this Gentleman's removal from the Office to which he had been so lately appointed, and I regret that I can find no reason for altering the decision to which I had in the first instance arrived, and have therefore to desire that you will immediately intimate to Mr. McDowell His Majesty's Pleasure that, upon the receipt of this despatch, his functions as Solicitor General shall determine, and I must also request that you will call upon him to refund the sum of £50, which had been advanced by the Agent in this Country for the purpose of enabling him to defray part of the expences attendant upon the issuing of his Commission.

Instructions
re dismissal of
E. McDowell.

Mr. McDowell will be allowed to receive half salary from the date of his embarkation from this Country to the period of his arrival in the Colony, full salary from such period to the receipt of this despatch, and, in consideration of the length of voyage and the consequent loss of time, I shall have no objection to authorize a free passage being provided for Mr. McDowell's

Salary for
E. McDowell.

1831.
23 Sept.

Minute of
legislative
council re
clerk and
furniture for
attorney-
general.

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24 Sept.

return to England, if such an event should take place within a reasonable period subsequent to his removal from office.

I trust shortly to have it in my power to inform you of the Gentleman whom His Majesty may be pleased to appoint Solicitor General of New South Wales.

I am, &c.,

GODERICH.

[Enclosure.]

VISCOUNT HOWICK TO MR. E. McDOWELL.

Sir,

Downing Street, 18 August, 1831.

Neglect of
E. McDowell to
sail for colony.

Lord Goderich has learnt, with very considerable surprise and much regret, that, instead of having proceeded to N. S. Wales to enter upon the duties of the legal Office to which you had been appointed so far back as August, 1830, you are still in this Country, residing at Dublin.

You were aware, at the time the appointment in question was conferred upon you, that the Govt. were anxious you should lose no time in proceeding to your destination, the Governor of N. S. Wales being without that professional assistance, which he required. Lord Goderich cannot, therefore, but consider your continuance in this Country up to the present date, without even apprising the Govt. of your being here, as amounting to a virtual resignation of your Office. Under these circumstances, his Lordship desires me to acquaint you that he has recommended to His Majesty to cancel your appointment.

Appointment to
be cancelled.

I have only to add that you will be expected to repay to the Agent for N. S. Wales, E. Barnard, Esq., residing at 2 Little Chas. St., Westminster, the advance of £50, which was issued by him, with the view of enabling you to discharge a part of the expense attendant upon the passing of your Commission.

I am, &c.,

HOWICK.

P.S.—Lord Goderich has received your letters of the 14th, in which you state that you are upon the eve of your departure for Sydney in the Bassorah Transport. His Lordship, however, desires me to acquaint you that, after having delayed so long your departure without any explanation to this Department, his Lordship cannot acquiesce in your now proceeding in that Vessel to Sydney; and he desires me to add that, if, after this communication, you should think proper to persevere in your Voyage, the only course left to his Lordship will be to direct the Governor of N. S. Wales to decline placing you in execution of the duties of the Office to which you had been appointed.

VISCOUNT GODERICH TO GOVERNOR BOURKE.

(Despatch No. 23, per ship Asia; acknowledged by Governor Bourke, 16th March, 1832.)

Sir,

Downing Street, 25th September, 1831.

25 Sept.
Misconduct
of Revd.
F. Wilkinson.

I have received General Darling's despatch No. 21 of the 11th of February last, with several enclosures relating to the Revd. F. Wilkinson, one of the Chaplains of your Government, who, notwithstanding the caution which was conveyed to him by Sir George Murray in his despatch of the 1 of Jany., 1830,

appears to have persevered in the same objectionable course of proceeding, and to have obliged General Darling, in the exercise of the discretionary authority with which that despatch invested him, to direct the suspension of Mr. Wilkinson from the functions of his Office.

1831.
25 Sept

Suspension
of Revd.
F. Wilkinson

From the documents accompanying General Darling's Despatch, it would appear that the grounds of complaint, urged by Archdeacon Broughton against Mr. Wilkinson, by no means partake of a political nature but purely affect his Ecclesiastical character; and, when in such a case it is necessary to resort to extreme measures, the circumstances should be brought under the notice and await the decision of the Bishop of the Diocese. This was clearly anticipated by Lord Bathurst, when, in his despatch of the 21 of Decr., 1824, No. 47, his Lordship distinctly marked out in the following words the course to be pursued, should such an unfortunate occurrence ever take place in New South Wales:—

Necessity for
reference of
ecclesiastical
charges to
bishop.

“Twelfthly. In the event of any Clergyman conducting himself in such a manner as to create a Public and notorious scandal, or being guilty of any gross neglect or abuse of his Clerical duties, if the Archdeacon should be of opinion that the case is such, as that the interests of Religion require the suspension of any such Person from his Clerical Functions, and should certify that opinion to you in writing under his hand, you will be authorized to act upon the Archdeacon's recommendation and responsibility, and to suspend any such Clergyman accordingly. And it will be the duty of the Archdeacon immediately to transmit, through you, to his Diocesan a full statement of the case. If the restitution or the further suspension, or the permanent removal of any such Clergyman should be ultimately directed by the Bishop of the Diocese, you will act in that case, in conformity with such decision as you may receive from him. It is however to be distinctly borne in mind that, as the Archdeacon will not interfere in recommending the suspension of any Clergyman, except on the ground of offences committed against the order and discipline of the Church of England or of immoral or licentious conduct, you will exclusively retain in your own hands the power of animadverting upon the conduct of any Clergyman, whose offences or misconduct may be merely of a political nature.”

Procedure
ordered in
charges against
chaplains.

Although I am aware that General Darling and the Archdeacon have both acted in perfect conformity with the instructions of my Predecessor, yet, on considering this to be a case in which it would be advisable that the Bishop of the Diocese should decide, I have directed the whole of the correspondence

1831.
25 Sept.

Reference of
papers to bishop
of Calcutta.

to be transmitted to the Bishop of Calcutta* for his ultimate decision, and to whom you will instruct the Archdeacon to make all further reference upon the subject of Mr. Wilkinson's conduct. You will also inform the Archdeacon that he ought rather to have pursued this course than that of transmitting his Report to the Ecclesiastical Board in London, with whom it should be understood, no power is legally vested for interference in the Ecclesiastical Affairs of the Colony.

Instructions
re cessation
of salary ;

If the decision of the Bishop of Calcutta should prove unfavorable to the interests of Mr. Wilkinson, I am concerned to add that the loss of his Salary must determine from the date when this despatch may arrive in the Colony; yet, in consideration of the inconvenience and anxiety which the delay of judgment must necessarily occasion to the unfortunate Incumbent, I shall by no means object to authorize a free passage being provided for Mr. Wilkinson's return to England, unless you entertain any apprehension that such an indulgence would prove detrimental to the Public Service.

and free passage
for Revd.
F. Wilkinson.

I am, &c.,

GODERICH.

VISCOUNT GODERICH TO GOVERNOR BOURKE.

(Despatch No. 24, per ship Asia.)

26 Sept.

Sir, Downing Street, 26 September, 1831.

Despatch
acknowledged.

I have received General Darling's Dispatch No. 6 of the 21st January last on the Establishments of the Surveyor General and Road Department.

Report by
T. L. Mitchell
re assistant
surveyors.

It affords me much pleasure to observe, by the report of Major Mitchell, which accompanies General Darling's Dispatch and which he was called upon in pursuance of Sir George Murray's former Instruction to furnish as to the merits and qualifications of the several assistant Surveyors, with a view to the removal of those who might be deemed unfit for their Situations, that he has no complaints to make regarding the manner in which the officers of his Department perform their duties.

Policy for
filling
vacancies.

The suggestion of the Surveyor General (as the best mode of obtaining efficient Surveyors) that none should enter his department but as Draftsmen, to be afterwards promoted according to their proficiency to the Rank of Surveyors, appears to be an exceedingly good arrangement. It appears from General Darling's Dispatch that there are, at present, three Vacancies in the Establishment of Draftsmen.

Proposed
reduction
in survey
department.

As the Commissioners of Colonial Enquiry have suggested the propriety of reducing the number of Officers employed in this Department, I have not deemed it expedient to fill up, from home, any of the Vacancies above mentioned. You will therefore

consult with Major Mitchell as to the possibility of diminishing their number, filling up from any persons, whom you may find in the Colony properly qualified, such of the Vacancies as in your joint opinions cannot be dispensed with.

I have, &c.,

GODERICH.

1831.
26 Sept.

VISCOUNT GODERICH TO GOVERNOR BOURKE.

(Despatch No. 25, per ship Asia; acknowledged by Governor Bourke, 22nd February, 1832.)

Sir,

Downing Street, 27th September, 1831.

27 Sept.

I have received General Darling's despatch of the 8th of April last No. 34, respecting the expediency of establishing Circuit Courts in New South Wales. On the one hand, the three Judges have stated their opinion that it is expedient that the power vested in His Majesty of establishing Circuit Courts under the 13th Section of the Statute 9 Geo. 4, Cap. 83, should be exercised. But in support of this opinion no reason whatever is alleged. On the other hand, General Darling has entered at length into the considerations, which induce him to think that it is unnecessary to fix periodical Circuits, but that it would be desirable that the Sessions of the Supreme Court should be holden from time to time in remote Districts of the Colony, as circumstances might require.

Opinion of judges and R. Darling *re* circuit courts.

My respect for the knowledge of the Judges renders me extremely reluctant to dissent from any conclusion adopted by them, on a subject with which they must be so peculiarly conversant as the present. But, as they have not supplied me with any explanation of the grounds of their judgment, and as I am bound to refer rather to argument than to mere authority, upon a question affecting so many public interests, I am unavoidably constrained to adopt General Darling's opinion.

Decision against periodical circuit courts.

I am, &c.,

GODERICH.

GOVERNOR DARLING TO VISCOUNT HOWICK.

(Despatch per ship Renown.)

My Lord,

Government House, 27th Sept., 1831.

I have the honor to acquaint Your Lordship, in reference to Mr. Hay's Letter of the 16th October last, that I have arranged the overissue of Salary to the four Surveyors, so as to reduce the Amount as much as Circumstances will permit.

Adjustment of over-issues of salaries to surveyors.

The overissue to the respective Individuals was as follows, "Vizt.":—

Mr. Hoddle, £380; Mr. Richards, £330; Mr. Finch, £180; Mr. Ralfe, £130.

1831.
27 Sept.

Adjustment of
over-issues of
salaries to
surveyors.

It will be seen by the accompanying Memorandum that these Officers were entitled to an encrease of Salary of £20 a Year from the 1st January, 1829, Amounting at the end of the present Year to £60 each, or £240 for the four, which reduces the Over-issue to the extent of that Sum. In addition to this the Salaries of Messrs. Finch and Ralfe, the two juniors, which were formerly at £250 each, have been Calculated at £200 from the 1st of January, 1829, as if they had been heretofore paid at that rate, and the four Surveyors will all Commence on the 1st of January, 1832, at £280; while the Salaries of the two juniors would have been at the rate of £330 each for the Year 1832, encreasing £20 Annually, had the Augmentation been allowed on the Salaries they formerly received.

I have, &c.,

RA. DARLING.

[Enclosure.]

MEMORANDUM FOR THE COLONIAL SECRETARY.

Government House, 26th September, 1831.

INFORM the Auditor General, in reference to his letter of the 2nd instant No. 97, that, in giving Messrs. Finch and Ralfe the benefit of the new arrangement in point of time (from the 1st of January, 1829) with respect to the increase of Salary, and not requiring them to refund the Sums which had been overissued to them by mistake, it was deemed equitable to Consider their Salaries (with reference to the annual increase) as having Commenced at £250 a year, the Same as all other Assistant Surveyors, instead of £200. The increase to each of those Officers for the Years 1829, 1830 and 1831, at £20 per annum would have amounted to £60, whereas Mr. Finch has actually received £180 and Mr. Ralfe £130.

The Government cannot therefore now authorise the issue of the annual increase for the Years 1829, 1830 and 1831, but credit is given them for the period of three Years, Considering £60 of the Sums over issued to them respectively to have been paid on that account, and they will consequently Commence at the rate of £280, on the 1st of January, 1832, being the fourth Year from the arrangement taking effect.

If the overissue, which Messrs. Hoddle and Richards are allowed respectively to retain, is more than that of Messrs. Finch and Ralfe, it must be recollected that the latter had been previously in the receipt of a Salary of £250 a year while the two former though the Seniors received only £200 a year.

RA. DARLING.

VISCOUNT GODERICH TO GOVERNOR BOURKE.

(Despatch No. 26, per ship Asia.)

28 Sept.

Sir,

Downing Street, 28 Sept., 1831.

In consequence of the representations which I have received from various quarters of the evils resulting from the great disproportion of the Female to the Male Population in the Colony under your Government, I have been led seriously to consider what means might be adopted for supplying the deficiency of Females, which is so much complained of.

Excess of male
over female
population.

The enquiries, which I have instituted, have convinced me that there are, in England and especially in the Agricultural Counties, many young women, who, having been brought up in such a manner as to qualify them to discharge the duties of Servants in the families of a farmer, are unable in this country to procure such situations or to gain an honest livelihood, and who would, therefore, gladly avail themselves of an opportunity of emigrating to a Colony in which they could rely upon finding the means of doing so. In New South Wales and Van Diemen's Land, all accounts concur in stating that such persons would without difficulty find eligible situations, and that their arrival would be very acceptable to the Settlers, who seem to be almost entirely unprovided with Female Servants. The friends of many young Women of the above description would (unless I am greatly deceived) willingly afford them some assistance in order to place them in a situation of permanent comfort in the Colonies. They have not hitherto attempted to do so, chiefly because they have been deterred by the heavy expence of so long a voyage, and because there has been no Party to whom they could apply to undertake all the necessary arrangements and to whose care they could safely confide unprotected Females.

The appointment* of the Commission for facilitating Emigration, of which you have already been informed, will, I trust, abate the latter difficulty; and, in order to remove the former one, I directed a communication to be addressed to the Lords Commissioners of the Treasury requesting their Lordships' sanction for applying to the assistance of Female Emigrants so much of the Territorial Revenue of the Australian Colonies as arises from the sale of land.

I enclose copies of the correspondence, which has taken place on this subject between my Under Secretary and Mr. Stewart, and you will perceive that the Lords of the Treasury concur in the proposed plan. I shall therefore lose no time in causing it to be carried into execution, and you will on your part immediately take such measures as you may judge to be calculated to promote its success. It is not however at present in my power to communicate to you the details of the arrangements which will be adopted; of these you shall, as soon as they are completed, be apprized; and in the meanwhile it is sufficient to direct you to be prepared, upon the arrival of the Vessels in which these Emigrants will be conveyed, both to receive them and direct them to such of the Settlers as may be willing to engage them as Servants, and also to defray that part of the expence of their passage which it is proposed in the correspondence I have already referred to should be paid in the Colony. If you should not have

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Proposed
encouragement
of female
immigrants.

Arrangements
for control
of female
immigrants.

* Note 115.

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in your hands the necessary funds from the sale of land, you will apply from any other sources which may be available the sum necessary to supply the deficiency, it being however clearly understood that it is to be considered merely as an advance and to be repaid out of the first money which may be received from the sale of land.

Funds to be provided for assistance of immigration.

I shall take an early opportunity of again addressing you upon the subject of emigration generally. In the meantime I must express my hope that the suggestions, contained in my despatch to General Darling of the 23rd of January last, will have led to such measures for raising a Revenue from the assignment of Convict Servants to the Settlers as may facilitate any arrangements that may be concerted at home for directing the course of Emigration towards the Australian Colonies; no season could be so favorable to that object as the present, and I am very desirous to learn with precision what means the two Colonies can yield towards rendering them more accessible to Emigrants from this country.

I am, &c.,

[Enclosures.]

GODERICH.

[Copies of these papers are not available.]

GOVERNOR DARLING TO VISCOUNT GODERICH.

(Despatch No. 81, per ship Renown; acknowledged by Viscount Goderich, 26th December, 1832.)

My Lord, Government House, 28th September, 1831.

Despatches acknowledged.

I have the honor to acknowledge the receipt of Your Lordship's Despatches, dated the 9th of January last, No. 13, and the 14th of February, No. 21, transmitting His Majesty's Instructions for the Sale of the Crown Lands.

Regulations published re sale of land.

I have now the honor to report that His Majesty's Instructions and Your Lordship's Despatches were immediately laid before the Executive Council, and, having undergone the fullest and most mature Consideration, the Regulations, of which the enclosed is a Copy, were immediately established and Notified for the information of the Public.

Notices re payment of arrears on purchase and lease of land.

The "Government Order" of the 1st of August last, No. 22, is confined to the *Sale of Land*, under the New Instructions. The "Government Notices," Subsequently issued, relate principally to the payment of the Arrears due for Lands purchased under Sir Thomas Brisbane's Administration, and for those rented with a view to purchase during mine; as also to the payment of the arrears of the Quit Rents. Your Lordship will I hope be satisfied with the arrangements which have been made in the Several Cases. The Government was anxious that the Settlers should be made aware, that they were bound to abide

by the agreements they had entered into, and was at the same time desirous to shew every indulgence, which could Consistently be extended to them in Consequence of the adverse Circumstances, which they unfortunately have had to contend with.

I now do myself the honor to transmit, for Your Lordship's information, the enclosed Extract of the Minute of Proceedings of the Council on that part of His Majesty's Instructions, and Your Lordship's Despatch of the 14th of February last, No. 21, which relate to the Dissolution of the Clergy and School Corporation. The Attorney General having expressed some doubt as to the Sufficiency of the Instrument received to effect the object intended, the Question was referred to the three Judges, and I beg to refer Your Lordship to their report, which will be found in the Appendix to the Minute of Council. In consequence of the opinion of the Judges, it was deemed expedient to delay acting on that part of the Instructions which relates to the dissolution of the Corporation, until His Majesty's intention on this Subject should be better Understood.

Though under this Circumstance I have abstained from disturbing the arrangements, which had been made in the case of the Lands already transferred to the Corporation, I have directed the Surveyor General to throw open to persons, desirous of purchasing, the Lands which had been reserved for the Church and School Corporation.

It only remains for me to transmit for Your Lordship's Consideration the enclosed Copy of a Petition from the "Emigrant Settlers, Agriculturists, and Graziers of the Colony," on the Subject of the Regulations which have been recently established, praying that they might be allowed to retain the whole of the land they had agreed to purchase, and a period of five Years be granted to make good their payments.

Your Lordship will perceive by my Reply, which was prepared on Consulting the Executive Council, that the request of the Petitioners has not been Complied with, though it was deemed reasonable that the period, which had in the first instance been fixed for the payment, of the Land which they might retain, Should be extended to the end of the Month of June next, at which time the last Instalment is to be paid. This, I hope, will have the effect of preventing their retaining a larger quantity of Land that they may have the means of paying for, which a More extended Credit might have induced Some of them to do.

I have only further to enclose a Copy of Sir John Jamison's reply to my Letter as Chairman of the Committee, which Closes the correspondence on this Subject.

The whole of the Proceedings, with respect to the disposal and payment for Lands rented and to be purchased, have been

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Consideration of
instructions re
dissolution of
corporation for
clergy and
school estates.

Reserves opened
for sale.

Petition from
purchasers
of land.

Refusal of
request of
petitioners.

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Preservation
of records.

carefully recorded in the Office of the Executive Council, and the regulations, founded thereon, have in like manner been registered in the Colonial Secretary's Office; and I shall take care that my Successor is duly informed on his arrival of the Several measures, which have been adopted with respect to this Subject generally.

I have, &c.,

[Enclosures.]

RA. DARLING.

[Copies of these papers are not available.]

GOVERNOR DARLING TO VISCOUNT GODERICH.

(Despatch No. 82, per ship Renown.)

My Lord,

Government House, 28th Sepr., 1831.

Clerks in office
of auditor-
general.

I have the honor to acknowledge the receipt of Your Lordship's Despatch of the 25th December, 1830, No. 4, on the Subject of the Establishment of Clerks in the office of the Auditor General, and I beg to state for Your Lordship's information that, having Seen that Officer on the Subject, he has Satisfied me that the Number of Clerks, at present employed, could not be reduced without impeding the Business of his Department in a Manner which would be extremely injurious to the Public Service. I have, however, arranged it with Mr. Lithgow that, as soon as an opportunity Can be found, a portion of the free Clerks shall be removed and Convicts be employed in their Stead, which is the only means of Meeting Your Lordship's views, though I confess the measure appears to me highly objectionable. It is, perhaps, less So in the Case of the Audit Office than any of the other Departments.

I have, &c.,

RA. DARLING.

VISCOUNT GODERICH TO GOVERNOR BOURKE.

(Despatch No. 27, per ship Asia.)

Sir,

Downing Street, 29th September, 1831.

29 Sept.
Report by
commissioners
on revenue and
expenditure
of colonies.

In my Despatch to General Darling No. 19 of the 23d of January last, I transmitted to him a Report,* addressed to the Lords Commissioners of His Majesty's Treasury by certain Commissioners empowered and commanded by His Majesty to enquire into all matters and things connected with the Revenue and Expenditure of His Majesty's several Colonies and Foreign Plantations.

That report and the various communications, which have at different times taken place between the Governor of New South Wales and this Department on the subject of the Civil Establishment, have since engaged my most serious attention; and I will now proceed to inform you how far I think the various recommendations of the Commissioners may be acted upon.

* Note 9.

In doing so, I cannot but feel that it is not in my power to give you any positive directions as to reductions of Establishment; the rapid increase of the public business in every Department of the Colonial Government, in consequence of the additions which are continually taking place to the number both of Convicts and free Settlers, makes it almost impossible to draw up Instructions in this Country with any confidence that they will be applicable to the actual situation of the Colony on their arrival, as by that time the accounts of the state of affairs, with reference to which they have been framed, must necessarily be nearly a twelvemonth old. A letter received from General Darling, addressed to my Under Secretary since this Report was sent in, strikingly illustrates the observation I have just made, as it appears that, at the time when the Commissioners were advising the reduction of some Establishments, the Governor was strongly insisting upon their insufficiency. Under these circumstances, it is necessary that much should be left to depend upon the result of the enquiries, which it will be your duty to institute with the assistance of your Council, as to the practicability of the various reductions to which I am about to call your attention; and, without fettering your discretion, I can only impress upon you the necessity of carrying into effect all those, which you shall judge to be consistent with the efficiency of the Public Service.

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General
instructions
re reductions
in civil
establishments.

In doing so, it will, however, be necessary to attend to the following considerations. Where the reduction is to affect not the number of persons employed, but the Salaries they enjoy, the lower scale of remuneration will only commence on vacancies occurring in the several situations, leaving to the actual holders their present advantages. This I hold to be only just towards individuals, who cannot fairly be made to suffer a diminution of the emoluments on the faith of which they have gone out from this Country. I do not mean to say that, if there were any cases in which very extravagant Salaries had been assigned to particular Offices, I should consider myself precluded from carrying into immediate effect a part, at least, of the reduction, which I am now directing to be prospective; but, in New South Wales, I certainly do not find that any of the Public Servants are so greatly overpaid as to render it necessary to depart from the rule I have laid down.

Principle
proposed for
reduction in
scale of salaries.

The only gentleman, whose emoluments* greatly exceed what I should be inclined to assign as an adequate remuneration for the duties of his Office, is the Colonial Secretary, whom I find to have been induced to accept his present situation by the particular request of the Secretary of State, and on the express

Emoluments
of A. Macleay.

* Note 117.

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Reductions in
salaries of
clerks and
junior officials.

promise of being permitted to receive both the Salary of £2,000 a year, which was attached to it, and the superannuation Allowance to which he was then entitled. The Commissioners have, in some instances, recommended a reduction in the Salaries of Clerks and persons in inferior situations, who not having gone out to the Colony with a view to employment of this description, but being either Natives or Settlers, have made no sacrifice in accepting it, and have not therefore the same claims on the justice of the Government.

The Salaries of such persons may therefore at once be reduced, where it is practicable to do so, allowing them of course a fair time to make their preparations or to look out for other employment; but I am not disposed to anticipate that you will be able to effect any saving under this head. It is true that the Salaries alluded to are high as compared with what is paid for similar services in this Country; but I think the Commissioners have overlooked the fact that, in New South Wales, there are so many pursuits, in which an individual can turn his time and talents to account, that he will not consent to give up doing so in order to serve the Public without some stronger inducement than is necessary in this Country, where every profession and occupation is over-stocked.

Difficulty in
finding
competent
officials.

General Darling has stated that, even at the present rate of payment, he has found considerable difficulty in procuring the services of trustworthy and respectable persons; and it certainly would be a false economy to neglect these essential qualifications in selecting public servants, or to return to the system of employing Convicts which was found so highly inconvenient. I am, also, by no means certain that the same reasons may not render it inexpedient to discontinue the system of granting to persons in such situations progressive Salaries rising according to length of service. It is of great importance that some encouragement should be given to continued good conduct; and, as it is probable that the hope of a future increase may induce persons to enter the Public service at lower Salaries than they would otherwise expect, this system may not, upon the whole, be attended with more expense than that which the Commissioners appear to think would be preferable.

The subject is, however, one which requires investigation upon the spot, and you will therefore take it into your consideration and report to me the result.

Whenever it shall appear to you that the public business of any Department may by a different arrangement be carried on by a smaller number of persons than are actually employed, you will not wait until a Vacancy shall occur, but you will immediately

effect such a reduction as you may judge to be expedient, granting to the individuals, who may be affected by it (unless you can usefully employ them in some other branch of the public service), compensation for the loss which they may sustain, according to the following Rules:—

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Compensation to be granted on reduction.

Persons who have been born in the Colony, or who, having gone from this Country, have obtained Grants of land, or have devoted themselves to any gainful pursuit which is likely to detain them in the Colony, you will consider as sufficiently provided for by a gratuity of one or of two years' Salary, according as they have been more or less than Ten years in the Public Service.

Regulations re compensation.

Those, on the contrary, who have given up their whole time to the Public Service, and have accepted employment in the Colony, not with the view of permanently settling there, but in order to earn the means of ultimately retiring in their Native Country, you will provide with a passage home at the public expense, assigning them Pensions to continue until other employment can be offered to them. The Pensions of those Officers, who have served Ten years and upwards, will be regulated according to the scale fixed by the Superannuation Act, a copy of which I enclose. But, to Officers of less than Ten years' service, Pensions equal to one Fourth only of their Emoluments can be allowed.

No claim can be admitted for compensation for the loss of an Office, if the person holding it is discharging the duties of any other Civil situation for which a separate remuneration is received. In such cases, the utmost indulgence, which can be shewn, is to give a notice of six months before the reduction is effected.

Having thus stated to you the principles on which His Majesty's Government have determined that reductions of Establishment are to be carried into effect, I will proceed to notice, in their order, the various recommendations of the Commissioners, as contained in the Report* and in the Appendix:

1st. The first subject, to which they have adverted, is the advantage of adhering to the principle of remunerating every individual employed in the public service by a fixed payment in money to the exclusion of Houses and every other emolument whatever.

Officials to receive fixed salaries only.

In this recommendation I entirely concur; and it has, I am happy to find, been already recognised in the Instructions sent to General Darling. On this I have, therefore, only to observe that the Governor of New South Wales has at present two places of residence allowed to him. This appears to me to be unnecessary; and you will therefore give your consideration to the best means of disposing of the House hitherto kept up at Paramatta.

One government house to be abolished.

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One government
house to be
abolished.

As I am, however, informed that the Government House at Sydney is in a very bad state of repair, and that it is in a situation in which it occasions great inconvenience to the Town, while it may be sold to great advantage, you will consider yourself at liberty to retain the House at Paramatta until you shall have been able to ascertain whether I have been correctly informed; and, if this should turn out to be the case, until you can submit for my consideration what you may conceive to be the most convenient and economical plan for providing the Governor with one suitable residence.

Proposed tax
on assigned
convicts.

2nd. The next suggestion contained in the Report is that of imposing a tax upon Convicts, a subject to which I have already adverted in my Despatch to General Darling of the 23d January last. It is one which deserves the most careful considerations of yourself and the Council, as, though difficulties may no doubt be met with in carrying such a principle into effect, I am strongly convinced that that portion of the value of the labor of Convicts, which, if they were free, would be received by themselves, should belong to the Public. The great scarcity of labourers in the Colony makes the assignment of a Convict not less advantageous to a Settler than a donation of money; and it is on every account desirable that the Executive Government should not give away gratuitously that which is of so much value.

Arrears of
quit rents and
clergy and
school reserves.

3d. With respect to the Arrears of Quit-rents and the Clergy and School Reserves, I have nothing to add to the Instructions contained in my Despatches to General Darling of the 23d January and 14th February last, in which both these subjects were fully considered.

Disapproval
of land grants
on quit rent.

4th. The next observation of the Commissioners relates to the Surveyor General's Department. For the reasons already stated in my Despatches before referred to, I do not concur with them in the propriety of granting Land upon Quit-rent, a scheme which has already been fully tried and found not to answer both in the North American and Australian Colonies. In this part of the report, I do not perceive any other recommendation, which has not been either anticipated by the Instructions issued from this Department or by the measures which have since been reported to be in progress. I will therefore only remark in reference to this subject that the strength of the Surveyor General's Department was augmented for a special purpose, and that its reduction will of course take place, as soon as that purpose shall have been accomplished.

Acting upon this principle, I have not taken any measures, as you were informed in my despatch of the 26th Instant No. 24,

for filling up the Vacancies reported by General Darling in his communication of the 21st January last, No. 6.

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In addition to the half-yearly reports of the progress made in the survey of the Colony, which you are directed to send home by your general Instructions, you will take care to forward to me Maps, or tracings of the Maps, illustrative of such surveys, with the Latitude and Longitude of each place correctly laid down, in order that the Hydrographer of this Department, who is engaged in preparing a general Map of the Colony (the want of which has hitherto been seriously felt) may be able to avail himself of the information thus afforded.

Maps showing progress of survey to be submitted to England.

These Reports and Maps will enable me to judge of the progress, which may be made from time to time in the survey of the Territory, and to decide to what extent the present permanent charge of this Department can be diminished.

Fees charged on land grants.

5th. The Commissioners next observe that there are several different fees charged to the Settler at six different Offices on every Grant of land now made, and they recommend that these Fees should be consolidated and paid in one sum at one Office. I do not entirely coincide in the opinion thus expressed. It appears to me that these fees were originally imposed in order to secure a regular observance of the proper formalities in the manner of making out and registering the Patents by which Land is granted, and that this object would not be answered by the proposed consolidation. I am however of opinion that the amount of the fees should be regulated by the necessary expense of making out and registering the Patent. Should you, therefore, find upon enquiry into this subject, that the fees now charged to the Grantee exceed what is required for this purpose, you will reduce them accordingly; and, under any circumstances, their amount must not exceed that stated in the printed paper issued from this Office, viz.:

Maximum fees.

40s. to the Colonial Secretary for making out the Patent.

5s. to the Registrar of the Supreme Court for enrolling it.

2s. 6d. to the Surveyor General on his supplying the form of application.

You will signify The King's Command upon this subject to all public Officers, who are at present in the receipt of any Fees beyond those above stated, if unsanctioned by any Colonial Act; and, if so sanctioned, you will avail yourself of the earliest opportunity of signifying to the Legislative Council His Majesty's recommendation and desire that such Act should be repealed.

Amendment of system of fees.

Had the old system respecting the granting of lands been persevered in, I should have entertained serious doubts as to the propriety of abolishing the Land Board, a measure which the

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Commissioners have recommended. The future disposal of lands by sale will however supersede the duties, which the Members of the Land Board have hitherto discharged, and you will therefore discontinue their services.

Restrictions
on subordinate
settlements.

5th. I entirely agree with the Commissioners that "all subordinate Settlements, for which Civil, Ecclesiastical or Military Establishments are to be provided by the Public, should be restricted within certain limits," so far as these observations of the Commissioners apply to any Establishments, which are not kept up under special instructions from home, or to those which have been formed as places of secondary punishment for Convicts, either convicted of Offences in the Colony, or for those whose dispositions are of that turbulent nature as to render their confinement at a distance from the rest of the Community essential to the peace and tranquillity of the Colony. These penal Settlements must of course, for the present at least, be continued. At the same time, the whole system upon which they are conducted appears to me, from considerations quite independent of the expense they occasion, to require early and careful revision. I shall, therefore, be most anxious to receive from you any suggestions either for dispensing with these Establishments, or for placing them on a less objectionable footing.

Limitation
of area for
settlement.

The measure, which forms the subject of my despatch to General Darling of the 9th January last, will correspond with that part of the Commissioners' recommendation, which proposes to restrict the Settlers in their locations within a narrower limit than that to which they have heretofore been accustomed to confine themselves, as, under the present Regulations, I imagine but few persons will be desirous of purchasing land at any very considerable distance from the settled Districts; especially as much land within these Districts will be rendered available for cultivation by the sale of that, which has hitherto been retained in the hands of Government.

System of
contract to be
introduced in
public works.

Having already in the letter, which my Under Secretary addressed to General Darling, under date of the 14th December, 1830, in reference to the present system of retaining a large number of the Convict Mechanics and Artificers in the Government Service, expressed my conviction that a very considerable saving would be effected by undertaking all works of a public nature by Contract, it is not necessary that I should do more, in calling your attention to the observations of the Commissioners on the same subject, than to desire that you will lose no time (if the new system has not been commenced already by General Darling) in carrying a measure into effect, the expediency of which the evidence derived from so many quarters would seem to establish.

I am not aware that there is any other part of the Report itself, to which it will be necessary for me further to advert; and I shall therefore now proceed to examine into the recommendations of the Commissioners contained in the Appendix.

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1. The Governor and Staff.

The saving proposed by the Commissioners under this head of expense is estimated at £1,060 14s. 7d. arising from the reduction of the Governor's Staff Pay as Major General, the discontinuance of one of his Aides-de-Camp, the difference between the proposed Salary of the Assistant Military Secretary and the present Salary of the Private Secretary, and the reduction of the Salaries of two of the Clerks employed by the latter Officer, one of whom I observe, by General Darling's despatch No. 18 of the 5th February, 1831, has been transferred to the Colonial Secretary's Office.

Economies proposed in establishment of governor and staff.

This Establishment cannot be adopted without considerable modifications. The Staff-pay of a Major-General, received by your Predecessor, will be discontinued; but it has been determined that your Civil Salary as Governor instead of amounting to £4,200 a year (with the Allowances specified in the margin* to which the Commissioners have not adverted) shall be fixed at £5,000 a year, without any allowances or advantages whatever, thus occasioning a difference of about £328 between the sum recommended by the Commissioners and that which, in the opinion of His Majesty's Government, ought to be assigned to that appointment.

Civil salary for governor.

The Private Secretary will be continued, in consequence of the strong representations I have received from Colonel Arthur, from General Darling, and from yourself of the absolute necessity of such an appointment in New South Wales and Van Diemen's Land; but, by dispensing with the two Clerks whom the Commissioners propose to allow, the affording to you the assistance of a private Secretary will only occasion an additional expense of £59 15s. beyond that contemplated by the Commissioners. I am also disposed to believe (though, until the report you have been directed to make upon the state of the Staff shall have been received, I shall give no positive instructions on the subject) that the Establishment suggested by the Commissioners might be further departed from with advantage by appointing a Staff Surgeon instead of an Assistant Staff Surgeon. The pay of the former would exceed that of the latter by 6s. 6d. a day; but it is conceived that this increase of expense would be more than made up by the advantage of having an Officer, whose rank will

Approval of appointment of private secretary.

Proposed staff surgeon.

* *Marginal note.*—Provisions, £78 14s.; forage, £328 10s.; coal and candles, £64 13s.—£471 17s.

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enable him to exercise a control over the whole medical Establishment in the Colony, the Director General of the Army Medical Board having expressed an opinion that such a superintending authority is required.

2. Colonial Secretary.

Establishment
proposed for
colonial
secretary.

According to the establishment proposed by the Commissioners to be adopted in this Department, a saving will take place to the amount of £1,375 arising from a reduction in the Salary of the Colonial Secretary and of the number of Clerks employed.

Abolition
of official
residence for
A. Macleay.

On this subject, I have only to refer to the observations contained in the former part of this Despatch. The Salary attached to the Office of Colonial Secretary will be reduced when a Vacancy shall occur. In the mean time, you will inform Mr. McLeay that, although his Salary will be continued at its present rate, it will no longer be in my power to continue to him the advantage of a residence, which he therefore must be called upon immediately to relinquish; and I regret that I cannot authorise any allowance in lieu of the accommodation of which he will thus lose the advantage. On referring to General Darling's Despatch of the 14th May, 1828, I observe a proposal for appropriating the house occupied by Mr. McLeay as an Office for conducting the business of that gentleman's Department, whenever circumstances should place this Building at the disposal of the Government. You will carry the arrangement then contemplated into effect, as soon as Mr. McLeay is able to provide himself with another residence. In consequence of the strong opinion expressed by General Darling in many of his despatches, and particularly in his letter to Mr. Hay, dated 30th September, 1830, in reference to the present establishment of Clerks in the Colonial Secretary's Office, which, instead of being larger than is necessary, is stated to be inadequate to the business which has to be transacted, I do not feel myself justified in directing its reduction to the scale recommended by the Commissioners. The alteration however in the land granting system, and the reduction of the number of Convicts retained in the hands of Government, will relieve the Colonial Secretary from a great portion of the correspondence before imposed upon him; and I should wish you to give your attention to this circumstance in determining whether the continuance of a larger establishment, than is recommended by the Commissioners, is indispensable, the only ground which will be deemed sufficient for keeping it up to its present strength.

Clerks employed
by colonial
secretary.

3. Surveyor General's Department.

I have little to add upon the subject of this Department, to what is stated at the commencement of this Despatch. The

Commissioners for apportioning the Colony were ordered to be reduced by Sir Geo. Murray's Despatch of 6th May, 1830, and the Land Board, for which there will no longer be any occasion by the new arrangements respecting land, will also be abolished by the directions which I have already given. In the meantime, I shall not object to the Salary of £130 a year, which General Darling reports, in his despatch No. 18 of 5th Feby. last, to have assigned to the person whom he has found it necessary to engage as Clerk to the Board.

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Abolition of
land board.

The present rates of Salaries, received by the Officers of this Department, do not appear to have called for any observations from the Commissioners; and it is not therefore my intention to make any alterations, for the present at least, in the scale fixed for their remuneration. The house, occupied by the Predecessor of the present Surveyor General, appears to have been appropriated to the accommodation of certain Public Offices, and an allowance of £1,000 per Annum assigned to him as Salary, including House Rent and all other advantages. You will, however, consider whether a prospective reduction in the Salary of the Surveyor General is practicable, and whether the sum, at which it was fixed by Lord Bathurst's despatch of 6th Decr., 1826, is sufficient for the remuneration of the person appointed to discharge the duties of this situation. Whilst adverting to this Department, I think the occasion a favorable one for calling your attention to the manner in which the several exploring Expeditions have been lately undertaken. The arrangements, connected with these Expeditions, more properly belong to the Officer in charge of the Surveyor General's Department. If his other duties do not admit of his accomplishing such objects himself, he should at least be the person to manage, under your direction, all the details with the means which his Department may afford. A very considerable expense would, I am satisfied, be saved in this manner, and a field would thus be open to the Assistant Surveyors, not only for distinguishing themselves in the line of their profession, but for rendering their discoveries of greater practical advantage to the Colony.

Salaries in
department
of surveyor-
general.

Salary of
surveyor-
general.

Instructions re
exploration.

These observations are by no means intended as any disparagement of the exertions and ability, which Captain Sturt has displayed in the late important discoveries which he has made from the Mirumbidgee River on the South Eastern part of the Colony to Encounter Bay on the Southern Coast.

4. Colonial Treasurers; Auditor; Customs.

The Commissioners state that they are not prepared to propose any other alteration in these Departments than an addition of one Clerk to the Treasurer's Department, in consequence of the

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Abolition of
office of
collector of
internal
revenue.

transfer to that Office of the duties of Collector of Internal Revenue, which latter situation they propose should be done away with. By this arrangement, a saving to the Public would result amounting to £486. Upon an examination of the correspondence in this Department relating to New South Wales, I find that the Office of Collector of Internal Revenues was established in the year 1827 on General Darling's representation of the necessity of relieving the Department of the Surveyor General from that branch of duty, and that the Officer, who now holds the situation of Collector, was sent specially from England to fill that appointment. It may be necessary to continue this Officer in his present situation until some arrangement shall be effected with respect to the arrears of Quit-rents, which are due to the Government; but, when this shall be accomplished, the proposed reduction must take place; and you will unite the duties which are now discharged by Mr. Macpherson, to those performed by the Colonial Treasurer, to whom you will afford the aid of an additional Clerk, as proposed in the report, to enable him the better to meet the extra business which will be thrown upon him.

5. Post Office; Distilleries; Slaughter-house.

The only saving, which the Commissioners propose in these Departments (the Superintendent of the Government Slaughter-house having been already discontinued), is a reduction of £100 per Annum in the Salaries of the Post Master and Surveyor of Distilleries. In this recommendation I concur. With respect to the Post Office, I learn, from General Darling's despatch No. 18 of 5 Feby. last, that it was found necessary, on the retirement of the Clerk attached to that Office, to appoint two others with Salaries of £120 and £80, causing an increased expense of £30 a year. If you should be of opinion that the services of these Clerks are absolutely required, and that their Salaries are not open to reduction, I should be unwilling to disturb their appointments; but, if it be possible to effect a further saving by diminishing the number of Clerks employed not only in the Post Office but in the Department of the Surveyor of Distilleries, you will not fail to do so from the 1st Jany., 1832.

6. Department of Public Works; Roads and Bridges; Mineral Surveyor.

According to the arrangements proposed by the Commissioners for executing the duties of the above Offices, a saving to the amount of £1,175 15s. will, as they suppose, be produced.

I am happy to find, by the measure adopted by Sir George Murray in his despatch of 26th May, 1829, No. 114, so much of

Reduction in
salaries of
postmaster
and surveyor
of distilleries.

Reductions in
departments of
public works
and of roads
and bridges.

the recommendation of the Commissioners as relates to the discontinuance of the Department of Surveyor of Roads and Bridges and the transfer of its duties to that of the Surveyor General has been anticipated. I am of opinion that it would be equally desirable to carry into effect the other reductions which they propose, particularly as, by the assignment of the Government Convicts and the erection of all Public Works by Contract, there would appear to be no further use for the several Officers, whose services it has been necessary, under the former system, to retain for purposes of direction and superintendence. You will, therefore, make such reduction in this Department as you may find to be practicable, only retaining the services of a sufficient number of persons to superintend the operations of Contractors engaged in Public Works and to secure their adherence to the terms of their Engagements.

1831.
29 Sept.

Reductions in departments of public works and of roads and bridges.

7. Judicial Establishment; Law Officers.

Although the Commissioners state that they are not prepared to propose any alterations in these Establishments, I cannot pass over, wholly without observation, this part of their Report, perceiving that the Chief Justice has a house provided for him at the public expense. I see no reason for granting to him an advantage, which does not appear to be enjoyed by either of the Puisne Judges, and which I have directed to be discontinued in the case of the Colonial Secretary. You will, therefore, intimate to the Chief Judge that, from the 1st July, 1832, he will be required to give up the House, which he at present occupies, for the purpose of its being applied to the accommodation of the Executive and Legislative Councils and of the Audit Office, according to the arrangement proposed in General Darling's despatch of the 14th May, 1828. On reference to a correspondence, which took place between General Darling and the Chief Justice in the year 1828, when the question connected with the provisional appointment of Registrar of the Supreme Court was discussed, I observe an opinion expressed by the Chief Justice that the duties of that Office might be provided for in a way more economical than that by which they are at present performed. If such an arrangement be practicable, you will not fail to carry it into effect.

Withdrawal of official residence from F. Forbes.

Proposed abolition of office of registrar of supreme court.

With respect to the Office of Master in Chancery, you will receive a separate communication by the present opportunity.

The Salary of the Attorney General, as General Darling was informed by Sir Geo. Murray's despatch of the 23d July, 1830, No. 66, has been reduced from £1,400 to £1,200 per Annum.

Reduction in salary of attorney-general.

1831.

29 Sept.

Reduction in
office of
sheriff.

8. Department of Sheriff.

In the Office of Sheriff, I consider a reduction of £200 a year practicable, and it will be hereafter effected on the principle I have already laid down.

9. Miscellaneous Establishments.

The Commissioners propose no alteration in these Establishments, and I am aware of none which is required, as, although the general subject of Colonial Agencies requires investigation, the duties attached to the situation of Agent for the Australian Colonies are of such an important character, that I do not anticipate that any saving of expense will be practicable by the reduction of that Officer's Salary.

Maintenance
of colonial
agencies.

10. Convict and Agricultural Establishments.

Since the Returns were received which have formed the basis of the Commissioners' observations, several alterations, as explained in General Darling's despatches, have apparently been adopted, and the agricultural establishments have, I am aware, undergone considerable reduction.

Abolition of
agricultural
establishments
at Emu plains
and Moreton
bay.

On referring however to one of General Darling's late despatches upon this subject, I perceive that there are still two farms, exclusive of those kept up at the Penal Settlements of Port Macquarie and Norfolk Island, maintained by the Colonial Government, viz.: Emu Plains, Moreton Bay.

I have therefore to desire that you will immediately carry into effect the wishes, so often expressed by my Predecessors in Office upon this subject, by reducing, after the 1st July, 1832, every Establishment of this nature, with the exception of those at the two Penal Settlements above-mentioned, putting up to sale the land of which these Farms are composed, according to the Instructions which have lately been communicated to you.

Salary of
superintendent
of carters'
barracks.

The augmentation of the Salary of the Superintendent of Carters' Barracks from £127 15s. to £150 per annum (reported in General Darling's despatch No. 18 of 5th Feby., 1831) I have no objection to sanction, should you be of opinion that the above Officer was not adequately remunerated before, or that the effect of the late arrangement for the assignment of the Convicts, hitherto employed in the service of Government on the Public Works, will not have so far reduced his duties as to do away with the grounds on which this augmentation of his Salary has been recommended.

11. Convict Establishments at Penal Settlements.

The only expense, which, as it seems to me, can be dispensed with at either of these Settlements, is that incurred on account of the Salary of the Superintendent of Sugar Plantations at Port Macquarie. I am aware that the Climate at this particular spot

Establishments
at penal
settlements.

is peculiarly adapted to the growth of the Sugar Cane, and that it has been considered an object worthy the attention of Government to undertake experiments with a view to augment the productions of the Colony. But, in the present state of the Sugar market, I consider the policy of the measure very questionable even if the expense was less a subject for consideration; and you will therefore immediately break up any Establishment which may have been formed with this object. The Settlements at Melville Island and Fort Wellington, although included in the Establishments as noticed by the Commissioners, have been already withdrawn, and an annual saving has thereby resulted to the Public of £761, exclusive of the expense which will be avoided of keeping up a constant communication, by means of Colonial Vessels, between those Settlements and Sydney.

1831.
29 Sept.
Abolition of cultivation of sugar-cane.

Withdrawal of settlements at Melville island and Fort Wellington.

12. Police Establishments.

No alterations appear to be suggested by the Commissioners in this Department. But I trust that the investigation, which General Darling reports, in his Despatch No. 36 of 12 April last, that he has instituted into the state of the Constabulary and Police with a view to their revision, will shew that those Establishments admit of being reduced with safety to the Colony. On reference to General Darling's despatch of the 14th May, 1828, No. 74, I observe that it is there recommended that the House occupied by the Principal Superintendent of Police should be sold and an allowance of £100 a year granted to him in lieu of it. You will therefore carry that measure into effect as soon as may be practicable.

Proposed reductions in police establishments.

13. Mounted Police.

I should hesitate in at once adopting the recommendation of the Commissioners in respect to this Establishment, as the recent communications from General Darling lead me to fear that the Force now stationed in the Colony is already insufficient for the protection of the Settlers, and that, if the number of Convicts should go on increasing, a considerable addition to it may be required.

Necessity for maintenance of mounted police.

14. Gaol Establishment and Hulk.

The Commissioners propose a saving in this Establishment by the reduction of the Salary of the principal Gaoler from £300 per Annum (including an allowance of £50 for a House) to £200 per Annum. This arrangement would reduce the emoluments of the principal Gaoler to a scale very little higher than that of the Deputy Gaoler, who is provided with apartments in the Prison, and would therefore be objectionable, if it be necessary to have, in addition to the person who resides in the Prison, an

Gaol establishment.

1831.
29 Sept.

Officer of a superior class to preside over the whole Establishment, the difference between the two Salaries, if the scale recommended by the Commissioners be adopted, being insufficient to secure the object desired. There does not appear, however, any necessity for the employment of *two* persons in addition to the several Turn-keys; and you will, therefore, abolish one of these appointments, requiring the person, who may be retained in charge of the Prison, to reside within its walls. In that case, I am not prepared to direct any reduction in the Salary of the person whose services may be continued.

Abolition
of office of
principal
gaoler.

15. Medical Establishment.

The only observations, which this Establishment appear to have called forth from the Commissioners, relate to the Houses which the Medical Officers are reported to occupy, and which, as they presume, are merely such Military Quarters as they would be entitled to according to their Rank. If this be as the Commissioners suppose, I should not be disposed to debar them from retaining this advantage in addition to their fixed pay; but, if the accommodation enjoyed by them is of a nature to entail upon the Public an expense exceeding that which ordinary Quarters would occasion, you will of course make some alteration with a view of meeting the recommendation contained in this part of the Commissioners' Report. I am of opinion that a Salary at the rate of £600 per annum, exclusive of any other advantages, will be sufficient remuneration for the principal Surgeon, whose present emoluments will hereafter be reduced to that amount.

Houses occupied
by medical
officers.

Salary for
principal
surgeon.

16. Establishments for the Dock Yard and Harbour.

A reduction of £100 a year in the Salary of the Master Attendant and Harbour Master is the only alteration, which the Commissioners suggest in this Department. This reduction I think may be effected, in addition to the diminution of expense already effected by General Darling (to the amount of £118 5s.) by the discontinuance of the Office of Storekeeper, as reported in his Despatch No. 18 of 5th Feby. last.

Reduction
in salary of
harbour-master.

17. Colonial Marine.

At the time the Commissioners drew up their report, there were no less than six Colonial Vessels maintained by the Public, the expense of five of which, for the pay alone of the Officers and Men, appears to have amounted to the annual sum of £3,119 15s. On referring, however, to General Darling's Despatch of 19th January, 1831, I find that, of these Vessels, two have been wrecked, and that, on the completion of the service in which the "Lucy Ann" was then engaged, it was his intention to dispose by sale of another; so that, by the time this Despatch shall

Former cost
of maintenance
of colonial
vessels.

reach the Colony, there will probably be but three Vessels maintained for the service of the Government. I am aware of the necessity, which exists of keeping up frequent communication by Sea with the several Penal Settlements and others situated at a distance from Sydney, with the view of supplying them with Provisions and other necessaries which cannot otherwise be obtained. It appears however to His Majesty's Government that the services, which these Vessels perform, might be equally well done and at a much cheaper rate, by the employment of private Vessels in freight, and that, in this matter, the expense now incurred under the Head of "Colonial Marine" might be materially reduced, as well as that which the same system occasions under the head of "Dockyard." Until I shall have received a report from you, in reference to the above opinion, I shall abstain from directing any further reduction of the Vessels in question. But I must observe that of course this expense will be borne in mind in considering the propriety of continuing the Penal Settlements on their present footing. I am, &c.,

1831.
29 Sept.

Proposed
freighting of
private vessels.

GODERICH.

[Enclosure.]

[*This was a copy of the statute, 3 Geo. IV, c. cxiii.*]

VISCOUNT HOWICK TO GOVERNOR BOURKE.

(Per ship Asia.)

LORD HOWICK presents his Compliments to Major General Bourke and is directed by Viscount Goderich to request that a few copies of the New South Wales Almanac published in the Colony may be annually transmitted to this Department.

30 Sept.

Request for
copies of *New
South Wales
Almanac.*

Downing Street, 30 Sept., 1831.

GOVERNOR DARLING TO VISCOUNT GODERICH.

(Despatch No. 83, per ship Renown.)

My Lord,

Government House, 1st October, 1831.

1 Oct.

I have the honor to transmit to Your Lordship, in obedience to the directions contained in Your Lordship's Despatch dated the 30th December last, No. 8, a Letter from the Registrar of the Supreme Court, with an Abstract of the Intestate Estates Committed to his care, and to acquaint Your Lordship that the Registrar has been instructed to make up in future a similar Return Quarterly for the purpose required by Your Lordship's Despatch.

Transmission
of quarterly
return of
intestate
estates.

I have, &c.,

[Enclosure.]

RA. DARLING.

[*This return contained the details of twenty-seven intestate estates.*]

1831.
1 Oct.

GOVERNOR DARLING TO VISCOUNT HOWICK.

(Despatch per ship Renown; acknowledged by Viscount Goderich, 6th April, 1832.)

My Lord, Government House, 1st October, 1831.

Supply of flax
available at
Norfolk island.

I have the honor to acquaint Your Lordship, in reference to my Letter of the 10th of last Month, that I have just seen Captain Sturt, who has recently returned from Norfolk Island, who informs me that the Flax Plant, the same as that which grows at New Zealand, may be procured in any quantity at the former place. As, in the present State of Europe, it may be of importance that His Majesty's Government should have the means of obtaining Flax without difficulty, and as it appears it may be procured from Norfolk Island at a very Moderate Cost, in fact for the Expense of dressing it, I have directed that steps be immediately taken to engage persons, if any Can be found, who Understand the process, or to induce Some of the Natives of New Zealand to go to Norfolk Island for a time, so as to afford the Prisoners and any other persons, who may be desirous of being instructed, an opportunity of acquiring the necessary information as to the mode of preparing the Flax.

Your Lordship will be able to judge whether it may be advisable to send out any Persons qualified for the Undertaking.

I have, &c.,

RA. DARLING.

GOVERNOR DARLING TO VISCOUNT GODERICH.

(Despatch No. 84, per ship Renown; acknowledged by Viscount Goderich, 3rd July, 1832.)

3 Oct.

My Lord, Government House, 3rd October, 1831.

Regulations
re rations
for convicts.

Having referred to a Board the Several Communications addressed to me from Your Lordship's Office, as stated in the Margin,* respecting the Scale of Rations issued to Convicts, and having Subsequently taken the Report of the Board into Consideration in Council, I now do myself the honor to transmit to Your Lordship, Copy of the Regulations which have been established in Consequence.

2nd. I beg to observe that several of the points, alluded to in the Communications from the Treasury, had been long previously carried into effect by my own directions, Such as discontinuing the issue of Rations to the Civil Officers and their Servants, as also the allowance of Rations and Clothing to the Magistrates for four Servants each, which was ordered Soon after my taking Charge of the Government.

3rd. It appears by the Communications from the Treasury that the Comptrollers of Colonial Accounts recommended that the

* *Marginal note.*—Letter from the Secy. of State of 11th Novr., 1829; Letter from the Under Secretary of State of the 19th Feb., 1826, and 6th Jany., 1830.

Ration to Convicts should be confined to 1 one Lb. of Wheaten Bread; 8 Eight oz. of Maize Meal; 10 Ten oz. of Meat, and that a Money payment of twopence a day should be granted in lieu of any other Article.

1831.
3 Oct.

Regulations
re rations
for convicts.

4th. It will be seen that the Ration fixed in Council No. 1 Consists of 1½ lb. Wheaten Bread; 8 Oz. Maize Meal; 1 lb. of Meat; ½ oz. Salt; 1 oz. Sugar; 2 oz. Soap per Week; and that no Money allowance is granted, except in very particular Cases, it being Considered, as well by the Council as by the Board. that such an allowance would be attended with very injurious Consequences.

5th. It may be observed that the Ration proposed by the Comptrollers, with an allowance of two pence a day to provide the Smaller Articles, would be more expensive than the established Ration, which, I beg further to observe, is much Smaller than the Ration usually given by the Settlers to their Assigned Servants.

6th. It had been the practice to allow Married Men, who reside out of Barracks with their Families, and work for their own benefit on Fridays and Saturdays, Rations for the whole week. This has now been discontinued, and no Man is permitted to draw Rations except for the days which he is actually employed by the Government.

7th. The Ledgers as they are termed, adopted on the recommendation of Mr. Maddox of the Accounts Branch of the Commissariat, having been found totally useless, have been discontinued. They had in fact become a dead Letter, as the Convict Overseers having Charge of the Road Parties were unable to keep them, nor could they have been kept in a manner to have rendered them useful, but by the employment of efficient Clerks with the Several Parties.

Abolition of
"ledger"
system in
accounts
branch.

8th. I beg to observe that one of the Principal objects I have had in view, Considering it the best means of simplifying the public accounts, has been to reduce the Scale of Rations to the Smallest Number of which Circumstances permit.

9th. There are now Seven distinct Rations, which provide for all Classes and descriptions of Persons, Men, Women, and Children, in every Situation in which they are liable to be placed. When the Nature and Circumstances of the Colony are Considered, it will be seen that that Number does not admit of any reduction. The Money allowance would no doubt have had the effect of still further Simplifying the arrangement, had Circumstances permitted of its adoption as a general measure; But there are many Situations in which the Convicts are employed, where Money would be totally useless; and, even where they

Number of
rations
provided.

1831.
3 Oct.

might have an opportunity of disposing of it in a beneficial manner, there can be no doubt, from the Character of those people, that the greater Number would expend it in the purchase of Spirits.

Care in
adoption of
system.

10th. I beg in Conclusion to assure Your Lordship that the whole matter has Undergone the most Careful revision and Consideration, and that I believe the present arrangements as perfect as Circumstances permit.

I have, &c.,

RA. DARLING.

[Enclosure.]

[A copy of these regulations will be found in a volume in series II.]

GOVERNOR DARLING TO VISCOUNT GODERICH.

(Despatch marked "Separate," per ship Renown.)

My Lord,

Government House, 3rd October, 1831.

Delay in report
re expected
arrival of
R. Bourke.

I have waited, tho' not without some degree of impatience, for the fulfilment of the promise conveyed to me in Your Lordship's Despatch of the 15th March last, that I should be informed in due time of the period at which my Successor might be expected to reach the Colony. As I have not yet been informed by Your Lordship of Major General Bourke's Appointment, though he appears to have taken his Passage in a Ship, which was to sail early in the month of July and may therefore be shortly expected (a Vessel having just now arrived, after a passage of three months and three days) I have been under the necessity, rather than delay my departure until his arrival, to engage accomodation for myself and family in a Ship which proceeds by the circuitous route of China, and will leave this about the 20th of the present month.

Passage taken
by R. Darling.

Your Lordship seems to have supposed, by the observation in the concluding Paragraph of the Despatch above alluded to, that the close of my Administration might possibly be attended with some embarrassment. The only molestation, I have to apprehend, is from Mr. Wentworth and Mr. Mackaness. Without at all meaning to boast of the indifference with which I have heard of the menaces of these men, still, considering the Station I have filled in this Colony, it appears desirable to avoid the embarrassment, which would be occasioned by any attempt on their part to carry their threats into execution. I am, therefore, reduced by Your Lordship's Proceedings to the painful alternative of embarking Mrs. Darling at the risk of her Life, as, were I to remain here until after her Confinement, which is expected to take place in November, it would be impossible to remove her with any degree of safety in less than 3 or 4 months subsequent to that

Molestation
expected
from W. C.
Wentworth and
J. Mackaness.

Pregnancy of
Mrs. Darling.

event; her sufferings having on all similar occasions been extreme, though on Shore she of course had every accomodation which her Situation could require. But, my Lord, God's will be done.

1831.
3 Oct.

It must be unnecessary to say any thing of Mr. Wentworth to prove the malignity of his mind. As to Mr. Mackaness, it will be sufficient to refer to Your Lordship's Despatch of the 16th July, 1827, No. 31, to shew that his removal from the Office of Sheriff was suggested if not immediately ordered by Your Lordship.

Opposition
of W. C.
Wentworth and
J. Mackaness.

Having taken the liberty of pointing out to Your Lordship, in my letter of the 26th July last, the use which Mr. Hall would make of my recall, I now do myself the honor to enclose the Monitor of the 1st inst. in which Your Lordship will perceive (Page 2, Columns 2 and 3) a Statement* (which I have reason to believe is correct) that Mr. Hume has written to the Editor to the effect that my Removal is in consequence of his *private* Representations to Your Lordship, and ascribing to Mr. Hall the merit of having led to that event by his perseverance in exposing my misrule.

Statement
by E. S. Hall
re recall of
R. Darling.

It is impossible to suppose, my Lord, that the Administration, of which Your Lordship is a Member, could have been intimidated by Mr. Hume, or that I have been offered as a Sacrifice to appease or conciliate him. Nor can I persuade myself, after the assurance conveyed in Your Lordship's Despatch, that the efforts which had been made to establish Charges against my Administration had entirely failed, and that Your Lordship considered me free from the blame imputed to me, that any private appeal, on the part of Mr. Hume, could have induced Your Lordship to resort to the measure which has occasioned the Letter quoted in the Monitor, in which my Administration is so grossly misrepresented.

As to the credit due to Mr. Hume's assertions, other more suitable occasions will arrive of bringing it to the test. But I cannot close this communication without warning Your Lordship that the measures, consequent on Mr. Hall's proceedings, must be attended with the most fatal consequences. Any one who looks at the enclosed Paper will see that his triumph is complete, and no Governor, who would not discharge his duty at the risk of his Office, can henceforth dare to oppose him. If this Settlement, my Lord, is worth retaining, I conjure you to reflect maturely on the course which has been pursued, as Your Lordship may find, when too late, which God forbid, that, in the endeavour to conciliate Messrs. Hume and Hall, the ruin of this Colony has not been the only consequence, but that a foundation

Possible effects
of recall of
R. Darling.

1831.
3 Oct.

Reason alleged
for non-removal
of A. Macleay.

has been laid, which will ultimately lead to the destruction of every Colonial Government in the British Dominions.

I would, in conclusion, take the liberty of requesting Your Lordship's particular attention to the observation in the enclosed Paper respecting Mr. McLeay, the Colonial Secretary. It intimates that that Gentleman has not been removed, "Because the same earnest Appeal was not made against *him* which was made against the General." These are Mr. Hall's own words. As he has now ascertained that his Appeals, through his Co-adjutor Mr. Hume, are not made in vain to Your Lordship, it may be asked what honest Public Officer will be safe in New South Wales? Your Lordship has disgraced me in the very face of the people whom I have now governed for nearly six Years. There was little chance of any one being deceived by the application of Mr. Huskisson's convenient rule* to my Case; it will at any rate be seen that Mr. Hall has taken care to prevent it.

Effects of
recall of
R. Darling.

I can indeed hardly persuade myself that Your Lordship could have been aware of the ruinous consequences to my public reputation and private Character of the measure, which as it now appears, Mr. Hume has prevailed on Your Lordship to adopt with respect to me. Had Your Lordship reflected but for a moment, You would have seen that, by dismissing me from this Government, You at once stamped with the Authority of Your Lordship's name, as a Minister of the Crown, the gross Calumnies which Mr. Hall had published against me in the Colony and which were repeated and exaggerated by Mr. Hume in the House of Commons last Year, and circulated by Mr. Hall's other Agents throughout England. It is only doing justice to Your Lordship's Character to believe, if you have perused the Statement which I forwarded to Sir George Murray in the month of December last, that you will regret having acted under the influence of Mr. Hume. But Your Lordship will now be better prepared when he shall require another Victim, and will perhaps pause before you again consent to gratify him. Depend on it, my Lord, that Messrs. Hume and Hall, having now ascertained their power, will compel you sooner or later to make a stand. The sooner Your Lordship does so, the better will you consult the true interests of the Mother Country and her Colonies.

I have, &c.,
RA. DARLING.

[Enclosure.]

[*This was a copy of the issue of the "Monitor," dated 1st October, 1831.*]

VISCOUNT GODERICH TO GOVERNOR BOURKE.
(Despatch No. 28, per ship Pyramus.)

1831.
10 Oct.

Sir, Downing Street, 10th October, 1831.

With reference to my despatch of the 24th Ultimo No. 22, respecting the removal of Mr. McDowell from the office of Solicitor General of New South Wales, I have the honor to acquaint you that His Majesty has been pleased to appoint Mr. John Plunket to succeed that Gentleman. I am, &c.,

Appointment
of J. Plunket
as solicitor-
general.

GODERICH.

GOVERNOR DARLING TO VISCOUNT GODERICH.
(Despatch No. 87, per ship Australia; acknowledged by
Viscount Goderich, 12th May, 1832.)

My Lord, Government House, 10th October, 1831.

I have the Honor to transmit, for Your information and approval, the accompanying Abstract of Expenses which have been incurred in Carrying on the Legal Business of the Government.

Abstract of
expenses on
legal business.

I can only repeat the Expression of my regret in having been under the necessity of bringing Applications of this nature so frequently under the Consideration of Your Lordship's Department.

The Cause of it is so fully Explained in the Despatches, which I had the honor of addressing to Your Lordship in the month of June last, Nos. 53 and 55, that I shall not take up Your Lordship's time by repeating it in this place. It may, however, be proper to point out, that the Expenses have been Considerably increased by the resignation of Mr. Baxter the late Attorney General, whose Salary, however, has been saved and may be Considered as a set off against some of the Expenses now brought forward.

Cause of
expenditure.

2nd. It is my duty to Explain the circumstance, which led to the Three Actions brought by England, Coombes and Mackay against the Sheriff, and the actions by the same Parties against Captain Sandilands of His Majesty's Sloop Comet, the Expenses of which altogether amount to no less a Sum than £1,137 15s. 6d. I alluded incidentally to these cases in the Despatch, which I had the honor to address to Sir G. Murray on the 2nd of February last, No. 16, in which the facts are briefly stated.

Actions brought
by suspected
escapees from
Swan river.

Lieutt. Governor Stirling forwarded the Three Men in question by the Comet, supposing them to be runaway Convicts either from this Colony or Van Diemen's Land, having, as he informed me, committed a Felony at Swan River, for which however they could not be brought to Trial there, as the Charter of Justice had not then been received. On the arrival of the

1831.
10 Oct.

Actions brought
by suspected
escapees from
Swan river.

Comet, these Men were received as matter of course by the Sheriff, and not a moment was lost in endeavouring to ascertain whether they had absconded from this Place.

They immediately commenced Proceedings against the Sheriff for having detained them; and, though the fact of their being Free was so doubtful as to render it Expedient to commit them, until it could be satisfactorily ascertained, the Jury pronounced a Verdict for the Plaintiffs, with damages in two cases to the amount of £200 each. The same Parties then commenced Actions against Captain Sandilands, who, having acted for the good of the Public Service, I felt it my duty to assist, more especially as he was proceeding at the moment to Pitcairns Island, under the orders of His Majesty's Government, to remove its Inhabitants to Otaheite, which would have been interrupted to the inconvenience of the Service, had I declined to interfere, as the Expedition was then ready to proceed to Sea.

The Expenses in these last Three Cases, which form a part of the Sum above mentioned, amounted to £459 14s. 6d.

Your Lordship will determine whether, under the Circumstances stated, this Government should not be relieved from the Expenses attending these Proceedings, and the amount be reimbursed by the Government of Swan River. As the Colonial Revenue cannot be charged with it, I have directed that it be paid from the Military Chest, as the most convenient mode of having it transferred to the accounts of Swan River.

Actions brought
by and against
F. Girard.

3. It will be observed that there are two cases in which *Girard* is concerned. In the first, which was defended by Mr. Moore, the Crown Solicitor, Girard was Plaintiff and obtained Damages with costs to the amount of £157 11s. 10d. This was occasioned entirely by Mr. Moore's negligence, who, though the proceeding for which Girard sought redress, was adopted on the advise of the Attorney General, took no one step to prove the right of the Crown to the Land* which Girard had taken possession of, not merely without authority, but which he persisted in retaining, though repeatedly required to surrender it. Mr. Moore's conduct is clearly shewn by the result of the second trial. In consequence of the first, a prosecution was commenced by the Government against *Girard* himself, the conduct of which was not intrusted to Mr. Moore, and the Defendent, as matter of course, was Cast.

Objections to
employment of
W. H. Moore.

I have long Endeavoured to relieve the Government of the Expense of Employing the Crown Solicitor, but without effect; As I am now no longer personally interested, my representations may perhaps be attended to. I feel it a duty, which I owe to the station I have filled, and to my Successor, again to state my opinion that Mr. Moore, from his principles, his connexions and

* Note 119.

the notorious indolence of his character, is unfit for Employment under the Government.

1831.
10 Oct.

4th. It will be perceived that several attempts have been made to oblige the Editors of the Monitor and Australian News Papers to Enter into recognizances, required by the local Ordinance,* which is similar to the Law of England.

Inability
to obtain
recognizances
from editors.

The two first were abandoned in consequence of the Pardon granted to Hall on the King's Accession.

It was then expected that he would conform to the Law. As he did not do so, after that act of lenity, the subsequent proceedings cannot be attributed to the Arbitrary disposition of the Colonial Govt. But I gave up the matter on the receipt of Your Lordship's Despatch of the 6th of January last, No. 10, to which I replied on the 20th July, knowing that, unsupported by Your Lordship's authority, any attempt on my part to Enforce the Laws would be fruitless. The Example which this case furnishes is not undeserving Your Lordship's attention.

5. I shall not trouble Your Lordship with any further remark on the Enclosed Abstract, Except in the case of "the King versus Stewart."

Prosecution of
Stewart for
participation
in massacre
of Maoris.

Stewart was the Master of the Elizabeth, whose inhuman and atrocious Conduct at New Zealand has been reported to Your Lordship, and cannot easily be forgotten. The case was put into Mr. Moore's hands, as Your Lordship will perceive by the Minute of Council, transmitted with my Despatch of the 13th April last, No. 37, and, though repeatedly urged to proceed, he delayed doing so until the Witnesses for the Prosecution and others, implicated in the transaction which took place at New Zealand, had effected their escape from the Colony. If I am correctly informed, Mr. Moore was in possession of a Bench Warrant for taking all the Parties concerned into Custody, on a Saturday (the date is not important) which he was urged to have immediately carried into effect. It was not, however, put in possession of the Police, until the Monday following, the Parties and Witnesses having, in the meantime, all disappeared, with the Exception of Stewart, the Master, who was bound under recognizances to stand his trial. The trial was, in consequence of the absence of the Witnesses, abandoned for the time, and it has been stated to the Colonial Secretary by Lieutenant Macdonnell, Royal Navy, Commanding the Ship, Sir G. Murray, that Stewart himself has just now left the Colony, as advised by *Mr. Wentworth*; the circumstances attending the Murder of Marrannui being much more horrible than were at first reported.

I have, &c.,

RA. DARLING.

* Note 120.

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10 Oct.
Abstract of
expenditure on
legal business.

[Enclosure.]

ABSTRACT of Law Expenses authorised to be paid by His Excellency The Governor, since the 1st March, 1829, up to the present date with the exception of those for the recovery of Debts due to the Crown.

Nature of the Action.	Name of the Case.	When Tried.	Counsel.		Verdict for.	Costs.		Damages.	Total.
			Plaintiffs.	Defendants.		Plaintiffs.	Defendants.		
Actions against Public Officers.	Raine versus Busby— Plaintiff's Gig having been overturned in con- sequence of a Mound of Earth, which had been excavated from a Public Well.	3rd Term 1829.	Moore & Moore.	Crown Law Officers.	Plaintiff.	£ s. d. 20 8 10	£ s. d.	£ s. d. 15 0 0	£ s. d. 35 8 10
	Hogan versus Hely and Lackey— For False Imprisonment.	1st Term 1831.	Keith.	Chambers.	Defendant.	.....	69 19 6	.....	69 19 6
	Girard versus White and others— For a Trespass.	1st Term 1831.	Wentworth & Keith.	Moore.	Plaintiff.	57 11 10	.....	60 0 0	117 11 10
Actions brought by men sent from Swan River supposed to be Runaway Con- victs.	England versus Macquid and another.	1st Term 1831.	Foster & Rowe.	Chambers.	Plaintiff.	50 17 2	89 13 10	20 0 0	160 11 0.
	Coombs versus same	do	do	Moore.	do	56 2 6	.....	200 0 0	256 2 6
	Mackay versus same	do	do	do	do	56 2 6	5 5 0	200 0 0	261 7 6
	England versus Sandlands	do	do	do	Chambers.	53 14 2	90 11 6	1	144 5 8½
	Coombs versus same	do	do	do	do	53 14 2	90 0 0	1	143 14 2½
Mackay versus same	do	do	do	do	54 15 2	81 19 6	35 0 0	171 14 8	

[Enclosure]—continued.
 ABSTRACT of Law Expenses authorised to be paid, etc.—(continued).

Nature of the Action.	Name of the Case.	When Tried.	Counsel.		Verdict for.	Costs.		Damages.	Total.
			Plaintiffs.	Defendants.		Plaintiffs.	Defendants.		
Prosecution for Label.	Hely versus Hall	1st Term 1830.	Wardell.	.....	Plaintiff.	£ s. d. 55 13 0	£ s. d.	£ s. d. 55 13 0
	The King versus Paine ...	2nd Term 1831.	Therry.	.....	.....	31 15 0	.....	31 15 0
Prosecution for Encroachment and Infrusion.	Busby versus Paine	1st Term 1828 & 1829.	Moore & Moore.	.....	Non-suitcd, abandoned.	80 6 3	.....	80 6 3
	The King versus Thompson	1st Term 1831.	Chambers.	.....	.....	9 10 8	.....	9 10 8
Actions to recover Penalties incurred under Act of Council No. 11 of Geo. IV.	The King versus Girard ...	2nd Term 1831.	Chambers.	.....	Plaintiff.	52 15 8	.....	52 15 8
	The King versus Hall	1st Term, 1831.	Chambers.	.....	Abandoned.	10 17 6	.....	10 17 6
	Same	do	do	.....	do	17 11 6	.....	17 11 6
	Same	2nd Term, 1831.	do	.....	do	30 3 0	.....	30 3 0
Trials on charge of Murder.	The King versus Hayes ...	do	do	.....	Defendant.	49 8 2	.....	49 8 2
	The King versus Wright, on the prosecution of E. S. Hall.	October, 1829.	Wentworth	Norton & Rowe.	Acquitted.	.....	57 15 0	57 15 0
	The King versus Stewart.	16 May, 1831.	Moore & Therry.	Wardell.	Abandoned.	10 10 0	.....	10 10 0
Total						£1,767	1 3½		

Audit Office, Sydney, 3rd October, 1831.

W. M. LITHGOW, Auditor General.

1831.
 10 Oct.
 Abstract of expenditure on legal business.

1831.
12 Oct.

VISCOUNT GODERICH TO GOVERNOR BOURKE.
(Despatch No. 29, per ship Portland.)

Sir, Downing Street, 12th October, 1831.

Transmission
of plans for
assistance of
immigrants.

With reference to my Dispatch of the 28th September, I have now the honor of transmitting to you copies of the Report addressed to me by the Commissioners of Emigration on the subject of the encouragement to be afforded to Female Emigrants, and of the Regulations they have drawn up on that Subject. The mode of proceeding, which they propose, is so simple that I trust they will have no difficulty in carrying it into effect.

I also transmit a former Report from the Commissioners for Emigration, detailing a Plan for assisting another Class of Emigrants, which Report, having, as you will perceive by the accompanying correspondence between my Under Secretary and Mr. Stewart, received the sanction of the Lords Commissioners of the Treasury, will likewise forthwith be acted upon.

The documents themselves and the despatches, I have already addressed to yourself and to General Darling, so fully explain the views of His Majesty's Government, that I am not aware that any further observations are required. I have therefore only to inform you that I hope a first Detachment of Emigrants may arrive in the Colony not long after you receive this Communication.

I have, &c.,
GODERICH.

[Enclosure No. 1.]

COMMISSIONERS OF EMIGRATION TO VISCOUNT GODERICH.

My Lord, Colonial Office, 10th October, 1831.

Transmission
of regulations.

Having had under our Consideration by your Lordship's desire the decision of His Majesty's Government that the Revenue arising out of the sale of Crown Lands in New South Wales and Van Diemen's Land shall be appropriated to the encouragement of the Emigration of Females to those Colonies, and that the Sum of £10,000 shall be immediately applied in execution of that purpose, We have the Honour to submit herewith the Regulations under which We recommend that the intentions of His Majesty's Government on this subject should be carried into effect.

We have, &c.,
RICHMOND. F. BARING.
HOWICK. H. ELLIS.
R. W. HAY.

[Sub-enclosure.]

REGULATIONS.

Colonial Office, October, 1831.

Regulations
re assistance
for female
immigrants.

HIS MAJESTY'S Government having resolved that the Sums produced by the Sale of Land in New South Wales and Van Diemen's Land should be appropriated to the encouragement of the Emigration of Females in those Colonies, the Commissioners for Emigration have

been directed to publish the following account of the Regulations, under which this money will be applied:—

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1st. The Commissioners will contribute £8 (which it is supposed will be about one half of the total expense) towards the passage of unmarried Female Emigrants.

Regulations
re assistance
for female
immigrants.

2ndly. When Emigrants of the above description, and between the Ages of 15 and 30, are Members of Families which are about to proceed to New South Wales or Van Dieman's Land, they will, on applying to the Commissioners for Emigration, be furnished with Orders, payable in the Colony, for the above mentioned Sum of £8. This Money will be paid at the option of the Emigrants either to the Heads of their Families or to the Captains of the Ships in which they are conveyed; but it will be necessary that they should make their option before departing from this Country, as the Orders will be framed accordingly.

3rdly. Females desirous to Emigrate to New South Wales or Van Dieman's Land, and not forming part of any family proceeding to those Colonies, are required to send in an account of the particulars enumerated in the annexed Paper. If they be between the Ages of 18 and 30, and possess the Funds which would be necessary, in addition to the Sum allowed by the Commissioners, to complete the price of their Passage, they will be admitted as candidates for the Bounty of Government; as soon as a sufficient number of such Persons shall have signified their wish to Emigrate, they will be called upon to pay into the Hands of an Officer appointed for that purpose their share of the charge of the Passage, and the Commissioners will then take up a Vessel (into which no other Passengers will be admitted) for the conveyance of these Emigrants to their destination.

4thly. Should the number of applications to the Commissioners be greater than the Funds at their disposal will enable them to comply with, the preference will be given, first to Females Emigrating as described in Par. 2, in company with their Families; and next, to those who are qualified to make themselves useful as Servants in a Farmer's Family. Females, who may offer to pay a larger proportion than others of the cost of their Passage, will also be considered entitled to a preference. In the absence of all other distinctions, priority of Application will form the rule of Selection.

FORM for Females desirous of being assisted by the Commissioners For Emigration to emigrate to New South Wales and Van Diemen's Land.

Form for
use by female
immigrants.

To be filled up and returned to the Secretary to the Commissioners, under a Cover addressed to *the Secretary of State Colonial Department, London.*

Name and address of the applicant	
Age of the Applicant	
Amount which the Applicant is prepared to contribute towards the expence of Conveyance.	

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12 Oct.FORM for Females desirous of being assisted to emigrate, etc.—*contd.*Form for
use by female
immigrants.

Period at which the Applicant will be ready to embark.	
Name and Address of the Minister of the Parish in which the Applicant resides.	
Name and Address of any respectable Householder or Householders to whom the Applicant is known.	

[Enclosure No. 2.]

COMMISSIONERS OF EMIGRATION TO VISCOUNT GODERICH.

My Lord, Colonial Office, 24th September, 1831.

In reference to our Report of the 20th July last, pointing out the Reasons on account of which no Emigration can be effected at the present Season to other Places than New South Wales and Van Diemen's Land, we have the honour to inform your Lordship that we have since received many applications from Persons desirous of Emigrating to those Colonies, but that few have applied to us with the Funds necessary for defraying their Passage. The greater number state their inability to defray the charge of their own conveyance, and propose that they should be furnished with the means of doing so, upon condition of repaying the Advance out of the Wages of their Labour in the Colony.

Applications
from persons
desirous of
immigrating.

From these applications, and from the tenor of all the communications we have received on the subject, we draw the conclusion that there is no want of a disposition to Emigrate to New South Wales and Van Diemen's Land, but that it is impossible for People belonging to the Working Classes to pay their Passage to those Colonies without some aid in addition to their own resources. We think it our duty, therefore, to inquire whether Government could afford such Aid with a reasonable prospect of repayment. And we feel this inquiry to be the more important because, owing to the circumstances which limit the period suitable to Emigration to the North American Colonies, the question is not merely whether there shall be an Emigration to New South Wales and Van Diemen's Land, but whether there shall be any Emigration whatever from this Country at other Seasons than the Spring and Summer.

In short, unless the difficulty of reaching the Australian Colonies can be diminished, no Place will be open to Emigrants at the termination of the Harvest, a Period when the earnings of one large Class of People may be supposed to render them best able to remove themselves, and when the approach of Winter at home renders it most desirable for their interests that they should effect that removal.

Proposed
advance to be
repaid from
wages.

We do not feel any doubt of the ability of the Emigrant to repay out of his Wages any moderate Advance, which might be made to him for the purpose of providing his Passage to New South Wales or Van Diemen's Land. All the accounts from those Colonies agree in stating that Working People generally, and more especially Mechanics, earn considerably more than is sufficient for their subsistence.

Nor do we see any reason to suppose that, under a proper arrangement, there would be either any general disposition amongst Emigrants of this description to evade the payment of a just Debt, or any difficulty in controuling such a disposition in those cases in which it might exist. A contrary opinion might indeed be created by the ill success of some Colonial Proprietors, who have provided Emigrants with their conveyance on condition of enjoying their Services for a stated Period at reduced Wages; but we believe that the failure of these enterprizes may be traced to causes, which would not be felt under different arrangements. The Emigrant, in the Cases to which we allude, has bound himself, previously to his departure from this Country to serve his Employer for a time at Wages, which, though higher than those he could have obtained at home, were much below the ordinary rate in the Colony. No attempt has been made to render the advantage obtained by the Employer in this manner an equivalent for the expense he has incurred in carrying out the Emigrants; and it can scarce be doubted that in many instances the Bargain, if strictly adhered to, would have been more than reasonably profitable to the Employer. Indeed it has been the principal fault of these arrangements, that the engagement of the Emigrant has not been on either side regarded as a mere undertaking to repay the expense incurred in his conveyance; and hence he has often been led to look upon the transaction as a disadvantageous hiring of himself, into which he had been misled by his ignorance of the circumstances of the Place to which he was going. This has been the frequent cause of discontent on the part of indentured Servants; and their Masters, unable to derive any advantage from unwilling Labourers, have found it more for their interest to discharge these Servants than to insist on the right conveyed by their Bond. It is obvious that no increased severity in the legal enactments for the protection of Contracts could prevent those, which we have described, from being thus dissolved, for they have been so not from any insufficiency in the obligations by which the Emigrants have been bound, but from the impossibility of rendering such obligations worth preserving, when one of the Parties strongly desires them to be cancelled.

All the circumstances, however, which we have recapitulated, only afford additional proof that Emigrants would be able to repay out of their Earnings the expense of their conveyance to the Australian Colonies. Unless the usual Wages in the Colony had considerably exceeded what was requisite for the maintenance of Labourers, indentured Servants would have had no motive for so eagerly striving to break their engagements. The objects therefore to be accomplished are to diminish the disposition of the Emigrant to evade the performance of the obligation he may incur by being conveyed to the Colony, and also to diminish his means of succeeding in that evasion. We believe that both these objects would be most easily attained by merely requiring the Emigrant to repay as an ordinary debt the expense incurred on his account.

To recover these Debts, it would be requisite first that the Person making the Loan should acquire a claim over the Emigrant's Wages, and secondly, that local Agents should be found, who would duly apply that claim to the recovery of the debt. With respect to a local Agency, we have merely to remark that no difficulty can arise, since

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Proposed
advance to be
repaid from
wages.

Discontent
amongst
indentured
immigrants.

Ability of
immigrants to
repay advance
from wages.

Method for
recovery of
advance.

1831.
12 Oct.

Method for
recovery of
advance.

the peculiar condition of the Australian Colonies ensures the existence of as many Public Officers in the different Districts as could be required for this purpose.

With respect to the Claim which it would be necessary to acquire over the Wages of the Emigrants, we understand that the Forms of legal procedure in the Colonies afford the Solution of a considerable difficulty, which might at first sight be apprehended on this subject. By the general Laws of England, a Creditor can seize in execution only the Goods and the Person of his Debtor. But, in the British Colonies, and especially in New South Wales and Van Diemen's Land, the creditor can further attach in the hands of third Persons, or even take in execution, any money owing to the Debtor by them. This is done by a Process called "Foreign Attachment," which is borrowed with some amplification from a process existing in the City of London and some other Corporate Towns in this Country. By means of this process, the Wages of the Emigrant, whenever any were due, would be a subject of Attachment, and they might be taken in execution either to the whole extent of what should be due or to any less extent as in the particular case might be thought proper.

The Courts of Requests, which exist in the Australian Colonies, afford a Tribunal by which cases arising out of the exercise of this Right might be decided promptly and without any disproportionate expense. It is possible indeed, although we are not aware of the Fact, that the use of the process of "Foreign Attachment" may have hitherto been confined to the Supreme Court; but, even supposing this to be the case, the Process of the Courts of Requests is regulated by the Government and Judges, and there is no reason to doubt that, for an important Public object, these Officers would direct those Petty Courts to follow the practice of the Supreme Court as regards the use of "Foreign Attachment."

Whether the Emigrant should betake himself to labour for Wages or to any petty Traffic, this Remedy could be enforced. Should he hire and cultivate Land, he would have visible effects capable of seizure, and an ordinary execution would be available. There is no way in which he could acquire either the possession of Property or the right to Property, but that he might be compelled to apply it to the satisfaction of his debt.

The Principles, on which the Agents of Government should proceed in exerting the Power that we have indicated for the recovery of these debts, would be a matter of subsequent and detailed regulation. At present, it may suffice to suggest that all Emigrants, to whom Loans might be made, should be registered in the Colony, and that they should be required to give notice to Public Officers, named for that purpose, of every change in their employment, and, so long as they worked at Wages for particular Masters, of the Terms of their engagement.

As soon as their probable Earnings could be ascertained, the most convenient mode of proceeding in the Colony would probably be to fix a certain weekly payment for each Emigrant according to his Abilities, allowing him of course the option of making a larger payment whenever it might be convenient to him to do so. At the Time of receiving the Loan, the Emigrant should be made to understand that the law of the Colony would enable the Crown by its Agents to intercept his earnings, but that, so long as he was considered honestly to make his repayments according to his means,

that Power would not be exercised, and further that the Power would never be exercised to such an extent to deprive him of his necessary means of support.

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These are the means, which have occurred to us, for obliging the Emigrant to make a repayment, which we have also stated our opinion that he would be able to make. But we are sensible of the uncertainty which must attend all Plans for the recovery of very extensive advances; and we would not venture to recommend the trial of any such Plan to His Majesty's Government unless there were some Fund on which the loss, if the experiment should not succeed, might properly fall. We believe that in the present instance we can point out such a Fund.

It appears that your Lordship has lately instructed the Governors of New South Wales and Van Diemen's Land to recommend to their respective Councils the imposition of a Tax upon the Labour of Convicts with the express view of raising a Revenue for the encouragement of Emigration; and we are informed that no difficulty is apprehended, either in concerting the details of such a measure, or in obtaining for it the concurrence of the Colonial Councils. There are not sufficient grounds for making a precise Statement of the Annual Amount likely to be raised in this manner; but, owing to the eager competition for Convict Labour, we suppose that the proceeds of the Tax may be assumed to amount to an average of £1 a head on all the Male Convicts in these Colonies, without distinction of Age or Class. As the number of Male Convicts in New South Wales is stated to be between 14,000 and 15,000, and of those in Van Diemen's Land to be between 7,000 and 8,000 the Convict Tax would on these calculations yield a Revenue exceeding £20,000.

Revenue expected from tax on labour of convicts.

Upon the security of the Fund to be derived from this source, we think that His Majesty's Government might furnish 1,000 families with an advance of £20 per Family towards the expense of their conveyance to the Australian Colonies. In the first instance, however, and until the plan has been subjected to the Test of experience, we would recommend that the Advances should be confined to Persons skilled in some of the ordinary Mechanical Arts.

Proposed advances to immigrants.

We propose that the Emigrants should pay in this Country their proportion of the expense, and that Government should undertake to pay the remaining £20 in the Colony on the arrival there of the Ship containing the Emigrants. We have ascertained that this mode of Payment would not be objected to by Shipowners engaged in Trade with New South Wales and Van Diemen's Land; but that, on the contrary, it would be more convenient to them than that which they are accustomed to accept for the conveyance of Convicts.

If, upon the trial of this experiment, the Advances made to Emigrants should not be repaid, no expense will have been charged on the People of this Country, and the Tax raised in the Colony will have been applied in a manner greatly to the benefit of the Colonists, and in exact conformity with the purpose for which it was originally created. If on the contrary the advances be duly repaid, the Fund arising from the Tax upon Convicts will be restored, together with an increase in its Amount by the produce of the next Year's Revenue; and thus will arise a continually increasing Fund, in proportion to which the Advances recommended to be made to Emigrants can be increased and extended.

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12 Oct.
System for
private
advances to
immigrants.

In conclusion we would observe that, should Private Individuals be disposed to make pecuniary Advances to Persons in this Country in order to enable them to Emigrate, we should see no objection to extending to those Cases the benefit of the arrangements, which may be adopted for the recovery of Advances made by Government. For this purpose, however, it would be necessary that the Sums advanced should be received and applied by us, and that we should afterwards remit to the several Parties, from time to time, the Amount of the repayments made by the Individuals they had assisted to Emigrate.

We should of course only undertake to return the actual Amounts, which might be recovered by means of the arrangements we have described, without in any degree rendering ourselves answerable for the whole Advance.

We have now laid before your Lordship the considerations, which our experience up to this time has suggested respecting the prospect of effectually promoting Emigration to the Australian Colonies. We regret that the length of the Passage seems to render it impossible that, without some assistance from independent Sources, these Colonies should be reached by the largest Class of Persons whose circumstances render it desirable for them to Emigrate from this Country.

Should your Lordship, however, be disposed to sanction a trial of the Plan, which we have proposed for the Allowance of such aid by Government, we hope that it may be found the means of conferring immediately a considerable benefit on the Australian Colonies, and perhaps ultimately of operating to so great an extent as to be felt beneficially in this Country.

We have, &c.,

RICHMOND.	R. W. HAY.
HOWICK.	F. BARING.
H. ELLIS.	

[Enclosure No. 3.]

VISCOUNT HOWICK TO HON. J. STEWART.

Sir,

Downing Street, 7th October, 1831.

Transmission
of proposals
from
commissioners
for emigration.

I am directed by Viscount Goderich to transmit to you the enclosed Report from the Commissioners for Emigration, proposing that a limited number of Mechanics should be allowed a certain advance in aid of their means of emigrating to the Australian Colonies, and that the advances should be paid from the proceeds of a Tax, which Lord Goderich has recommended to be imposed upon the labour of Convict Servants in those Colonies. I also enclose the Despatches in which this recommendation was contained.

I am directed to acquaint you that Lord Goderich is very desirous to sanction the Plan suggested by the Commissioners for Emigration; and that, with respect to the Tax on Convicts, his Lordship can scarcely doubt that it will be adopted by the Colonial Councils, and be productive of the amount estimated by the Commissioners.

These results may be confidently inferred from the Official reports in this Department, as well as from the private representations of individuals connected with the Australian Colonies. As, however, no answers have yet been received to the Despatches written to the Governors on this Subject, it might, at first sight, appear the most convenient course to defer the decision on the recommendation of the Commissioners for Emigration until notice

should arrive from the Colonies of the actual imposition of the Convict Tax; but Lord Goderich conceives it to be a decisive objection to such a delay that it would, in all probability, lose a very favourable opportunity for turning towards the Australian Colonies some portion of the Emigration, which has hitherto flowed almost exclusively to the Colonies of North America.

In the present Season, while Emigrants are prevented from proceeding to the North American Colonies, it is very likely that the encouragement contemplated by the Commissioners for Emigration might have the effect of directing to New South Wales and Van Diemen's Land persons desirous of emigrating from this Country; and that, in this manner, a connection might be established, which would lead to a continued Emigration to the same Quarter; but, after once the Commissioners shall have been engaged in facilitating a whole Season's Emigration to North America, there will be a much diminished prospect of inducing people to make the longer passage to Australia; and the same encouragement, which one Year would have been adequate, may in the next be quite inefficacious.

Under these Circumstances, I am to request that you will communicate to the Lords Commissioners of the Treasury Lord Goderich's desire to approve the Plan recommended by the Commissioners for Emigration; and that you will acquaint me whether, in order to afford this Plan the early trial which has been described as so important to its success, their Lordships would be disposed to concur in authorising the Governors of New South Wales and Van Diemen's Land to make up, from the general resources of those Colonies, any unforeseen failure in the particular Fund supposed to be available to this Object.

I have, &c.

HOWICK.

[Enclosure No. 4.]

HON. J. STEWART TO VISCOUNT HOWICK.

Treasury Chambers,

Whitehall, 12th October, 1831.

My Lord,

The Lords Commissioners of His Majesty's Treasury having had under consideration your letter of the 7th instant transmitting, by direction of Secretary Lord Goderich, a Report from the Commissioners for Emigration, proposing that a limited number of Mechanics should be allowed a certain advance in aid of their means of Emigrating to the Australian Colonies, I have it in Command to acquaint your Lordship for the information of Secretary Viscount Goderich that My Lords concur with his Lordship in approving the Plan suggested by the Commissioners of Emigration to facilitate the Emigration of Mechanics to New South Wales and Van Diemen's Land; and, in applying the Revenue arising from the New Tax on Convict Labour to the payment in the first instance of £20 for the Passage of each family on their arrival at the destined Port, which sum of £20 is to be recovered from the Mechanics in the mode suggested by the Commissioners, and for the purpose of giving immediate effect to the Plan, which for the reasons stated by your Lordship is important, My Lords are willing to sanction an Advance from the general funds of the Colony in case the Revenue arising from the Tax on Convict Labour should be insufficient to provide for the requisite payments on the first arrival of the Mechanics, who may Emigrate during the ensuing Winter.

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—
Advantage of
immediate
adoption of
proposals.

Approval of
adoption of
plan for
assistance of
immigrants.

1831.
12 Oct.

My Lords have also to suggest to Lord Goderich that this indulgence ought to be confined to Persons, who may prove useful to the Colony, and that the Governor ought to be particularly instructed to require the repayment of these advances. I have, &c.,

J. STEWART.

VISCOUNT GODERICH TO GOVERNOR BOURKE.
(Despatch No. 30, per ship Portland.)

13 Oct.

Sir, Downing Street, 13 October, 1831.

Approval of
additional
clerk at
supreme court.

I have received General Darling's Dispatch No. 2 of the 3d January last, reporting the circumstances under which he had authorized the employment of an additional Clerk by the Supreme Court; and I now do myself the honor to acquaint you that the grounds assigned for this appointment are satisfactory to His Majesty's Government. You will therefore bring the subject under the consideration of the Council, and, if they should also acquiesce in the propriety of the charge, you will consider yourself authorized to issue a Salary at the rate of £80 a year to Mr. Steele, the Gentleman who has been appointed to the Situation, charging the same in the public accounts from the 24th of May, 1830, the date at which he appears to have entered upon its duties.

I have, &c.,

GODERICH.

VISCOUNT GODERICH TO GOVERNOR BOURKE.
(Despatch No. 31, per ship Portland; acknowledged by
Governor Bourke. 3rd April, 1832.)

14 Oct.

Sir, Downing Street, 14th October, 1831.

Despatch
acknowledged.

I have received General Darling's despatch of the 19th of Feby. last, No. 25, respecting the excessive Bills of Costs allowed by the Master of the Supreme Court in the three Actions brought by Messrs. Hall and Hayes.

Responsibility
for improper
taxation of
costs.

It is perfectly evident that, from the misconduct or negligence either of Mr. Moore, Mr. Nicholls or Mr. Carter, the Public have been subjected to the loss of the sum of £138 19s. 3d. I apprehend that Mr. Nicholls is not in the Public Service, and Mr. Carter no longer retains his office; the only question therefore, which remains for consideration, is, whether the loss arose from the delegation of Mr. Moore of his duties to Mr. Nicholls, and, if so, whether he had any adequate apology for acting in that particular case by Deputy. Should you find reason to conclude that Mr. Moore did really occasion this loss by the neglect of his proper duties, you will convey to him a very serious admonition of the consequences which might follow upon the repetition of such a fault.

I am, &c.,

GODERICH.

VISCOUNT GODERICH TO GOVERNOR BOURKE.

1831.
15 Oct.

(Despatch No. 32, per ship Portland.)

Sir, Downing Street, 15th October, 1831.

I have had the honor to receive Lt. General Darling's despatch, with its enclosures, of the 15th February last, No. 22, on the subject of the claims set forth by the Revd. Messrs. Marsden and Cartwright to compensation for the loss of certain allowances, which were guaranteed to them, when they accepted Chaplaincies in New South Wales.

Claims
by Revds.
S. Marsden and
R. Cartwright.

On referring to the correspondence which passed between my Predecessor and General Darling respecting the claims of the Revd. Messrs. Cowper and Hill, I find a great analogy between the case of the former and that of Messrs. Marsden and Cartwright; and therefore it would appear at first sight needless to do more than direct that the same course should be followed in the present instance as was then observed. But upon an examination into the merits of these claims, there are many circumstances which forcibly urge me to reduce the amount. The great length of time, which has elapsed since the agreement was entered into with these Clergymen upon which they rest their case, renders it impossible to ascertain the intentions of the Government, as to the permanency of allowances which, in the infancy of the Settlement, it was perhaps unavoidable to sanction; the impolicy of recognising claims which, from their being so long outstanding, it is impracticable to check, and above all the principles of economy which have led to the reduction of Salaries of Public Officers in distant Colonies, make it imperative on His Majesty's Government to make a stand against the claims of persons for compensation for the loss of advantages to which it may be difficult to deny their right, but which, from the fact of their being silently allowed to stand over for a series of years, could not have been of great value to the parties, although, from having allowed their debts to accumulate, the liquidation of them afterwards has become an object of importance.

Analogy
with claim
of Revd.
W. Cowper.

Delay in
submission
of claims.

The admission of Mr. Cowper's claim unquestionably gives Messrs. Marsden and Cartwright a right to similar compensation. Although a precedent has thus been established, it is not too late to rectify, in a measure, an error which was then committed. Remuneration was granted to Mr. Cowper on the ground that he could not, without breach of faith, be deprived of advantages which had been stipulated as an inducement to go out to the Colony; but it was overlooked that other advantages, not contemplated at that time, had been bestowed by the Government;

Precedent
established by
admission of
claim of Revd.
W. Cowper.

Error in
adjustment
of claim.

1831.
15 Oct.

and therefore if, after a lapse of years, the Government were to be called upon to indemnify Mr. Cowper for a violation of the Contract with him, they were justified in calculating (which was not done) as an offset the value of any Benefits which were enjoyed by him, but not mentioned in the agreement.

Offset to
amount of
claims.

This argument equally applies in the present instance. I observe that the Stipends of Messrs. Marsden and Cartwright have at different times been considerably increased, and that they have, in addition to their Glebes, received tracts of land with other advantages. The complicated nature of the claims renders it difficult to decide whether, in the whole, these Clergymen have not thus been gainers; but I observe that the Archdeacon (who has proceeded, though not to the full extent, upon the principle I have pointed out) estimates the sum due to Mr. Marsden at £553 6s. 9d. and that to Mr. Cartwright at £242 4s. 5d., up to the 1st July, 1827, only, leaving a further arrear to the present time. Although I feel unwilling to sanction the issue of such large sums for claims, which strictly speaking are not valid, still, considering the length of time these Clergymen have been in Public employment and the valuable services rendered by them, particularly by Mr. Marsden, I think they have a strong claim to the leniency of Government; and I have therefore to instruct you to tender to them the payment of the respective sums above mentioned, in satisfaction of all claims upon the Government up to the 31st December, 1830, and to issue to them from that date, the sum of £60 per annum, which appears to be the amount of the commutation awarded to Mr. Cowper in lieu of the allowances in question.

Approval of
payment of
sums proposed
by archdeacon.

I trust that this arrangement will prove satisfactory to the parties interested.

I am, &c.,
GODERICH.

VISCOUNT GODERICH TO GOVERNOR BOURKE.
(Despatch No. 33, per ship Portland.)

16 Oct.

Sir,

Downing Street, 16th October, 1831.

Inability to
make reports
to relatives of
convicts.

The Secretary of State for the Home Department has represented to me the impossibility of giving to the Relatives of Convicts at New South Wales any satisfactory information as to their fate, in consequence of no Muster of them having been received in this Country since the year 1825.

As it is important that the Government at home should have the means of answering the numerous applications for information as to the fate of Convicts, and as a mere transcript of the

Return, which, for safe custody of the Prisoners, ought to be kept in the Office of the Principal Superintendent, appears to be all that is required, I am at a loss to understand why the repeated orders of the Secretary of State upon this subject have not been attended to; and I have to desire that you will cause the usual Return to be immediately prepared and transmit it to this Office with an explanation of the reason of the great delay which has occurred in sending it home. You will, at the same time, intimate to the Principal Superintendent of Convicts, who appears to me to be the responsible person, that, should a similar irregularity hereafter be brought to my notice, I shall be compelled to take such steps for preventing its recurrence as could not fail to be very unpleasant to him.

I am, &c.,
GODERICH.

1831.
16 Oct.

Instructions re
transmission
of return of
convicts.

VISCOUNT HOWICK TO GOVERNOR BOURKE.

(Despatch per ship Portland.)

My Dear Sir, Downning Street, 17th Oct., 1831.

17 Oct.

With reference to Mr. Hay's Letter of May, 1829, addressed to General Darling, enclosing a communication from Baron Bulow respecting Frederick Lahrbusch, a Native of Prussia; I now beg to transmit a certificate of good conduct which has been received in favor of that Individual.

Despatch
acknowledged.

I remain, &c.,
HOWICK.

[Enclosure.]

CERTIFICATE.

To Certify, Wellington Valley, 9th October, 1830.

That, during the period Fredk. Larbusche p. Mariner has been at this Settlement, his conduct has been satisfactory.

Certificate re
F. Lahrbusch.

JAMES KINGHORNE, Supt.

To all concerned.

VISCOUNT GODERICH TO GOVERNOR BOURKE.

(Despatch No. 34, per ship Portland.)

Sir, Downning Street, 18th October, 1831.

18 Oct.

I have had the honor to receive General Darling's Dispatch No. 31 of the 29th of March last, enclosing a Memorial from Mr. Drew, a Settler in New South Wales, complaining of his having been unjustly deprived of certain Land of which possession had been given to him by Sir Thos. Brisbane in the year 1825.

Memorial from
S. Drew
acknowledged.

1831.
18 Oct.

Refusal of
claim made
by S. Drew.

From the Information communicated by General Darling, Mr. Drew does not appear to have any real grounds of complaint against the Local Authorities on account of the decision to which they came on this case. I see, therefore, no reason for my interference with a view to his obtaining any Indemnification for Losses, for which, even if attributable to the causes mentioned by him, the Government were by no means responsible, the improvements, in consideration of which that Indemnification is claimed by Mr. Drew, having been made on Land which he had clearly no right to retain.

You will direct an intimation to the above effect to be made to Mr. Drew in answer to his Memorial.

I have, &c.,
GODERICH.

VISCOUNT HOWICK TO GOVERNOR BOURKE.
(Despatch per ship Portland.)

19 Oct.

Transmission of
petition from
J. Gilbyan.

Sir,

Downing Street, 19th October, 1831.

I am directed by Viscount Goderich to transmit to you the accompanying Petition from a person named Gilbyan, complaining of a series of Injuries sustained by him from the late Commandant of Port Macquarie, in order that you may make such Enquiries into the alleged treatment which he has experienced, as you shall judge the circumstances of the case to require; and it is his Lordship's further request that you will inform the Writer that he ought in the first instance to have brought these charges under the consideration of the Governor.

I have, &c.,
HOWICK.

[Enclosure.]

Petition from
J. Gilbyan.

JOHN GILBYAN To the Right Honorable the Lords Commissioners of His Majesty's Treasury, etc., etc., etc.

My Lords

Bong Bong, 12th March, 1831.

Reasons for
removal to
colony.

May it please your Lordships to look down from your high and exalted station on the low and miserable condition of your Poor and unfortunate Petitioner Who, through family distress in the mother kingdom, was induced by (and with the advice) of the most eminent medical men in Edinburgh to repair to a warmer climate as the only means of restoring the health of your Petitioner, upon which a petition was prepared and signed by the Commander in Chief of his Majesty's Troops in the Southern district of Scotland and several other noblemen and Gentlemen, which was forwarded to his late Royl. highness the Duke of York, Praying to be transported with his family to the West Indeas, which could not be granted; but, in answer to his Lordship the deputy Adjutant General for Scotland, it was suggested that he might join a Corps that was about to be raised for New South Wales and Vandiaman's Land with Permission to revert to the out Pension at any future Period, which was considered to answer the purpose and was accordingly most gratefully acknowledged, and accepted of by your Petitioner in Decr., 1825, which has been the cause of all his late calamity and the means of reducing him from ease and affluence to Penury and distress as will here after appear.

That your Petitioner was a Soldier in His Majesty's Royl. Regt. of artillery, and, from a long service in the West Indeas, his Constitution was greatly impaired, and in addition his wife was far gone in a consumption, which only ended with her existence; that your Petitioner lost three of his children, one at gravesend in England

aged one year and one month. another at Sydney, New South Wales, 20th of Augt. following aged 5 years and 8 months. his wife after a lingering illness of three years and eight months on the 11th July, 1827, and a third child in the following October, when, upon due consideration, your Petitioner's situation has been truly distressing, aggravated by the Tyrannical oppression of Captn. Crotty, 39th Regt. (who assumed the command of the Settlement of Portmaquerie short time Previous to the death of my wife), coupled as it was with his own depression of spirits, had nearly terminated his own existence. which will appear in part by the following letter written to Colonel Morisset, when on a Commission of enquiry at the above Settlement, which is as follows, viz. :—

1831.
19 Oct.

Alleged
oppression at
Port Macquarie
by F. C. Crotty.

Sir,

Portmaquerie, 4th Augt., 1828.

I must respectfully beg leave to lay before you a few statements relative to the treatment, I have received since my arrival in this Settlement the 27th of August, 1826, hoping that it will be received rather in the shape of a defence both of conduct and character than as a report, as I must solemnly declare that it is not from any vindictive Motives that I am induced to make these statements; but, having during my former services Preserved an untainted Character, as may be seen from the coppies herewith transmitted, of which I can produce the originals at the shortest notice; I am still loath to have it stained by false and secret accusation, their being nothing more galling to a feeling mind than secret detraction.

Shortly after my arrival in this Place, I was appointed overseer of Government Gardens and domain, and, during the successive commands of Captain Innes and Lieut. Owen, I had the Pleasure to give general satisfaction, the later Personally stating that, during his residence in Portmaquerie, the domain in Particular had not been in such order as it then was, notwithstanding the half of the hands had only been employed this season that had been on former occasions. It was notorious that their was neither seed to sow or a crop of vegetables on the ground, when I got the gardens in charge; and, an intence drought setting in (so severely felt by all), I laboured under every disadvantage imaginable; nevertheless they now reap the fruits of my labours, it being well known that niether my hands nor my Pocket was shut towards the furtherance of vegetation, as well as preserving a large quantity of seeds for the ensuing season, which I delivered over on my dismissal to the Supper-intendant of Convicts, to the value of upwards of £15 sterling, exclusive of what remained on the ground; this was all accomplished by my own hand, the working hands having been all taken away for the harvest.

It is also well known to both free and bond that every obstacle was thrown in my way to impede the Horticultural interest, if so it might be called, by mustering numbers of men in the Garden Gang, and employing them Elsewhere at other times, sending those who were of no manner of use, Lame, Blind, etc., while others more useful was employed by himself or other favorites.

The superintendant made some feeble efforts to anihilate me during the command of Lt. Owens, as well as Mr. Smith storekeeper, on account of some Ration rum, which the latter made a fruitless attempt to Purchase from me at an under value for the former, and threatened in such a manner, as if he would compell me to sell it, or he would make me draw along with the bufs or 39th Regt., which he considered would be a disadvantage to me, and used all his influence with the then commandant, but did not succeed; and all lay dormant until the arrival of Captain Crotty, when it was renewed again with redoubled ardour, and so secretly that I was not aware of anything happening, until, by a sudden change in Captn. Crotty's conduct towards me, I was Perfectly satisfied that their was a blow struck against me, which I Concerned myself very little about, being conscious that there was nothing either could bring against me, that on investigation I was not able to refute. However on or about the 22nd of October last, as I was coming from the Commissariate Stores, Mrs. Partridge called me into her house and demanded of me one Pint of Rum Per week, which I refused to give with as much modesty as I was master of, at same time could not help expressing my surprize that she was so weak as to imagine me to become tributary in such a manner; I had been often told of her extorting from Prisoners, and indeed seen some instances of it, but had not the least conception that if would reach to me; to this and to this alone do I attribute the foundation of all this unprovoked malice towards me; on the contrary, if they have anything against me, why do they not give me an opportunity of answering for myself, and condemn me openly, if I am to be condemned; if not, give me the opportunity of confuting my adversaries, for I can accuse myself of no other crime than my integrity towards government; and this I think is the greatest crime a man can be guilty of in the sight of the higher order on the civil list, which cannot avoid the least discernment (to conclude (for I would be breif if I could) I was induced (with the approbation of Lt. Owen) to make a proposal to government for the Culture and Manufacture of the Castor oil, which was to be Presented by Mr. Owens to the Governor; but, being unfortunately confined to bed when he sailed, the sample was sent by the next

1831.
19 Oct.

Alleged
oppression at
Port Macquarie
by F. C. Crotty.

vessel, but he had again sailed for india ; however it gained its way to the governor, and was approved of ; but, being necessary that it should be signed by the Commandant, it was sent to Captn. Crotty accordingly, who wrote to the Governor to Cancel the establishment and even the samples that was made, viz., five galls. would not be allowed a passage to Sydney, least it should be again approved of ; thus I am rendered of no use to the Government, whereas, if I had gone on with the above concern, I would have with the labour of 10 men realized to government from 700 to 1,000 Galls. of oil anually and would not have cost Govt. a single sixpence, but, after the first season, a clear surplus of £80, increasing anually to the before mentioned ammount ; a copy of the scheme I herewith transmit for your perusal, should you take the trouble ; the following was the articles required for the establishment, one Bullock and cart, two double block tin Cistrens, a large circular stone, two large boilers, with a press and a few agricultural impliments, was all that was necessary, which would be all Paid in six weeks' time.

Lastly Mr. Partridge, Superintendent of Convicts, has been the Principle Promoter and trafficker, and Mrs. Partridge keeps a man doing nothing else, ever since I came on the Settlement, but shop-keeping for her and many more glaring instances which I am not able to describe by letter, such as boat building, etc.

I am, Sir, your most Obdt. Serlt.,
JOHN GILBYAN,
Acting Corp., N.S.W. Vs.

TO LT. COL. MORRISSETT, J.P., PRINCL. SUPR. OF POLICE, SYDNEY.

Your Petitioner begs leave to inform your Lordships that the above letter was written in great haste, even while the ship was getting under way that was to receive the Commissioner on board, and, tho' badly Penned and artlessly Put together, with many deficiencies, your Petitioner being at the time under the lash of the Military Law, whenever, if a man happens to Displease his Superiors, he seldom escapes Punishment however faultless, yet, though so very circumscribed, your Petitioner considered it worthy of the notice of His Excellency the Governor when upon investigation the whole truth would have come out, which could not, otherwise, on the foregoing account without the Patronage of his Excellency.

Statement of
complaints.

And your Petitioner further begs leave to inform Your lordships that, though many irregularities relative to the conduct of Captn. Crotty has been made known to the Governor, their has been no steps taken to enquire into them, but appears trifles light as air ; a few out of many I shall enumerate at the end as a series of Charges against Captn. F. Crotty, 39th Regt. ; that, upon your Petitioner being discharged, he was sent to a part of the Country, which neither agree with his constitution or interest, tho' your Petitioner had previously intreated His Excellency to be sent to one of three Places, where other Veterans was to have their grants, leaving the choice of either to his Excellency's discretion ; and, as if all this was not sacrifice enough, your Petitioner was called upon by the Government to give evidence in the case of Jones (versus) Bowerman of the Comissariate department, a distance of from 80 to 90 miles from his farm at two distinct Periods, making on the whole a toower of from 324 to 360 miles at his own expence, with a promise that he should be remunerated for the same, as soon as the Governor returned from the Country, by a check being sent him by Post to Prevent your Petitioner's delay in Sydneey ; it being harvest time, and your Petitioner had sustained a heavy loss by his Crops being over ripe, and a tremendous wind and hail storm mostly anihilated his wheat and tobacco Crops, his Excellency arrived in a few days ; but there is no word of any Check or other money as Promissed, although that he was well aware that your Petitioner had to sacrifice a quarter's Pension to maintain him, when in Sydneey in December, 1830, and was obliged to make a more serious sacrifice in the January following ; that your Petitioner is now on Verge of inevitable ruin, even in a state of comparative Indigence from ease and affluence, which is well known to the authorities, and has undergone numerous Persecutions by Captn. Crotty and others on his account, and prevented from introducing a species of crop, which would have been of great importance to the Colony, and have advanced your Petitioner in Public esteem, so as to have secured his future happiness, or at least tended thereto, viz., the Castor oil ; but your Petitioner is sent to a place, where it will not grow on account of the heavy frosts and snow and extreme cold situation of the Place ; and moreover your Petitioner is curtailed in the land allotted him ; while others have 100 acres within a few miles of the Market, your Petitioner has only 80 at four times the distance when ten would be of more real value, well situated, and would enable your Petitioner to live, where at Present he is obliged to seek employment else where to support his family ; returning to Portmaquarrie, Your Lordships will Please to observe that your Petitioner was obliged to make away with all his live and dead stock to gratify the spleen of the above named commandant at 50 Per Cent. to 75 under Prime cost, Horned Cattle, Pigs, Poultry, Household furniture, etc., while others enjoyed farms

with two men rationed from his Majesty's Magazines to cultivate the same; but your Petitioner was unworthy of such indulgences, as he would not become tributary. To conclude, your Petitioner must earnestly solicit your Lordships' Commiseration, that rescued from this, his Present Calamitous condition (namely the Prospect of a goal), the spirit of enterprize, of which he is Possessed, may be Patronized by your Lordships and diffused abroad for the good of his Majesty's Leige Subjects, and such other grant of land in the warmer Ports of this Colony with Permission to sell the Present, to help to Establish him in that which may be allotted him by your lordships, for which your Petitioner in duty bound shall ever Pray, and have the Honor to be, &c.,

1831.
19 Oct.

Request
for relief.

JOHN GILBYAN,

late of the New South Wales R'l Veterans.

The following are the charges Preferred Against Captn. Crotty, 39th Regt., of which the Lieut. Genl. has received a copy, viz.

Charges
preferred
against
F. C. Crotty.

1st. For conduct highly defamatory to the Character of an officer or Gentleman in associating with a prisoner of the Crown at table, at recreations both on horse back and on foot.

2nd. For committing the notorious hart, so well known in Sydney and here (as a general receiver of Stolen Property), in charge of the dry stores of the Commissariate department, with civil officers' quarters, contrary to the General orders for the treatment of double and treble convicted fellows.

3rd. For refusing to investigate the case of Frances Clark's Robbery, when reported by a Sergt. of 39th Regt.

4th. For knowingly Permitting Stephen Partridge, Superintendent of Convicts, to build a boat and construct the Prisoners' old barrack into a boat shed for to conceal the work contrary to a previous genl. order.

5th. For allowing the said boat to be carried to the Brickfield and their secreted from the Commissioner.

6th. For appointing Mr. Partridge in charge of the engeneer's stores during the time of the said boat building for the Purpose of obtaining the Materials he stood in need of, viz., Copper, Nuffs, Lands, timbernails, etc.

7th. For knowingly Permitting the said Stephen Partridge to have several Sets of bullock and Horses' harness Made in his Majesty's lumber yard and of Crown Materials, and disposing of Part of the same at the Maning River for tea, Sugar and tobacco.

8th. For allowing the said Stephen Partridge to employ men at discretion while returned on the books in Government employ.

9th. For allowing the said Stephen Partridge to keep a convict exempt from labour for the Purpose of Shopkeeping.

10th. For allowing the said Stephen Partridge to Employ men in burning bricks and conveying them to blackman's Point under Pretence of building a Port house, the same being constructed into a neat verandahed cottage for his own accomodation as an Inn or Tavern.

11th. For Permitting the wife of the notorious hart to ship a number of trunks without being inspected, supposed to be the Plunder of between two and three years' residence in Portmaquarie.

12th. For conduct highly derogatory to the Character of an officer or gentleman, in trafficking with convicts in fowls, Pigs, other game, supporting them on government Corn, etc.

Your Lordships will be pleased to observe that your Petitioner could State as many more charges of equal notorious facts, which he is well acquainted with; but, from the lapse of time, it would be hard to Prove on account that many have left the Colony, Some dead, and others at distant Parts; therefore such charges is only Preferred as are comon to the knowledge of all, who were on the Settlement in General, and your Petitioner has given the foregoing information not only for the Purpose of obtaining redress, but also to Prevent the repetition of Mal Practices.

COPY OF CERTIFICATES OF CHARACTER.

I do hereby certify that the bearer John Gilbyan, Acting Bombardier of Captn. Henery Light's Company, 1st Btln. Roy. Artillery, had been under my immediate orders when commanding a detach. of said Corps at Martineque (nearly two years), during which time he had ever conducted himself as a clean, good and intilligent Soldier. Certificates of character.

given under my hand at Woolwich, this twentyeighth day of Octr., 1818,
Signed, R. EVANS, Colonel, Rl. A.

1831.
19 Oct.

Certificates
of character.

COPPY, ETC.

London, 29th Oct., 1818.

I do certify that the bearer Acting Bombr. John Gilbyan of Captain Henery lights Company, 1st Batln. Royl. Artillery, Served under My Command in the West Indes from the Month of december, 1808, to the end of July, 1817, when he came to england with me in a very ill state of health; and, had not the Company, to which he belonged, been previously ordered home, he would have been sent on account of ill health; during the time he was under my command, he was employed on the Expeditions against Martinique and Guadeloupe in 1809 and 10, and has ever conducted himself as an intelligent, good and faithfull soldier.

EDWD. STAHELLEN,
M. Genl.

Your Petitioner holds the originals of these and many more of equal force.

GOVERNOR DARLING TO VISCOUNT GODERICH.

(Despatch No. 88, per ship Palambam.)

My Lord, Government House, 19th October, 1831.

Embarkation
of R. Darling.

I have the honor to acquaint Your Lordship, in refer-
ence to the intention expressed in my Letter of the 3rd of the
present Month, that I shall immediately embark* in the Ship
Hoogley, which returns to England by way of Canton, and shall
deliver over the temporary Charge of the Government to Colonel
Lindesay, 39th Regiment, the Officer next in Command.

Letter to
R. Bourke.

I do myself the honor at the same time to enclose the copy of
a letter containing information on certain points, which I have
addressed to My Successor, Major General Bourke, in the hope
it may be Useful to him.

I am, &c.,

RA. DARLING.

[Enclosure.]

[A copy of this letter is not available.]

GOVERNOR DARLING TO VISCOUNT GODERICH.

(Despatch No. 89, per ship Palambam; acknowledged by
Viscount Goderich, 4th April, 1832.)

My Lord, Government House, 19th October, 1831.

Forage
allowance for
P. Lindesay.

I have the honor to transmit, for Your Lordship's Con-
sideration, the accompanying Copy of a Minute of the Pro-
ceedings of the Legislative Council on the Subject of an Allow-
ance to Colonel Lindesay for two Horses, as explained in the
Minute. Your Lordship will perceive that, at first, I had pro-
posed the allowance Should commence on the 1st of the present
Year; but, finding it to be the unanimous wish of the Council
that it should take effect from the date of Colonel Lindesay's
having become a Member of the Colonial Government, I felt that
I could not decline to amend the proposition, and I had the less
hesitation in doing so, as the object of it appeared to Me just
and reasonable.

I have, &c.,

RA. DARLING.

[Enclosure.]

[A copy of this minute will be found in a volume in series II.]

GOVERNOR DARLING TO VISCOUNT GODERICH.
(Despatch No. 90, per ship Palambam.)

1831.
19 Oct.

My Lord, Government House, 19th October, 1831.

I do myself the honor to transmit herewith, conformably to the Instructions conveyed to me in Your Despatch of the 21st June, 1829, No. 121, Manuscript Copies of the Under Mentioned Laws or Ordinances, which have been passed by the Legislative Council of this Colony, "Vizt.":—

Transmission
of manuscript
copies of acts
of council.

"An Act to repeal So much of an Act to amend An Act, intituled An Act for preventing the Mischiefs Arising from the printing and publishing Newspapers and Papers of a Like nature, by Persons not known, and for regulating the printing and publication of such Papers in other respects, and also for restraining the abuses arising from the publication of Slanderosus and libellous matter, as relates to the Sentence of banishment, for the Second Offence."

"An Act for permitting the importation into New South Wales of Spirits, the produce of the British possessions in North America, upon payment of the Same rate of Duty, as is Chargeable on the importation of Spirits, the produce of the British West Indies."

I have, &c.,

RA. DARLING.

GOVERNOR DARLING TO VISCOUNT GODERICH.
(Despatch No. 91, per ship Palambam; acknowledged by
Viscount Goderich, 28th March, 1832.)

My Lord, Government House, 19th Octr., 1831.

I have the honor to transmit for Your Lordship's Consideration Copy of a Memorial* from Mr. Archibald Bell, claiming remuneration for a Town Allotment in Sydney, which he first received from Governor Bligh, and which appears by his Statement to have been Subsequently exchanged for the accommodation of the Government, the Deed of the latter having been destroyed, as stated in the Margin of the enclosed Document, attested by the Initials of the late Colonial Secretary Major Goulburn.

Claim by
A. Bell for
compensation
for town
allotment at
Sydney.

I have made every enquiry without being able to ascertain any thing satisfactory as to the cause of the Document in question having been destroyed. As Major Goulburn is in England, he will no doubt be able to explain it.

Mr. Bell admits that he should not have brought forward the Claim (which by some accident has lain over) had he not understood that Mr. Blaxland had received Compensation* by order of the Secretary of State for an Allotmnet, which he had been deprived of Under Similar Circumstances. I have, &c.,

RA. DARLING.

* Note 122.

1831.
19 Oct.

GOVERNOR DARLING TO VISCOUNT GODERICH.

(Despatch No. 92, per ship Palambam; acknowledged by
Viscount Goderich, 15th April, 1832.)

My Lord, Government House, 19th October, 1831.

Transmission of
statements re
revenue and
expenditure.

I have the honor to transmit for Your Lordship's information an Abstract of the Revenue of the Colony and of its appropriation for the whole of the five entire Years of my administration, which has been prepared by the Auditor General Under my direction. And I beg to Annex an Extract from the letter which Mr. Lithgow has addressed to me with the Abstract, as explanatory of the manner in which it has been prepared.

I have the honor also to request Your Lordship's attention to the Comparative Statement, Contained in the 18th Page of the Abstract, of the Revenue Collected in the three first Quarters of the last and present years, shewing an increase in the latter during that period of £10,620 19s. 10³/₄d.

I have thought it essential to the support of my Character Under present Circumstances to shew that there has been no mismanagement on my part in this important Branch of the Public Service; and I assure Your Lordship that I entertain no apprehension of being able to prove as satisfactorily to His Majesty that the trust, which has been confided to me, has in no respect been abused, but that the true interests and Character of His Majesty's Government have been promoted and upheld during my Administration, as far as my very limited and Circumscribed means have permitted.

I have, &c.,

RA. DARLING.

[Enclosure No. 1.]

[Copies of these accounts will be found in a volume in series II.]

[Enclosure No. 2.]

EXTRACT of a Letter addressed by the Auditor-Genl. to Lieut.-General Darling, dated 19th October, 1831.

Preparation
of abstracts.

In Compiling these abstracts, So much care has been used to ensure their accuracy that their Correctness in all essential points may be Safely relied on. Perspicuity has been sedulously aimed at in the Classification of the Several heads, both of receipt and Expenditure, and the object of producing a Clear and faithful record of the Colonial Revenue and of its application, during the five years alluded to, has been carefully kept in view.

In the observations appended to the Abstract, the Several Sources of Revenue have been briefly explained, its progressive encrease adverted to, and Some of the prominent Causes of the Augmentations and diminution of Expenditure enumerated.

Several of the various important measures, adopted with So much Success under Your Excellency's directions for improving the Collection of Revenue, Simplifying the Public Accounts, and placing

them on a footing of Systematic regularity, have also been referred to, in So far as Such reference appeared necessary to elucidate the Abstracts.

1831.
19 Oct.

Preparation
of abstracts.

"As the observations appended exhibit also the State of the Revenue up to the end of the last Quarter of the present Year, and as Such information is the more valuable according as it is recent, I would respectfully submit to Your Excellency whether it might not be advisable to direct the transmission of these Abstracts to England by the first opportunity."

GOVERNOR DARLING TO VISCOUNT GODERICH.

(Despatch No. 93, per ship Palambam; acknowledged by
Viscount Goderich. 31st March, 1832.)

My Lord, Government House, 20th October, 1831. 20 Oct.

I have the honor to forward, at the request of Mr. Campbell, Member of the Legislative Council, the accompanying Letter, which he has addressed to Your Lordship, on the subject of his Claim on the Government for a more Considerable Grant of Land, than he has been authorised to receive by Your Lordship's predecessor.

Claim of
R. Campbell
for extended
land grant.

I have already written* So fully respecting Mr. Campbell, that I am not aware it is in my power to add anything on this occasion, which would be useful to Your Lordship in recommending his case. It is a fact that he has expended very Considerable Sums of Money in establishing a very extensive Wharf and Warehouses on a large Scale; That he is a Merchant of the first Class and the oldest in the Colony; He is also extensively engaged in grazing and Agricultural pursuits; Is a Member of the Legislative Council and a Gentleman, whose private as well as public Character and the respectability of his Numerous Family (one of his sons being a Magistrate) give him a Strong Claim to the attention of His Majesty's Government. It is on these grounds, My Lord, that I venture again to bring Mr. Campbell's case Under Your Lordship's Consideration, trusting, as none of his Sons have received Land, which could not have been withheld from them, had they applied previously to the present regulations, that Your Lordship will be induced to extend his Grant to 10,000 Acres, to which indulgence I am Sure Your Lordship will consider him as having a much stronger Claim than any other person, who has been Authorised to receive a Grant on the faith of expending Capital in the improvement of the Land.

Land grant
proposed by
R. Darling.

I have, &c.,
RA. DARLING.

[Enclosure.]

[A copy of this letter is not available.]

* Note 123.

1831.
21 Oct.

VISCOUNT GODERICH TO GOVERNOR BOURKE.
(Despatch No. 35, per ship Portland.)

Sir, Downing Street, 21 October, 1831.

I have received General Darling's Despatch No. 33 of the 6th April last, notifying the provisional appointment of Mr. Thomas Scott Townsend to the situation of Draftsman in the Surveyor General's Department. My despatch, No. 24 of the 26 of Sep. last, will have put you in possession of my sentiments with respect to the continuance of this Department upon its present strength; and it, therefore, is only necessary for me, in conformity with the instructions contained in that despatch, to convey to you my approval of Mr. Townsend's appointment; but it must be distinctly understood that, as Mr. Townsend did not proceed from this Country to undertake the Office, he will only be allowed to hold it so long as his services are required, and will have no claim to compensation or to further employment, if it should be found practicable to reduce his situation.

I am, &c.,
GODERICH.

Conditional
approval of
appointment of
T. S. Townsend.

VISCOUNT GODERICH TO GOVERNOR BOURKE.
(Despatch No. 36, per ship Portland; acknowledged by
Governor Bourke, 1st November, 1832.)

22 Oct.

Sir, Downing Street, 22d October, 1831.

I have the honor to enclose to you a list of Disbursements, which appear in the Accounts for the year 1826 of the Colony under your Government, and for which the Commissioners of Colonial Audit have applied for the sanction of the Secretary of State; and I am to desire that you will call upon the proper Officers of your Government for an explanation of the grounds upon which these charges were incurred, and transmit it to me, with such other information as may enable me to judge as to the propriety of authorising their payment.

I am, &c.,
GODERICH.

Queries
submitted
by auditors.

[Enclosure.]

MR. G. W. BRANDE TO VISCOUNT GODERICH.

My Lord, Colonial Audit Office, 15th June, 1831.

I am directed by the Commissioners of Colonial Audit to transmit to your Lordship the enclosed Statement of payments, for which Credit is claimed in the Accounts of the Colonial Treasurer of New South Wales for the year 1826, for services which the Commissioners conceive to have required the special authority of His Majesty's Secretary of State; and I am directed to request that the Commissioners may be informed whether such Authority

Items of
expenditure
queried.

1831.
22 Oct.

was obtained at the time the Expenditure was incurred, or whether such explanation of the several charges may have been furnished by the Colonial Government as may induce Viscount Goderich now to sanction this admission.

I have, &c.,
G. W. BRANDE.

[Sub-enclosure.]

PAYMENTS QUERIED.

Paid the Rev. Mr. Hill, Secretary to the Benevolent Asylum, Donation towards the support of that Institution	£516 13 4	Payments queried by auditors.
Paid Colonel Stewart, Lieut. Governor, Forage Allowance for 2 horses at 2s. 6d. each pr. diem, 1st January to 31st Decr., 1826, the same to be repaid in the event of the disapproval of the Secretary of State	91 5 0	
Salary of Captain W. Dumaresq as Surveyor of Roads and Bridges from 6th January to 31st December, 1826, at 10s. a Day	£180 0 0	
Forage Allowance for one horse from 16th August to 31st December, 1826, at 2s. 6d. pr. Diem	17 5 0	
	<hr/> £197 5 0	
Pension to Mr. W. Bennett, late Superintendent of the Lunatic Asylum from 9th October to 31st December, 1826, at £40 pr. annum	£9 1 1	

DESPATCHES
TO AND FROM ENGLAND
DURING
THE ADMINISTRATION OF
COLONEL PATRICK LINDESAY.

ON the 22nd of October, 1831, Governor Darling sailed for England *via* Canton on the ship *Hoogly*, and Colonel Patrick Lindesay assumed the administration as acting-governor.

DESPATCHES

OCTOBER—NOVEMBER, 1831.

ACTING GOVERNOR LINDESAY TO VISCOUNT GODERICH.

(Despatch No. 1, per ship Palambam.)

My Lord, Government House, 22nd October, 1831.

1831.
22 Oct.

I have the honor to report, for Your Lordship's information, that, His Excellency Lt. General Darling having this day Embarked on board the Ship Hoogly for the purpose of returning to England, I have, as Senior Military Officer in Command, assumed the Government of this Colony in pursuance of His late Majesty's Instructions* to this effect, and have taken the prescribed Oaths as Acting Governor before His Honor the Chief Justice and in presence of the Members of the Executive Council and many of the Clergy, Civil and Military Officers, Magistrates and other Inhabitants of the Colony.

Departure of
R. Darling.Government
assumed by
P. Lindesay.

I have, &c.,

P. LINDESAY.

ACTING GOVERNOR LINDESAY TO VISCOUNT GODERICH.

(Despatch No. 2, per ship Palambam.)

My Lord, Government House, 22nd October, 1831.

I have the honor to acknowledge the receipt of Your Lordship's Despatches, as stated in the Margin.† I have, &c.,

Despatches
acknowledged.

P. LINDESAY.

ACTING GOVERNOR LINDESAY TO VISCOUNT HOWICK.

(Despatch per ship Palambam.)

My Lord, Government House, 22d October, 1831.

I have the honor to acknowledge the receipt of Your Lordship's letters, as Specified in the Margin.‡ I have, &c.,

Despatches
acknowledged.

P. LINDESAY.

ACTING GOVERNOR LINDESAY TO VISCOUNT HOWICK.

(Despatch per ship Palambam; acknowledged by Viscount Goderich, 29th March, 1832.)

My Lord, Government House, 22nd October, 1831.

Referring to Your Lordship's letter of the 2nd March last, respecting a representation made by the Wife of Mr. J. Gray, Deputy Harbour Master of Sydney, Stating that she

Despatch
acknowledged.

* Note 124.

† Marginal note.—No. 38, 24 April, 1831; No. 39, 15 May; No. 40, 28 May.

‡ Marginal note.—April 6, 27th, 28th; May 31st, 1831.

1831.
22 Oct.

Allowance by
J. M. Gray to
his wife.

had been deserted by her Husband and left in the greatest possible distress, I have the honor to forward herewith the Copy of a letter, which Mr. Gray has addressed to Mr. Nicholson, the Master Attendant of this Port, by which Your Lordship will perceive that Mr. Gray has made arrangements with Mr. William Walker, No. 8 Billeter Square, London, for the payment to his Wife of Three Pounds per Month. I beg at the same time to transmit for Your Lordship's information Copy of a statement, Shewing the Amount of Emolument received by Mr. Gray during the last three Years, in order that You may be enabled to judge how far the Allowance, he proposes to make for the Maintenance of his Wife, is proportionate to his means. I have, &c.,

P. LINDESAY.

[Enclosure No. 1.]

MR. J. M. GRAY TO MR. J. NICHOLSON.

Sir,

Sydney, 29th August, 1831.

Arrangements
by J. M. Gray
re allowance
to his wife.

In answer to Your letter, dated 19th inst. with a copy of one enclosed from the Honble. the Colonial Secy. requesting me to inform You my intentions on the Subject of allowing my Wife a Maintenance, and to State to You what Sum I will allow her annually, I beg leave to State to You, for the information of His Excellency the Governor, that I have made arrangements with Mr. William Walker, late the Firm of Jones and Walker, when he left this Port for London, to pay my Wife the Sum of Three Pounds per Month, and to continue the same until further advice; if His Excellency the Governor wish the Money remitted through the local Government to the Colonial Agent, I will most willingly comply to pay the like Sum, namely three pounds per Month, taking the necessary Steps to Stop any Money being paid by Mr. Wm. Walker.

I have, &c.,

JNO. M. GRAY, Harbour Master.

[Enclosure No. 2.]

MR. J. NICHOLSON TO PRIVATE SECRETARY.

Sir, Master Attendant's Office, Sydney, 25th October, 1831.

Emoluments
of J. M. Gray.

In reply to your Memorandum of yesterday's date, requesting me to State what is the Amount of the Emoluments received per annum by Mr. Gray, the Deputy Harbour Master, I beg to acquaint you that he receives his Share of Pilotage, equally with the other two pilots, Viz., one third. The Amount of course varies with the fluctuation of the Shipping to the Harbour.

The following are the Sums Mr. Gray received for the last three Years, Viz. :—

	£	s.	d.
From 1st Octr., 1828, to 30th Septr., 1829	373	13	4
„ 1 Octr., 1829, to 30th Septr., 1830	317	19	4
„ 1 Octr., 1830, to 30th Septr., 1831	293	2	9

Total for three years £984 15 5

Averaging at the rate of £328 5s. 1d. per annum.

I have, &c.,

JOHN NICHOLSON, Master Attendant.

VISCOUNT GODERICH TO GOVERNOR BOURKE.
(Despatch No. 37, per ship Portland; acknowledged by
Governor Bourke, 31st October, 1832.)

1831.
23 Oct.

Sir, Downing Street, 23d October, 1831.

The Secretary at War having represented to the Lords Commissioners of the Treasury that the sum of £5,389 12s. 6d. still remains due to the Military Chest at New South Wales from the Colonial Revenue, on account of the Military Expenditure of that Station for the years 1826 and 1827, I am under the necessity of calling your attention to the Instructions upon this subject conveyed to your Predecessor in the Despatches of the dates mentioned in the margin,* and of desiring that you will take measures for the immediate repayment of the above sum into the Military Chest, on account of the Military Expenditure of your Command.

Money due to military chest from colonial revenue.

I am, &c.,

GODERICH.

ACTING GOVERNOR LINDESAY TO VISCOUNT HOWICK.
(Despatch per ship Palambam.)

My Lord, Government House, 23rd Oct., 1831.

I have the honor to acknowledge the receipt of Your Lordship's letter of the 11th March last, transmitting a letter from the Revd. Dr. Wrench, with a statement of Claims made against the Revd. C. P. N. Wilton, Assistant Chaplain, for Debts Contracted by him previous to obtaining his present appointment, and I beg to forward herewith Copy of a Correspondence, which has taken place between Archdeacon Broughton and that Gentleman, with respect to the Arrangements he has made for the adjustment of these Claims.

Transmission of correspondence with Revd. C. P. N. Wilton.

I have, &c.,

P. LINDESAY.

[Enclosures.]

[Copies of these letters are not available.]

VISCOUNT GODERICH TO GOVERNOR BOURKE.
(Despatch No. 38, per ship Portland.)

Sir, Downing Street, 24th October, 1831.

24 Oct.

I have received General Darling's Dispatch No. 42, of the 27th of April, reporting the appointment of Commissioners for the Management of the Church and School Affairs in compliance with the King's Instructions conveyed to him in Sir George Murray's Dispatch of the 19th of June, 1830.

Despatch acknowledged.

Upon this subject, I have only to observe in reply that, as, by the arrangement referred to in my Dispatch of the 14th of February, 1831, the proceeds of the Lands hitherto reserved for the purpose of maintaining the Church and School Establishment

* Marginal note.—No. 5, 19th May, 1827; No. 50, 20th June, 1830.

1831.
24 Oct.

will no longer be kept distinct from those of the remainder of the Crown Lands, the further Services of those Commissioners are of course deemed unnecessary after the new system shall come into operation.

Supervision of
orphan schools.

I am not aware of the precise grounds, on which my predecessor considered it expedient to direct that the Male and female orphan School should be superintended by Committees Established for that purpose; But, as it appears to be the opinion of General Darling that much greater advantage would result to these Institutions from continuing the Archdeacon in the superintendence of them, than if the measure, before proposed, were to be adopted, you will consider yourself authorized not to carry into effect the Instructions communicated to General Darling upon this subject, should the Archdeacon have no desire, on account of his other duties, to be relieved of the charge.

Increased salary
for clerk and
allowance for
commissioners.

It only remains for me further to approve of the Encrease of £25 per Annum, which has been made to the Salary of the clerk in the Treasurer's Office who has been entrusted with the Accounts of the Church and School funds, and of any reasonable allowance which may have been made to the Commissioners when employed in inspecting the Lands entrusted to their management. All expences however of this nature will, I hope, have ceased from the arrival of my Despatch of the 14th Feby., 1831, and the additional allowance to the Clerk in charge of the accounts must determine at the same date.

I have, &c.,

GODERICH.

VISCOUNT GODERICH TO GOVERNOR BOURKE.

(Despatch No. 39, per ship Portland.)

26 Oct.

Sir,

Downing Street, 26 October, 1831.

Despatch
acknowledged.

I have received General Darling's Despatch No. 40 of the 21st April last, reporting that he had granted a conditional Pardon to Constable Geary with a Pension of 1s. a day, in compensation for the injuries sustained by him in a conflict with Bushrangers in the District of Bathurst and as a reward for his meritorious exertions on the occasion.

Criticism of
indulgences
granted to
Geary.

Although I concur in the opinion expressed by the Executive Council in the Minute sent home by General Darling, as to the expediency of holding out to the Convicts an inducement to conduct themselves well, and to repress any disposition evinced by their fellow-prisoners to disturb the peace of the Community, still I conceive that a Pension of 1s. a day, in addition to a Pardon, is a reward disproportioned to the services performed by Geary (unless the injuries inflicted upon him prove to be permanent) and such as it would be injudicious to hold out to

others, from whom similar services may be required. I do not therefore feel myself at liberty to sanction the issue of the Pension assigned to Geary beyond a year from the date at which it commenced; at the expiration of which period, you will cause the man to be inspected by a Medical Officer, and the report of that Officer will determine whether the Pension should be continued.

1831.
26 Oct.
Limitation of
pension for
Geary.

I am, &c.,
GODERICH.

VISCOUNT HOWICK TO GOVERNOR BOURKE.
(Despatch per ship Portland.)

Sir, Downing Street, 27th October, 1831. 27 Oct.

I am directed by Viscount Goderich to transmit to you the enclosed Copy of a Letter from the Revd. T. H. Scott, late Archdeacon of New South Wales, bearing testimony to the merits of Mr. Charles Cowper, lately clerk to the Corporation of the Clergy and School Lands, who, as he apprehends will be thrown out of Employment by the measures recently adopted by His Majesty's Government for the sale of the Lands hitherto entrusted to that Body. And his Lordship desires me to recommend this Gentleman most strongly to your notice, in the hope that you may be enabled to place him in another situation of equal emolument, or nearly so, to that of which, by the arrangements in question, he will have been deprived.

Recommendation in favour of C. Cowper.

I have, &c.,
HOWICK.

[Enclosure.]

ARCHDEACON SCOTT TO VISCOUNT GODERICH.

My Lord, Whitefield, 26 Sep., 1831.

I take the liberty of laying before your Lordship the case of Mr. Chas. Cowper, lately Clerk of the Corporation of the Clergy and School Lands in New South Wales now dissolved.

Testimony by Revd. T. H. Scott in favour of C. Cowper.

I beg to assure your Lordship I should not presume to make any application in favour of persons or appointments to which I can lay no claim; but, feeling a great interest for the individual, I am anxious to bring the Circumstances of his case under the consideration of your Lordship, which might not have been contemplated at the time the Corporation was dissolved.

Soon after my arrival in New South Wales, the charter for administering the affairs of the church and school lands and funds was proclaimed in compliance with Instructions from the Secretary of State; and, in accordance with one of the provisions, the members elected a Clerk to undertake the details of that body.

As Vice President, almost all the responsibility of the business devolved on me; but I found it impossible to attend to the details with my other duties on my hands; and it was at my suggestion that Mr. Chas. Cowper quitted a permanent and for his standing a lucrative employment in the commissariat to become a candidate for the office of Clerk to the Corporation. By leaving that department, Mr. Cowper relinquished the certainty of a progressive increase of rank and salary (his talents having already attracted the

1831.
27 Oct.

Testimony
by Revd.
T. H. Scott
in favour of
C. Cowper.

notice of his superiors) and the certainty of half pay for life, to which he could look forward.

The irregularity, the uncontrolled extravagance and abuses, I found in the expenditure of the funds, which had been set apart by the King for the Support of Schools in the Colony, required a person to enter into all the details, in whom I could repose implicit confidence; and this induced me to urge this gentleman to offer himself; and, considering that the business of this body must necessarily increase, a prospect of augmenting his Salary was held out to him by the whole Body, and this was done subject to the approval of the Secretary of State.

I learn from his letter to me that, on the Corporation being dissolved, a Commission was formed instead, to which he was named Clerk at a reduced Salary. But I also learn that that Commission has also been dissolved, and that no other provision has been made for conducting the Affairs of the Ecclesiastical and School Establishments but by the ordinary Clerks and Officers of the local Government.

When first Mr. Cowper was elected, I very soon found the labour of one person, even far beyond the office hours (which are seven), was not sufficient; and, had I not devoted a very large portion of my time every day at an employment I certainly did not contemplate, when I accepted the appointment of Archdeacon, it would have been impossible to have kept pace with the influx of business, so that the accounts and affairs should be arranged according to the time and method required by the Charter.

I very strongly represented this to the Governor, and a committee of the Corporation was appointed to investigate the duties of the Clerk; and these Gentlemen, well accustomed to the routine of business, agreed on a report to the Governor, urging the absolute necessity of an addition. This Report, with my letters, were transmitted to the Department, over which your Lordship presides, about July, 1829.

I have troubled your Lordship with these details to point out that, although the Corporation be dissolved, yet additional assistance must be given to the several departments amongst which these affairs will be distributed; inasmuch as a large portion of those duties were performed by a Committee of Gentlemen, Members of the Legislative Council and of the Corporation who served gratuitously, and by myself.

I feel assured that when these facts have been investigated by your Lordship and the hardship of Mr. Cowper's case considered, who relinquished a permanent employment on the faith of another presumed to be as permanent, and which was not objected to by the Secretary of State from 1826 until now, but in fact by several dispatches ordered to be paid amongst other Salaries, it will meet with every attention and justice.

I have, &c.,

T. H. SCOTT.

VISCOUNT HOWICK TO GOVERNOR BOURKE.

(Despatch marked "Private," per ship Portland.)

Dear Sir,

Downing Street, 28th October, 1831.

At the request of Mr. Knox, M.P. for Newry, I am induced to trouble you with the accompanying papers, connected with the claim of Mrs. Boyle, the Sister of the late Major Ovens

28 Oct.

Claim by sister
of J. Ovens.

of the 57th Regt., who died at Sydney in 1825, to certain property left by him to her, but which it is stated that she has been unable to obtain, notwithstanding the admission of Mr. Lithgow, the acting Executor, as to her right to the same. I shall be much obliged to you, if you will make enquiries on this subject, and if you will facilitate as much as may lay in your power (should the aid of the Colonial Government be necessary) the bringing these affairs to a speedy and satisfactory termination.

1831.
28 Oct.
Claim by sister
of J. Ovens.

The papers which I enclose consist of a copy of the Will of the late Major Ovens, the copy of a letter from Mr. Lithgow to Thomas Bennett, Esqr., dated the 25th July, 1830, and the copy of one from Mr. Boyles to the Honble. J. H. Knox, dated the 30th July, 1831.

I have, &c.,
Howick.

P.S.—Since this letter was written a Memorial, of which the enclosed is a copy, has been received from Mr. Armor Boyle and Mr. Thomas Bennett on this subject.

[Enclosure No. 1.]

MR. A. BOYLE TO MR. J. H. KNOX.

Dear Sir, Newry, 30th July, 1831.

I hope and trust you will pardon me for the liberty I am taking in addressing or troubling you upon any subject touching my family concerns; but the delay in the transaction now demands an official Interference, which I shall state as concisely as possible, namely: Mrs. Boyle's Brother, the late Major Ovens, Died at Sydney in Decr., 1825, Willing his Personal Estate and Effects to his sisters, Copy of Will I enclose as well as a Copy of the acting Executors last letter to my Brother in law Mr. Bennett. This Mr. Lithgow was the particular friend of the late Ovens; he holds the situation of "Auditor of Colonial Public Accounts." Ovens went out with Genl. Brisbane, and held the situation of Engineer Brigade Major, etc.; it appears impossible to get Mr. Lithgow to settle the Trust and remit the proceeds. What I want you to get done for me is to have an application made to him, thro' the "Secretary at War" or some official person, in order to get him to act *correctly* and *honestly*, which I fear is not his intention. You will at once see the nature of the thing from the copy of his letter; perhaps it might be well to make the application thro' the New Govr. Genl. Bourke, who is gone out a few days ago. However, as to this you are the best judge, Again begging your excuse.

Effects
bequeathed
by J. Ovens.

Request for
official
assistance in
recovery of
effects.

I have, &c.,
ARMOR BOYLE.

[Sub-enclosure No. 1.]

WILL OF J. OVENS.

THIS IS THE LAST WILL AND TESTAMENT of me John Ovens, Esquire, a Captain in the 57 Regiment of Foot, now residing in the Colony of New South Wales. FIRST I direct the payment of my just Debts, funeral and Testamentary expences, by my Executors hereinafter named, as soon as conveniently may be after my decease. I give

Will of
J. Ovens.

1831.
28 Oct.

Will of
J. Ovens.

and devise a certain grant of Two thousand Acres of Land, made to me by the Crown and situate in the Colony of New South Wales aforesaid, and all and singular other my real Estate whatsoever and wheresoever the same may be situate, lying and being whether in Great Britain or elsewhere, and of what nature and tenure soever, unto my Brothers, save and excepting that part of my landed property, which I have already given to HOLD the same unto the said heirs and Assigns forever; I give and bequeath all my Personal Estate, Property and Effects whatsoever, which I shall be possessed of or entitled unto at the time of my decease, unto my SISTERS TO HOLD the same unto the said Executors, Administrators and Assigns absolutely and forever. I nominate, constitute and appoint my friends, William Lithgow and John Piper, Esqrs., Executors of this my last Will; and, hereby revoking all former and other Wills by me at any time heretofore made, do declare this only to be and contain my last Will and Testament; IN WITNESS WHEREOF I, the said John Ovens, have hereunto set my hand and seal, this Fourth day of December in the year of our Lord One thousand, Eight hundred and Twentyfive.

Signed, Sealed, Published and declared by
the said John Ovens, the Testator, as
and for his last Will and Testament.
in the presence of us who, in his pres-
ence, at his request and in the
presence of each other, have here-
unto Subscribed our names as Wit-
nesses, this 4th day of December, at
Sydney, New South Wales, 1825. } J. OVENS (L.S.)

W. BALCOMBE, J.P.
ROBT. IVORY.

WM. LITHGOW, J.P.
JOHN PIPER, J.P.

[Sub-enclosure No. 2.]

MR. W. LITHGOW TO MR. T. BENNETT.

Sirs,

Sydney, 25 July, 1830.

Letters
acknowledged.

I have been honored by the favor of your two letters of 24th Octr. and 24th Decr. last, on the subject of the Estate of the late lamented Major Ovens.

Reasons for
delay in
remission of
proceeds of
estate.

You rightly conclude that I have hitherto deferred making any remittance of the proceeds from not being aware to whom it could legally be made, and more particularly for some time back in consequence of the letter, of which a copy is enclosed, from his Brother Mr. Hugh Ovens, apprising me of a claim against the Estate for £1,500, and cautioning me to make no payment to any one, till I should hear from or see him.

The decease of Mr. Hugh Ovens, announced to me by you, and the statement in your letters of the groundless nature of the claims set up by him induces me to be of opinion that I may more safely account to you and Mrs. Boyle for the proceeds of the Estate; and it is therefore my intention to loose no time in closing the accounts and remitting the balance.

I deeply regret the delay, which has taken place in the settlement of the trust, partly owing to the pressure of official avocations, which, could I have foreseen, would have prevented me from ever having undertaken it, and partly to the circumstances above

explained. I can assure you, however, that it has not arisen from any interested motive, as I have never allowed any part of the Estate to remain in my possession, but have always paid it to the credit of the account opened with the Estate at the Bank. I will write you more fully on the subject by the first opportunity, and, as I shall immediately call in the amount which you were appraised by the late Mr. Campbell had been lent on Int., I trust to be able at the same time to make a remittance on acct. of the proceeds.

I remain, &c.,

WM. LITHGOW.

[Enclosure No. 2.]

THE Memorial of Armor Boyle of Newry, Merchant, and
Thomas Bennett of Ballydevitt, Esq., Justice of the Peace,
To Viscount Goderich,
Sheweth,

1831.
28 Oct.
Administration
of estate.
Memorial of
A. Boyle and
T. Bennett.

That, on the 7th of December, 1825, Captain Ovens of the 57th Regiment died at Sydney, New South Wales, leaving a considerable personal property, which he willed to his Sisters, and appointing a Mr. William Lithgow, Auditor of the Colonial Public Accounts, and a Captain John Piper, his Executors.

The said Mr. William Lithgow is the Acting Executor, and wrote two letters to one of your Memorialists, one of which is dated 25th July, 1830, and regrets the long delay that has taken place, and stating most positively his intention of losing no time in closing the Accounts of the Estate of the late Captain Ovens, and remitting the Balance.

Memorialists have not received any part of the property, so willed, and pray your Lordship will be pleased to forward this Memorial to the Governor at Sydney; and, as the said Mr. William Lithgow is in the Government Department, that application may be made to him to remit the proceeds, which now remain in his hands.

Memorialists are married to the two only Sisters living at the time of the decease of the late Captain John Ovens, and Memorialists are the only persons entitled to the Chattle property, as willed by the said Captain Ovens.

And Memorialists as in duty bound will pray.

ARMOR BOYLE,
THOS. BENNETT.

Newry, 13th October, 1831.

HON. J. STEWART TO GOVERNOR OF NEW SOUTH WALES.

(Despatch per ship Portland.)

Sir, Treasury Chambers, 4th November, 1831.

4 Nov.

The Lords Commissioners of His Majesty's Treasury having had before them 2 Letters from Asst. Commy. Genl. of Accounts Spurrier, dated New South Wales, 4th and 26th November, 1830, enclosing copies of a Correspondence which has taken place respecting the production and deposit of *Original* Documents in support of the Accounts.

Instructions re
production and
transmission
of original
vouchers.

I have it in command to acquaint you that my Lords are of opinion that the Original Vouchers and Authorities should in

1831.

4 Nov.

Instructions re
production and
transmission
of original
vouchers.

all cases be *produced* by the Parties to the Commissary of Accounts, and whenever they can be conveniently attached to the Accounts they should accompany the Accounts to England. But as some Cases may occur, when the Original Documents cannot be so attached without inconvenience, certified Copies should in such Cases be annexed, and the Certificates of the *Commissary of Accounts* will be considered by their Lordships as proof that the Originals had been produced to him.

I am, &c.,

J. STEWART.

ACTING GOVERNOR LINDESAY TO VISCOUNT GODERICH.

(Despatch marked "Separate," per ship Palambam; acknowledged by Viscount Goderich, 28th March, 1832.)

My Lord, Government House, 4th November, 1831.

I have the honor to inform Your Lordship that, on the 26th of last Month, a report* reached this Colony of a Foreign Ship of War having taken possession of New Zealand on the 4th of October by landing Some Men and Guns and hoisting the French Flag at or near a place called Horidaka in the Bay of Islands.

The Ship is Supposed to be the French Corvette La Favorite, Commanded by Captain La Place, which Sailed from hence ostensibly for the Coast of South America on the 22d of September, after having lain in Port Jackson about five Weeks refitting. Notwithstanding the Vague Nature of this information, yet the very great importance of preventing New Zealand from falling Under the Dominion of any Foreign induced me to Communicate immediately on the Subject with Captain De Sausmarez of His Majesty's Sloop Zebra, who had arrived here a few days previously, and to take the advice of the Executive Council as to the measures proper to be taken by the Colonial Government on the occasion. The Council accordingly took the matter into Consideration on the 31st of last Month, and I have now the honor of transmitting for Your Lordship's further information an extract from the Minutes* of the Council of that date, detailing the whole of the Proceedings, and Containing a Copy of the Instructions, which, at the very earnest request of Commander De Sausmarez and with the advice of the Council, I have given to him for his guidance, if he should find any French or other Foreign Ship or Establishment at New Zealand.

I have also the honor to enclose a copy of a letter from Captain De Sausmarez, dated the 1st of this Month, acknowledging the receipt of My letter of Instructions. He sailed from hence for

Reported
possession taken
of New Zealand
by French
corvette.

H.M. sloop
Zebra sent to
New Zealand
on advice of
executive
council.

New Zealand on the Morning of the 2nd, and I hope that I shall Soon be enabled to make a Satisfactory report to Your Lordship of the result of his Mission.

1831.
4 Nov.

We have hitherto no later arrival from the Bay of Islands than the Vessel which brought the report above mentioned.

I have, &c.,

P. LINDSAY.

[Enclosures.]

[Copies of these papers will be found in a volume in series II.]

VISCOUNT GODERICH TO GOVERNOR BOURKE.

(Despatch No. 40, per ship Portland.)

Sir,

Downing Street, 6th November, 1831.

6 Nov.

I have received General Darling's despatch No. 17 of the 3d of February last, enclosing a statement shewing the expense of the former Establishment of Mounted Police and that which will be incurred by a new organisation and by an increase to the numbers of this particular description of Force.

Despatches
acknowledged
re mounted
police.

I have delayed answering General Darling's despatch No. 63 of the 5th October, 1830, in which he detailed the outrages that had been committed by the Bushrangers, as he then intimated his intention of remodelling the Mounted Police, and of making such additions as would enable that Corps to act with effect against any rising of the Prisoners. I lost no time, however, in communicating with the Home Department on the question of discontinuing to send any more Convicts to New South Wales, and I trust that the temporary stop put to the transportation of Convicts to that quarter will have relieved you from the embarrassment, which an addition to the numbers now there would in their present excited state have occasioned. I fully agree in the view taken by General Darling as to the importance of having an efficient Mounted force available in the event of any disturbances breaking out in different places at the same time, and I have therefore to convey to you my approval of the arrangements made by General Darling for that purpose.

Temporary
cessation of
transportation
of convicts.

Approval of
maintenance
of mounted
police.

With respect to the other parts of General Darling's despatch of the 3d of February, in which he observes upon the injurious extent to which he is restricted in regard to improvements, I shall only remark that, as on the one hand it is necessary that every useless expense should be avoided, so is it not the less essential, on the other, that such measures should be adopted as the welfare and security of the Colony really require. In approving therefore of the continuance of the Magistrate (Mr. Antill) at Stone Quarry Creek, whose services, it appears by General Darling's

Restriction
on powers of
governor.

Approval of
H. C. Antill
as magistrate.

1831.

6 Nov.

Instructions for
amalgamation
of benches of
magistrates.

despatch, could not at present be dispensed with without much inconvenience to the Inhabitants, you will give your attention to the arrangements contemplated by General Darling with a view of uniting in a Bench of Magistrates, established in a central situation, the business at present transacted at "Campbell Town," at "Bringelly" and at the "Stone Quarry."

I am, &c.,

GODERICH.

VISCOUNT HOWICK TO GOVERNOR BOURKE.

(Despatch per ship Portland; acknowledged by Governor Bourke,
16th May, 1833.)

7 Nov.

Dear Sir,

Downing Street, 7th November, 1831.

Request for
report re
R. Beardsley.

I beg to trouble you, at the request of Mr. James L. Melville of the East India House, with the enclosed enquiry from one of his Servants regarding his Father, Richard Beardsley, who proceeded some years since to New South Wales, but who has not been heard of since the year 1821, at which time he was practicing the business of a Veterinary Surgeon at Sydney; and I shall be much obliged to you for any Information with which you may be able to furnish me respecting the person in question.

I remain, &c.,

HOWICK.

[Enclosure.]

REQUEST BY J. BEARDSLEY.

RICHARD BEARDSLEY, of Biggleswade, Bedfordshire, left England in the year 1818 for New South Wales, and a letter was received from him in 1821, stating that he was residing at Sydney and carrying on the trade of a Veterinary Surgeon, since which time he has not been heard of. In consequence of some money being left to the said Richard Beardsley, or, in the event of his decease, to his two Children, who make this application, and will be gratified for any information it may be in your power to give.

Your obedient servant, &c.,

JOHN BEARDSLEY,

Son of Richd. Beardsley.

VISCOUNT GODERICH TO GOVERNOR BOURKE.

(Despatch No. 41, per ship Portland.)

16 Nov.

Sir,

Downing Street, 16 November, 1831.

Rent paid to
H. C. Antill for
court-house.

I transmit, herewith, the Copy of a Letter addressed to my Under Secretary by the Secretary to the Treasury, with the Enclosures therein referred to, respecting an allowance for rent at the rate of £20 per Annum, granted to Major Antill, the Superintendent of Police at Camden, for a Building erected by him on his property and which is to be used as a Court House.

There does not appear to be anything unreasonable in the charge which Major Antill has been authorized to make in his accounts for the rent of the House in question; but I deem it necessary to call your attention to the observations of the Army Comptrollers in respect to the Certificate on which this payment commenced, in order that, when money is issued on occasions of this kind, a Document of a more satisfactory nature than that furnished by the party interested may be first obtained.

1831.
16 Nov.

Necessity
for proper
authority for
payments.

I have, &c.,

[Enclosure.]

GODERICH.

HON. J. STEWART TO UNDER SECRETARY HAY.

Sir, Treasury Chambers, 29th September, 1831.

I am commanded by the Lords Commissioners of His Majesty's Treasury to transmit to you, for the information and consideration of Viscount Goderich, the enclosed Copy of a letter from Depty. Commsy. General Spurrier, dated New South Wales, 16th February last, and its Enclosure; also an extract from a Report of the Comptrollers of Army Accounts on the Statement therein contained that H. C. Antill, Esquire, the Superintendent of Police at Camden, is to be allowed Rent at the rate of Twenty Pounds per Annum from 1st January last for a Building erected by him, which is used as a Court House.

Transmission
of papers *re* rent
of court-house.

I am, &c.,

J. STEWART.

[Sub-enclosure No. 1.]

DEP. COMMISSARY-GENL. SPURRIER TO COMMISSIONERS OF TREASURY.

Department of Accounts,

Sir, Sydney, New South Wales, the 16th February, 1831.

I have the honor to enclose Copy of a letter from the Colonial Secretary informing me that H. C. Antill, Esqr., the Superintendent of Police at Camden, is to be allowed Rent at the rate of Twenty Pounds £20 per Annum from the 1st January last for a Building, erected by him to be used as a Court House.

I have, &c.,

J. SPURRIER, D.C.G.

[Sub-enclosure No. 2.]

COLONIAL SECRETARY MACLEAY TO DEP. COMMISSARY-GENL.

SPURRIER.

Sir, Colonial Secretary's Office, 14th Feby., 1831.

There being no Public Court House at the Stone Quarry in the County of Camden, and H. C. Antill, Esqr., having erected a Building for the purpose of holding the Sessions on his own Land, I am directed by His Excellency the Governor to inform you that an agreement has been entered into with that Gentleman, by which he is to be allowed rent for the same at the rate of Twenty Pounds per annm.; and that, as it appears from a communication from Major Antill of the 26th Ult., of which an extract is annexed, that the Building in question is now fit for the purpose for which it was erected, and has been used as a Court House from the 1st of last Month, authority has been conveyed to him in a letter of this date to charge the rent from that date at the rate above mentioned in his Account of Police Contingencies.

Authority for
charge for rent
of court-house
at Stone quarry.

I have, &c.,

ALEX. MACLEAY.

1831.
16 Nov.

[Sub-enclosure No. 3.]

EXTRACT of a letter from H. C. Antill, Esqr., Resident Magistrate, Stone Quarry, to the Colonial Secretary, dated 26th Jany., 1831.

Sir,

In reply to your communication of the 7th Inst. No. 31/21 in answer to mine of the 14th December, I have the honor to certify, for the information of His Excellency the Governor, that the Court House I have built is fit for the purpose of holding the Sessions, and that I have made use of it for that purpose from the commencement of the year.

H. C. ANTILL,

Resident Magistrate.

True extract:—ALEX. McLEAY.

Certificate *re*
completion of
court-house.

[Sub-enclosure No. 4.]

EXTRACT of a Report from the Comptrollers of Army Accounts, dated 15th September, 1831.

"THE Sanction of the Governor Lieut. General Darling to this measure has been granted upon a Certificate from Mr. Antill, who signs himself 'Resident Magistrate,' that the Building in question is fit for the purpose of holding the Sessions, and that he had made use of it for that purpose.

"It appears to us at least an unusual course of proceeding to allow Rent for a building for a particular purpose on a simple Certificate from the Proprietor and Constructor of the Building that it is fit for that purpose. With this remark, which is all that we are enabled to offer to your Lordships on the subject, we recommend that these Papers be transmitted to the Colonial Secretary of State for his opinion as to the propriety of the transaction."

We have, &c.,

J. DRINKWATER.

W. L. HERRIES.

Criticism by
comptrollers of
army accounts.

ACTING GOVERNOR LINDESAY TO VISCOUNT GODERICH.

(Despatch No. 3, per ship Prince Regent; acknowledged by Viscount Goderich, 22nd March, 1832.)

My Lord, Government House, 16th November, 1831.

I have the honor to forward for Your Lordship's Consideration the accompanying Copy of an application from the Surveyor General, in behalf of Mr. Thompson, who is employed as Chief Draftsman in his Office, and whose Pay and Allowances as Assistant Surveyor are as follows, "Vizt.":—

Salary £260 per Annum, increasing at the rate of £20 a year, Until it reaches £300, and 2s. 6d. per diem in lieu of Forage for a Horse.

I have, &c.,

P. LINDESAY.

Pay and
allowances of
J. Thompson.

[Enclosure.]

SURVEYOR-GENERAL MITCHELL TO COLONIAL SECRETARY MACLEAY.

Sir, Surveyor General's Office, 1st November, 1830.

I have the honor to request that you will submit to the Governor my application in behalf of Mr. Thompson, Chief Draftsman in my office, for some allowance as Lodging Money. I beg to state

Request
for lodging
money for
J. Thompson.

that, being fully aware of the Necessity for economy and retrenchment, I should entertain no hope of success in making such an application, were not the case one of an urgent nature.

1831.
16 Nov.

Mr. Thompson came to this Colony an Assistant Surveyor in 1827, and, being a very Superior Draftsman, he was placed in Charge of the plans and other graphic records of this office, at that time in a state of Confusion. These were soon by his assistance got into order, and his Services are now performed with much accuracy and arrangement, so that his assistance is very Valuable to me in that important branch of the business of the Department. Those duties requiring punctual Attendance at the Office in Sydney, the expense of house rent is incurred, and, as may be easily Understood, other expenses to which an assistant Surveyor, employed in the bush under Canvas and having rations, is not liable.

Services of
J. Thompson.

Under such circumstances, therefore, I would submit for the Consideration of His Excellency the Governor, or of the Right Honble. the Secretary of State, that Mr. Thompson should be allowed Lodging Money, or some additional remuneration in performing the duties of Chief Draftsman.

Request for
additional
allowance.

I have, &c.,

T. L. MITCHELL, S. General.

VISCOUNT HOWICK TO GOVERNOR BOURKE.

(Despatch per ship Portland; acknowledged by Governor Bourke, 11th September, 1832.)

Dear Sir,

Downing Street, 17th Novr., 1831.

17 Nov.

A letter has lately been submitted to my perusal from a young man named Macdonald (son of Major MacDonald), who appears to have gone out to New South Wales about three years ago with letters of recommendation to the Colonial Secretary, through whose means he has had several temporary employments conferred upon him. From the influence which Mr. MacDonald is stated to possess over the minds of the Aborigines, it has occurred to Lord Goderich that he might be made an important instrument in furtherance of the measures, which are in contemplation under the superintendance of the Church Missionary Society, for the Civilization and Instruction of these people; and his Lordship desires me therefore to bring Mr. Macdonald's name under your special notice, in case you should consider that he can be advantageously employed on this Service.

Transmission
of letter from
Macdonald.

Proposed
employment
in civilising
aborigines.

I enclose an Extract of a Letter addressed by this gentleman to his Father, detailing the circumstances under which this Ascendancy over the Natives has been acquired. I remain, &c.,

HOWICK.

[Enclosure.]

EXTRACT of a letter from Mr. Macdonald of the Commissariat Department to his Father Major MacDonald, dated Sydney, December, 1830.

"It was here (Port Macquarie) that I obtained that extensive and extraordinary influence over the aboriginal Tribes of the District, which it seems has even reached your ears, altho' I have never in

Influence
acquired over
aborigines.

1831.
17 Nov.

any way given publicity to it myself; however as it may afford some interest to you and my friends, I shall now relate its origin and effects.

Origin of
influence.

“A short period after my arrival at Port Macquarie, I was on a visit at the agricultural Establishment situated about 30 miles from the Settlement, and had been one evening conversing for a considerable time in broken English with one of the Natives, when he suddenly stopped short in his discourse, looked eagerly at me with his large dark eyes, and ended by stating that I was one of the King's River Tribe, who had been killed some time before, and that I had ‘jumped up again as a White man.’ I took no more notice of this ridiculous circumstance at the time; but I soon discovered that this idea had spread very generally among these simple and superstitious people, by whom I was ever after addressed by the name of ‘Bangar,’ which it would seem was my original patronymick.

Extension and
result of
influence.

“From this period my fame was established. My influence was extended by quickly acquiring their language, and they became greatly and generally attached to me; so much so indeed, that many of them never afterwards left my House, about which too the different tribes always formed their Camp whenever they visited the settlement, and which was then generally encircled with a fence of Spears, while their dark owners reposed in groups upon the grass plots before the door. This influence, joined to my knowledge of the language (in which, contrary to common custom, they always conversed with me) gave me of course great advantages in making myself acquainted with their peculiar customs and superstitions, and which I omitted no opportunity of witnessing, for I had now become as much attached to them as they were to me, and have been frequently alone with them for a fortnight together in the mountains or on the Banks of the great Rivers, 50 or 60 miles from the Settlement, collecting Specimens in natural History for my friend Dr. McLeod; and, as everything in the shape of a curiosity that they came across was always brought as a present to me, I had at times a rather motley household, and I think it would have afforded you no little amusement if you could have seen me of an evening seated in my Cottage, surrounded by a tribe of my sable friends watching the manouvres of my family of pets—flying Squirrels of every size and variety might be seen seated in the ledges of the Windows and springing from them on my Shoulders and head; Opossoms stealing round the room and climbing up the legs of the chairs and tables; Bears munching green gum leaves in a corner, and parrots and Cockatoos chattering upon their Perches; in addition to which, the Walls were decorated with the skins of various animals and the carved war-weapons of the Natives. But all this was not fated to last long; and, although the Dy. Commissary General had promised that I should remain at this station as long as I pleased, I was the other day recalled to Sydney in consequence of his requiring an encrease of efficient hands in his office. The Vessel that was to take me back came in towards the evening; and, as soon as it was known to the Blacks that were about me that I was to leave them the following morning, they immediately started off to their Camp, which was then about three miles from the settlement, and returned with the whole tribe after dark with torches and encamped about the House; they then

Orders for
return of
Macdonald
to Sydney.

surrounded me, expressing their sorrow that I should leave them, and using every epithet of endearment that their language afforded, most of them at the same time stating their intention to proceed with me. This I, however, avoided by telling them that I was only going for a time and that I should return to them shortly. The following morning they all accompanied me, men, women and Children to the place of embarkation, sending forth every now and then one of those wild shouts that they use when leaving home or going to War. On our arrival at the 'Boat Harbour,' the men seated themselves on the fragments of Rock that were strewn about the Beach, their countenances gloomy and abstracted, and the tears starting from their full dark Eyes in spite of their apparent efforts to restrain this symptom of what with them is considered unmanly weakness. The Women and children had in the meantime retired to a height immediately above us, where they stood watching our proceedings and weeping most bitterly; and, when the boat left the Shore, the men again commenced their wild and savage shouts, which they continued at intervals till we were out of hearing; accompanied by only one of their simple people, we soon reached the little Brig that was waiting for us in the Roads, weighed anchor, and reached Sydney on the Evening of the third day after leaving the settlement, where for upwards of two years I had passed so tranquil and so happy a period of existence. Thus ended one of those singular and romantic incidents, which can occur but to few individuals, and only among an uncivilized people, but it is an era in the life of that individual which no after circumstances can ever efface, and the abrupt conclusion of which I shall most certainly always regret.

1831.
17 Nov.

Departure of
Macdonald from
Port Macquarie.

"The influence, I possessed over the natives, did not of course pass unnoticed in the Colony; and it was officially represented to the Governor on two or three occasions by the Commandant of the Settlement; at one time, it was the intention of the Government to have sent a Tribe of Port Macquarie Blacks in conjunction with a strong military force to attack the natives of Van Diemen's Land, who have been committing great ravages there for some time past; and I was then strongly recommended to the Governor to be appointed to accompany the expedition; but the intention was afterwards abandoned."

Proposal to
send natives
to Tasmania.

ACTING GOVERNOR LINDESAY TO VISCOUNT GODERICH.

(Despatch No. 4, per ship Prince Regent; acknowledged by
Viscount Goderich, 3rd April, 1832.)

My Lord, Government House, 18th November, 1831.

18 Nov.

Referring to Your Lordship's Despatch of the 29th of March last, No. 34, respecting an Advance of Fifteen hundred Pounds to be made to Dr. Lang on his arrival with the Emigrants he had proposed to bring out to this Colony, I have the honor to acquaint you that Dr. Lang arrived here on the 13th of last Month; and I beg to transmit for Your Lordship's

Arrival
of Revd.
J. D. Lang.

1831.
18 Nov.

Payment
of advance
to Revd.
J. D. Lang.

information the accompanying Extract from Minute No. 5 of the Proceedings of the Legislative Council, by which it will be seen that the Sum of Fifteen hundred Pounds has been appropriated in pursuance of Your Lordship's Instructions, and that proper Security is directed to be taken for the repayment thereof.

I have, &c.,

P. LINDESAY.

[Enclosure.]

EXTRACT from Minute No. 5 of the proceedings of the Legislative Council on the 8th November, 1831.

PRESENT:—The Acting Governor; The Chief Justice; The Archdeacon; The Colonial Secretary; The Attorney General; The Collector of Customs; The Auditor General; John MacArthur, Esq.; Robert Campbell, Esq.; Alexander Berry, Esq.; John Blaxland, Esq.; Edward Charles Close, Esq.

His Excellency the Acting Governor laid before the Council the following Minute, viz:—

“His Excellency the Acting Governor, in pursuance of instructions from the Right Honble. the Secretary of State, has the honor to inform the Council that His Lordship has been pleased to consent to an advance from the Colonial Treasury of a sum not exceeding £3,500 to the Reverend Dr. Lang, in aid of an academical institution to be formed in Sydney on the principles of the Schools and Colleges of Scotland. It is intended that this advance should be made in different payments in the course of eighteen months next after Dr. Lang's landing in New South Wales, on condition that previous to each advance an equal sum shall have been actually expended from the private contributions of the promoters of the undertaking, and that security be given on the proposed buildings, which are to be erected on the Scotch Church Estate, for the repayment in five years of the money advanced from the Colonial Treasury, the five years to be calculated on each instalment from the date of its being advanced to the Trustees who may be appointed.

“The Secretary of State has also subsequently consented to an advance of £1,500, being part of the £3,500 above alluded to, being made to Dr. Lang immediately on his arrival in the Colony with a certain number of emigrants; and, as Dr. Lang has now arrived and fulfilled the condition upon which this advance was to be made to him, His Excellency recommends to the Council that the sum of fifteen hundred Pounds should accordingly be paid to Dr. Lang from the Colonial Treasury, it being understood that no further advance will be made to him on this account until a sum equal to that amount shall be actually expended upon the proposed buildings.

“ P. LINDESAY.

“ 8th November, 1831.”

The question was then put that the sum of Fifteen hundred Pounds be appropriated in the manner recommended in the foregoing Minute, and carried unanimously in the affirmative, security to be taken on the proposed buildings in such manner as may be judged expedient by the Attorney General.

A true Extract:—E. DEAS THOMSON, Clk., Col.

Minute of
legislative
council re
advance
to Revd.
J. D. Lang.

ACTING GOVERNOR LINDESAY TO VISCOUNT GODERICH.

1831.
18 Nov.(Despatch No. 5, per ship Prince Regent; acknowledged by
Viscount Goderich, 3rd April, 1832.)

My Lord, Government House, 18th November, 1831.

I have the honor to forward for Your Lordship's Consideration the accompanying letter from the Venble. Archdeacon Broughton, which he has Considered it proper to address to You, in consequence of Dr. Lang's having Published observations reflecting on the Clergy of the Colony.

Transmission
of letter from
Revd. W. G.
Broughton.

I have, &c.,

P. LINDESAY.

[Enclosure.]

ARCHDEACON BROUGHTON TO VISCOUNT GODERICH.

My Lord, Sydney, New South Wales, 19th November, 1831.

In a pamphlet* published here within these few days is contained the Copy of a Letter signed "John Dunmore Lang," purporting to have been addressed to Your Lordship, in which the following passages occur:—"It (namely the Church Corporation) has tended to identify the Episcopal Clergy in the estimation of the whole Colony with secular pursuits"; and "In short the Church and School Corporation, instead of proving a benefit either to the Government or to the Episcopal Church, as its projectors unfortunately persuaded His Majesty's Government, it would have lain as a dead weight on the Colony for the last five years, repressing emigration, discouraging improvement, secularizing the Episcopal Clergy, and thereby lowering the standard of morals and religion throughout the Territory." I do not doubt but that, if this were the proper occasion, I could prove to Your Lordship's satisfaction that the Church and School Corporation has not produced the effects, as to emigration and improvement, which this writer attributes to it. But I must direct my present attention to the much more serious charges that it has identified the Episcopal Clergy with secular pursuits in the estimation of the whole Colony, and, by actually secularizing them, has lowered the standard of morals and religion throughout the Territory. If this, my Lord, had been advanced as the opinion only of Dr. Lang, the Episcopal Clergy would have treated it with disregard, knowing that he is neither authorized nor qualified to express the sentiments of this community. But it affects them much more deeply to find that such a charge against them having been preferred has been, as they must infer from the countenance which it has pleased Your Lordship to afford to the author of it, not altogether discredited. This is the impression which they are sensible must be conveyed to the world by His Majesty's Government not only manifesting a silent acquiescence in the assertions of Dr. Lang, but by direct and positive encouragement immediately ensuing upon such a charge against the Clergy of the Established Church, giving rise to a persuasion that they admit the justice of it. I cannot but think that the object of Dr. Lang, in publishing at this time his Letter to Your Lordship, was to avail himself of the effect of the inference which every one reading his statement must naturally draw.

Reply to
statements
by Revd.
J. D. Lang re
episcopal clergy
and church
and school
corporation.

I deem it, therefore, a part of the duty of my office not to permit imputations so heavy to be cast upon myself and my brethren, without preferring a request to your Lordship that the author of them

1831.
18 Nov.

Reply to
statements
by Revd.
J. D. Lang *re*
episcopal clergy
and church
and school
corporation.

may be required to state the grounds upon which he has felt himself justified in making such representations to Your Lordship. If there be any foundation for the charge, it must admit of proof; for it will not escape Your Lordship's notice, Dr. Lang does not merely affirm that the clergy were identified with secular pursuits "in the opinion of the whole Colony," which opinion might be erroneous or might be mis-stated, but he adds his own persuasion that it was true that they were actually secularized, so as, by a necessary consequence, to lower the standard of morals and religion throughout the Territory.

I will, with all due respect, first state to Your Lordship in what degree the Clergy were connected with the management of the Corporation. In conjunction with the Governor for the time being, the Chief-Justice, the Members of the Legislative Council, and the Attorney and Solicitor General, the Archdeacon and nine senior Chaplains were nominated Trustees. Six of these nine had no other concern in the management than to attend four times a year for a few hours at the Quarterly General Courts, an engagement not sufficient, as I conceive, to give a very secular turn to their minds. The other three Chaplains with the Archdeacon were members of the Committee, by which the affairs and proceedings of the Corporation were practically directed. If the superintendance of schools for the religious education of youth, if providing for the maintenance and instruction of Orphans and for settling them advantageously and honestly in life, if the care of public charities and of devising facilities for public worship be secular concerns, then indeed we may have been secularized, as Dr. Lang asserts, by our connexion with the Corporation; for these, I can bear testimony, were the subjects which occupied the chief part of our attention at nine out of every ten Meetings of the Committee which we attended. It behoves Dr. Lang, my Lord, to shew to your satisfaction, first, that the standard of morals and religion *was* lowered after the establishment of the Corporation, which I most positively deny to have been the case; and Secondly that the Clergymen, who were most intimately concerned in the management of its affairs, were distinguished above others by their secular spirit, which might be traced to their connexion with it. Concerning myself, my Lord, I do not propose to offer one word in justification. My conduct, since I entered the Corporation, is before Your Lordship and the world, and must abide your judgment. The three clergymen, who were united with me in the Committee, were the Reverend Samuel Marsden, the Revd. William Cowper, and the Revd. Richard Hill. I trust in justice to those gentlemen your Lordship will have the goodness to call on Dr. Lang to state to you, whether he knows or believes them to be, in the estimation of the whole Colony, identified with secular pursuits; whether he can breathe the most distant suspicion as to their moral character; whether he charges them with inattention to their pastoral duties; whether the affairs of the Corporation occupied any considerable or undue proportion of their time, or led them to engage in a mode of life unworthy of or foreign to their calling; whether in fact, if he were required solemnly to speak the truth, he must not acknowledge that they are among the last persons against whom he in his conscience believes that such charges can with any justice be preferred.

I have, &c.,

W. G. BROUGHTON.

ACTING GOVERNOR LINDESAY TO VISCOUNT GODERICH.

1831.
15 Nov.

(Despatch marked "Separate," per ship Prince Regent; acknowledged by Viscount Goderich, 3rd April, 1832.)

My Lord, Government House, 18th November, 1831.

With reference to my Despatch of this date, No. 5, I have the honor to enclose herewith a Communication in original, addressed to me by the Commissioners for Managing the affairs of the Church and School Corporation, in reply to certain Charges Contained in a letter, purporting to have been transmitted to Your Lordship by the Revd. Dr. Lang, and I am induced to forward it without delay, in order that Your Lordship may have under Your view at the same time the explanations offered by the Commissioners, and the observations addressed to You by the Venble. Archdeacon Broughton.

Transmission of letter from commissioners for church corporation.

Having so recently assumed the temporary Administration of the affairs of this Government, I might perhaps be excused, were I to abstain from offering any remarks on the Subject now brought under Your Lordship's Notice; but I do not feel that, by Such a Course, I should do justice to the Character of the Revd. Gentlemen, So pointedly alluded to in Dr. Lang's Publication, and whose Conduct in my opinion has been Unfairly and most improperly impugned.

Testimony in favour of clergy.

I am enabled to affirm with respect to them from personal observation that they have been unwearied in the performance of their Sacred functions; and I feel persuaded, they have been no less Zealous in the conscientious discharge of every other duty entrusted to them.

Dr. Lang's indiscretion (to apply to his Conduct in publishing the letter in question the mildest term of which it is Susceptible) appears to me so palpable, that I refrain from further comment on it, and very willingly decline all endeavour to account for a proceeding which I entirely disapprove.

Criticism of Revd. J. D. Lang.

I have, &c.,
P. LINDESAY.

[Enclosure.]

COMMISSIONERS FOR MANAGING AFFAIRS OF CHURCH CORPORATION TO THE ACTING GOVERNOR.

Sir, Church Corporation House, 18th November, 1831.

Our attention has been directed to a pamphlet* recently published here, under the Title of "Account of the Steps taken in England with a view to the establishment of an Academical Institution or College in New South Wales; and to demonstrate the practicability of effecting an extensive emigration of the Industrious Classes from the mother country to that colony."

Pamphlet published by Revd. J. D. Lang.

In this publication occurs the following passage, contained in a letter purporting to have been addressed to Viscount Goderich by

* Note 126.

1831.
18 Nov.

Criticism of
church and
school
corporation
by Revd.
J. D. Lang.

the writer of the pamphlet, and bearing date the 30th of December, 1830. "Your Lordship is doubtless aware that, in the year 1825, a Corporation was established by Royal Charter in the Colony of New South Wales, to which a seventh of the whole Territory was granted for the support of the Episcopal Church and Schools of the Colony, on the avowed understanding that the said grant would immediately and forever relieve the Colonial Government of the burden of supporting these Establishments. Your Lordship is doubtless aware also that the Institution has utterly failed of its intended object, the Corporation having actually borrowed from the Colonial Government at the rate of from £19,000 to £22,000 per annum for the support of the Episcopal Church and Schools of the Territory, while the mere cost of its management, exclusively of the Salaries of Clergymen and Schoolmasters, has hitherto been from £1,500 to £2,000 per annum, a sum considerably greater than is annually expended for the management of all the Church and School affairs of His Majesty's ancient Kingdom of Scotland."

"But the Church and School Corporation of New South Wales has been productive, my Lord, of still greater evils to the community than any arising from the mere expense of its management. It has tended to identify the Episcopal Clergy, in the estimation of the whole Colony, with Secular pursuits. It has given extreme dissatisfaction to many respectable emigrants, who have had to go far into the Colonial wilderness with their families in search of land to settle on, while numerous tracts of land, of the first quality, were lying utterly waste in the most accessible and eligible situations in the hands of the Corporation. It has excited a spirit of disaffection towards His Majesty's Government among the native youth of the Colony; and I will even add, my Lord, has sown the seeds of future rebellion. In short, the Church and School Corporation of New South Wales, instead of proving a benefit either to the government or to the Episcopal Church, as its projectors unfortunately persuaded His Majesty's Government it certainly would, has lain as a dead weight on the Colony for the last five years, repressing emigration, discouraging improvement, secularizing the Episcopal Clergy, and thereby lowering the standard of morals and religion throughout the Territory."

Disregard
of former
criticism.

It is not the first time that we have heard such assertions and charges adduced against the Trustees of the Clergy and School Corporation, as well as against the Commissioners who now have the management of its affairs. Acting however under an appointment from His Majesty, we did not conceive it could be incumbent on us to contradict assertions, which it was impossible to trace to any determinate source. We were aware that it was useless to attempt to contend with popular impressions while the delusion was at its height; and we are satisfied that a time will always arrive, if it be calmly waited for, when the truth ought to be spoken because it may be spoken with effect. We are therefore not sorry that Dr. Lang has given substance to these charges in an address to the Secretary of State; because we are persuaded that we can prove, he has either not understood, or, if he understood, has deliberately misrepresented the case which he has submitted to His Lordship's attention. Having done this, we trust that similar misrepresentations will not be repeated by himself or others; or, if they should be, that we may be permitted to disregard them.

1831.
18 Nov.Reply to mis-
representations
by Revd.
J. D. Lang re
land granted to
church
and school
corporation.

Dr. Lang asserts that, at the time of his writing, the Corporation had lain for five years a dead weight on the Colonial resources, because, having received one seventh of the Territory according to the King's Instructions, upon an understanding that the government should be immediately and forever released from the burden of supporting the Church and Schools, the Trustees continued to borrow from £19,000 to £22,000 per annum from the revenues of the Colony. Upon this Statement, we beg first to observe that, although the establishment of the Corporation is to be dated from 9th March, 1826, the first grant of land* which it received was not until the 3rd of February, 1829. During the first three years of its existence, it did no more than act as an agent, on behalf of the Government, in paying the charges of the Church and School Establishments, which had been heretofore paid directly from the public treasury; and with regard to the comparative expensiveness of its management (to which subject we shall hereafter return), it may be shewn that the increase in this department was more than counterbalanced by diminished expense in others. But Dr. Lang may say the case was afterwards altered; during the Succeeding years, the Corporation had the land and yet continued to require the same advances. We must request Your Excellency to call to mind what were the King's Instructions; that one seventh of the land *in extent and value* should be granted to the Corporation. These terms, extent and value, are by no means convertible in New South Wales; and the disingenuousness of Dr. Lang consists in insinuating that the Trustees had their seventh, as if they had it according to the spirit of their instructions, while he must have been fully aware, we repeat emphatically, he must have been aware, that they had it not even according to the letter. If, by counting merely the number of acres, the Seventh in extent could be made out, nothing approaching to a seventh in *value* was at that time, nor has been at any time since assigned to them. We respectfully enquire whether His Lordship is aware what portion the Corporation has received of the County of Cumberland? In this County are contained the Towns of Liverpool, Windsor, and Parramatta; it is bounded by the chief river of the Colony; it is the only seat of condensed population; and in it is situated the chief sea port, the seat of commerce and of government, the Town of Sydney. His Lordship must unquestionably be sufficiently acquainted with the relative value of property in this Country to perceive that, if the Church and Schools have fallen short of their due proportion in this Country, it is not the possession of even half of the remainder of the Colony that could accord immediate compensation. If therefore the representations of Dr. Lang have conveyed to His Lordship's mind the impression that the Corporation has in any just sense received a Seventh of the Colony, We beg to remove it by stating that, while the County of Cumberland contains from 265,000 to 270,000 Acres of really good and valuable land, the portion allotted to the Corporation has been and is no more than 18,500 Acres, even including those Glebe Lands which the Clergy had held for more than twenty years, and of which the seventh was directed to be exclusive. In the town of Sydney, Dr. Lang informs His Lordship that land has been sold for the price of £25 for one hundred superficial feet; but he does not add, as he should in candour have done, that in this town the Corporation has never received an allotment. The Orphan School, many years ago, when

* Note 127.

1831.

18 Nov.

Reply to mis-
representations
by Revd.
J. D. Lang *re*
land granted
to church
and school
corporation.

it was of little or no value, obtained about two acres,* but the Corporation never one single foot. The nearest allotment, which they have ever received, is situated at the distance of seven miles on the barren sand and inaccessible shores of Botany Bay, and of the 4,175 Acres which it contains, the most valuable portion has been since resumed.

We have been compelled to enter at much greater length than we could have desired into the examination of this first part of Dr. Lang's charges, but we felt that this was indispensable for the purpose of unmasking the artifice by which representations, true in appearance and in one single particular, are palmed upon the world for the purpose of conveying an impression altogether erroneous. When Dr. Lang affirms that a seventh of the Territory was granted for the support of the Episcopal Church, he had the means of knowing, as well as any man, that, in the real sense of the words according to the King's Instructions, this assertion could not be maintained.

Reply to
allegations *re*
maintenance
of church and
schools.

We will now more briefly, but we trust not less satisfactorily reply to his other charges. The land, he says, was granted on the understanding that the Government should be immediately and forever relieved from the burden of supporting the Church and School Establishments. Dr. Lang must have been well aware that no such engagement was made or ever contemplated; for he must have known that the Charter of Incorporation itself negatives such an assertion, by providing that such parts of the Revenue as had been set apart by former governors for the education of youth should still be applied under the management of the Corporation in aid of their funds arising from the land, in and towards the education of youth in the principles of the Established Church. With respect to the asserted engagement that a sufficient revenue should be raised from the land, immediately and for ever, to exempt the Government from every charge on account of the Church and Schools, Dr. Lang must have known, not only that this involved an impossibility, but that the impossibility was not attributable to the existence or to the management of the Corporation; for, if the lands which they hold had been granted to private individuals, it would have been equally impossible to make them productive of the annual sum from the burden of which, he says, it was understood they were to relieve the Government.

Alleged
failure of
objects of
corporation.

Dr. Lang asserts that the whole scheme has utterly failed of its intended object. We venture to assure His Lordship that the capacity of the Institution to accomplish its object has never been fairly tried. The first grant of land, which the Corporation received, was as has been shewn in February, 1829; and in the latter part of the same year, all the proceedings, which had been commenced for rendering the Estates productive, were suspended in consequence of the intimation then received of the intention of government to remodel its constitution. We cannot doubt that His Lordship will appreciate the candour, which infers the failure of an undertaking after only a few months' experience of its tendency, and that too during the most aggravated and critical period of a drought which ruined almost every establishment in the Colony.

Advances to
corporation.

Dr. Lang asserts that the Corporation, having possession of one seventh of the whole Territory, has borrowed from the Colonial Government at the rate of from £19,000 to £22,000 per Annum. We beg to state that the greatest sum thus received in any one year

has been £20,500, and on an average of the whole period the advances have been £18,600 per Annum. We have further to observe that very nearly one half of that expenditure has arisen from the School Establishment, towards providing for which an appropriation of Revenues had been made by former Governors, and was by the Charter directed to be continued; and, by a Dispatch from the Right Honourable Sir George Murray, dated 25 May, 1829, it was admitted that the Colonial Revenue was chargeable with the expense of the Orphan Schools to the extent in which they now exist. With what accuracy therefore it can be alleged that this portion of the expenditure of the Corporation was borrowed from the Government, we leave to His Lordship's decision. With reference to the other branch of expenditure, that pertaining to the Church, we are prepared to admit that the Corporation would immediately and for ever have relieved the Government, if the King's Instructions had been or could have been complied with. But we have already shewn that, in the County of Cumberland where alone an annual revenue could be raised from land, their grant was deficient by nearly Fifty thousand Acres of good and valuable land. The Trustees of the Clergy and School Estates never desired to be placed on any other or better footing than individual proprietors. It was within the prerogative of His Majesty to confer lands upon a Corporation for the support of Church and School Establishments, no less than it was to bestow them upon private persons, and the title in both cases must be considered equally sacred. If then, in the case of individuals, it should appear that on some ground of public expediency or necessity the promises of Government could not be fulfilled according to the terms of the original engagement, assuredly they must in equity be fulfilled in some other shape. The Trustees of the Church Corporation, not possessing nor being able to obtain those possessions out of which the revenues for the maintenance of the Clergy were to be derived, were under an unavoidable necessity, as we conceive they had a just claim to receive a pecuniary compensation, without which the Churches must have been closed and the Clergy left to Starve.

1831.
18 Nov.
Expenditure
on schools;

and on church
establishment.

But what Dr. Lang intended to convey and what he knew would have the greatest weight with many of the people, to whom, with what delicacy and propriety we forbear to say, he has communicated his correspondence with His Lordship, was the impression that the sums received by the Corporation, even though they might be claimable according to the Charter, were nevertheless extravagant and excessive. To meet this assumption and at the same time not to fatigue His Lordship's attention with too many details, we will refer to the expenditure of the Years 1829 and 1830, which furnish a fair average and criterion of all the rest. In the year 1829, the Total expenses of Schools were £8,007 8s. 5d., and in the year 1830 the same were £7,235 18s. 4d., the Charges of every description on account of the Church (Stipends of Clergy, Catechists, and inferior officers, cost of Church Furniture, Books for Churches and Schools, Erection and Repair of Parsonages and Places of Worship and all Parochial charges whatever) were in the former year £10,107 13s. 9d. and in the latter £10,382 4s. 9d. These last named sums, we request His Lordship to observe, are the only ones attributable to the support of the Established Church, or in which the Episcopal Clergy have any interest or concern.

Intentions
of Revd.
J. D. Lang
to allege
extravagance.

Annual
expenditures.

1831.
18 Nov.

We are sensible that a very common and unfair mode of representation (which Dr. Lang has not disdained to countenance) is that which states the expence of the Establishment at from £19,000 to £22,000 per annum, and thence takes occasion to raise a clamour against its exorbitancy and extravagance, as if these sums were expended for the benefit and support of the Clergy, or for purposes in which the Clergy had some peculiar interest.

Expenditure
on parochial
schools.

We must, however, remark that very nearly one half of that expenditure arises on account of Schools, wherein the Clergy have no greater interest than is common to every wellwisher to religion and friend of his country. If the Government were at any moment to withdraw all pecuniary support from the Schools, the community at large would be injured, and so it might injure the Clergy. But in no other way whatever would it or could it affect their interests, while it would relieve them from the labour and charge of superintending those parochial Schools, which from the very establishment of the Colony they have most faithfully executed.

Expenses of
management.

We must refer also to the accusation, which Dr. Lang brings against the Trustees for lavish expenditure in the management of their property, which he states at from £1,500 to £2,000 per Annum. At the date of Dr. Lang's letter, this Statement was correct (and it is the only one of his, concerning which we can make that acknowledgement); but it is so no longer. In explanation of this, we have to state that, at the time the Corporation was established, an ungrounded persuasion had pervaded the whole community as to the returns which might be expected to be derived from land; and this so strong and universal as to involve the Trustees of the Corporation in common with all around them. To this cause must be attributed the disproportionate expenditure incurred during the first four years of the Corporation's existence, in preparing for the survey, occupation, culture and improvement of the lands which were to be vested in them. We deem it at the same time but just to recal to observation that, if under a false impression some considerable expenditure was thus incurred, the same was more than counterbalanced by better management in other Departments, the credit of which is exclusively due to the Corporation. At the date of the Charter, the Schools in existence were seventeen in number (including the Orphan Schools) and the expence for the year 1825 £9,406 1s. 8d. At the present time, the number of Schools is Forty; and, increased as they are in extent, and still more in order, morality and usefulness, the annual expense amounts to not quite £6,000. Neither can Dr. Lang impute to us a continued expenditure of from £1,500 to £2,000 on account of management; for we pledge ourselves to His Lordship that, in the present and succeeding years, the charge under that head will not amount to quite £900. We do not fear the imputation of extravagant expenditure when for this sum we are providing for the entire superintendence of all the Churches in this Colony, and for that of the Schools in both the Colonies, extending from Moreton Bay to Hobart Town, and from Sydney to Bathurst.

Reduction in
expenditure
on schools;

and on
management.

Want of
candour alleged
against Revd.
J. D. Lang.

With reference to Dr. Lang himself, we shall only in conclusion request permission, with much respect, to convey to His Lordship our persuasion that he has expressed himself without a due regard to accuracy. Embarked in an undertaking in which he felt it

impossible to succeed without degrading the Established Church in His Lordship's estimation, he has preferred charges against the Corporation, in that loose Style which bespeaks a man resolved at any rate to injure the object of his envy and dislike, with the blind animosity of a political partisan, rather than with the scrupulous attention to truth and candour, becoming one who claims to bear a reverend and Sacred character.

1831.
18 Nov.

Want of
candour alleged
against Revd.
J. D. Lang.

We have, &c.,

W. G. BROUGHTON, Chairman and First Commissioner.
ALEXANDER MCLEAY.
WILLIAM LITHGOW.

Memorandum.—The remaining Commissioners are absent, M. C. Cotton, Esqr., Collector of Customs, having left the Colony on leave of absence, and T. Macquoid, Esq., having proceeded to the interior in discharge of his duties as High Sheriff of the Colony.

Absence of
commissioners.

VICOUNT GODERICH TO GOVERNOR BOURKE.

(Despatch No. 42, per ship Portland.)

Sir,

Downing Street, 19th Nov., 1831.

19 Nov.

I have received General Darling's Dispatch No. 38 of the 14th of April last, accompanied by a report of Captain Sturt's proceedings into the Interior to explore the Country to the Southward and to ascertain the course and termination of the River "Murrumbidgee."

Despatch
acknowledged.

Captain Sturt appears to have acquitted himself in a manner highly satisfactory and creditable to him; and I had deemed it my duty, in consequence of the strong testimony borne to his Services on this occasion by General Darling, to bring Captain Sturt's name under the favorable Consideration of the General Commanding in Chief.

Commendation
of services of
C. Sturt.

I perceive from General Darling's Dispatch that he attaches much importance to the ascertaining of the fact whether a River met by Captain Sturt in his progress (which it was not consistent with the other objects of the expedition at that time to explore) flowing from the Northward into the "Murray" was not, as supposed by that officer, the "Darling," and that it is also recommended that measures should be taken to discover whether there is not a Passage from Lake "Alexandrina" at Encounter Bay into Gulph St. Vincent. I have therefore to request that you will consider how far it is desirable to ascertain these points, understanding that, if the necessary Information can be obtained without any considerable expence, I have no objection to the equipment of an Expedition for that purpose.

Proposals
for further
exploration.

The charge already incurred in the equipment of the party composing the Expedition under Captain Sturt's orders, amounting to £470 15s. 1½d., will be allowed.

Approval of
expenditure on
exploration.

I have, &c.,

GODERICH.

1831.
19 Nov.

ACTING GOVERNOR LINDESAY TO VISCOUNT GODERICH.

(Despatch No. 6, per ship Prince Regent.)

My Lord, Government House, 19th November, 1831.

Transmission
of papers re
respice of
D. Kellaher.

I have the honor to forward for Your Lordship's Consideration the accompanying Copy of a report from Judge Dowling in the case of Dennis Kellaher, Private 39th Regiment, who was found Guilty of Murder during the Current Sittings of the Supreme Court, to which Report is appended the Notes of Evidence taken by the Judge on the Trial together with a Minute in Substance of the Manner in which the case was Submitted for the Consideration of the Jury.

I beg also to add a Copy of the Minute of the Proceedings of the Executive Council, which I trust will be found Sufficiently explicit to put Your Lordship in full possession of the view taken of this Case, and to Shew the grounds on which Kellaher has been respited, until His Majesty's pleasure be made known respecting him.

I have, &c.,

P. LINDESAY.

[Enclosure.]

[Copies of these papers will be found in a volume in series II.]

VISCOUNT HOWICK TO GOVERNOR BOURKE.

(Despatch per ship Portland.)

20 Nov.

Sir, Downing Street, 20 November, 1831.

Land grant
for J. T. Rodd.

With reference to my Letter to General Darling of the 31st of May last, on the subject of the additional Grant of Land claimed by Mr. Rodd, late of the Surveyor General's Department in New South Wales, I am directed by Viscount Goderich to acquaint you that a further consideration of this case has induced him to acquiesce in a grant of 1,800 acres being made to that Gentleman upon the terms on which Lands were held prior to the new Regulations.

In an application, which Mr. Rodd addressed to the Secretary of State on the 17th of Mar., 1830, he stated that he then rented of the Government an allotment of Land to the above extent. You will observe on a perusal of the annexed copy of a Letter to Mr. Rodd, that Lord Goderich has not held out to him the promise of his obtaining this identical Location; but, in the event of its not having been otherwise disposed of, and there appearing to you to be no objection to his now receiving it as a grant, his Lordship considers it to be but reasonable that this particular Land should be confirmed to Mr. Rodd in lieu of his obtaining a grant to the same extent in a different part of the Colony.

I have, &c.,

HOWICK.

[Enclosure.]

1831.
20 Nov.

VISCOUNT HOWICK TO MR. J. RODD.

Sir, Downing Street, 15th Novr., 1831.

Land grant
for J. T. Rodd.

I have received and laid before Viscount Goderich your letters, dated respectively the 26th and 31st Ult. and of the 5th and 12th Inst.; and I am directed by his Lordship to acquaint you that, altho' he sees no reason to alter his opinion in respect to the *Claim* which you have preferred to an additional Grant of land, yet, considering all the circumstances of your case, particularly as connected with the injury sustained by you at the time you were employed in the service of the Colonial Government, he will, as an especial act of favor, direct that you shall receive a Grant of land to the extent of 1,800 acres, upon the terms which were in force in N. S. Wales prior to the adoption of the Regulations of January last. Lord Goderich, however, cannot undertake to say that you will be put in possession of the particular allotment of land described in a former letter, which you addressed to the Secretary of State, dated 17 March, 1830, as that land may have been otherwise disposed of before your return to the Colony; nor can he consent to defray any part of the expenses of your passage back to N. S. Wales.

I am, &c.,
HOWICK.

VISCOUNT GODERICH TO GOVERNOR BOURKE.

(A circular despatch per ship *Isabella*.)

23 Nov.

LORD GODERICH presents his Compliments to Major General Bourke, and, with reference to his Circular despatch of the 22 of Nov., 1830, has to acquaint him that Robert William Hay, Esq., and not Lord Howick will in future have charge of the business connected with the Australian Colonies.

R. W. Hay to
control business
of Australian
colonies.

Downing Street, 23 Nov., 1831.

VISCOUNT GODERICH TO GOVERNOR BOURKE.

(A circular despatch per ship *Burrell*.)

Sir, Downing Street, 23d Nov., 1831.

I have the honor to transmit to you the copy of an Address of the Honble. House of Commons, requesting a Return of all Colleges and Schools of Education in the Colonies or West India Islands with a List of the Professors or Masters severally belonging to them, And also an account of their respective salaries; and I am to desire that you will furnish me with the information called for by the House of Commons, as far as relates to the Colony of New South Wales, with as little delay as possible.

Return required
re schools and
colleges.I am, &c.,
GODERICH.

1831.
23 Nov.

[Enclosure.]

ADDRESS BY HOUSE OF COMMONS.

Resolved, Mercurii, 12^o die Octobris, 1831.

Return required
re schools and
colleges.

That an humble address be presented to His Majesty, that He will be graciously pleased to give directions, that there be laid before this House a Return of all Colleges and Schools of Education in the Colonies or West India Islands, with a List of the Professors and Masters severally belonging to them; and also an account of their respective salaries.

Ordered,

That the said address be presented to His Majesty by such Members of this House as are of His Majesty's Most Honble. Privy Council.

J. H. LEY,
Cl. Dom. Com.

UNDER SECRETARY HAY TO GOVERNOR BOURKE.

(Despatch per ship Isabella; acknowledged by Governor Bourke,
5th May, 1832.)

Sir, Downing Street, 23d November, 1831.

Transmission of
complaint from
C. Young.

I am directed by Viscount Goderich to transmit to you the enclosed copy of a letter, addressed to his Lordship by Mr. Chas. Young, late a Clerk in the Post Office, complaining of the means by which Mr. Raymond, the gentleman at the head of that Department, has effected his (Mr. Young's) removal from his situation; and I am to request that you will cause an enquiry to be made into the circumstances of the case, in order that reparation may be made to Mr. Young in the shape of other employment, should it appear that Mr. Raymond's conduct has been such as he has represented.

I have, &c.,

R. W. HAY.

[Enclosure.]

MR. C. YOUNG TO VISCOUNT GODERICH.

My Lord, New South Wales, 8th July, 1831.

Letter from
C. Young.

I beg leave most respectfully to submit to your consideration the circumstances connected with my case, which I shall state to your Lordship as shortly as possible, and I do so in the hope (which I have been given to understand from the most respectable authority) of your ever having manifested in your high situation a strong disposition to impartial justice, and listened with an attentive ear even to the most unimportant cases of hardship or vexation.

Appointment
as clerk in
post-office.

When H.E. Genl. Darling established the Post Office in this Territory upon its present basis, he appointed me from strong recommendations to be the Clerk thereof with a Salary of £150 per An., to accept of which I relinquished a mercantile situation of some consequence, and which I had held for a considerable time previously. Some time after this, and just as the mails thro' the Interior of the Country were set properly into motion for their complete safety and regularity of despatch (the plan of making up

the monthly Returns, together with the requisite Vouchers from the Deputies, etc., so as to form a portion of the Colonial Revenue, finally accomplished). Mr. Panton, who had been Post-master for ten years died, to whose ability and exertion and H.E.'s very able co-operation, the office I may say owes all that has as yet been done in it. The Governor at this time appointed Mr. Raymond, the present Postmaster (who had been some short time previously *superseded* from a situation he had filled in the Custom House), as Mr. Panton's successor, and he was some time ago confirmed by Sir G. Murray in that situation. 'Tis the overbearing conduct and unnecessary severity *constantly* adopted by this Gentleman, together with his most ungentlemanly deportment evinced towards me, which I am given to understand and quite prepared to believe is natural to him, and is instanced in a remarkably striking manner by his conduct to those *under him*, which in the Customs Department is the cause which has now led me, tho' perhaps unwillingly, to trouble your Lordship at this time.

It will not perhaps be much wondered at that I, having been brought up and educated with respect for morality and the character of a gentleman, should feel sore at receiving such treatment, and the more so, when I inform you that he (Mr. Raymond) was entirely dependant upon my individual exertions for the whole duties of the Department, I may say executive as well as legislative, himself being, as is very well known to and understood by the Govt. here, entirely deficient in the commonest rudiments of education, and consequently, I should think, must be quite unfit *long* to conduct the most important duties of such an Office; feeling that my situation was thus rendered by his treatment towards me generally quite uncomfortable and not likely to get any better, I waited upon H.E. Private Secretary to intimate to him the real state of my situation and feelings, with the view if practicable of getting *removed* into some other Office; and this appeal did not appear to be in vain, for I may mention that I was appointed by H.E. (which Colonel Dumaresq communicated to me verbally) to fill a vacancy in the Colonia! Secretary's Office, and with as much salary as the one I had occupied, and from which I was now to be transferred; but, to this (which was a most desirable object for me to accomplish, under such circumstances) as well as to any other, Office, I was, by Mr. Raymond's interference, prevented ever being permitted to fill. I continued thus doing the duties of this certainly most important office, I may say almost wholly unassisted, and submitting as patiently as possible to the most disagreeably harassing disposition and daily whim of the Post-master, anticipating that some change might by possibility come about, either by my every effort to please, or by some other cause. In this, however, I was mistaken, for one morning, in consequence of some *trifling* remark made by me, having been thrown off my guard at the moment by the severity of his observations for my being a *few minutes* after the hour of *seven* in the morning, altho' there was from recent arrangements made by the Govr. absolutely *no duty to perform*, he seized this opportunity of addressing a letter to the Colonial Secretary, complaining of my conduct *generally* and representing the most *unfounded* and *wicked assertions*. I was then called upon by the Colonial Secretary to admit Mr. Raymond's statement, but which I certainly, to Mr. McLeay and in the presence of my accuser, *unhesitatingly and most unequivocally denied*. I

1831.
23 Nov.

Death of
G. Panton and
appointment of
J. Raymond.

Overbearing
conduct of
J. Raymond.

Request by
C. Young for
transfer.

Retention in
post-office.

Charges made
by J. Raymond.

1831.
23 Nov.

Dismissal of
C. Young.

disclaimed them, whatever might be the consequences. Under these circumstances and without any further enquiry, H.E., as a matter of due course, considered himself bound to uphold his conduct; and I, as the weaker party, was removed without any further ceremony; but I have some reason to believe that the Governor did *not wish* to do so, and his orders issued to Mr. Raymond on the subject leave little reason for him to believe that his conduct is approved by H. Ey.

Request
for inquiry;

I believe it is *not* customary for the Govr. to report to you any cases of Clerks, where the parties have been appointed by himself, and therefore it is *not* very likely you will have any other information but this on my case, wh. may lead you, perhaps very justly, to hesitate before determining on my statements; but which I am very confident upon any necessary enquiry you will find to be correct; and that you will not consider it improper at least to order an *impartial statement* as to the *correctness* of Mr. Raymond's report to the Govr. and thereby afford me an opportunity of vindicating my character.

and for
reappointment.

I would therefore most respectfully trust that, with your usual goodness and impartiality, you will take the seriousness of my case into your consideration, in thus having been suddenly removed from my situation by Mr. Raymond (without any wish as I have reason to believe of the Governor, who has always shewn me the greatest kindness) out of the emoluments of which I derive my only means of support, and that you will consider me, from my services, character and unjust usage at the hands of the present Postmaster, as deserving of being reappointed specially by you to my situation, or strongly recommended to the favorable consideration of our Governor, under the circumstances of my case, to fill the first vacancy, which my experience in public business would render me in H.E.'s judgment competent to fill.

I have, &c..

CHAS. YOUNG.

ACTING GOVERNOR LINDESAY TO VISCOUNT GODERICH.

(Despatch No. 7, per ship Prince Regent.)

My Lord,

Government House, 23d Novr., 1831.

T. L. Mitchell
to be employed
in exploration.

I do myself the honor to report to Your Lordship that I have authorized the Surveyor General to proceed to that part of New South Wales, hitherto unexplored, which lies between the Rivers Castlereagh and Gwydir, in order to ascertain the truths of certain reports,* which have gained Considerable Credit, of the existence of a larger interior river, flowing towards the North West, A Circumstance, if true, of such vast importance to the future interests of the Colony that I have deemed it proper not only to take immediate Measures for ascertaining its correctness, but for doing so with the greatest possible accuracy, by entrusting the duty to an officer whose acquirements So well calculate him for the Undertaking.

Departure of
T. L. Mitchell
from Sydney.

Major Mitchell has accordingly been provided with the necessary Equipment and proceeds this day on his route to Peel's

* Note 129.

River on Liverpool Plains, from whence he is to Commence his researches, as Your Lordship will see particularly stated in the enclosed Copy of a letter from him, dated the 19th inst.

1831.
23 Nov.

When, in the Year 1818, Mr. Oxley explored* a portion of the Territory to the Northward of the Liverpool Range of Mountains, the opinion resulting from his report argued a vast area of depressed interior between the parallels of 36 and 27, Stretching far to the West, and Subject at certain Seasons to total inundation.

Conclusions from discoveries by J. Oxley.

This was the Theory of an immense inland Marsh, into which the Waters of the Macquarie, the Castlereagh and other Streams ultimately Subsided.

Theory of inland march.

This hypothesis, founded on Mr. Oxley's data, gained Support from the result of Mr. Cunningham's observations* during the progress of his journey to the Northward of Liverpool Plains, between the parallels of 32° and 28°, in the year 1828, with the additional opinion of the existence of a Noble interior river, conveying the accumulation of inland Waters across the Continent through the extensive openings discovered by Captain King on the N.W. Coast about the parallel of 20° or 21°.

Modification of theory due to discoveries of A. Cunningham ;

These opinions, although somewhat Shaken in 1830 by Captain Sturt's Discovery* of So large a river as the Darling pursuing a S.W. Course, have been recently revived by the report of a runaway prisoner of the Crown, whose accounts have given rise to many interesting Conjectures relative to the vast Unexplored interior of New Holland.

and C. Sturt ;

and by report of G. Clarke.

George Clarke, alias Barber, was Captured by a party of the Mounted Police about 30 Miles to the N. of the Western extremity of the Liverpool Plains range in the Month of November, 1831, and was at the time heading a tribe of black Natives.

Barber has passed at intervals a period of five Years with the Wandering Aborigines to the N. and N. Westward of Liverpool Plains, Conforming in every respect to their habits and Customs, and having Acquired a perfect knowledge of their language.

During the time he has lived amongst these Unsettled tribes, he asserts to have traversed the interior of New Holland, running down the banks of a Noble river, rising in the Eastern Coast Range, and fed by its Streams and those descending from the Liverpool range, already Navigable, in about 149° East Long. and 27½° S. Latitude, pursuing a Slow, Steady, and unbroken course about N.W. through the vast levels of the interior, and emptying its Waters into the open Sea.

This Statement, far from being Contradictory to the accounts of Messrs. Oxley and Cunningham, Strongly Supports the

1831.
23 Nov.

Merit of
statement by
G. Clarke.

Theories entertained by the latter, and, from the Confident and very consistent manner in which it has been given, I am of opinion that it deserves some Credit.

I shall not fail to transmit to Your Lordship the earliest report I receive of Major Mitchell's proceedings.

In the meantime, I trust my having employed him in this duty will meet with Your Lordship's approval.

I have, &c.,
P. LINDESAY.

[Enclosure.]

SURVEYOR-GENERAL MITCHELL TO ACTING GOVERNOR LINDESAY.

Sir, Sydney, 19th November, 1831.

Criticism of
possibility of
great inland
river.

I have the honor to State, in obedience to Your Excellency's directions, the circumstances which would guide me in my search for a great River in the Northern interior of New Holland, and my grounds for believing that such a River is to be found there, notwithstanding the discouraging character of the interior generally. This appears to me to be owing to the want of elevation in the primitive rocks, which in other parts of the World form lofty ranges, and which, where any River arises, usually enclose a *Basin* in which the waters, falling from both sides, are concentrated into one current.

Influence of
main dividing
range.

The only range as yet known in Australia is parallel to the Eastern Coast, and continuous along its whole extent, giving birth to the rivers we already know. This coast forms a considerable curve Eastward between the latitudes of 20° and 30° South, and the mountains adjacent thereto have been so bold as to acquire the appellation of the Australian Alps. These must there form an extensive arc, concentric with the coast and concave towards the interior, where a concentration of the waters may therefore be supposed to take place. This might be looked for about the latitude of 28° S., where, at an average distance of say three hundred miles from the coast, the head of a large river may be found.

Analogy with
rivers Amazon
and Ganges.

The basin thus formed much resembles, if general maps may be relied on, that in which the river Amazon has its rise near the opposite coast of America, flowing Eastward, as will appear by the accompanying Sketch. The river Ganges has its origin in a similarly curved range of mountains, though distant from the Sea; but, supposing the course of the desired river to be analogous to that of the Amazons, we must believe its estuary to be amongst those unexplored inlets of the Sea, which Captain King saw on the North Western Coast of Australia.

Speculations
re watershed
on western
side of range.

Moreton Bay is about the most Eastern part of the curve formed by the coast mountains; and it was observed both by Mr. Oxley and Mr. Cunningham that all the waters on the interior Side, from the portion Southward or on this side of Moreton Bay, fall towards the North West on a flat Country, which appeared to decline in that direction; it can scarcely be doubted that, according to the laws of physical geography, the waters of the Coast Range, from the further or Northern portion of the curve, fall to the South West, in which case they must unite with those falling to the North West and thus that the rivers from seven hundred miles of a mountain range would flow into one channel. This can scarcely

be doubted; and, as we know of no other similar basin of magnitude in New Holland, there appears to be a greater probability of the origin of a great river there. The course of rivers, when not affected by mountains, is generally perpendicular to the chains in which they rise. Mr. Oxley said the sun set on a perfectly level Western horizon from the Mountains westward of Moreton Bay; and we find that, near Cape L'Eveque* on the Western coast, Captain King observed an extensive inlet, the depth of which he was unable to explore, and that the tide rose thirty-five feet. Mr. Cunningham also informed me that the Sea outside was discoloured, as it usually is near the mouths of great rivers, and this to a considerable distance from the Shore. That the waters from the mountain basin on the east reach the North Western coast is, therefore, extremely probable, unless these waters are discharged by some broad and shallow estuary into the gulph of Carpentaria, where the coast was but imperfectly seen by Captain Flinders. Geologists would say the parallelism of such a principal feature in the surface of New Holland with the neighbouring Isles of Sunda and Timor is probable.

1831.
23 Nov.

Possible outlet
of river on
north-western
coast.

The report of the bushranger, so intelligibly drawn out by Mr. Maule of the Mounted Police, has guided me very much in these conjectures; and I consider it much too true to admit of my having the honor of discovering the river, although I entertained the prospect of reaching the North or North Western Coast by that means, even when I marked the North road, which leads directly to the accessible part of Liverpool Plains.

Report by
G. Clarke.

The advantage of such a river to New South Wales, as Your Excellency is already aware, would be of the most important and permanent nature; a navigable river, reaching from near the rich district of Liverpool Plains to the Shores of the Indian Ocean, would not only obviate the dangerous and circuitous navigation through Torres Straits, but would form a direct line of communication with India and China, uniting also the temperate with the tropical regions of Australia, and, if found in the direction of Cape L'Eveque, such a river would be in fact in the straight line to England by Bombay and the Isthmus of Suez.

Advantage of
discovery of
great inland
river.

I have, &c.,

T. L. MITCHELL, Surveyor Genl.

VISCOUNT GODERICH TO GOVERNOR BOURKE.

(A circular despatch per ship Burrell.)

Sir,

Downing Street, 24 Nov., 1831.

24 Nov.

The Commissioners of Colonial Enquiry having called my attention to the irregularity and delay, which has occurred in some instances in making up and transmitting to England the annual accounts of the Revenue and Expenditure of the Colonies for the purpose of examination and audit, and the necessity of enforcing by some Regulation more punctuality in this respect; I am to desire that you will give the necessary directions to the Treasurer or other proper Officer of the Colony under your Government, to transmit the Accounts and Vouchers

Delay in
transmission
of accounts
for audit.

Instructions re
transmission.

* Note 131.

1831.
24 Nov.
Penalty for
delay in
transmission.

of the preceding year on or before the 1st of April; and you will require from him a Certificate that these Instructions have been complied with, as a necessary document to enable him to draw his salary, which you will on no account issue, so long as the Accounts are in arrear.

I am, &c.,
GODERICH.

ACTING GOVERNOR LINDESAY TO VISCOUNT GODERICH.
(Despatch No. 8, per ship Prince Regent; acknowledged by
Viscount Goderich, 4th May, 1832.)

26 Nov.

My Lord, Government House, 26th November, 1831.

Recommendation of town allotment for K. Snodgrass.

I have the honor to transmit an application from Lieut. Colonel Snodgrass, Major of Brigade, for a building allotment in the Town of Sydney, and, as I have great reason to know that the Strong Claims he urges for this indulgence are very correctly Set forth, I beg leave to recommend the application to Your Lordship's most favorable Consideration.

I have, &c.,
P. LINDESAY.

[Enclosure.]

LIEUT.-COLONEL SNODGRASS TO ACTING GOVERNOR LINDESAY.

Sir,

Sydney, November, 1831.

Application by K. Snodgrass for town allotment in Sydney.

Having ascertained that the regulations, which prohibited the Granting any Land in this Colony to Military Officers while on full Pay, have been so far deviated from as to permit Lieut. Colonel Dumaresq of the New South Wales Royal Veteran Company selecting an Allotment of ground for Building on in Sydney, I take the liberty of urging my Claims in favor of a similar indulgence, and these are so strong that I am confident, if they were laid before the Secretary of State by Your Excellency, they will receive His Lordship's favorable Consideration. I was induced to come out to this Colony on the Military Staff of the Command, principally with a view of ultimately settling, being ignorant that the existing regulations did not permit of my obtaining a Grant of Land while holding the situation of Major of Brigade; but I am led to believe, by a letter from Sir George Murray, then Secretary of State for the Colonies, to Lord Fitzroy Somerset (which I take the liberty of enclosing) that some indulgence was intended; and I feel confident your Excellency will bear witness that I have been called upon to perform many Colonial duties unconnected with my Situation of Major of Brigade, for which you are equally aware that I have never received any allowance whatever; amongst these, I may particularize the Superintendence of the Colonial Ordnance for nearly three Years and the Mounted Police for nearly two, by which a very considerable Saving accrued to Government, and I confide in His Lordship's allowing that I am worthy of some reward for the Saving thereby effected to the Public.

The change of system promulgated in the recent regulations for the Sale of Land no longer prohibited Military Officers from Purchasing, but have Materially injured my expectations of a Grant

(unless His Majesty's Government will be pleased to remunerate me in that way for my Colonial Services); but there does not appear to be the same objections to granting a small allotment for Building in the Town. Several of the Civil Officers and many private Gentlemen, with one Military Officer, having within the last Month received them; and, with my very inadequate Lodging allowance, Some assistance in procuring a residence is really Necessary.

Under these Circumstances, I very respectfully request that your Excellency will submit my claims to the Secretary of State, and I further beg leave to solicit that, under the probability which exists of every eligible Spot of ground being selected by other persons, before an answer can possibly be received to this application, Your Excellency will permit of my selecting one to be reserved until such answer can arrive, and I pledge myself in case of a refusal, which I cannot anticipate, to purchase the Allotment under the regulations which may exist at that time.

I have, &c.,
K. SNODGRASS, Lieut. Colonel.

[Sub-enclosure.]

SIR GEORGE MURRAY TO LORD FITZROY SOMERSET.

My dear Lord Fitzroy, Downing Street, 21st December, 1829.

I return you Lt. Col. Snodgrass's letter.

I should be very glad if I could do any thing for him; but there is a regulation prohibiting Grants of Land being made to Military Officers in employment in Australia, and the same principle has been applied also to persons holding Civil Situations under Certain limitations.

The Governor of the Colony has, however, been authorized to extend to Lt. Col. Snodgrass some indulgence under the restriction of its not being made a precedent.

Very faithfully yours,

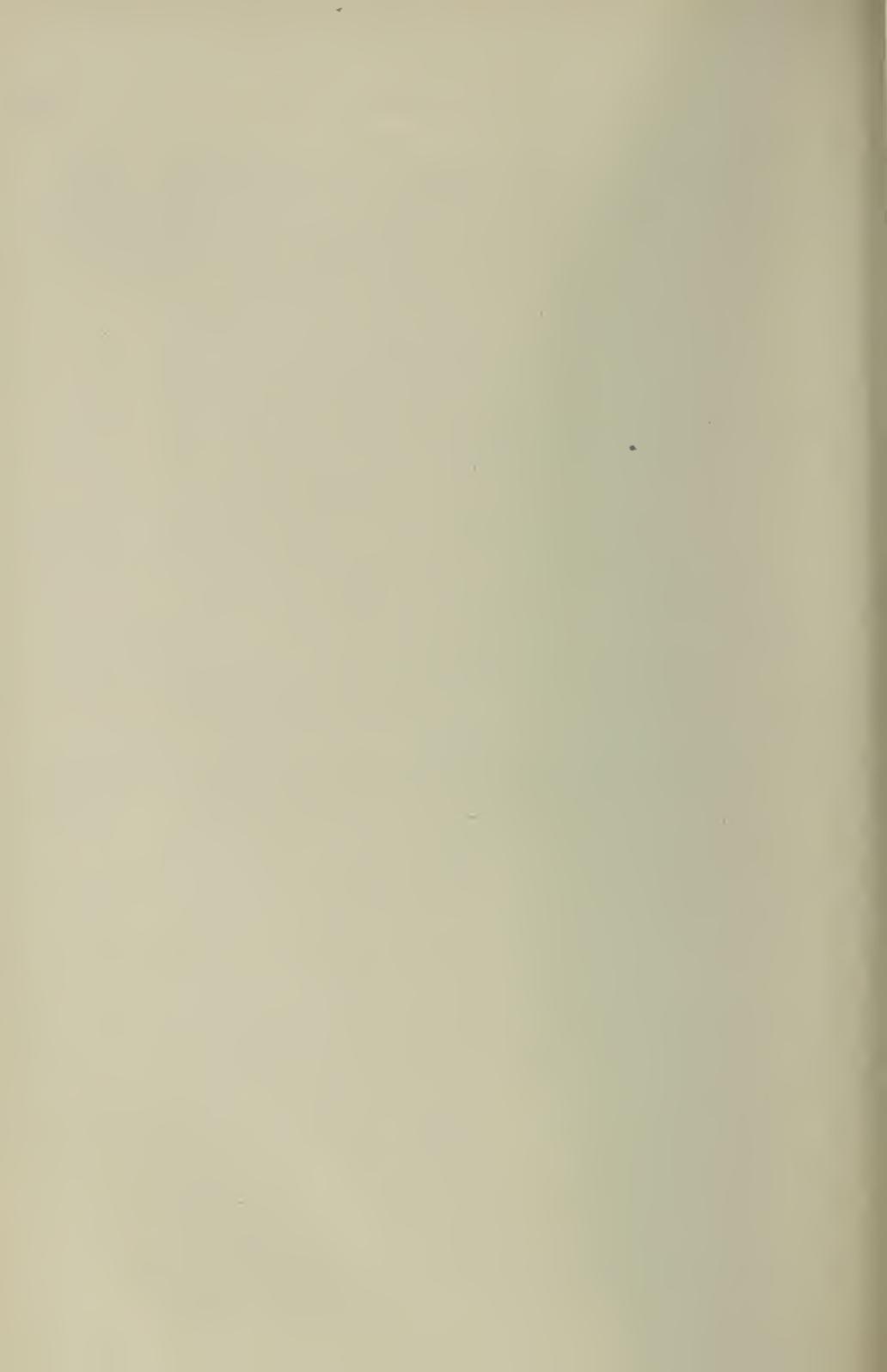
G. MURRAY.

1831.
26 Nov.

Application by
K. Snodgrass
for town
allotment in
Sydney.

Regulations
re land grants.

Indulgence for
K. Snodgrass.



DESPATCHES
TO AND FROM ENGLAND
DURING THE
ADMINISTRATION OF GOVERNOR BOURKE.

MAJOR-GENERAL RICHARD BOURKE landed at Sydney and assumed office as captain-general and governor-in-chief on the 3rd of December, 1831.

DESPATCHES

DECEMBER, 1831—DECEMBER, 1832.

GOVERNOR BOURKE TO VISCOUNT GODERICH.

(Despatch No. 1, per ship Prince Regent.)

My Lord, Government House, 3rd December, 1831.

I have the honor to inform Your Lordship that I this day landed at Sydney, and was sworn in Captain General and Governor in Chief* of New South Wales and Van Diemen's Land in presence of the Members of the Executive Council and other Persons assembled on the occasion. I subsequently administered the oaths to the Members of the New Executive Council, in Conformity to His Majesty's Instructions.

I found Colonel Patrick Lindesay, 39th Regiment, administering the Government of the Colony, Lieut. General Darling having embarked for England via China on the 22d October last.

I have, &c.,

R. BOURKE.

1831.
3 Dec.Assumption
of office by
R. Bourke.Administration
by P. Lindesay.

VISCOUNT GODERICH TO GOVERNOR BOURKE.

(Despatch No. 43, per ship Burrell.)

Sir, Downing Street, 10 December, 1831.

10 Dec.

In consequence of representations received from the Lieutt. Governor of Van Diemen's Land as to the inconvenience, which the local Government sustained from the operation in that Colony of the Act 9 Geo. 4, Cap. 95, which deprived of their Half-pay such Military Officers as might, subsequently to the passing of that Act, receive Civil appointments under the Crown, an alteration has been made in the Regulations in that respect. By the 22d Clause of the 1 and 2 William 4th, Cap. 54, you will perceive that it is now competent to the Lords Commissioners of the Treasury to authorise Military Officers in Civil employment to receive half-pay in any case, in which they may be of opinion that the employment of such Military Officers, in Civil situations with small emoluments, will be conducive to economy and beneficial to the Public service. With a view to the full benefit of this arrangement being enjoyed by those in the receipt of

Provision for
payment of
half-pay to
military officers
in civil
employment.

* Note 132.

1831.
10 Dec.
Reports to be
transmitted.

half-pay upon whom Colonial appointments have been or may be conferred under the circumstances above mentioned, you will take care to apprise me of such appointments, specifying the Salary or Emoluments of the same and the date, in order that I may be enabled (in addition to the oath or Affidavit of the Officer himself) to afford such information as shall be required by the Lords Commissioners of the Treasury in the exercise of the authority vested in them by the Clause of the Act to which I have referred, a copy of which I have the honor herewith to enclose.

I am, &c.,
GODERICH.

[Enclosure.]

EXTRACT FROM STATUTE.

1 and 2 William the 4th, Cap. 54.

Payment of
half-pay to
officers in civil
employment.

22. Provided always, and be it further enacted, That it shall be lawful for the Commrs. of the Treasury, or any three or more of them for the time being, to authorise the receiving Half-pay by Military Officers with Civil Employments in any cases, in which the said Commissioners shall be of opinion that the employment of such Military Officers in the Colonies or elsewhere, in Civil situations of responsibility with small emolument, will be conducive to economy, and thereby beneficial to the Public Service; and, in every such case, the Officer, so authorised to receive half-pay with the Salary or emoluments of any Civil employment, shall signify the same in his oath or affidavit, specifying the Office and the authority under which he is so allowed to receive his Half-pay.

VISCOUNT GODERICH TO GOVERNOR BOURKE.

(Despatch No. 45, per ship Burrell.)

Sir, Downing Street, 13th December, 1831.

13 Dec.
Revocation of
assignments
of convicts.

I have received General Darling's Dispatch of the 28th of May last, transmitting a return of Prisoners, whose assignments have been revoked under the Act of 9th Geo. 4th, Cap. 83, up to the 28th of February of the present year.

Insufficient
details in
return.

On an examination of the causes assigned for withdrawing the Services of these Prisoners from their Masters, I regret to find, in particular cases, that the Information is not so explicit as could be desired. For instance, in the case No. 12, that of Mary Anne Gregson, "improper conduct" is stated as the reason for the revocation of her assignment; but I am at a loss to understand from this expression whether it is on account of the misconduct of the Prisoner or of her Master; Again in cases Nos. 20, 21 and 22, the same difficulty occurs, and others may be mentioned.

As my only object is to call your attention to the subject, I shall content myself with the enumeration of those cases to which I have referred; and I have to request that the Superintendent of Convicts, under whose direction I perceive the return has been prepared, may be desired to render the column, to which my observations apply, more complete, whenever the period arrives for sending home a continuation of the Document in question.

1831.
13 Dec.
Complete
details to be
transmitted.

I have, &c.,
GODERICH.

VISCOUNT GODERICH TO GOVERNOR BOURKE.

(Despatch No. 46, per ship Burrell.)

Sir, Downing Street, 14th December, 1831. 14 Dec.

I have received General Darling's Dispatch No. 48 of the 6th of June last, reporting his having revised the scale of Gratuities, granted to Convicts employed as Overseers, etc., and other arrangements connected with the constabulary force of the Colony, by which a Sum exceeding £3,000 has been saved to the public.

Revision
of scale of
gratuities to
overseers, etc.

It is highly satisfactory to me to find not only that so considerable a diminution of Expenditure is likely to accrue from the Arrangements in question, but that the public Service will be provided for as fully and as efficiently as before; and I have therefore much pleasure in conveying to you His Majesty's Approbation of the Regulations (copies of which accompanied General Darling's Dispatch) by which this desirable object has been accomplished. It is also very gratifying to me to learn that, in addition to the reduction above stated, His Majesty's Treasury will be relieved from a considerable portion of the Expenditure of the Police (hitherto defrayed through the Commissariat) by the Act of Council, referred to by General Darling, wherein all fees received on Licenses for the Sale of Spirits, amounting in the last year to a Sum exceeding £5,000, were directed to be applied in aid of that Establishment.

Approval
of reforms;

and of re-
arrangement
of expenditure
on police.

I have, &c.,
GODERICH.

VISCOUNT GODERICH TO GOVERNOR BOURKE.

(Despatch No. 47, per ship Burrell.)

Sir, Downing Street, 15th December, 1831. 15 Dec.

I have received General Darling's Dispatch, marked separate of the 10th of June last, in reference to the case of Captain Wilson, the Director of Public Works.

Despatch
acknowledged.

1831.
15 Dec.

Having, upon the Information which I had previously received respecting the Insolvency of that Officer, directed his removal from all employment under the Colonial Government, I have only, on the present occasion, to express my regret that, in the inquiry which took place before the Council, the minutes of whose proceedings accompanied General Darling's Dispatch, there should have appeared so many circumstances connected with Captain Wilson's pecuniary difficulties to add to the discredit, which that event was sufficient of itself to bring upon the office which he held.

I have, &c.,

GODERICH.

Regret at
details re
insolvency of
C. Wilson.

VISCOUNT GODERICH TO GOVERNOR BOURKE.

(Despatch No. 48, per ship Burrell.)

20 Dec.

Sir,

Downing Street, 20 Decr., 1831.

Method for
correspondence
with intending
immigrants.

I do myself the honor to transmit to you the accompanying papers, explaining the manner in which the correspondence will be conducted with persons who may proceed to New South Wales under the arrangements of the Commissioners for Emigration, in order that you may be able to concert such measure as may seem proper for the prevention of frauds without infringing on the expectations held out in this Country. You will no doubt consider it advisable to require the personal appearance of parties on whose account orders shall be presented, or, should they have died on the passage, to demand evidence of that fact; but, as in the several despatches, which I have already addressed to you on this subject, I have felt that it would be unnecessary and perhaps even inexpedient to prescribe positive instructions for the local regulations which might be required, I shall also, from a similar consideration, abstain from giving you any more particular directions on the present occasion. There is, however, one possible case to which I am desirous of drawing your special attention. Although no orders for payment will be addressed either to yourself or Colonel Arthur, until the parties shall have declared whether it be their intention to proceed to New South Wales or to Van Diemen's Land, it is possible that some Emigrants may form a wish during the voyage to change their destination from one Colony to the other. But it is obvious that no such change could be allowed without destroying the efficacy of the measures that have been adopted for apportioning the Expenditure on Emigration between the two Colonies. I am unwilling to render it imperative on you universally to refuse granting payment on account of a despatch addressed to the Governor of the neighbouring Colony; but, unless it should happen that two persons possessing orders of similar amounts on the two Colonies should,

Procedure to
be adopted in
colony.

Possible desire
of immigrant
to change his
destination.

at the same time, desire to change their destinations, or unless sufficient proof should be given of some misconception in this Country which would constitute a real hardship on the Individual, I can scarcely anticipate any case in which I should not wish to learn that you had declined ordering a payment in the Colony under your Government on account of a despatch desiring such a payment to be made in Van Diemen's Land.

1831.
20 Dec.

Possible desire of immigrant to change his destination.

I am, &c.,

GODERICH.

[Enclosures.]

[Copies of these papers are not available.]

VISCOUNT GODERICH TO GOVERNOR BOURKE.

(Despatch No. 49, per ship Burrell.)

Sir,

Downing Street, 21 Decr., 1831.

21 Dec.

The attention of my Predecessor having been called to the lamentable state of ignorance and barbarism in which the Aborigines of New Holland continued to remain, an agreement has been entered into with the Church Missionary Society by which they have undertaken to send out and superintend a Mission to these People, upon their being guaranteed for the support of it, an annual payment of £500 from the Revenues of New South Wales. I enclose for your information a copy of the correspondence, which took place between this Office and the Society, from which you will learn the sentiments of the Government upon this important subject; and I have to request that you will recommend to the Legislative Council the annual Grant, so long as the Mission exists, of £500 from the Colonial Revenues in furtherance of the objects in view. The commencement of the payment is to date from the arrival of the Mission in New South Wales. One Missionary proceeded to the Colony in March last, the other, it is expected, will take his departure in the course of a few weeks. You will, in concert with the Agents of the Society, establish such regulations for checking the Expenditure of this money as may be adopted to ensure the due appropriation of it to the objects for which it is given.

Agreement re subsidy for mission to aborigines.

Annual grant to be made from colonial revenues.

Departure of missionaries from England.

It is almost needless for me to instruct you to afford your countenance and protection to the Missionaries and to give them every facility in the discharge of duties, from which the Government anticipate much advantage to the Natives themselves, as well as to the European Settlers, who at present are exposed to the mischievous consequences of the predatory lives and habits of their neighbours.

Assistance to be given to missionaries.

I beg to call your attention to the various Grants* of Land, which have from time to time been given by your Predecessors to Missionary Societies for the purpose of inducing them to

Lands granted to missions.

* Note 133.

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21 Dec.
Lands granted
to missions.

undertake the task of civilizing the Natives and instructing them in the principles of Religion and Morality. You will ascertain the state of these Grants and the manner in which the funds arising from them have been appropriated; and if you should find that the objects for which they were given have not been realized and that the Government have the power of resuming the lands, you will not fail to do so, and to dispose of them in such manner as may render them productive of Revenue, by which means the charge to the Colony on account of the New Mission might be lessened.

I am, &c.,
GODERICH.

[Enclosures.]

[Copies of these papers are not available.]

UNDER SECRETARY HAY TO GOVERNOR BOURKE.
(Despatch per ship Burrell.)

Sir, Downing Street, 21st Decembr., 1831.

Correspondence
re delay in
transmission
of accounts.

I am directed by Viscount Goderich to transmit to you the copy of a letter from the Secretary to the Treasury, enclosing two reports from the Commissioners of Colonial Audit, dated the 5th of May last and 2d Instant, respecting the accounts of the Colonial Treasurer of New South Wales for the year 1828, which do not appear to have reached this country, although, in a letter addressed to the Secretary of the Treasury by the Auditor of that Colony under date of the 13th of February, 1829, it was stated that the accounts for 1828 were in considerable forwardness and would be transmitted without loss of time.

Duplicate
accounts to
be submitted.

Under these circumstances, I am directed by Lord Goderich to request that you will cause enquiries to be made as to the cause of their non-arrival, and that Duplicate copies may be immediately transmitted to this country, should it appear that they have been dispatched from the Colony and that any accident has befallen them in the course of their conveyance hither.

I have, &c.,
R. W. HAY.

[Enclosure.]

HON. J. STEWART TO UNDER SECRETARY HAY.

Sir, Treasury Chambers, 16 Decr., 1831.

Transmission
of reports
by auditors.

I am commanded by the Lords Commissioners of H.M.'s Treasury to transmit to you the enclosed copies of reports from the Commissioners of Colonial Audit, dated 5th May last, and 2d Inst., on the subject of the Accounts of the Colonial Treasurer of Van Diemen's Land for the year 1827, and those of the Treasurer of New South Wales for the year 1828, which have not been received in this country; and I am to request that you will move Viscount

Goderich to direct the Governor of these Colonies respectively to take immediate measures for supplying this omission, and forwarding to my Lords the Accounts in question, or should the original accounts have been lost, for furnishing Duplicates of them with the least possible delay, and that his Lordship will call the attention of the Lieutenant Governor of Van Diemen's Land to the delay, which has occurred in rendering the accounts of the Treasurer of that Colony subsequently to the year 1828, and that he may be desired to cause the accounts for the years 1829 and 1830 to be completed and forwarded to my Lords without delay, and to take such steps as may be necessary for enforcing a more ready attention to the Instructions on that subject in future.

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21 Dec.
Request for duplicate accounts.
Delay in transmission of accounts from Tasmania.

I am, &c.,
J. STEWART.

[Sub-enclosure No. 1.]

AUDIT COMMISSIONERS TO COMMISSIONERS OF TREASURY.

My Lords, Colonial Audit Office, 5th May, 1831.

We are under the necessity of reporting to your Lordships that we have not yet received the Accounts of the Colonial Treasurer at New South Wales for the year 1828, nor those of the Treasurer at Van Diemen's land for the year 1827, although, from the communications from those Colonies, and from the arrival of the Accounts of the succeeding years, we have little doubt but that both these missing accounts have been transmitted.

Non-receipt of accounts from colonial treasurers.

The accounts of the receipt and application of the Revenue of these Colonies for the year 1826 having been forwarded to your Lordships in pursuance of the directions given under your minute of the 18th March, 1825, were received by us from your Department, those of New South Wales in July, 1829, and of Van Diemen's Land in the October following.

Accounts received.

From the commencement of the year 1827, the Instructions adopted by your minute of the 26th of May, 1826, took effect, under which it became the duty of the respective Local Auditors to forward the accounts annually. Some delay occurred in the transmission of the first accounts, which was in both instances explained, and a letter addressed to your Lordships' Secretary by the Auditor at New South Wales, under date of the 13th Feby., 1829, forwarded to us in Mr. Stewart's letter of the 21st July following, notified the transmission of the Accounts of the Treasurer of that Colony for the year 1827, which were duly received, and stated that the Accounts of 1828 were in considerable forwardness and would be transmitted without loss of time in a letter dated the 16th of July, 1829. The Auditor submitted to your Lordships a comparative statement of the Revenue and Expenditure of New South Wales for the years 1827 and 1828, and, in a letter dated the 25th Novr. following, he forwarded to this office some statements and Vouchers relative to the Revenue for the same years, explaining the reason for their not having accompanied the Accounts of the Colonial Treasurer for the corresponding periods. In the month of September last, we received advice of the transmission of the accounts of the Treasury at New South Wales for the year 1829, which, having been addressed to your Lordships, were forwarded to us by Mr. Stewart's letter of the 25th Sept. last; but we have no further information of any description concerning the accounts for the year 1828. We have already adverted to the receipt of the Accounts

Transmission of accounts.

1831.
21 Dec.

Non-receipt
of accounts
from Tasmania.

of the Revenue and Expenditure of Van Diemen's Land for 1826, Mr. Dawson's letter of the 13th August last forwarded to us by your Lordships' directions a letter from Mr. Boyes, the acting Auditor in that Colony, dated 6th March, 1830, stating that a Box containing the cash accounts of the Civil Service of the Colony for the year 1827, and Store accounts from May, 1826, to the end of 1827, addressed to your Lordships, had been put on board the Ship "Lady Harewood"; but, although we have since received a box containing accounts for the year 1828 without any letter of Advice, but accompanied by a General Abstract bearing date the 26th of June, 1830, the box of Accounts for 1827 advised of by Mr. Boyes' letter of the 6th of March has not yet reached this office.

Proposed
search for
accounts.

We cannot but presume that both the accounts of New South Wales for 1828 and of Van Diemen's Land for 1827 have been transmitted to this Country; and we would beg leave to suggest, as they would be addressed to your Lordships, that enquiry may be made of the officers of the Customs, or in such other manner as you may deem proper, in order to ascertain whether they have been deposited and remain in any Warehouses here. Should they not be forthcoming, it will be necessary that directions should be given to the Colonial Government to cause the Duplicate sets of them to be forwarded to your Lordships; but in that case we fear that further copies must be made to be retained in the Colonies.

We have, &c.,

EDMOND BYNG.
JOHN CONROY.

[Sub-enclosure No. 2.]

AUDIT COMMISSIONERS TO COMMISSIONERS OF TREASURY.

My Lords,

Colonial Audit Office, 2d Decr., 1831.

Non-receipt
of accounts.

Referring to our Report of 5th May last upon the subject of the Accounts of the Colonial Treasurer of Van Diemen's Land for the year 1827, and those of the Treasurer of New South Wales for the year 1828, and to Mr. Stewart's letter to us of 12th July last, we have to acquaint your Lordships that we have not yet received the Accounts in question, nor any further advice relating to them. We therefore beg leave to suggest that Communications should be made to the respective Governors of those Colonies, apprizing them that the Accounts have not reached this Country, and requiring them, in the event of their being unable to afford explanation in regard to their non-transmission or non arrival, to cause duplicates of the accounts and of the Vouchers in support of them or certified copies of the latter to be forwarded to your Lordships with the least possible delay.

Request for
duplicates of
accounts.

Delay in
transmission
of accounts
from Tasmania.

We beg leave also to state that we have not received the accounts of the Treasurer of Van Diemen's land for any period subsequent to the year 1828, although those of the Treasury of New South Wales for 1830 have already been rendered; and we would suggest that the attention of the Lieutenant Governor should be called to this delay, and that he should be desired to enforce the immediate completion and transmission of any Arrear Accounts, and to take steps for preventing any similar delay in future.

We have, &c.,

EDMOND BYNG.
JOHN CONROY.

VISCOUNT GODERICH TO GOVERNOR BOURKE.

1831.
22 Dec.

(Despatch No. 50, per ship Burrell.)

Sir, Downing Street, 22d Decemr., 1831.

My Under Secretary has laid before me a Letter addressed to him by Mr. Kinchela, Attorney General of New South Wales, applying for his full Salary from the day of Mr. Baxter's Resignation, on the ground that no person was appointed to discharge the duties of that office, and that, consequently, a vast accumulation of public Business had accrued, the whole of which Mr. Kinchela had, on his arrival, to clear off, independent of the ordinary Business of his Office.

Claim by
J. Kinchela
re his salary.

I consider Mr. Kinchela has made out a fair claim to the additional half Salary for which he has applied, if the circumstances of the case shall prove to be such as he has represented, and you will issue to him the extra Allowance accordingly. I have however to request that you will point out to Mr. Kinchela the irregularity of his having transmitted his application upon this subject direct to this Department, instead of sending it, as the Regulations prescribe, through the medium of the Local Authorities.

Approval of
payment of
full salary.I have, &c.,
GODERICH.

UNDER SECRETARY HAY TO GOVERNOR BOURKE.

(Despatch per ship Burrell; acknowledged by Governor Bourke, 3rd August, 1832.)

Sir, Downing Street, 22d Decemr., 1831.

I am directed by Viscount Goderich to request that you will inform Mr. Kinchela, in answer to an application which he has addressed to this Department for a town allotment, that, according to the Regulations lately adopted for the disposal of the Crown Lands in New South Wales, his Lordship is unable to comply with his request; and you will also acquaint Mr. Kinchela that there must have been some misunderstanding on his part in supposing that he was promised that an order would be sent out at once for his receiving such an Indulgence, as it was not usual to convey such Instructions to the Colony until after the officer's arrival in New South Wales, and upon the receipt of a special recommendation to that effect from the Governor.

Refusal of
request by
J. Kinchela for
town allotment.I have, &c.,
R. W. HAY.

1831.
23 Dec.

VISCOUNT GODERICH TO GOVERNOR BOURKE.

(Despatch No. 51, per ship Burrell; acknowledged by Governor Bourke, 3rd August, 1832.)

Sir, Downing Street, 23d December, 1831.

Despatch acknowledged
re removal
of Pitcairn
islanders.

I have received General Darling's Dispatch No. 45 of the 25th of May last, enclosing a Letter addressed to him by Captain Sandilands of His Majesty's Ship Comet, containing an account of his proceedings in executing the service upon which he was employed connected with the removal to Otaheite of the People of Pitcairn's Island.

Approval of
services
of A. A.
Sandilands;

The whole of the Arrangements, in furtherance of this Service, appear to have been conducted by that officer in a most satisfactory manner; and you will not fail to express to him, if still upon the same station, the sense which His Majesty's Government entertain of the zeal and ability which he has manifested upon this occasion.

and of
agreement
re supplies
at Otaheite.

The agreement, into which he has entered for supplying the people in question with Provisions for a period of six Months subsequently to their arrival at Otaheite, will add very considerably to the other expences attendant upon their removal; but under the circumstances of the case, it does not appear to have been possible to avoid incurring this extra charge; and I have therefore to desire that you will see the agreement fulfilled.

I have, &c.,
GODERICH.

GOVERNOR BOURKE TO VISCOUNT GODERICH.
(Despatch No. 2, per ship Prince Regent.)

My Lord, Government House, 23d December, 1831.

Reports by
R. Darling *re*
New Zealand.

Lieut. General Darling, in his Despatches of the 12th August and 22d September, 1830, and of the 13th April and 7th September, 1831, brought under the Notice of the Secretary of State for the Colonies the importance of the Commercial intercourse between this Colony and New Zealand, and detailed the interruptions to which the Trade was exposed and the discredit brought on the British Name by the atrocious Misconduct of the Masters and crews of Whalers and other Ships touching casually at New Zealand. These enormities he proposed to check by the appointment of a Resident* at the Bay of Islands, or other suitable Place in New Zealand, and by placing one of the Colonial Vessels Under the Resident's Orders. Lieut. General Darling's recal appears to have induced him to relinquish this design.

Proposed
appointment
of resident.

Finding upon my arrival that Considerable anxiety was expressed by the Merchants of this place that the intercourse with

* Note 134.

New Zealand should be placed on a better footing, I brought the Matter under the notice of the Executive Council on the 22d inst, proposing to place a Resident in New Zealand with one of the Colonial Vessels under his orders for the purpose of protecting and promoting Commerce and effecting the apprehension of fugitive Convicts, of whom many are said to be lurking in New Zealand, and taking a principal Share in the atrocities Committed there. I detailed to the Council the Instructions I proposed to give the Resident, and the mode by which it was hoped the objects of his Mission might be accomplished; and Your Lordship may perceive, by reference to the accompanying Minute. The Council were of opinion that the employment of a Resident would be fruitless, unless he had a Military force Under his Command for his protection, and to give weight to his interference; and, as I declined Sending any of the Troops under my orders to those Islands, the Council recommended that the whole Subject should be referred for Your Lordship's Consideration and Commands.

1831.
23 Dec.

Consideration of appointment of resident by executive council.

By reference to the Minute, Your Lordship will See the importance of the Trade between this Place and New Zealand, both as regards this Colony and Great Britain, and the necessity of protecting it. I should state that the annual Visit of a British Cruizer for a few days does not add in any perceptible degree to the Security of the Trade or the prevention of Crime.

Importance of trade with New Zealand.

Your Lordship will also perceive, with reference to the letter of the Acting Governor Lindesay, Marked Separate and addressed to Your Lordship on the 4th of November, 1831, in which he mentions the apprehensions entertained that a french Corvette had made a Settlement on the shore of the Bay of Islands, that no Such possession had been taken, nor does it appear to have been contemplated.

Erroneous report re French action in New Zealand.

I have the honor to enclose in Original the address to His Majesty from Certain New Zealand Chiefs, with an accompanying letter from Mr. Yates the Secretary to the Church Missionary Society at New Zealand.

Address from Maori chiefs.

I have, &c.,

R. BOURKE.

[Enclosure No. 1.]

PROCEEDINGS of the Executive Council relative to the appointment of a *Resident at New Zealand*.

Proceedings of executive council re proposed resident in New Zealand.

EXTRACT from Minute No. 66, dated 22nd December, 1831.

Present:—His Excellency the Governor; The Honble. Colonel Lindesay; The Venerable the Archdeacon; The Honble. the Colonial Secretary; The Honble. the Colonial Treasurer.

His Excellency the Governor then laid before the Council certain papers on the subject of New Zealand, and requested their advice

1831.
23 Dec.

Proceedings
of executive
council *re*
proposed
resident in
New Zealand.

as to the expediency, as suggested by his predecessor Governor Darling, of placing a Resident at the Bay of Islands, or any other more suitable place, with one of the Colonial Vessels under his orders, for the purpose of protecting and promoting the commercial intercourse between this Country and New Zealand.

His Excellency further stated that the frequent instances of fraud practised by the crews of Vessels touching casually at those Islands are too well known to require repetition. They have been a subject of complaint from the time of Governor McQuarie down to the present day, and require to be suppressed both on the score of humanity and for the preservation of trade.

His Excellency was of opinion that the duty of the Resident should be to conciliate the good will of the Chiefs, and to encourage the production of those articles of commerce of which Great Britain or the Colony stands in need. Upon the facility of procuring the *phormium tenax*, some anxiety has been expressed by the Navy Board. A Return from the Custom House of Sydney shews to what an extent the Commercial intercourse between the Colony and New Zealand has already reached, notwithstanding the interruptions which the misconduct alluded to has occasioned.

The Resident should also endeavour to protect the Natives from ill treatment by every possible means, and to procure the surrender of the fugitive Convicts, who are lurking in those Islands. The means, by which these objects may be accomplished, are set forth in the accompanying letter of the Attorney General of New South Wales.

His Excellency likewise requested the Council to consider, whether the expence of this Establishment should be borne by the Colonial Treasury with the consent of the Legislative Council.

The Governor also laid before the Council Letters from Commander de Saumarez of H.M. Sloop Zebra relating to what occurred in the Bay of Islands when the French Sloop La Favorite arrived there in the month of October, but had shown no intention of taking possession of those Islands or any part thereof, and from the Revd. Mr. Yates forwarding one from certain Chiefs addressed to His Majesty King William the Fourth, praying that His Majesty will become their friend and the Guardian of their Island.

The Governor stated in conclusion that a deputation of the Merchants, connected with the New Zealand trade who had waited upon him, had recommended that a Resident might be stationed at those Islands to watch over the interests of the important trade, which is now carrying on between them and this Colony.

The Council were strongly impressed with the importance of encouraging by every possible means an intercourse with these Islands, and of conciliating a friendly disposition on the part of the Natives, as well as of preventing the repetition of outrages similar to those which have from time to time been committed by the crews of British Vessels; and, although fully persuaded of the advantages of the proposed measure, yet were of opinion that the same was not likely to succeed without the aid of a Military force; and, conceiving that such a proceeding should not be taken without the sanction of His Majesty's Government, recommended to His Excellency to refer the whole subject to the favorable consideration of the Right Honorable the Secretary of State.

A true Extract:—E. DEAS THOMSON, Clk., Col.

[Enclosure to Minute No. 66/1831.]

1831.
23 Dec.

RETURN shewing the Trade between this Port and New Zealand,
from the 1st January to the 8th December, 1831.

Return *re*
trade with
New Zealand.

Port of Sydney, New South Wales.

Account of Vessels Entered and Cleared.

Entered inwards.		Cleared outwards.	
No.	Tons.	No.	Tons.
44	5,257	56	5,261
			£ s. d.

Declared value of Imports as specified on the other side . . . 34,282 12 0
Declared value of Exports as specified on the other side . . . 30,760 2 9

Note.—This Amount includes the following Articles entered Outwards for New Zealand, but intended for the Whaling Trade, Viz.:—Whaling Gear, £1,396; Casks, £4,885—£6,281.

IMPORTS from New Zealand from the 1st Jany. to 8th Decr., 1831.

Articles.	Quantity.	Declared Value.	
		£	s. d.
Flax	1,182 Tons	24,488	0 0
Plank and Timber	277,600 feet	4,707	0 0
Potatoes	26 Tons	131	0 0
Pork	1 ton 6 Cwt.	48	0 0
Pigs	51	43	0 0
Oars	272	62	0 0
Seal Skins	2,206	2,106	0 0
Handspokes and Spars	597	477	0 0
Whale Oil	45 tons	750	0 0
Whale bone	7 tons 13 Cwt.	1,023	0 0
Treenails	101	10	0 0
Articles being Cargo returned for want of Sale at the time, and Ship Stores	—	437	12 0
Total		£34,282	12 0

EXPORTS to New Zealand from 1st Jany. to 8th Decr., 1831.

Articles.	Quantity.	Declared Value.	
		£	s. d.
Gunpowder	61,453 pounds	3,230	10 0
Muskets	5,888	8,164	15 0
Cartouch boxes, Flasks and belts	Sundry packages	266	0 0
Shot and balls	39 Cwt.	117	0 0
Flints	30,500	37	0 0
Hardware and Cutlery	Sundry packages	2,311	8 9
Spirits	9,670 Gallons	1,646	9 0
Tobacco	20,359 pounds	1,251	1 0
Horses	9	130	0 0
Horned Cattle	25	105	0 0
Sheep	162	90	0 0
Sundries, Consisting of Groceries, Provi- sions, Apparel, etc., for the use of the Missionaries and European Inhabitants . .	—	7,129	19 0
Whaling Gear and Casks	—	6,281	0 0
Total		£30,760	2 9

JAS. BROWN, p. Coll'r.
BURMAN LANGA, Cont'r.

Custom House, Sydney, 10th December, 1831.

[Enclosure to Minute No. 66/1831.]

Copy of a Letter from the Attorney General to the Colonial
Secretary, dated

Sir, Attorney General's Office, 12th December, 1831.

I have the honor to acknowledge the receipt of your Confidential Letter of the 8th instant, informing me that it is the intention of His Excellency the Governor to send a Confidential person to New Zealand for the purpose of protecting the British Interest, and of preventing as far as possible a Continuance of the Atrocities and Irregularities now Committed by British Subjects in that Country; and by the direction of His Excellency requesting I would let you know for his information
Resident proposed in New Zealand.

1831.
23 Dec.

Opinion *re*
legal powers
of resident.

how far any Confidential Agent Can be legally authorised to suppress Aggressions, or to apprehend Offenders or runaway Convicts from this Colony, it being understood that he will have a Government Vessel at his disposal, and the means of securing such persons as he may judge proper to send to this place.

In reply I have the honor to state for the information of His Excellency that, though the 4th Section of the 9th of Geo. 4th Chap. 83, gives the Supreme Courts of this Colony and of Van Diemen's Land respectively jurisdiction to try Offences Committed by British Subjects in New Zealand, I do not conceive it would authorise His Excellency to appoint any person to act in a Judicial or Magisterial Capacity in that Island, as it is not at present a Dependency of this Colony; however from that part of the above Section, which speaks of Offences Committed "by any British Subject sailing in or belonging to, or that Shall have sailed or belonged to and have quitted any British Ship or Vessel to live in any part of said Islands, Countries or places, or that shall be there living," I Conceive that in Case informations are sworn in this Colony against any British Subject residing in New Zealand for any Crime Committed there, His Excellency might send to arrest such person in that Island, to be brought here for trial, and of Course I conceive might Authorise any person to arrest any Convict runaway from this Colony, who might be found living there.

I have, &c.,

JOHN KINCHELA.

[Enclosure No. 2.]

[Copies of the address and letter from Revd. W. Yates are not available.]

VISCOUNT GODERICH TO GOVERNOR BOURKE.

(Despatch No. 52, per ship Burrell.)

24 Dec.

Sir,

Downing Street, 24th Decemr., 1831.

Despatch
acknowledged.

I have to acknowledge the receipt of General Darling's Dispatch No. 47 of the 4th of June last, stating that the settlement at King George's Sound had been transferred to the Government of Western Australia, and communicating the circumstances attending the death of Captain Barker of the 39th Regiment, the late commandant at that place, whilst endeavouring to ascertain whether there was any communication between a Lake lately discovered by Captain Sturt and Gulf St. Vincent.

Regret at
murder of
C. Barker.

The praise, bestowed by General Darling and Governor Stirling on Captain Barker's zeal and attention to his duties, shews that he possessed merits of no ordinary kind; and it is impossible therefore for me not to regret exceedingly the untimely fate which has befallen this officer.

Approval
of order *re*
services of
C. Barker.

The Government order, which General Darling issued, appears to have been a proper testimony to the value of his Services; and I highly approve of his having adopted this mode of shewing to other officers that Services such as those performed by Captain Barker would always be duly appreciated. The Lives of such officers are too valuable to the public to be needlessly sacrificed, and I am therefore to request that you will impress most earnestly upon those whose duties are likely to bring them into contact with the Natives, that it is a duty, which they owe to the public no less than to themselves, to allow no consideration whatever to induce them to separate from their companions so as to be beyond the reach of assistance if treacherously attacked.

Caution to
be observed
in contact
with natives.

With respect to that part of General Darling's Dispatch, which relates to the employment which he had in view for Captain Barker at New Zealand, and the difficulty which he felt in supplying his place, it is not my intention at the present moment to offer any remark, although I shall shortly have to enter very fully upon that subject in replying to his Dispatch of the 13th April last.

1831.
24 Dec.

Proposed
appointment
of C. Barker in
New Zealand.

I have, &c.,

GODERICH.

VISCOUNT GODERICH TO GOVERNOR BOURKE.

(Despatch No. 53, per ship Burrell.)

Sir, Downing Street, 25th December, 1831.

25 Dec.

I have received General Darling's Dispatch No. 56 of the 8th July last, enclosing the Copy of a regulation which he had established, the object of which is to throw a large portion of the expence hitherto borne by the Government, with respect to assigned Servants, upon the Masters of the Convicts so assigned, and it has been particularly gratifying to me to find, from the readiness with which the Settlers have complied with the terms of the Regulation, that no inconvenience is likely to be occasioned to them, whilst a very considerable diminution of expence to the Government will be effected by the proposed arrangement.

Approval of
regulations
re assigned
servants.

I have, &c.,

GODERICH.

VISCOUNT GODERICH TO GOVERNOR BOURKE.

(Despatch No. 54, per ship Burrell.)

Sir, Downing Street, 27th December, 1831.

27 Dec.

I have the honor to acknowledge the receipt of General Darling's Dispatch of the 26th of July last, and to express to you the satisfaction of His Majesty's Government at the further retrenchments which he has been enabled to carry into effect, in addition to the payment of £6,400, which he has contributed from the Colonial Revenue in support of the Police Establishment.

Approval of
economies
effected by
R. Darling.

I have, &c.,

GODERICH.

VISCOUNT GODERICH TO GOVERNOR BOURKE.

(Despatch No. 55, per ship Burrell; acknowledged by Governor Bourke. 1st May, 1832.)

Sir, Government House, 27th December, 1831.

I transmit to you, herewith, the Copy of a letter from the Secretary to the Treasury together with the Extract, enclosed from the Comptrollers of Army Accounts; and I am to desire that you will give your early attention to the observations of the Comptrollers relative to the distribution of Convicts amongst the

Transmission
of report by
comptrollers of
army accounts.

1831.
27 Dec.

Military and Civil Officers of the Settlement of New South Wales, the employment of Convicts in places of trust, and the occupation of Convicts in fabricating various articles for sale at Sydney for the benefit of their Masters.

Allowances to
be refunded
by officers.

The only part of the Report, on which I deem it necessary at present to convey to you any specific Instructions, is that which refers to the deductions proposed by the Comptrollers from the allowance drawn by officers for their regulated Civil Servants, at the same time that they had the Service of Convicts to whom Rations of Provisions were issued; and, upon this subject, I deem it right to desire that you will call upon all officers whether Civil or Military, who may have thus acted, to refund immediately what they have so improperly received. I have, &c.,

GODERICH.

[Enclosure.]

HON. J. STEWART TO UNDER SECRETARY HAY.

Sir,

Treasury Chambers, 10th Decr., 1831.

Submission of
report from
comptrollers of
army accounts.

I am commanded by the Lords Commrs. of H.M.'s Treasury to transmit to you the enclosed extract from a Report of the Comptrollers of Army Accounts, dated 31st Octr. last, relative to the distribution of Convicts amongst the Military and Civil officers of the Settlement of New South Wales, the employment of Convicts in places of trust, and the occupation of Convicts in fabricating various articles for sale at Sydney for the benefit of their Masters; and I am to request that you will move Viscount Goderich to give such directions on the above subject as he may deem expedient, and at the same time to favor My Lords with his opinion whether the Parties, therein referred to, should be called on to refund the value of the Provisions drawn by them for their regulated Civil Servants, and whether there are any circumstances attending the Civil Settlement at Port Macquarie, which would render it a matter of difficulty or very expensive to obtain persons for the Commissariat Service, who have not been Convicts.

I am, &c.,

J. STEWART.

[Sub-enclosure.]

EXTRACT from Report of Comptrollers, dated 31st Octr., 1831.

Irregular
practises at
Port Macquarie.

“HAVING thus concluded our remarks on Mr. Bowerman's case, we shall draw your Lordships' attention to certain irregular practises at Port Macquarie, which have been disclosed in the Papers under our consideration.

“These will be classed under the Heads of Distribution of Convicts amongst the Military and Civil Officers of the Settlement; the employment of Convicts in charges of trust; and the occupation of Convicts in fabricating various articles for sale at Sydney for the benefit of their Masters.

Distribution
of convicts
amongst civil
and military
officers.

“In regard to the distribution of Convicts at Port Macquarie amongst the officers appertaining to the Detachment of Troops stationed there, it appears that the Commandant of Port Macquarie had at one time 1,400 Convicts under his charge, some of whom were allotted to the officers above referred to, Mr. Bowerman

himself receiving three or four. This measure, which is said to have been approved of by the Local Authorities, is however in our opinion objectionable on two grounds, viz.: 1st. as Port Macquarrie and other Penal Settlements at New South Wales were established for the correction of the most notorious offenders sent out from this Country, or who had committed heinous offences in the Colony, it is obviously inconsistent with the great remedial design of such Establishments to allot any of those Criminals to Officers as Servants, which must have the effect of placing them on the same footing with less guilty convicts, and thus the beneficial influence of their heavier punishment as a warning to others must be lost. Secondly, we find, upon reference to the New South Wales Store accounts, that during a part at least of the period when the Transactions occurred, viz.: from April, 1825, to March, 1827, in addition to their Convict Servants, for whom of course Rations of provisions were drawn, the Officers of the Detachment of Troops stationed at Port Macquarrie, as well as Mr. Bowerman, the Commissariat Storekeeper Mr. Smith, and Mr. Jones, did actually draw provisions for the number of Civil Servants allowed by the Provision Warrant.

1831.
27 Dec.

Distribution
of convicts
amongst civil
and military
officers.

“Now it is clear that such of these Parties as employed Convict Servants, who are not only provisioned but clothed by the Public, could have no just claim whatever to draw provisions at the same time for their Civil Servants; and consequently the value of all Rations so issued, exceeding the Stoppage of 2s. 2d. per diem for each Ration, should we submit, be refunded by the Individuals who participated in such an irregular Indulgence.

“With the exception however of Mr. Bowerman, the names of the parties here alluded to are not stated, and we are thus precluded from furnishing your Lordships with an account of the Sums due under this head, which however we conclude may be furnished by the person in charge of the Commissariat Department in N. S. Wales.

“We recommend your Lordships to communicate with the Colonial Secretary of State on the subject of the abuse in the Distribution of Convicts as Officers' Servants at Port Macquarrie, to which we have now drawn your Lordships' attention, with a view that he may, in concert with your Lordships, give the necessary directions for the immediate discontinuance of the practice, not only at Port Macquarrie, but at all other Penal Settlements at New South Wales, where it may be found to prevail. We also suggest that Mr. Laidley be instructed to make out an account, shewing the names and Ranks of the parties, whether Military Officers or Civilians, who, at Port Macquarrie or any other Station in the Colony whether Penal or otherwise, have received or may still receive Convict Servants, and at the same time draw provisions for their regulated Civil Servants.

“The Account should likewise exhibit the number of Rations thus received, with their value, deducting in each case the Ration Stoppage of 2½d. Mr. Laidley should moreover be enjoined to call upon the Commissariat Officers or other persons serving in the Department, whose names shall appear in the Account, to refund the Sums severally due from them. A Duplicate of this document should also be sent to your Lordships that, if any of the Military officers in question should have left the Station, they may be required to pay their proportions through the channel of the Secretary at War;

1831.
27 Dec.

Employment
of convicts in
charges of
trust;

and in
manufacture
of articles for
their masters.

to enforce which Mr. Laidley should be directed to apply to the General Officer or other officer Commanding in Chief. Lastly, under this head, we recommend your Lordships to make a correspondent Communication to Lieut. General Darling. On the subject of employing Convicts at Port Macquarrie in subordinate situations in the Commissariat Department, We beg leave to remark that, considering the depraved character and dissolute habits of these Men, the employment of them in situations of Trust, such as inferior Clerks, and in the Issue of provisions from the Commissariat Magazines, and more particularly giving them unobstructed access to an article so alluring to a convict as Rum, and so scarce at Port Macquarrie, appears to us to be a very dangerous system. If necessarily employed at all in the Magazines, we submit that their occupation should be strictly confined to that of mere Labourers, and that they should be constantly Superintended in their work by some accredited person of the Commissariat Branch, on whose vigilance and probity a firm reliance can be placed. Correspondant Communications on this point should, we submit, be made to Lieut. Genl. Darling and Mr. Laidley, respecting the occupation of Convicts assigned to Military Officers at Port Macquarrie in Manufacturing articles for sale at Sydney for the benefit of their Masters. Our authority for noticing this subject is Mr. Jones; and therefore whatever is advanced by him will naturally be received by your Lordships with great caution; still, as he broadly makes the assertion, and as the practise, if it exists, is alike irregular and discreditable, we recommend that Lieut. Genl. Darling be directed to ascertain the fact; and, if it should appear that Mr. Jones' representation is true, that he be instructed to give immediate and peremptory orders for its discontinuance, not only at Port Macquarrie, but at every other station in the Colony, where similar practises may be found to prevail."

We have, &c.,

J. DRINKWATER.
W. L. HERRIES.

VISCOUNT GODERICH TO GOVERNOR BOURKE.

(Despatch No. 56, per ship Burrell.)

28 Dec.

Despatch
acknowledged.

Regret *re*
land grant to
W. Raymond.

Deceptions by
T. Kent and
G. Blaxland.

Sir,
Downing Street, 28 December, 1831.
I have received General Darling's Dispatch of the 14th of July last, No. 57, in answer to one which I had addressed to him on the subject of Mr. Walter Raymond's application for a Grant of Land.

I certainly should not have admitted the claim of this person to a Grant of Land upon the terms, which were in force prior to January last, had I been aware that the circumstances of his case differed so much from those, which were alleged by him; and I regret that General Darling did not withhold the grant, until he should have received further Instructions on the subject.

In the case of Mr. Kent, as well as in that of Mr. Gregory Blaxland, this department appears to have been equally deceived, as neither of the parties seem to have possessed the means, if they had the intention, of carrying their respective schemes into effect.

You will therefore consider yourself authorized to withhold from them any advantages in respect to Land, which the Regulations do not confer upon others, as it was in consideration alone of the benefits, which the Colony was to have derived from their exertions, and the expenditure of Capital commensurate with the magnitude of their undertakings that the extensive grants promised to them were to have been made.

I have, &c.,

GODERICH.

1831.
28 Dec.

Land grants to be withheld.

GOVERNOR BOURKE TO VISCOUNT GODERICH.

(Despatch No. 3, per ship Prince Regent; acknowledged by Viscount Goderich, 13th May, 1832.)

My Lord, Government House, 28th December, 1831.

I have the honor to enclose the Copy of an address* from the Free Inhabitants of New South Wales, assembled at a Public Meeting Convened by the Sheriff, and presented to me by a Deputation on the 27th inst., together with my Reply. I have to request Your Lordship to bring under His Majesty's Notice that part of the Address, which expresses the attachment of the Inhabitants to His Majesty's Person and Government.

Address presented to R. Bourke.

I have, &c.,

R. BOURKE.

GOVERNOR BOURKE TO VISCOUNT GODERICH.

(Despatch No. 4, per ship Prince Regent; acknowledged by Viscount Goderich, 5th May, 1832.)

My Lord, Government House, 29th December, 1831.

29 Dec.

I have the honor to enclose herewith a letter addressed to me by the Revd. Doctor Lang, with a request that I would transmit it to Your Lordship. It is in reply to a letter addressed to Your Lordship by the Commissioners for the Management of the Church and School Corporation, forwarded in Colonel Lindesay's despatch of the 18th November, 1831, No. 4.

Transmission of letter from Revd. J. D. Lang.

I have, &c.,

R. BOURKE.

[Enclosure.]

REVEREND J. D. LANG TO GOVERNOR BOURKE.

Sir, Sydney, 26 December, 1831.

I do myself the honour to inform Your Excellency that, in consequence of a conversation with which I was honoured by my Lord Howick on the subject of the emigration of agricultural labourers to this Colony in the month of December last, I was induced to address a letter to the Right Honourable Lord Viscount

* Note 135.

1831.
29 Dec.

Reasons for
inclusion of
letter in
pamphlet.

Goderich, pointing out two sources of revenue immediately and directly available in this country for the furtherance and accomplishment of that important object. And as it appeared to me, on my return to New South Wales, that the scheme I had proposed to His Lordship was entirely practicable on the one hand, and that its adoption would infallibly prove conducive in a high degree to the welfare and prosperity of this Colony as well as of the mother-country on the other, I was induced to annex a copy of that letter to a pamphlet* lately published in Sydney, detailing the steps I had taken with a view to demonstrate the practicability of effecting an extensive emigration of the industrious classes from the mother-country to this Colony.

Proposed sale
of church and
school lands.

One of the sources of revenue, which I took the liberty to point out to His Lordship in the letter in question, was proposed to be derived from the gradual sale of the lands granted to the Church and School Corporation of New South Wales. The statements, I had made however on that subject, induced the Venerable the Archdeacon and two lay Commissioners of the Corporation to address a Letter to the late Acting Governor, with a view to its being transmitted to the Right Honourable Lord Viscount Goderich, containing a series of animadversions on my letter, and embodying what they conceived a vindication of the Corporation from the charges it preferred. I had the honour to receive a copy of that letter, which was dated the 18th November last on the 24th of the same month, two days after the vessel by which it was forwarded to England had sailed for London. Your Excellency will thus perceive that it was not in my power to avail myself of the opportunity, afforded by the sailing of that vessel, of forwarding anything to England in reply, and I trust therefore that Your Excellency will do me the favor to transmit this letter on the same subject to the Right Honourable the Secretary of State by the next vessel.

Criticism of
letter by
commissioners.

Charges against
trustees of
church and
school
corporation.

In their letter to His Excellency the late Acting Governor, the Commissioners, referring to the statements of my letter, admit that "it is not the first time they have heard such assertions and charges adduced against the Trustees of the Clergy and School Corporation," while they intimate that, up to the date of their letter, they had uniformly neglected them, "because it was useless to attempt to contend with popular impressions, while the delusion was as its height." Your Excellency will perceive whether this admission is not a positive and direct acknowledgment that the statements of my letter, in regard to the inefficiency, the expensiveness and the evil tendency of the Corporation, were merely the distant echo of the voice of the Colony.

Provision for
maintenance of
religion and
education.

In a subsequent passage, and in reference to my statement "that a seventh of the Territory of this Colony had been granted to the Corporation, on the understanding that the Government should be immediately and for ever relieved of the burden of supporting the Church and School Establishments," the Commissioners assert "that no such engagement was ever contemplated." In justification of my statement, however, I beg to refer to the first and last sections of the Charter of Incorporation,† in the former of which, or rather in the preamble of the Charter, it is stated, "Whereas we have taken into our Royal consideration the necessity of making provision for the maintenance of religion and the education of

* Note 126.

† Note 136.

youth in our Colony of New South Wales, and for that purpose have thought proper to erect into one body politic and corporate, such persons as are hereinafter mentioned, and to vest in them and their Successors such lands and tenements as will be *sufficient* to make a provision for that purpose as aforesaid." I beg leave to submit to Your Excellency that it is unquestionably evident from this preamble that His Majesty contemplated making a *sufficient* provision for the maintenance of religion and the education of youth, when He contemplated the establishment of the Corporation and the alienation of a seventh of the land. But the object of the Corporation and the understanding on which it was established are still more clearly developed in the last section of the Charter, in which His Majesty reserves to Himself and His Successors the right to appropriate its surplus revenue. And, in attestation of the fact that such was really the understanding of His Majesty's Government, the payment of all Salaries to the Colonial Episcopal Clergy and Schoolmasters was, immediately after the establishment of the Corporation, transferred to that body, which His Majesty's Government thus clearly held to be possessed of an Estate adequate to meet all future claims on its revenue.

But the Commissioners assert that, although a seventh of the land was granted to the Corporation, it was a seventh in extent only and not in value. The facts of the case, I beg to remind Your Excellency, are simply these: The Corporation was established in the year 1826. Of the Territory unlocated up to that period, it was entitled to receive a seventh in value, as well as in extent. This proportion it has accordingly received, wherever the territory then unlocated has been surveyed and apportioned. And, as Government had reserved a vast extent of valuable land in the districts of Hunter's River, Bathurst, Argyle and Illawarra, the four principal agricultural and pastoral districts of the Territory, which were then partly located, the Corporation received the said Government reserves, comprising an extent of territory amounting to one seventh, both in extent and value, of all the land in these important districts. But as the eligible land in the county of Cumberland, in which the towns of Sydney, Parramatta and Windsor are situated, but in which I beg leave to remind Your Excellency the proportion of land available for the purposes of agriculture and pasturage is very small in comparison with the whole extent of the county, had in great measure been located many years before the establishment of the Corporation, it was impossible in the nature of things that the Corporation, which could only have a prospective influence, could receive a seventh of that portion of the territory. The Commissioners acknowledge however that, even in that county, in which the progress of improvement and the comparative denseness of the population has imparted a high artificial value to the land, the Corporation has received 18,500 acres, including the glebe lands, a proportion which amounts to a fourteenth of the whole extent of the county, and which at present is much more valuable than the seventh would have been at its first settlement.

I beg therefore most respectfully to submit to Your Excellency that the distinction, which the Commissioners attempt to establish between extent and value, is in the case they refer to altogether unfounded in fact, and that, while their assertion "that one half of all the other land in the territory would not equal in value that of

1831.
29 Dec.

Provision for
maintenance of
religion and
education.

Lands granted
for clergy and
school estates.

1831.

29 Dec.

Criticism of
statement of
commissioners.

one seventh of the land in the county of Cumberland" is entirely gratuitous and absolutely incredible, their reasoning on the subject merely amounts to this, that the Corporation has been hardly dealt with because, in addition to a seventh both in extent and value of all the agricultural and pastoral land in the other districts of the Territory, it has not also received a seventh of the town of Sydney and the district immediately adjoining, where, in consequence of the vast outlay of capital in the erection of buildings and the various other improvements of forty years, land has in one instance sold at £25 per hundred superficial feet. Such reasoning however I beg leave to submit to Your Excellency is altogether preposterous; for, if the industry and the outlay of the inhabitants of the county of Cumberland have created a real capital of one million sterling, in addition to the original and intrinsic value of the land, the Commissioners can have no shadow of right to complain, as they virtually do, that a seventh of that additional capital has not been given to the Corporation.

Expenses of
management
of corporation.

Of the value of that portion of the Territory, however, which they did receive agreeably to His Majesty's instructions, the Trustees of the Corporation must have entertained, up to the close of the year 1830, a very different idea from the one the Commissioners now endeavour to impress upon His Majesty's Government; otherwise they would surely not have conceived themselves warranted in incurring an outlay of upwards of £2,000 a year for the mere expense of management. In alluding to this branch of the Corporation expenditure a second time, I beg leave most respectfully to submit to Your Excellency whether the absolute inefficiency of the whole system for the due attainment of its proper and avowed object, the maintenance of religion in this Colony, is not evinced beyond the possibility of doubt by the simple and acknowledged fact that, while the Trustees of the Corporation were well aware that there were various extensive and populous districts of the Colony entirely destitute of the ordinances of religion, and that many able and zealous clergymen in England would have willingly accepted their invitation to dispense the ordinances of religion in these districts at salaries of £150 to £200 per annum, they could remain from month to month and from year to year to all appearance insensible to the spiritual wants of the Colony and expend, in salaries to Corporation-clerks, office keepers and Surveyors, the sum of £1,428 13s. 5d. per annum, a sum which constitutes only two items in the charges for the mere management of the Corporation during the year 1830, the said charges amounting altogether to the sum of £2,342 15s. 6d.

Neglect by
corporation to
improve lands
granted.

But the Commissioners assert that, although the Corporation had been established in the year 1826, the first grant* it received was not given till February, 1829. Not to remind Your Excellency, however, that land is in numberless instances held and improved in this Colony for a long series of years before the Deeds of Grant are in the possession of the occupant, I beg to inform Your Excellency that the Corporation land is still in the same waste and unimproved state of which it was in the year 1825, and that the existence and the frequent occurrence of such waste and unimproved land in the midst of tracts in a state of comparative cultivation constitute the great and serious evil of which the Colony complains. For although the Commissioners assert that the Corporation land would not

* Note 127.

have realised the sums they have expended, even if granted to private individuals, the assertion is as gratuitous on the one hand as it is irrelevant on the other, for, in the hands of the Corporation, that land has not only produced nothing comparatively, but has operated as a serious hindrance to the general improvement of the Colony; whereas, if it had been in the hands of private individuals, it would immediately have become productive to a very considerable extent and contributed greatly to the general advancement of the Colony.

In regard to the apparent discrepancy between my statement, that "the Corporation had borrowed from the Government at the rate of from £19,000 to £22,000 per annum for the maintenance of the Church and School Establishments of the Colony, and the statement of the Commissioners that the highest sum they had drawn from the Colonial Treasury in any one year was only £20,500," I beg to refer to their own printed abstract for the year they allude to. From that Document, it appears that, in addition to the sum of £20,500 drawn from the Colonial Treasury during the year 1829, there was a balance in the hands of the Corporation of money advanced by the Government during the preceding year to the amount of £1,288 9s. 9½d., making a total amount of £21,788 9s. 9½d. The total expenditure of the Corporation during the year in question amounted to £22,895 4s. 2d.; but, as they had derived from the sale of the Orphan School and Glebe Lands, as well as from other sources, the sum of £3,066 5s. 4½d., there was left in the hands of the Trustees a balance of £1,959 11s. 0½d. on the 31 December, 1829.

In the conclusion of their letter, the Commissioners express themselves in the following manner in allusion to myself:—"Embarked in an undertaking in which he felt it impossible to succeed without degrading the Established Church in His Lordship's estimation, he has preferred charges against the Corporation in that loose style which bespeaks a man resolved at any rate to injure the object of his envy and dislike, with the blind animosity of a political partisan rather than with the scrupulous attention to truth and candour, becoming one who claims to bear a reverend and sacred character." In reference to this statement, I beg to inform Your Excellency that the undertaking in which I had embarked in leaving the Colony in August, 1830, and in which I had hazarded a voyage to England and risked all the little property I possessed, was embarked in to supply the want of an Academical Institution in Sydney to afford the youth of this Colony a liberal, efficient and economical education, a want which had long been universally acknowledged throughout the Colony, but which the Church and School Corporation, notwithstanding its vast resources and its highly superior facilities for the accomplishment of the object, had neglected to supply. Arriving in England with this object, I had scarce touched British ground when my ears were stunned with the loud and heartrending cry of distress from an unemployed and starving population, maddened by their necessities to acts of violence and crime; and, on arriving in London and ascertaining that His Majesty's Ministers were employed in devising ways and means for conveying a portion of that population to the waste lands of the Colonies, it immediately occurred to me that, in the Colony of New South Wales, there were sources of revenue directly available for that purpose to a very large amount in the crown allotments of Sydney and the lands granted to the Church and

1831.
29 Dec.

Effect of neglect
to improve
lands.

Money advanced
by government.

Criticism by
commissioners
of Revd.
J. D. Lang.

Object of visit
of Revd.
J. D. Lang
to England.

Revenue
available to
assist
immigration.

1831.
29 Dec.

Immigrants
introduced
by Revd.
J. D. Lang.

Possibilities of
immigration.

Denial of
hostility to
episcopal
church.

Criticism of
corporation.

Denial of
hostility to
established
church.

School Corporation, and that the raising of a revenue from these sources for such a purpose would prove a blessing of incalculably greater value to the Colony than was ever likely to result from the continuance of the Church and School Corporation. With these views was my Letter to my Lord Goderich written, and, in attestation of the fact as well as of my own sincerity in the matter in question, I have only to refer Your Excellency to the circumstance of my having since conducted, at very great personal inconvenience and expense, an expedition of one hundred and forty free emigrants to this Colony, solely with a view to demonstrate the practicability of effecting an extensive emigration of the industrious classes from the Mother-country to New South Wales without expense to either. And, from the successful issue of that expedition and the calculations into which it necessarily led me, I am confident that, if the plan I had the honour to submit to my Lord Goderich were carried into effect, not fewer than twenty thousand and upwards of the poor and unemployed but virtuous agricultural labourers of England might in the course of a few years be conveyed with their wives and families to New South Wales, without expense either to the Mother-Country or to this Colony. And when Your Excellency considers of what materials the population of this Colony has in great measure been formed for the last forty years, I can submit it to Your Excellency with entire confidence whether the introduction of such a population to amalgamate with the present inhabitants of the Colony, and to people and improve the extensive tracts of highly eligible land, which the Church and School Corporation has hitherto suffered to lye waste in all parts of the Territory, is not a consummation incomparably more desirable than the existence and continuance of that Institution.

In the passage above quoted, as well as in the whole course of their letter to His Excellency the Acting Governor, the Commissioners have evidently fallen into the palpable error of identifying the character and efficiency of the Episcopal Church in this Colony with the character and efficiency of the Corporation, and have therefore gratuitously accused me of cherishing a spirit of hostility towards the former, merely because I had recommended to the Right Honourable the Secretary of State for the Colonies the entire and immediate abolition of the latter. But, while I broadly disclaim every feeling of hostility towards the Episcopal Church in this Territory and towards any of its Ministers, and maintain that there is no evidence of such a feeling in my letter to my Lord Goderich, I have no hesitation in repeating what I asserted in that letter that the Corporation has evinced itself inefficient in its character, expensive in its management, and prejudicial in its tendency both to the Episcopal Church and the Colony at large.

In regard to the insinuation that "I felt it impossible to succeed in the accomplishment of my object without degrading the Established Church in His Lordship's estimation." I beg most explicitly to disavow every such feeling, every such intention. As I do not feel it requisite however to express my own sentiments in regard to the Spirit which that insinuation itself evidently breathes, I beg leave to subscribe myself with the highest deference and respect,

Your Excellency's very humble

And most Obedt. Servant,

JOHN DUNMORE LANG.

VISCOUNT GODERICH TO GOVERNOR BOURKE.

1831.
30 Dec.

(Despatch No. 58, per ship Burrell.)

Sir, Downing Street, 30 December, 1831.

I have received from a Lady, describing herself as the Widow Reus, a letter dated at Sydney in New South Wales on the 12th of November, 1830, which however did not reach this Office until the 5th of the present month. She states herself to be a Native of French Flanders, and to have arrived at Sydney from Batavia four years ago. She adds that she brought with her property amounting to £6,000 Sterling, with which she has built three houses. In order to become a landed Proprietor in the Colony, she desires to receive Letters of Naturalization, and to obtain land proportionate to her property.

Letter received from V. Reus.

You will ascertain the accuracy of this representation. Should it prove to be consistent with the real facts of the case, and should you perceive no objection to the measure which has not occurred to myself, you will propose to the Legislative Council the enactment of an Ordinance conferring on Madame Reus and her children the advantages of Natural born Subjects within the Colony.

Proposed act of council to naturalize V. Reus.

She is probably not aware that Letters of Naturalization or of Denization, under the Great Seal of this Kingdom, would be attended with a very serious expense; and that such a Grant could scarcely be made in her absence, or, if so made, must be preceded by forms which it would be scarcely practicable for her to observe. At the same time, the permanent accession of such a Member to the Colonial Society, assuming her statements to be accurate, would not only be unobjectionable but advantageous.

Difficulty in granting letters of naturalization.

I am, &c.,

GODERICH.

VISCOUNT GODERICH TO GOVERNOR BOURKE.

1832.

THE following despatches,* written in the year 1832, have been omitted:—

Despatches omitted.

Date.	Number.	Subject-matter.
15th May	100	approving of six free and fifty-eight conditional pardons, reported by Governor Darling in his despatches, dated 20th October, 1831, and numbered 94 and 95.
12th September	125	approving of twelve pardons, reported by Governor Bourke in his despatch, dated 28th February, 1832, and numbered 31.
24th September	127	transmitting pardon for Joseph Wood.
25th September	128	acknowledging despatch, dated 23rd March, 1832, and numbered 41, and withholding pardon from William Galvin until eight years from the date of his conviction.
8th October	131	reducing sentence on Samuel Chesters from life to seven years.
30th October	136	transmitting free pardon for Sarah Hooker, and reducing sentence on John Cox from fourteen to seven years.

UNDER SECRETARY HAY TO GOVERNOR BOURKE.

1832.
Despatches
omitted.

THE following despatches,* written in the year 1832, have been omitted:—

Date.	Subject.
24th February	transmitting a letter from W. McNamara, soliciting indulgence for Henry Canny, convict.
12th April	authorising a conditional pardon for James Wood.
20th June	asking particulars of the fate of Thomas Black, convict.
1st October	suggesting a pardon or indulgences for Sylvester Thornton.

ASSIGNMENTS OF CONVICTS.

Assignments
of convicts.

DURING the year 1832, letters, which enclosed the assignments of convicts (not available) *per* the ships named, were written by under secretary Hay to Governor Bourke, with dates as under:

Date of Letter.	Ship's Name.	No. of Convicts.
undated	Mangles	not available.
14th June	not available	do.
15th June	do	do.
17th July	Fanny	106 Female.
22nd August ...	Mary	170 Male.
21st September .	Camden	200 „
14th November .	Andromeda	186 „
5th December ..	Diana	100 Female.

GOVERNOR BOURKE TO SECRETARY OF STATE.

Despatches
omitted.

THE following despatches,* written in the year 1832, have been omitted:—

dated.	Despatch numbered.	Transmitting.
6th February	15	return of property and effects of persons dying intestate.
8th February	20	annual return from superintendent of botanical garden.
8th February	21	return of crime and punishment for the year 1831.
9th February	24	petition from Thomas, Philip and Edward Cassidy <i>re</i> error in record of sentences.
27th February	27	conditional pardon granted to James McCooey.
28th February	31	twelve conditional pardons.
28th February	32	applications from eighty-nine convicts for passages for their families.
28th February	33	five annual returns from principal superintendent of convicts.
23rd March	40	return of assigned servants and absconders.
23rd March	41	absolute pardon for William Galvin.
5th May	60	minutes of executive council for half-year to December, 1831.
28th May	62	return of pardons granted by Governor Darling.
29th May	63	return of expenditure of medicines.
4th August	70	conditional pardon granted to Patrick Connolly.
21st August	79	return of property and effects of persons dying intestate.
22nd September	93	report from superintendent of botanical garden to 31st August.
22nd September	94	minutes of executive council for half-year to June, 1832.
22nd September	95	blue book for year 1831.
22nd September	93	thirty-five conditional pardons.

* Note 1.

GOVERNOR BOURKE TO UNDER SECRETARY OF STATE.

1832.

THE following despatches,* written in the year 1832, have been omitted:—

Despatches omitted.

Date.	Transmitting.
8th February	return of despatches written in the year 1831.
8th February	newspapers.
15th March	four copies of the "New South Wales Almanack."
5th April	report on character of Joseph Woods, convict.
29th May	newspapers.
30th July	report on William Chadwick, convict.
5th August	report on H. Canny, convict.
8th September	recommendation for passage for wife of — Duggan, convict.

GOVERNOR BOURKE TO VISCOUNT GODERICH.

(Despatch No. 5, per ship Prince Regent.)

My Lord, Government House, 1st January, 1832.

1 Jan.

I have the honor to enclose for Your Lordship's inspection two letters, Marked No. 1 and 2, forwarded by Mr. E. S. Hall to me for transmission; No. 1 is in reply to Your Lordship's Despatch to Lieut. General Darling, No. 42, June 20th, 1831, the Subject of which was, according to Your Lordship's desire, Communicated to Mr. E. S. Hall.

Transmission of letters from E. S. Hall.

I have, &c.,

RICHD. BOURKE.

[Enclosures.]

[Copies of these letters, dated 8th and 12th December, 1831, are not available.]

GOVERNOR BOURKE TO VISCOUNT HOWICK.

(Despatch per ship Prince Regent.)

My Lord, Government House, 1st January, 1832.

I have the honor to transmit herewith a letter addressed to the Colonial Secretary by Mr. Moore, Crown Solicitor of New South Wales, in reply to a statement forwarded to Your Lordship by Doctor Card, and enclosed in Your Lordship's Despatch to Lieut. General Darling of the 3rd March, 1831.

Transmission of letter from W. H. Moore.

I have, &c.,

RICHD. BOURKE.

[Enclosure.]

[A copy of this letter is not available.]

GOVERNOR BOURKE TO VISCOUNT HOWICK

(Despatch per ship Prince Regent.)

My Lord, Government House, 1st January, 1832.

In reply to Your Lordship's Despatch to Lieut. General Darling of the 22d June, 1831, I have the honor to enclose

* Note 1.

1832.
1 Jan.

Reports *re*
loan to
commissariat.

Copies of Statements received from Mr. Deputy Commissary General Laidley, and the Colonial Auditor of New South Wales, respecting a Loan of £5,000, made to the Commissariat from the Colonial Treasury.

I have, &c.,

RICHD. BOURKE.

[Enclosures.]

[Copies of these letters, dated 17th and 15th December, 1831, will be found in a volume in series II.]

GOVERNOR BOURKE TO VISCOUNT GODERICH.

(Despatch No. 6, per ship Prince Regent; acknowledged by Viscount Goderich, 5th August, 1832.)

2 Jan.

Transmission
of letter from
Revd. W. G.
Broughton.

My Lord, Government House, 2nd January, 1832.

I have the honor to forward for Your Lordship's inspection the accompanying letter, addressed to me by the Venble. the Archdeacon of New South Wales, upon the subject of his precedence in Council.

I have, &c.,

RICHD. BOURKE.

[Enclosure.]

ARCHDEACON BROUGHTON TO GOVERNOR BOURKE.

Sir, Sydney, 22nd December, 1831.

Precedency
granted to
archdeacon.

Your Excellency having been pleased to intimate your intention of meeting the Executive Council this day for the first time since your assumption of the Government, I request permission previously to its assembling to lay before you the following observations:—

At the period of my receiving the appointment which I have now the honor to hold, and until the close of the Administration of Lt. General Darling, the Archdeacon had precedence in the Colony by his Majesty's Command next in succession to the Chief Justice and in Council next below the Governor.

By your Excellency's Commission, it is directed that the officer next in Command of the forces shall be the senior member of Council, and shall thus take rank between the Chief Justice and the Archdeacon and above the latter.

I beg leave to disclaim any personal consideration in respectfully submitting my objections to this deprivation of a precedence, which was Conferred not for the benefit of the Individual, but for the credit of the Established Church of which His Majesty is the earthly head.

It was I conceive as in some sort bearing a commission from the King in this his Ecclesiastical capacity, that the former high rank held by the Archdeacon was assigned to him; and, to secure him in possession of it, undoubtedly his office was erected by Patent under the Great Seal, and is conferred by Writ of Privy Seal. If the intention were not to secure to the Ardeacon a continuance of his precedence, I am at a loss to conceive the grounds upon which he is put to the great and even serious expence in obtaining his Patent of appointment, which, I beg with the utmost deference to

submit to the Right Honble. The Secretary of State, the Records of the Colonial Office will prove to have been incurred for that purpose by my predecessor and myself.

1832.
2 Jan.

I would only in addition presume to request Your Excellency will represent to Lord Viscount Goderich, that it is not so much against the measure itself of changing in this instance the order of rank in the Executive Council that I would respectfully remonstrate, as against the precedent thereby established; because in this one instance, if a Commission under the Sign Manual may be preferred to a Writ of Privy Seal, the same may be done in any number of instances; and His Majesty's Gracious intentions in favor of the only ecclesiastical dignity existing here may by degrees be altogether frustrated.

Precedency
granted to
archdeacon.

I have therefore the honor to request that your Excellency will be pleased to submit these my representations to the Secretary of State with a view to the restoration of the Archdeacon of New South Wales to the rank originally assigned to him by His Majesty, next in succession to the Chief Justice of the Colony.

I have, &c.,

W. G. BROUGHTON.

GOVERNOR BOURKE TO VISCOUNT GODERICH.

(Despatch No. 7, per ship Prince Regent.)

My Lord, Government House, 3rd January, 1832.

3 Jan.

In reply to Your Lordship's Despatch to Lieut. General Darling, No. 35, March 30th, 1831, I have the honor to State that, having Communicated on the Subject therein Contained with the Directors of the Australian Bank, and the Bank of New South Wales, they have both agreed to the publication of the Half Yearly Statements, as proposed by Your Lordship.

Half-yearly
statements to
be published
by banks.

I have, &c.,

RICHD. BOURKE.

GOVERNOR BOURKE TO VISCOUNT GODERICH.

(Despatch No. 8, per ship Prince Regent; acknowledged by Viscount Goderich, 10th May, 1832.)

My Lord, Government House, 4th January, 1832.

4 Jan.

I have to communicate to Your Lordship the death of Mr. Charles Fraser,* Colonial Botanist of New South Wales. After due enquiry, I have not been able to find any Person in the Colony of Sufficient Science to Succeed him. Feeling that the utility and success of the Establishment must entirely depend upon the Competency of the person appointed to fill the Situation of Botanist, I beg respectfully to Suggest that Your Lordship instruct Mr. Brown* of the British Museum, our President of the Linnæan Society, who, from his residence in the Colony

Death of
C. Fraser.

Proposed
nomination
of successor
by R. Brown.

* Note 137.

1832.
4 Jan. and his acquaintance with its Botany, is perfectly Competent to the task, to Submit to Your Lordship the name of a person qualified for this employment. Mr. Brown will I am sure feel great pleasure in obeying Your Lordship's Commands.
- Salary proposed for botanist. I further venture to hope that Your Lordship will please to Sanction the Continuance of the Salary at £200 per annum, to which it was raised in 1829, and the augmentation Sanctioned by the Despatch of Your Lordship's Predecessor, Under date the 10th April, 1830, No. 20. The Commissioners, who sat in London, in the appendix to their Report of the 1st of November, 1830, have returned the Salary at £150 only, being the rate at which it was paid in 1828, the accounts of that Year being the latest laid before them. It will not I am sure be possible to engage a Competent Person at a lower Salary than £200 a Year.
- I have, &c.,
RICHD. BOURKE.
-

GOVERNOR BOURKE TO VISCOUNT GODERICH.

(Despatch No. 9, per ship Prince Regent; acknowledged by Viscount Goderich, 6th May, 1832.)

- 6 Jan. My Lord, Government House, 6th January, 1832.
- Claims by E. H. Hayes for land grant. I have the honor to enclose for Your Lordship's consideration a Memorial, forwarded to me for transmission by Mr. E. H. Hayes, Claiming a Grant of Land in this Colony.
- I have, &c.,
RICHD. BOURKE.

[Enclosure.]

[A copy of this memorial, dated 3rd January, 1832, is not available.]

GOVERNOR BOURKE TO VISCOUNT GODERICH.

(Despatch No. 10, per ship Stirling Castle.)

- 11 Jan. My Lord, Government House, 11th January, 1832.
- Neglect of duty by W. H. Moore. With reference to Your Lordship's despatch of the 26th June, 1831, No. 3, animadverting on the Conduct of Mr. Moore the Crown Solicitor in this Colony, I have the honor to inform You that, having made enquiries on the subject Shortly after my arrival, I have every reason to believe that Mr. Moore has been very culpably neglectful on Several occasions. Being informed however by the present Attorney General that, since his arrival, Mr. Moore's Conduct had been more Satisfactory, and that he did not anticipate any difficulty in conducting the Crown business, if Mr. Moore continued to behave as he had done
- Improvement in conduct of W. H. Moore.

lately, I sent for Mr. Moore and, acquainting him with the nature of Your Lordship's despatch, informed him that, if any well grounded complaint of his inattention to the duties of his office Should be again brought forward, I should be compelled to remove him from his employment.

I have, &c.,

RICHD. BOURKE.

1832.
11 Jan.
Caution given
to W. H. Moore.

GOVERNOR BOURKE TO VISCOUNT GODERICH.
(Despatch No. 11, per ship Stirling Castle.)

My Lord, Government House, 11th January, 1832.

Having omitted to leave in Downing Street a Copy of the Minute of Instructions, dated June, 1831, in which were embodied the Commands and opinions of Your Lordship upon Several matters of importance to this Colony, as Communicated to me at different times in Conversation, to which Minute Your Lordship was pleased to put Your Signature, I now beg leave to enclose a Copy, as it may be Convenient for reference in Your Lordship's office.

I have, &c.,

RICHD. BOURKE.

[Enclosure.]

[A copy of this minute is not available.]

Minute
of verbal
instructions
to R. Bourke.

GOVERNOR BOURKE TO VISCOUNT GODERICH.

(Despatch No. 12, per ship Stirling Castle; acknowledged by Viscount Goderich, 7th May, 1832.)

My Lord, Government House, 14th Jany., 1832.

I have the honor to transmit the enclosed letter addressed to Your Lordship by Dr. Bowman, Inspector of Colonial Hospitals. I believe the statement of his duties and Services to be quite correct. Dr. Bowman Seeks to be excused the payment of £150, which was Claimed by Lieut. General Darling in this way. In contemplation of an Authorised encrease of Salaries, Lieut. General Darling, in the Year 1827, made certain advances to all the Medical Officers to be refunded if the proposed augmentation should be disapproved by the Secretary of State. The augmentation was Sanctioned, but, its commencement being fixed for the 1st January, 1828, the advances of 1827 became repayable. The Medical Officers were accordingly called on to refund the Advances made to them respectively. With the exception of Dr. Bowman, they were all paid up. The latter Gentleman, upon an Urgent representation to Lieut. Genl. Darling, received permission, on the 19th January, 1829, to Suspend the repayment Until the pleasure of the Secretary of State Should be known

14 Jan.

Request by
J. Bowman
for relief from
refund of over-
payment of
salary.

1832.
14 Jan.

Request by
J. Bowman
for relief from
refund of over-
payment of
salary.

upon any application he proposed to make for the continuance of his half Pay as a Navy Surgeon. It is remarkable that this application Should have been withheld from the 19th January, 1829, to the 21st December, 1831, though Dr. Bowman appears to have been frequently reminded of the Necessity of Sending it forward. I have however thought it right to transmit it even at this late period, in Consequence of Lieut. General Darling's former promise to Dr. Bowman; and I shall not require payment of the £150 until I receive Your Lordship's Commands.

I have, &c.,

RICHD. BOURKE.

[Enclosure.]

[A copy of this letter is not available.]

GOVERNOR BOURKE TO VISCOUNT GODERICH.
(Despatch No. 13, per ship Stirling Castle.)

My Lord, Government House, 14th January, 1832.

I have the honor to enclose the Copy of a letter addressed by Deputy Commissary General Laidley to the Colonial Secretary, Setting forth the exhausted State of the Military Chest and requesting the Loan of £10,000 from the Colonial Treasury, with which I have Complied.

Loan from
treasury to
commissariat.

In Consequence of the large quantities of Sperm Oil and Wool now Shipping or lately Shipped for England, Treasury Bills* are not in demand; and Some time may elapse before the Deputy Commissary General can recruit the Chest by their means.

Want of
demand for
treasury bills.

With respect to the Claims on the Colonial Government alluded to by the Deputy Commissary General, the accounts have not yet been laid before me, and I am therefore Unable to State to what extent this Government may be liable.

I have, &c.,

RICHD. BOURKE.

[Enclosure.]

DEP. COMMISSARY-GENL. LAIDLEY TO COLONIAL SECRETARY
MACLEAY.

(No. 7.)

Sir, Commissariat Office, Sydney, 4th January, 1832.

With reference to your Letter of the 31st ultimo, acquainting me that no money can be advanced from the Colonial Treasury, as requested by the latter part of my communication to assistant Military Secretary, No. 150, on account of the Stores supplied for Colonial Service, I do myself the honor to state that the present exhausted State of the Military Chest is such as not to afford me the means of paying Warrants now in the office or the Contractors for the last month. I have therefore the honor to solicit that His

Want of
funds in
commissariat.

Excellency the Governor will do me the favor to direct that an immediate loan of £10,000 may be made to enable me to carry on the public service.

1832.
14 Jan.

I will, to-morrow, have the honor of submitting a Statement of the Expenditure, both on account of the Colonial Government, as well as for general Service for the years 1828, 1829, 1830 and 1831.

Request
for loan.

I have, &c.,

JAMES LAIDLEY, D.C.G.

VISCOUNT GODERICH TO GOVERNOR BOURKE.

(Despatch No. 59, per ship John.)

Sir,

Downing Street, 21st January, 1832.

21 Jan.

His Majesty having been pleased to mitigate the Sentence passed upon Charles Bigg, who was convicted at the Quarter Sessions for the County of Middlesex in July, 1830, from fourteen to seven years' transportation, and the Convict having been sent to New South Wales in the Ship "York" in September, 1830, I have to signify to you His Majesty's Pleasure that you do grant to the said Charles Bigg his freedom at the expiration of seven years from the date of his Conviction.

Reduction in
sentence on
C. Bigg.

I have, &c.,

GODERICH.

UNDER SECRETARY HAY TO GOVERNOR BOURKE.

(Despatch marked "Private," per ship John.)

My Dear Sir,

Downing Street, 21 January, 1832.

The question of making an Establishment at New Zealand has lately been brought under Lord Goderich's consideration, and I am inclined to think that, in consequence of the numerous run-away Convicts who resort to that quarter, as well as to prevent the outrages which have been committed by the Traders who occasionally touch there, it will be very proper that some person in the nature of a Resident should be appointed there by the British Government. I doubt very much the policy of sending any Troops there, or at least of doing so while the Military Force in the Australian Provinces is as low as at present. The expediency, however, of increasing the number of our Settlements must, independent of the considerations of expense, very much depend upon what may be required with a view to the future security and prosperity of our possessions in the Australian Seas. I am not at all satisfied that we have done right in abandoning the Settlement* at Western Port, which for a short time existed, still less that the Colonial Government of New South Wales acted with due consideration in recommending that the Establishment at Raffles Bay should be abandoned. This measure seems to have been adopted far too hastily and upon very insufficient grounds. It will scarcely be judicious, I should think,

Opinion in
favour of
resident in
New Zealand.

Criticism of
withdrawal of
settlements at
Western port
and Raffles bay.

1832.
21 Jan.
Necessity for
settlement in
north Australia.

to leave the whole of the Northern quarter of New Holland without an entrepot, to which the Malays may resort for the purposes of trade; Port Essington would perhaps prove the most eligible spot for this object.

I should be glad to hear from you upon these points when you have sufficient leisure to direct your attention to them.

I remain, &c.,

R. W. HAY.

VISCOUNT GODERICH TO GOVERNOR BOURKE.

(Despatch No. 60, per ship John; acknowledged by Governor Bourke, 4th January, 1833.)

22 Jan.
Free pardon to
be granted to
S. Marriott.

Sir,

Downing Street, 22nd January, 1832.

Application having been made to His Majesty's Government in favor of Samuel Marriott, who was convicted at the Summer Assizes at Leicester in 1817 of Horse Stealing and transported to New South Wales in the Ship "Neptune" in December of the same year under a Sentence of Transportation for Life, I am commanded by His Majesty to desire that this Prisoner may receive the benefit of a Free Pardon, provided his conduct in the Colony has been such as not to render him undeserving of this favour.

I have, &c.,

GODERICH.

VISCOUNT GODERICH TO GOVERNOR BOURKE.

(Despatch No. 61, per ship John.)

23 Jan.
Despatch
acknowledged.

Sir,

Downing Street, 23d January, 1832.

I have the honor to acknowledge the receipt of General Darling's Dispatch No. 55 of the 27th of June last, in reply to Sir George Murray's Dispatches Nos. 91 and 93 of the 8th and 10th November, 1830, on the subject of the Expenses incurred in defending certain actions in the Supreme Court of New South Wales.

Disadvantage of
taxing costs.

Under the circumstances stated by General Darling, I fear it is hopeless to expect any advantage from the adoption of the measures directed by Sir George Murray for taxing the charges of the private Practitioners, to whose Assistance the Colonial Government were obliged to have recourse in the cases in question; and I have therefore to inform you that the expenses, which were originally incurred, will be allowed. I trust however that the legal appointments which have since been made will have so far increased the efficiency of the Law Departments of your Government, as to relieve it from the necessity of incurring any charges in future of a similar nature.

Allowance of
expenditure.

I have already had occasion to direct your attention to the conduct of Mr. Moore, the Crown Solicitor, as brought under

the notice of His Majesty's Government by General Darling, and I have to desire that you will report to me on the charge of negligence alleged against him in the particular instances referred to in the Dispatch to which I am now replying, as well as with respect to those into which you were directed to enquire by my Dispatch of the 26th of June last.

I have, &c.,
GODERICH.

1832.
23 Jan.

Report required
re W. H. Moore.

UNDER SECRETARY HAY TO GOVERNOR BOURKE.

(Despatch per ship John.)

Sir, Downing Street, 23 January, 1832.

I am directed by Viscount Goderich to acquaint you that his Lordship has received an application from Mr. Potter Macqueen "to be allowed to purchase from five to Ten Acres of the Sea frontage below Dawes' Battery, in the Harbour of Sydney," his object (as stated in his letter) in requesting to be "the Buyer of this now *unoccupied* and *useless* ground" being "to erect Stores and Warehouses to the value of £3,000 Sterling."

As the undertaking, which is proposed by Mr. Macqueen, is one which the Secretary of State deems it well worth the while of the Government to encourage, and as it appears to him that the request is one which may be complied with in strict conformity with the Rules laid down regarding the disposal of the Crown Lands, I am instructed by Lord Goderich to desire that you will cause a Survey to be made of the particular spot pointed out by Mr. Macqueen, and permit him to become the purchaser of the same at public Auction, if he be willing, as he states, to give for it the utmost value which it will fetch. This direction is of course conveyed to you upon the supposition that there are no particular objections, of which Lord Goderich may not be aware, to the alienation by the Crown of the ground in question, and you will also consider, in reference to the increased value which it may ultimately bear whether it may not be advisable, instead of selling the Land by Auction, to dispose of it upon Lease for a long term of years upon the same principle as Lands are granted upon Building Leases in this Country. You will understand, however, that, from the disappointment experienced by Mr. Macqueen in respect to some other Land for which he had applied for similar purposes, Lord Goderich would not wish that the Land in question should be refused to Mr. Macqueen unless there should be such powerful reasons for it as would satisfy any impartial or disinterested person of the propriety of such a decision.

I have, &c.,
R. W. HAY.

Request by
T. P. Macqueen
for permission
to purchase
water frontage.

Instructions
re disposal of
site selected.

1832.
24 Jan.

UNDER SECRETARY HAY TO GOVERNOR BOURKE.
(Despatch per ship) John; acknowledged by Governor Bourke,
4th August, 1832.)

Sir, Downing Street, 24 January, 1832.

I am directed by Viscount Goderich to transmit to you, for your Information, the Copy of a Letter from Mr. James Busby, Junr., who is just returned from the Continent with a collection of Cuttings from the best and most approved Vines. Mr. Busby having placed these plants at the disposal of the Colonial Government (with the exception of a few Duplicates which he has reserved for his own use) for the purposes mentioned in his Letter, they will be shipped by one of the earliest Convict Ships which may be dispatched for Sydney, and the object of my present communication is to request that the Packages containing these Plants, which are addressed to you, may be transferred to the Superintendent of the Government Garden with Instructions to be guided, in regard to the planting or disposal of the cuttings in question, by the directions which Mr. Busby will himself convey to him upon this subject.

I have, &c.,
R. W. HAY.

[Enclosure.]

MR. JAMES BUSBY TO VISCOUNT GODERICH.

My Lord, London, 6th January, 1832.

Having occupied myself a good deal, during my residence in N. S. Wales, in endeavouring to promote the plantation of vineyards and the making of Wine in that Colony, I could not allow the opportunity afforded by my visit to Europe to pass without attempting to ascertain to what peculiarities of Climate, soil or Culture, the most celebrated Wine Provinces are indebted for the excellence of their respective products, and to make a collection of the different varieties of Vines cultivated in each. I have just returned to England after an absence of four months spent in pursuit of these objects in France and Spain, and the results of my journey have fully satisfied me that the opinion I have always entertained of their great importance was not exaggerated. My reason for troubling your Lordship on this subject, however, is the following:—

I had the good fortune to find in the Botanic Garden of Montpellier a collection of most of the varieties of Vines cultivated in France and in some other parts of Europe to the number of 437, and, on application to the Professor of Botany, he with the greatest liberality permitted me to take cuttings from the whole; I afterwards added to this collection 133 from the Royal Nursery of the Luxembourg at Paris, making in the whole 570 varieties of Vines, of all of which with two or three exceptions I obtained two cuttings.

It is my wish to place this collection of Vines at the Disposal of H.M. Govt., for the purpose, should it be deemed expedient, of forming an experimental Garden at Sydney to prove their different qualities and propagate for general distribution those which may appear most suitable to the Climate.

Shipment of
vine cuttings
given by
J. Busby.

Inquiries by
J. Busby re
viticulture.

Vine cuttings
collected.

Presentation
of collection to
government.

As independently of the above, I have secured a competent quantity of all the most valuable varieties which I found cultivated in the best Wine districts of France and Spain, both for Wine and Raisins, it might at first sight appear superfluous to bestow attention on a collection which must include many of a very inferior description; but it is perhaps the most remarkable fact connected with the culture of the Vine that even a slight change of Climate or Soil produces a most material change in the qualities of its produce, and for this reason the best varieties of France and Spain may prove (as several of them have already proved) of no value in N. S. Wales, while on the other hand the most indifferent kinds may produce in that Climate the most valuable Wines.

1832.
24 Jan.

Necessity for testing varieties of vines.

For this reason I am of opinion that the establishment of an experimental Garden of Vines at Sydney could not fail to be of the highest value to the Colonies of N. S. Wales and V. D. Land, and subsequently to that of the C. of G. Hope also, while at the same time, being placed under the care of the Superintendent of the Govt. Garden, adjoining which there is abundance of vacant ground, it would add little to the present expense of that Establishment.

Proposed experimental vineyard at Sydney.

It is my intention also to place a part of the collection, I have made in the different parts of France and Spain which I have visited, in the Public Garden to be propagated for general distribution. I trust I may therefore be excused for requesting that your Lordship will give orders that the cases containing these Plants (those from France being now in London, and those from Spain being expected by the first arrivals from Cadiz and Malaga) may be received on board any of the Convict Ships about to sail, in order to secure their early and safe arrival in the Colony.

Request for shipment of plants.

I have, &c.,

JAMES BUSBY.

VISCOUNT GODERICH TO GOVERNOR BOURKE.

(Despatch No. 62, per ship John; acknowledged by Governor Bourke, 3rd November, 1832.)

Sir,

Downing Street, 25 January, 1832.

25 Jan.

I have received General Darling's Dispatch No. 53 of the 20th of June last, relative to the application of certain Magistrates, therein named, to be relieved from the damages awarded against them for Acts done in their magisterial duties; and I beg to acquaint you that, under the circumstances stated by General Darling and the view taken of the subject by the Executive Council, I am disposed to sanction the payment by the Colonial Government of the expenses in question; at the same time it is necessary that those, who are included in the commission of the Peace, should understand that, although the Government will consider it to be their duty to afford their support and protection to the persons undertaking to discharge these duties, yet that they must not expect in all cases to be relieved from the consequences of the errors into which they may fall either by inattention to, or ignorance of the provisions of the Law,

Approval of payment of costs for magistrates.

Necessity for caution amongst magistrates.

1832.
25 Jan.

Necessity
for caution
amongst
magistrates.

and I must therefore regret (although the Circular Letter, which the Council have recommended the Governor to address to the Magistrates upon this subject, may perhaps answer the same object) that Sir George Murray's Dispatch of the 16th of July, 1830, was not made public in the Colony, as a warning to the Magistrates to be more cautious than they hitherto have been in their decisions.

Payment of
costs of Revd.
R. Mansfield
and
T. E. Wright.

I have also to approve of the course adopted by General Darling for defraying the Expenses to which Mr. Mansfield and Captain Wright were respectively exposed by the prosecution and other legal proceedings instituted against them, it appearing in the one case that the party against whom the suit was brought had acted under the direction of the Government, and in the other that the party had not acted illegally nor contrary to his duty.

Increase in
number of
stipendiary
magistrates.

With reference to the recommendation of General Darling as to the propriety of augmenting the number of Stipendiary Magistrates so as to secure a more responsible class of persons to act in that Capacity, I have to acquaint you that I am not prepared at the present moment to sanction an addition of more than two Magistrates of this description to the present Establishment. But I shall be ready to receive from you, and to give my best consideration to any distinct proposition, which you may bring forward with a view to encrease the present efficiency of the Local Magistracy, the more especially as, by the late reductions made by General Darling in the Constabulary force of the Colony, such an addition might be made to the number of Stipendiary Magistrates without that inconvenience to its Revenue which, but for the diminution of expense resulting from those Reductions, would have attended the encrease of Expenditure now proposed.

I have, &c.,
GODERICH.

VISCOUNT GODERICH TO GOVERNOR BOURKE.

(Despatch No. 63, per ship Lady Harewood; acknowledged by Governor Bourke, 2nd May, 1833.)

31 Jan.

Despatch
acknowledged
re outrages in
New Zealand.

Sir,

Downing Street, 31st January, 1832.

I have received General Darling's despatch of the 13th of April last, No. 37, with its various enclosures, respecting the proceedings of the Master of the Brig "Elizabeth" with several other of His Majesty's Subjects at the Islands of New Zealand.

It is impossible to read, without shame and indignation, the details which these documents disclose. The unfortunate natives of New Zealand, unless some decisive measures of prevention be adopted, will, I fear, be shortly added to the number of those barbarous Tribes, who, in different parts of the Globe, have

fallen a sacrifice to their intercourse with civilized Men, who bear and disgrace the name of Christians, when, for mercenary purposes, the natives of Europe minister to the passions by which these savages are inflamed against each other, and introduce them to the knowledge of depraved acts and licentious gratifications of the most debased Inhabitants of our Great Cities; the inevitable consequence is a rapid decline of population preceded by every variety of suffering. Considering what is the character of a large part of the Population of New South Wales and Van Diemen's Land, what opportunities of settling themselves in New Zealand are afforded them by the extensive intercourse which has recently been established; adverting also to the conduct which has been pursued in those Islands by the Masters and Crews of British Vessels, and finding, from the letter of the Revd. Mr. Williams, that the work of depopulation is already proceeding fast, I cannot contemplate the too probable results without the deepest anxiety; there can be no more sacred duty than that of using every possible method to rescue the natives of those extensive Islands from the further evils which impend over them, and to deliver our own Country from the disgrace and crime of having either occasioned or tolerated such enormities.

1832.
31 Jan.

Possible
extinction
of Maoris.

Necessity for
protection of
Maoris.

With these views, I need scarcely say that the energy with which General Darling appears to have acted, both for the punishments and prevention of these atrocities, merits my warmest acknowledgments. I concur with him in the propriety of sending a Person to New Zealand in the character of Resident; But, as it does not appear advisable in the first instance to place a detachment of Troops, as proposed by General Darling, under the orders of the Resident, I am of opinion that a Civil rather than a Military Officer should be fixed upon for that duty. After the Resident shall have conciliated the good will of the native Chiefs and in some measure restored that confidence between them and British Subjects, which the bad faith of the latter has so unhappily interrupted, you will be better able to judge in what manner it will be practicable to support the authority of the Resident without exciting the jealousy or illwill of the Natives.

Approval of
policy of
R. Darling;

and of
appointment
of resident in
New Zealand.

I have not failed to urge upon the Lords Commissioners of the Admiralty the extreme importance of His Majesty's Ships of War being directed to put in at the principal Harbours of New Zealand, as frequently as possible, in order to support the authority of the Resident, and a communication from their Lordships, in reply, states that they have given instructions to Vice Admiral Sir John Gore upon the subject; the want of Legal

Ships of war
to visit
New Zealand.

1832.
31 Jan.

Want of legal
authority in
New Zealand.

Authority to seize and confine Persons found in the commission of outrages on the Islands would be a very serious difficulty; if the natives of New Zealand had made any approach towards a settled form of Government; Were there any established system of Jurisprudence among them, however rude, their own Courts would claim and be entitled to the cognizance of all crimes committed within their territory. As matters stand, any measures of coercion and restraint, which the Resident may reasonably adopt, may be vindicated on the ground of necessity, even if they cannot be strictly defended as legal. Against the risk of any litigation on such grounds, the Resident must of course be indemnified, whenever he shall appear to have acted with upright intention and becoming circumspection.

Traffic in
human heads.

General Darling's despatch has for the first time made me acquainted with the existence of a traffic, equally strange and barbarous, in human Heads.* I am still at a loss to conjecture what the motive can be, which induces any one to make such a purchase, unless indeed the Heads be preserved in such a manner as to be regarded in the light of curiosities; yet, were this the case, it might be supposed that the demand would be so extremely inconsiderable, as scarcely to have afforded an adequate temptation to carry them away from the Island in the numbers mentioned, not only by General Darling, but by Mr. Williams and Mr. Gordon Browne. Be the inducement however what it may, the practice is utterly detestable and inhuman, and must, as Mr. Browne has remarked, afford the unhappy Islanders a new motive for the perpetration of Murders. As I presume that this traffic is carried on chiefly, if not exclusively, with New South Wales and Van Diemen's Land, it may perhaps be effectually checked by Acts to be passed by the Governors and Legislative Councils, denouncing severe penalties against all persons engaged in it. Adverting to the brutalizing nature of the Offence and its inevitable tendency to encourage the Commission of Murder, I do not think that the punishment of transportation for 7 or 14 years would be either unmerited or so severe as to counteract the design of the Law; as it is important that similar measures should be pursued in the two Colonies, you will have the goodness to communicate fully on the subject with Colonel Arthur, who will exert his habitual zeal and humanity in concerting with yourself the most effectual remedy against so great an abuse.

Proposed acts
of council for
suppression
of traffic.

It is with much regret that I find that the efforts of General Darling to bring to Justice the Master and Crew of the Brig "Elizabeth" were likely to prove unsuccessful; the opinion given by Mr. Moore the Crown Solicitor is not very intelligible;

Expected
failure to
convict
J. Stewart
and crew.

I conjecture his meaning to have been that the New Zealand Tribes, having been engaged in what must be regarded as legitimate warfare according to the usages of their own Country, could not with Justice or propriety be charged with murder, and, therefore, that the Master and Crew could not be charged as accessaries to Murder, because the guilt of the principal is essential to the guilt of the accessory; supposing this reasoning to be just, still the Master and his Crew might have been prosecuted under the Foreign enlistment Act. But, if I rightly understand the case, they were, in fact, prosecuted for Murder. Yet, in his Letter of the 12 of April, Mr Moore states that "he admitted Captain Stewart to bail to appear before the Supreme Court when called upon for Trial." The statement is quite inexplicable; I can neither understand, how the Prosecutor himself should assume to act as a Magistrate by admitting a Prisoner to bail, nor why a Prisoner charged with such an Offence should have been admitted to Bail by any authority whatever. I regret to state that the whole proceeding for the conviction of the Offenders appears to me to have been conducted in an inefficient and discreditable manner, and you will have the goodness to institute the necessary enquiries to ascertain upon whom the censure justly falls, if, as there is too much reason to apprehend, the prosecution shall prove unsuccessful.

1832.
31 Jan.
Expected failure to convict J. Stewart and crew.

I am, &c.,
GODERICH.

GOVERNOR BOURKE TO VISCOUNT GODERICH.

(Despatch No. 14, per ship Britannia; acknowledged by Viscount Goderich, 4th July, 1832.)

My Lord, Government House, 5th February, 1832.

5 Feb.

The Archdeacon of New South Wales has requested me to forward the enclosed letter for Your Lordship's Consideration. The Bill,* to which the Archdeacon alludes, is one which I lately brought before the Legislative Council as Suggested by Your Lordship in Conversation in Downing Street last June; it fixes permanently the Salaries of the Governor and Judges to be paid out of the Customs.

Transmission of letter from Revd. W. G. Broughton.

Bill *re* salaries of governor and judges.

The Sum, necessary to provide for the Maintenance of the Clergy of the Established Church for the Year 1832, amounts to about £10,800, of which a very Small part may be derived from the income of Lands Still held by the Church and School Corporation.

Estimate for expenditure on church.

I have, &c.,

RICHD. BOURKE.

1832.
5 Feb.

[Enclosure.]

ARCHDEACON BROUGHTON TO GOVERNOR BOURKE.

Sir, Church Corporation House, 4th February, 1832.

The Bill "to provide for the payment of the Salary of the Governor of New South Wales out of the Revenues of the Customs" having passed the Legislative Council, I request permission to bring under Your Excellency's consideration the manner in which it appears to me that my interests as Archdeacon of the Colony are affected; and I consider it a duty to myself to accompany this representation with a request that the subject may be referred to the Right Honorable the Secretary of State.

The duties and privileges of the Archdeacon of New South Wales are pointed out in a Dispatch* addressed by Earl Bathurst to Governor Sir Thomas Brisbane. Mention by name is made therein only of my predecessor, the Reverend Mr. Scott; but, having been referred to this communication for my guidance, I consider it to contain the terms of the compact under which I accepted my appointment. More especially am I entitled to take this view of the question from its being secured to me by my Patent that I shall possess my office in as full a manner as it was possessed and enjoyed by the former Archdeacon.

I beg to refer Your Excellency to the 16th Paragraph of Earl Bathurst's Letter, which, after stating the amount of Salary attached to the Archdeaconry, goes on to provide "that each payment shall be effected in the same manner, and in the same currency and at the same rate of Exchange, in which the corresponding instalment of your own official Income may have been paid."

The received interpretation of this has been that in whatever manner the payment of the Governor's Salary might be fixed, the payment of the Archdeacon's should be secured in the same manner. So long as the appropriation of the Colonial Revenue rested with the Governor, this condition was of course fulfilled. But now that the appropriation is made dependent on an annual Vote of the Legislative Council, I should submit with much deference that the Governor's Salary, having been exempted from the operation of that vote, the Salary of the Archdeacon should also be exempted; for, as the payment of each is to be effected in the same manner, the one cannot consistently with this remain contingent, while the other is permanently fixed.

Entertaining this view of the subject, I might have felt myself justified in advancing a claim to have the payment of my Income regulated by the Bill which has recently passed the Council; but I was unwilling to urge any measure, which could embarrass Your Excellency's proceedings by giving rise to debate, or might seem to imply on my part any want of reliance on the disposition of His Majesty's Government to secure in some other equally effectual mode the advantage to which I consider myself entitled. I therefore took no other step than to request of Your Excellency, in presence of the Council, that my silence might not be construed into an abandonment of my claim. I have now most respectfully to request your recommendation to the Secretary of State that

* Note 141.

Effect of bill
re salary of
governor on
archdeacon.

Duties and
privileges of
archdeacon.

Payment of
salary of
archdeacon.

Reasons for
silence during
passage of bill.

the payment of my Salary may be provided for out of some permanent fund at the disposal of His Majesty, until the Revenue arising from the Church and School Estates shall be sufficient to defray the expense of those Establishments.

1832.
5 Feb.

Proposed
payment
of salary.

I have, &c.,
W. G. BROUGHTON.

GOVERNOR BOURKE TO VISCOUNT GODERICH.
(Despatch No. 16, per ship Britannia.)

My Lord, Government House, 6 February, 1832. 6 Feb.

I avail myself of the present opportunity of a ship for England (although much occupied by the sitting of the Legislative Council) to bring briefly before your Lordship what has lately occurred here upon the subject of Jury Trials, in the hope that the application I am about to make may obtain your Lordship's answer within the current year.

Report *re*
jury trials.

Finding upon my arrival that the substitution of Civil for Military Juries* in criminal cases continued to be much desired by the great majority of free People in the Colony, I endeavoured to ascertain whether such substitution was likely to endanger the due administration of Justice, or whether the Colony had attained that state of society, which would safely admit of forming Petit Juries for the trial of Criminal issues as is practised in England. Upon consulting with the Judges, I found them unanimous and strenuous in asserting the safety and propriety of trying such Issues by Civil Juries. Nearly the whole profession of the Law is of the same opinion and is joined by many of the best informed Persons, both in official and private Life.

Desire for civil
instead of
military juries.

Civil juries
approved by
judges ;

On the other hand many Persons in the Councils, whose sentiments are entitled to great respect, are of a contrary opinion. It should however be recollected how the Councils are constituted and that until now it was believed that His Majesty's Government as well as the local was adverse to the extension of the Jury System.

but disapproved
by members
of council.

The result of my enquiries is a firm conviction that the substitution of Civil for Military Juries may be safely and beneficially effected.

Opinion of
R. Bourke *re*
civil juries.

Under this impression I was disposed at one time to have availed myself of your Lordship's permission and to have proposed to the Legislative Council at the present sitting the extension of the form of Trial by Petit Juries in all criminal cases; but on reflection I deemed it prudent to defer the measure until next year, when, by the Institution of Circuit Courts throughout the Colony, it may be accomplished with less labor and inconvenience to the class of Inhabitants from which Jurors will be summoned. I thought it right also to prepare the council and the Public for these measures by adverting to them in a

Institution of
civil juries in
criminal cases.

* Note 142.

1832.
6 Feb.

Request for
charter or
order to
establish
circuit courts.

communication made to the Legislative Council upon opening the session. I beg leave to enclose a copy of that Paper observing that the Jury Bill* therein alluded to was passed on the 3d inst.

It now remains that I should request your Lordship to obtain the charter or order in Council under which Circuit Courts may be established. The Judges of the Supreme Court have long seen the necessity of some such Institution, and, by Rules of their own and by the Governor's proclamation, have at times held adjourned sittings of their court in several parts of the Colony. These were forbidden by Sir George Murray's Despatch of the 16th May, 1830 (No. 40), and there can be no doubt that Courts of Circuit, held under the authority of a Commission from the Executive Government, will be more regular and conformable to the British practise. The New South Wales act, 9th Geo. 4, Cap. 83, Sec. 13, enables His Majesty to institute such Courts. If your Lordship should think proper to recommend to his Majesty to institute them by Charter, it would afford a convenient opportunity for revising that which was granted in 1823,† by which the Chief Justice alone is appointed, and it has been omitted to confine the sittings of the Supreme Court to Sydney. The Puisne Judges have been added since that charter was issued.

Circuit courts
established at
Cape of Good
Hope.

But, by whatever Instrument the Courts may be instituted, I would recommend that it followed as nearly as may be the terms of the charter of Justice for the Cape of Good Hope, under which Circuit Courts were appointed in that Colony in 1828. By that charter, the Governor is empowered to divide the Colony into Districts, in each of which Circuit Courts shall be holden twice in each year by one of the Judges of the Supreme Court, at such time and place as the Governor by Commission under the seal of the Colony shall appoint. In fixing the precise time, the convenience of the Public and of the Court would of course be consulted, and this arrangement I should think preferable to the suggestion of the Chief Justice Forbes, of whose Letter to me on the subject of these Circuit Courts I have the honor to enclose a copy.

Opinion of
F. Forbes.

The Chief Justice appears to entertain some doubt of there being a power vested in His Majesty to delegate to any local authority the right to fix the times and places at which Circuit Courts are to be held. The Law Officers of the Crown will doubtless clear up this point, if your Lordship should propose to act on my suggestion in preference to that of Chief Justice Forbes. I would just observe, however, that this very eminent Lawyer seems to entertain a very great jealousy of local authority, and to claim for his Court a total Exemption from

* Note 143.

† Note 144.

that subordination to the Executive, which the Constitution of England has wisely provided. Upon this principle, the movements of the Court from place to place by Rules of its own were lately devised and executed, the Proclamation of the Governor being but an echo of the Rule of the Supreme Court.

1832.
6 Feb.

Jealousy of
F. Forbes
towards
executive.

If, on the other hand, it should be deemed expedient to institute the Circuit Courts in the manner proposed by the Chief Justice, I conceive that he has named the most convenient times of the year and the most suitable places for holding them. This at least is true for the present; but it will be advisable for local reasons at the expiration of two or three years to remove the Gaol and Court House from Bong Bong* to a more central position in Camden, through which a new Road is designed to be carried. This is in itself some evidence of the propriety of leaving the arrangements of times and places to the local Executive.

Approval of
times and
places proposed
by F. Forbes.

With respect to the other suggestions in the Letter of the Chief Justice, as they relate to matters purely professional, I have no remark to make except that, on a careful perusal of them, the Crown Lawyers may perhaps see the expediency of defining by a new Charter some of the proceedings, which the Chief Justice proposes to regulate by Rule of the Supreme Court. They may also advise a power being left to the Governor to appoint the Attorney or Solicitor General to go as Circuit Judge on the illness or other necessary default of one of the Judges of the Supreme Court. The arrangement proposed by the Chief Justice is liable to this objection, that it will require the simultaneous operation of at least two of the Judges to accomplish it, a difficulty into which he appears to me to have fallen by desiring that the times of the Circuits should be fixed by some other means than the authority of the Local Government.

Modifications
of proposals of
F. Forbes.

I have only further to add my earnest request that your Lordship will be pleased to take the subject of this Letter into your immediate consideration; in order that I may receive your Lordship's Commands before the meeting of the Legislative Council in the Month of January of the next year.

Request for
prompt
consideration
of despatch.

I annex the opinions given by Chief Justice Forbes and Mr. Therry, Commissioner of the Court of Requests, upon the expediency of extending the form of Trial by Petit Juries, and that of the three Judges recommending the institution of Circuit Courts.

Opinions *re*
further reforms.

I have, &c.,

RICHD. BOURKE.

[Enclosures.]

[Copies of these papers will be found in a volume in series IV.]

1832.
6 Feb.

GOVERNOR BOURKE TO VISCOUNT GODERICH.
(Despatch No. 17, per ship Britannia.)

My Lord, Government House, 6th Feby., 1832.

Fees on
land grants.

I have the honor to transmit a Table of Fees,* charged for preparing Title Deeds to Land granted by the Crown in this Colony, which, Under my instructions and by the advice of the Executive Council, has been lately adopted.

I have, &c.,

RICHD. BOURKE.

GOVERNOR BOURKE TO VISCOUNT GODERICH.
(Despatch No. 18, per ship Britannia: acknowledged by
Viscount Goderich, 6th July, 1832.)

7 Feb.

My Lord, Government House, 7th Feby., 1832.

Land grants
promised by
R. Darling and
P. Lindesay.

I have the honor to transmit a Return of certain Grants of Land promised by Lieut. General Darling and Colonel Lindesay, but of which possession had not been given to the Parties previously to my arrival in the Colony. I have thought it right to refuse completing these Grants, conceiving that I am not authorised to dispose of Such allotments otherwise than by Sale. I would, however, observe that I have not come to this decision without Considerable reluctance, as I am aware the disappointment to Some of the Parties is Severe. I enclose Such papers as bear upon their case, Submitting to Your Lordship's judgment whether in any and what instances I may be permitted to relax the Regulations in favor of the Parties Concerned.

Refusal by
R. Bourke to
complete
grants.

I have, &c.,

RICHD. BOURKE.

[Enclosure.]

List of land
grants
authorised by
R. Darling but
not confirmed
by R. Bourke.

LIST of Grants of Land, authorised by His Excellency General Darling, but not confirmed by His Excellency General Bourke.

1. A. C. Immes, 8 a. 0 r. 0 p.

A Double Suburban Allotment, recently laid out for the erection of Villas on Ruscutters Bay, about three miles from Sydney. Original application, dated 3rd June, 1830, for an Allotment on Woolloomooloo Hill was refused. Copy annexed and marked A. Original Authority to select an Allotment between Woolloomooloo Hill and Ruscutters Bay, dated 20th October, 1831, annexed and marked B. Authority to increase the quantity, dated 5th November, 1831; marked C. Description reported by Surveyor General in his Half Monthly Abstract for 1/15 November, 1831.

Decision of General Bourke.—"Refused, as I am of opinion the late Instructions of the Secretary of State prohibit any Grant of Crown Lands but on sale, unless under the circumstances set forth

in Lord Goderich's letter of 9th January, 1831, none of which apply to this case. I will, however, refer the Application Home, with my recommendation that it be granted."

2. Female School of Industry, 1 a. 0 r. 30 p.

A Double Building Allotment recently laid out on the Parramatta Road, about half a mile from Sydney. Former Applications for Allotments at Parramatta upon which nothing decisive was done, dated 1st May, 1830, 14th February, 1831, 8th April, 1831, are annexed and Marked D, E, F. Original Authority for Allotments near Sydney, dated 8th October, 1831, annexed and marked G. Description reported in Abstract for 1/15 November, 1831.

Decision of General Bourke.—"Refused for the reason given above. The Application shall, however, be referred home, with my earnest recommendation that it be granted."

3. Miss Pantou, now Mrs. Craig, 40 a. 0 r. 0 p.

On the North Shore of Port Jackson, about a mile and a half from Sydney, selected in lieu of 640 Acres authorised as a Marriage Portion. Original Application dated 6th October, 1831, Original Authority to select 640 Acres dated 21st October, 1831, and proposal to take 40 Acres in lieu of 640 annexed and marked H, I, K. Description reported in Abstract for 15/30 November, 1831.

Decision of General Bourke.—"Refused for the reason stated above; but the Application shall be transmitted to the Secretary of State for his favorable Consideration."

4. Edmd. Lakeman, 0 a. 2 r. 0 p.

A Building Allotment in the Town of Parramatta. Original Authority dated 20th October, 1831, annexed and marked L. Description reported in Abstract for 31st December, 1831.

Decision of General Bourke.—"I cannot convert the permission to select contained in General Darling's Memorandum of 20th October, 1831, into a Free Grant, or on Quit-rent. The Allotment may be put up to Sale under the present Regulations."

Colonial Secretary's Office, Sydney, New South Wales, 7th February, 1832.

[Sub-enclosures.]

[A] MAJOR INNES TO COLONIAL SECRETARY MACLEAY.

Sir,

Sydney, 3rd June, 1830.

I do myself the honor to request that you will solicit His Excellency the Governor to bestow on me one of the allotments on Woolloomooloo Hill, to which indulgence I trust His Excellency will have the goodness to consider that the peculiar circumstances, which compelled me to retire from the Army, give me a more than ordinary claim to His Excellency's Consideration.

I have, &c.,

ARCH'D C. INNES, late Major, Buffs.

Request by
A. C. Innes
for building
allotment.

[B] MEMORANDUM FOR THE COLONIAL SECRETARY.

Government House, 20th October, 1831.

LET Archibald C. Innes, Esqr., receive authority to Select one of the allotments of Ground, between Woolloomooloo Hill and Rushcutters Bay.

Order for
allotment for
A. C. Innes.

RA. DARLING.

1832.
7 Feb.

List of land
grants
authorised by
R. Darling but
not confirmed
by R. Bourke.

1832.
7 Feb.

[C] MEMORANDUM FOR THE COLONIAL SECRETARY.

Government House, 5th November, 1831.

HIS EXCELLENCY General Darling having given authority, under date the 20th October, 1831, to Archibald C. Innes, Esqr., to select one of the allotments of Ground between Woolloomooloo Hill and Rush Cutters Bay, I hereby, in consequence of the smallness of these allotments, do sanction that Gentleman to receive an additional allotment of Ground in the same Quarter, adjoining the first.

P. LINDESAY, Acting Governor.

[D] MR. E. LOCKYER TO COLONIAL SECRETARY MACLEAY.

Sir,

Parramatta, 1st May, 1830.

I have the Honor on behalf of the other Trustees of the "School of Industry" in Parramatta to request the favor of His Excellency the Governor's granting to that Institution a *Town Allotment* of a vacant piece of Land, situated between the Agricultural Garden and the Bridge, bounden on the North by the Gaol, and on the South by the River, it being the intention of the Trustees, should His Excellency be pleased to grant their request, to exchange the said Allotment for a piece of ground next adjoining the Building of the "School of Industry," which it is necessary to obtain for the convenience of that Institution.

I have, &c.,

ED. LOCKYER.

[E] REVEREND S. MARSDEN TO COLONIAL SECRETARY MACLEAY.

(Private.)

Dear Sir,

Parramatta, 14th Feby., 1831.

Some time ago Captain Dumaresq told me that the Governor would give an Allotment of Ground to the "School of Industry," which we could sell, towards the payment of the debts owing by the Committee, if I could point out one. I have been looking out ever since for one. I am informed that the Governor has given three allotments, one to Major Lockyer, one to Capt. Wright, and one to a Mr. Smith, all lying together, opposite to the old Military Barracks at Parramatta. There is one more allotment adjoining to these; it may contain about 30 or 40 Rods of Ground; it lies between the Government House and the Public Wharf. I am told a person intends to apply for it, but I think the School has the first Claim. The person, who I am informed wants it, has no claim whatever for such a favor. I think it would sell being on the side of the River.

Something must be done relative to the School and the sooner the better, before we get too much involved. I have a very great dislike to Debts, "owe no man anything" is a doctrine I much approve. Should any application be made for the Allotment of Ground in question, perhaps you will remember the School.

Captain Dumaresq will inform you what the Governor said to him on the Subject. Unless we can reduce our Debt to the Bank, the School must be given up, as it is daily increasing.

I remain, &c.,

SAML. MARSDEN.

Requests for
allotment for
school of
industry at
Parramatta.

[F] REVEREND S. MARSDEN TO COLONIAL SECRETARY MACLEAY.
(Private.)

1832.
7 Feb.

Dear Sir,

Parramatta, 8th April, 1831.

Requests for allotment for school of industry at Parramatta.

Mr. Grose, I am informed, claims the Wharf and the Steps where the people land, and half the Boat House, and says it belongs to him, and that he has Sir Thos. Brisbane's authority to possess it. I mentioned to the Governor, when he was at Parramatta, that I wish one allotment of Land for the "School of Industry," for I was apprehensive it might be granted to some person who had no particular claim upon Government. His Excellency did not object to my request, if there was the quantity of Ground I stated.

I trust you will bear it in mind. I am sure Grose has no particular claim upon the Government, so as to have preference to the "School of Industry."

If he has got legal claim to this Ground, there is something very mysterious in it, which I cannot comprehend. I never heard until now that Sir Thomas Brisbane gave him the Wharf at Parramatta as his private property. Perhaps you will inquire about it that, if it be so, I may look out for some other Ground. I want the Principal of the Money reducing, which is owing to the Bank on account of the "School of Industry."

I am not Satisfied with having my name to so large a Sum as £600 in the Bank account against the School, and the sooner our responsibility is reduced, the more easy I shall be in my mind.

I remain, &c.,

SAMUEL MARSDEN.

[G] MINUTE No. 96.

Government House, 8th October, 1831.

It appearing that the *School of Industry* is much encumbered with Debt, owing to the expenses which have been necessarily incurred in providing for the Branch of that Institution which has been recently established at Parramatta, and, as it is a matter of the first importance in the present State of this Colony that individuals of the lower Classes should receive every possible assistance in obtaining a Suitable Education for their Children, it has been deemed proper under these circumstances to grant, for the benefit of the above Schools, two of the Building allotments at the place known as the "Military Garden" on the Parramatta Road.

Order for allotments for school of industry.

Let a communication be made to the Archdeacon, the Colonial Secretary, and the Reverend Mr. Marsden, informing them of the above, with my request that they will be so good as to select two allotments of Ground at the place pointed out, and further undertake to appropriate, or dispose of the allotments so to be selected, as shall appear to them most advantageous to the Institution, for the benefit of which they are interested.

RA. DARLING.

[H] MRS. CRAIG TO COLONIAL SECRETARY MACLEAY.

Sir,

Sydney, 6th October, 1831.

As I understand Grants of Land have been given to Ladies on their Marriage in this Colony, may I request that His Excellency the Governor will be graciously pleased to extend the like indulgence to me. I was married on the 27th ultimo.

Request by M. Craig for land grant as marriage portion.

I remain, &c.,

MARY CRAIG, late Mary Panton,
at Mrs. Panton's, Fort Street.

[I] AUTHORITY FOR LAND GRANT OF 640 ACRES.

[This was on the usual printed form dated 21st October, 1831.]

1832.
7 Feb.
Order for
land grant to
M. Craig.

[J] GOVERNMENT ORDER.

[This was a printed copy of the government order* re land grants,
dated 19th August, 1829.]

[K] MRS. CRAIG TO COLONIAL SECRETARY MACLEAY.

Sir, Sydney, 18th November, 1831.

I have the honor of your letter of the 16th in answer to mine
of the 5th Instant.

Request by
M. Craig for
land grant at
north shore.

With reference to these, I would again beg leave to describe the
Spot I have now selected. It is bounded on the South by William
Blue's, on the East by a line running North from William Blue's
east boundary, on the North by part of Berry and Wollstonecroft's,
and West by a line to include (40) forty acres or such portion
more or less as to you may seem proper.

I may here be allowed to bring to your notice, in determining
the quantity, that by far the greatest portion of the Land on that
Spot consists of Rocks, and the whole is cut off from Water
frontage.

I have, &c.,

MARY CRAIG.

[L] MEMORANDUM FOR THE COLONIAL SECRETARY.

Government House, 20th October, 1831.

Order for
allotments for
T. H. Burner
and
E. Lakeman.

LET Mr. Thomas Henry Burner and Edward Lakeman receive
authority to select a Town Allotment each at Parramatta.

RA. DARLING.

GOVERNOR BOURKE TO VISCOUNT GODERICH.

(Despatch No. 19, per ship Britannia: acknowledged by
Viscount Goderich, 9th August, 1832.)

My Lord, Government House, 7th Feby., 1832.

Request by
J. Coghill for
land grant.

I have been requested by Mr. John Cogill, a very re-
spectable Settler, to forward his application for a Grant of
4,000 Acres of Land, his pretensions to which are Set forth in
the accompanying Letter. I have only to add that Mr. Cogill
has already received a Grant of 2,560 Acres, and that he holds
in addition 9,600 Acres of his own Selection, the whole or any
part of which he may purchase at the rate of five shillings an
Acre, if he shall signify his intention to this effect by the first
of next month. I believe the Statements in Mr. Cogill's letter
are correct.

I have, &c.,

RICHD. BOURKE.

[Enclosure.]

[A copy of this application is not available.]

GOVERNOR BOURKE TO VISCOUNT GODERICH.

1832.
8 Feb.

(Despatch No. 22, per ship Britannia.)

My Lord, Government House, 8th Feby., 1832.

I do Myself the honor to transmit for Your Lordship's information, Conformably to the Instructions Contained in Earl Bathurst's Despatch, dated 23rd February, 1825, No. 20, a Return of the Lands granted by Lieut. General Darling during the past Year.

Return of
land grants
in 1831.

I have, &c.,

RICHD. BOURKE.

[Enclosure.]

[*This return will be found in a volume in series II.*]

GOVERNOR BOURKE TO VISCOUNT GODERICH.

(Despatch No. 23, per ship Britannia.)

My Lord, Government House, 9th Feby., 1832.

9 Feb.

In continuation of the Subject of Lieut. General Darling's Despatch of the 13th of June, 1831 (No. 51), I have the honor to enclose a general State of the account of the Colonial Agent with the Government of New South Wales, from the 1st January, 1826, to 31 Decr., 1830, by which it appears that Mr. Barnard holds on the latter day a Balance of no less a sum than twelve thousand and twenty three pounds, Sixteen Shillings and three pence three farthings.

Transmission
of accounts
with colonial
agent.

I annex to the General State, a letter from the Auditor General of this Colony.

As it appears from the account that Mr. Barnard has received, in two several payments, the Sum of thirteen thousand pounds, Advances from His Majesty's Treasury on account of the Colony, I have to request that Your Lordship will be pleased to intimate to the Lords Commissioners the expediency of immediately calling upon Mr. Barnard to pay to the Treasury his disposable Balance in discharge of these advances.

Request for
payment by
E. Barnard.

I have, &c.,

RICHD. BOURKE.

[Enclosure No. 1.]

MR. W. LITHGOW TO COLONIAL SECRETARY MACLEAY.

Sir, Audit Office, Sydney, 25th November, 1831.

I have the honor to acknowledge the Receipt of your Letters Nos. 371 and 372 of 15th instant, forwarding Accounts Current of E. Barnard, Esquire, Colonial Agent, for the year 1830, and for the first quarter of the year 1831, and requiring me to report thereon.

Report by
W. Lithgow
re accounts of
E. Barnard.

In reply, I have the honor to acquaint you, that, on inspecting these accounts, which are unaccompanied by Vouchers, the only point which seems to require remark is, that the Balance in the Colonial Agent's hands on the first and last day of the Periods

1832.
9 Feb.

Report by
W. Lithgow
re accounts of
E. Barnard.

comprised in each Account is not given; though, as will be seen by the enclosed general state of his Account from 1st January, 1826, to 31st December, 1830, the said balance must, on the 1st January, 1831, have amounted to Twelve thousand and Twenty three pounds, sixteen shillings and four pence three farthings.

The payments into his hands, in the first quarter of the present year, nearly correspond with the Disbursements made by him in the same period.

I have, &c.,

WILLM. LITHGOW, Aud. Genl.

A true Copy:—WM. LITHGOW.

[Enclosure No. 2.]

Summary
of accounts.

[These accounts detailed receipts by the colonial agent, during the years 1826-1830, amounting to £45,944 4s. 4½d., and expenditure amounting to £41,992 13s. 3d. With the balance in hand (£8,072 5s. 3¼d.) on the 31st December, 1825, the balance in hand on the 31st December, 1830, was £12,023 16s. 4¾d.]

VISCOUNT GODERICH TO GOVERNOR BOURKE.

(Despatch No. 64, per ship Lady Harewood.)

20 Feb.

Sir,

Downing Street, 20 Feby., 1832.

Payment of
expenditure
on removal
of Pitcairn
islanders.

With reference to my despatch No. 9 of the 4th August last, I beg to acquaint you that the Expenditure, which was incurred in removing the People from Pitcairns Island to Otaheite, will be defrayed out of the Military Chest and not out of the Revenues of New South Wales, the resources of the Empire being more properly chargeable with services of this nature. The necessary directions will, accordingly, be given by the Lords Commissioners of the Treasury to the Officer in Charge of the Military Chest at New South Wales.

I am, &c.,

GODERICH.

VISCOUNT GODERICH TO GOVERNOR BOURKE.

(Despatch No. 65, per ship Lady Harewood.)

21 Feb.

Sir,

Downing Street, 21st February, 1832.

Appointment
of Revd.
J. McEncroe as
R.C. chaplain.

With reference to Sir George Murray's Dispatch No. 96 of the 15th November, 1830, addressed to General Darling, in which he was informed that a Roman Catholic Clergyman, in addition to Mr. Dowling, would be sent out to New South Wales, I now beg to acquaint you that I have nominated the Revd. J. McEncroe to the vacancy in question. Mr. McEncroe has proceeded to the Colony in the "Southworth" Convict Ship, and, as he is not aware of my having selected him for this appointment, you will, on the receipt of this Dispatch, apprise him of it, intimating to him at the same time that I have felt great

satisfaction in being enabled thus early to comply with the strong application which I had received in his favor from the Revd. Dr. Murray.

1832.
21 Feb.

Mr. McEncroe will of course be placed in respect to Salary upon the same footing as Mr. Dowling, to whom you were directed to issue £150 per Annum. I have, &c.,

Salary of Revd.
J. McEncroe.

GODERICH.

VISCOUNT GODERICH TO GOVERNOR BOURKE.

(Despatch marked "Private and Confidential," per ship Lady Harewood; acknowledged by Governor Bourke, 18th September, 1832.)

Dear Sir, Downing Street, 21st February, 1832.

My Dispatch of this day's date notifies to you the appointment of the Revd. Mr. McEncroe to the Establishment of Roman Catholic Clergymen at New South Wales. The difficulty of finding a proper person to officiate there, who could successfully contend against Mr. Therry,* has hitherto prevented His Majesty's Government from carrying into effect the object adverted to in Sir George Murray's Dispatch of the 15th of November, 1830; but, from the character which has been given to me of Mr. McEncroe by the Revd. Dr. Murray, the Roman Catholic Archbishop of Dublin, and by Mr. Plunkett, the Solicitor General of New South Wales (whose Letter I enclose), I am induced to hope that Mr. McEncroe's Influence over the Roman Catholic Population of the Colony will be as great as that possessed by Mr. Therry, whilst it will be used in a manner less obnoxious to the Clergy of the Established Church than that to which the latter person has applied it.

Reasons for
delay in
appointing
R.C. chaplain.

Expectations
re appointment
of Revd.
J. McEncroe.

You will perceive that I have not fixed Mr. McEncroe's Seniority with reference to that of Mr. Dowling, and I have deemed it the more necessary to abstain from doing this, as it is not improbable that the present Establishment of Roman Catholic Priests may be enlarged; and it would, in that case, be desirable, before I placed at its head one of the Roman Catholic Clergymen now employed in New South Wales, that I should learn from you whether they possess sufficient weight and authority with their flock to justify such a selection, and which of them would be best qualified for the purpose; You will therefore be good enough, as soon as Mr. McEncroe shall have exercised his functions sufficiently long to enable you to form an opinion upon the subject, to report to me, confidentially, on the respective merits of the two Clergymen in question.

Reasons for
absence of
instructions
re seniority
of chaplains.

I remain, &c.,

GODERICH.

* Note 148.

1832.
21 Feb.

[Enclosure.]

MR. J. H. PLUNKETT TO VISCOUNT GODERICH.

My Lord.

Cove of Cork, 21 Jany., 1832.

Refusal of
clerk for
J. Kinchela to
take passage.

I think it right to make known to your Lordship that the person, for whom passages in the Southworth were ordered at the Navy Office, and intending to come to N. S. Wales as my Clerk, has declined to come. This circumstance leaves space enough in the Vessel, and I regret I was not aware of it in sufficient time to give notice of it at the Colonial Office that the place might be disposed of to others; but, as I did not know that he changed his mind until yesterday, I had not the opportunity of giving such notice. The Revd. John McEncroe, a R.C. Clergyman who had intended to apply to H.M. Govt. for a passage to N. S. Wales, requested that I would allocate to him one of the places assigned to the Clerk already alluded to, being prepared to embark on the very short notice. I beg leave to inform your Lordship that I have acceded to his request on being satisfied of his being a very respectable Clergyman, prudent in the discharge of his duties in this Country, and never mixing himself with any of its political parties. He has the strongest recommendations from some of the Dignitaries of his Church and produced a Certificate of having taken the oath of Allegiance. If there were sufficient time, I should have waited the approbation of your Lordship. Under the circumstances, I trust your Lordship will consider that I have acted right. The Vessel is just about to sail.

Passage taken
by Revd.
J. McEncroe.

Testimony
in favour
of Revd.
J. McEncroe.

I have, &c.,

JOHN H. PLUNKETT.

VISCOUNT GODERICH TO GOVERNOR BOURKE.

(Despatch No. 66, per ship Lady Harewood.)

22 Feb.

Sir,

Downing Street, 22d February, 1832.

Neglect to
transmit half-
yearly reports
on government
garden.

I beg to call your attention to Earl Bathurst's Dispatch No. 30 of the 14th December, 1825, no report having been received from the Superintendent of the Government Garden at New South Wales since that transmitted with General Darling's Dispatch of the 11th January, 1828. I have to desire that you will intimate to the Superintendent the expectation of His Majesty's Government that the half-yearly reports, which he was directed to make to the Governor, should be regularly prepared for the purpose of being transmitted to this Country, and that I hope to be relieved from the necessity of repeating the Instructions which have been already sent out to the Colony upon this subject.

I have, &c.,

GODERICH.

GOVERNOR BOURKE TO VISCOUNT GODERICH.

(Despatch No. 25. per ship Surry.)

1832.
22 Feb.

My Lord, Government House, 22d February, 1832.

I thought it right to communicate to the Chief Justice and Judges of the Supreme Court Your Lordship's despatch of the 27th September, 1831, No. 25, in which your Lordship Notices that the Judges, in their letter of 31st December, 1830, to Lt. Genl. Darling, expressing an opinion in favour of the establishment of Circuit Courts in this Colony, had not alleged any reason in support of it. In the enclosed copy of a Letter from the Judges addressed to me on this occasion, your Lordship will find their reasons given at length and some explanation of the cause of their former omission.

Opinion by judges re circuit courts.

With regard to the comparative expence to the Public Revenue of Circuit Courts and Trials at Sydney of Criminal Issues from the distant Counties, of which mention is made in the Judge's letter, I have the honor to state that, in the year ending the 28th November, 1831, there were ninety criminal Issues from the Districts of Maitland, Bathurst and Argyle tried at Sydney, at an expence in allowances to Witnesses alone of £1,805 0s. 8d. I have reason to believe that the expence of half yearly Circuits to those three Districts, together with allowances to witnesses attending there, will not amount to that sum.

Comparative expence of circuit courts and trials at Sydney.

I trust the reasons now adduced will satisfy your Lordship of the expediency of the immediate Institution of Circuit Courts. In my despatch of the 6th inst. (No. 16), I have stated to your Lordship at some length the manner in which I would recommend this Establishment to be effected, and I annexed a Letter of the Chief Justice going fully into the details of the proposed measure.

Expediency of immediate institution of circuit courts;

In the same Despatch, I laid before your Lordship the opinion I had formed of the expediency of substituting Civil for Military Jurors, after having communicated with many of those Persons, whom I thought best acquainted with the subject; and I annexed the written opinion of the Chief Justice and Commissioner Therry. Your Lordship is already in possession of the arguments against the measure in the Letter* from Members of Council forwarded by General Darling in the last year. An accession to this side of the question is to be found in the opinion of the Colonial Treasurer, who has lately been placed in Council. There is however nothing new in Mr. Riddell's argument. The *onus probandi* certainly rests with those, who oppose an Institution, so revered by Englishmen and so approved by experience as Trial by Jury. I think they have failed in proof; and, from what I have observed and learned

and of substitution of civil for military juries.

Opposition by members of council.

* Note 149.

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22 Feb.

since my arrival, I have come to the conclusion that it is no longer necessary to try criminal Issues in New South Wales by seven Military or Naval Officers.*

Expenditure
on military
juries.

With reference to the expence of Military Jurors, it may be right to acquaint your Lordship that, in the last year, they amounted for attendance and travelling charges to £1,032 19s. 9d.

I have, &c.,

RICHD. BOURKE.

[Enclosure.]

[A copy of this letter, dated 17th February, 1832, will be found in a volume in series IV.]

VISCOUNT GODERICH TO GOVERNOR BOURKE.

(Despatch No. 67, per ship Lady Harewood.)

24 Feb.

Sir,

Downing Street, 24 Feby., 1832.

Refusal to
make order
re soldier
sentenced by
court-martial.

I have received a Dispatch from Lieutenant Governor Arthur, by which it appears that the Chief Justice of Van Diemen's Land had declined making any order respecting a Soldier sentenced to the Punishment of Transportation by a General Court Martial held in that Colony, in consequence of not having received any notification from the Secretary of State touching such offender, according to the 19th Section of the Mutiny Act.

Instructions
re military
offenders.

As a similar case of difficulty may arise, if it has not already occurred, in the Colony under your Government, I transmit herewith the necessary Instructions addressed to the Chief Justice for his guidance in respect to any Military Offenders, who may be sentenced to transportation in pursuance of the Statute before mentioned.

Mutiny bill to
be modified.

To supersede however the necessity of the Secretary of State repeating annually this Instruction to the Chief Justice, it is the Intention of His Majesty's Government, when the time for passing the next Mutiny Bill arrives, to modify the clause in question, so that Military Prisoners may be disposed of in the same manner as those Convicts who may be transported under Colonial Sentences.

I have, &c.,

GODERICH.

[Enclosure.]

VISCOUNT GODERICH TO THE CHIEF JUSTICE OR OTHER JUDGE
OF THE SUPREME COURT.

Sir,

Downing Street, 31st January, 1832.

Instructions
to judges re
military
offenders.

The Statute, 1st William 4, c. 15, S. 19, Provides "that, whenever any Sentence of Transportation, heretofore or hereafter passed by any Court Martial holden in the East Indies or in any part of His Majesty's Foreign Dominions, is to be carried into execution, or when sentence of Death has been, or shall as

aforsaid, be commuted to Transportation, the same shall be notified by the Officer commanding in Chief His Majesty's Forces at the Presidency or Station, or in his absence by the Adjutant General for the time being, to some Judge of one of the Supreme Courts of Judicature in the East Indies or Chief Justice or some other Judge as the case may be in any part of His Majesty's Foreign Dominions, who shall make order for the transportation or immediate Custody of such Offender in such manner and to or in such place as shall be specified in any directions given to such Chief Justice or Judge, in relation to any such Offender by one of His Majesty's Principal Secretarys of State, and the necessary proceedings shall be taken according to such order for the transportation or immediate Custody of such Offender; and all Acts in force in such place, touching other Offenders to be transported, shall in all respects apply as well to the Offender himself so to be transported as to all other persons whatsoever therein concerned."

With reference to the preceding enactment, I am to instruct you that, in all cases therein mentioned, you do make Order for the transportation of such Offender to Norfolk Island or to any place to which Offenders sentenced to Transportation in due course of Law in the Courts of Criminal Jurisdiction in New South Wales are usually sent.

I am, &c.,

GODERICH.

1832.
24 Feb.

Instructions
to judges *re*
military
offenders.

VISCOUNT GODERICH TO GOVERNOR BOURKE.

(Despatch No. 68, per ship Lady Harewood; acknowledged by Governor Bourke, 19th August, 1832.)

Sir, Downing Street, 24th February, 1832.

I have received General Darling's Dispatch No. 75 of the 16th September last, enclosing a further application from Mr. Cotton, Collector of Customs at New South Wales, respecting a Grant of Land and Building allotment which he claims in consequence of other Civil Servants who left England after him, having been accorded not only a maximum grant but likewise a Town allotment.

Request by
M. C. Cotton
for land grant
and town
allotment.

Mr. Cotton does not mention the names of the Gentlemen who have been admitted to this Indulgence; and, as I am not aware of having authorized any such grants to be made, subsequently to the adoption of the new Regulations, you will be good enough to report to me under what circumstances they have been departed from in the cases referred to, acquainting Mr. Cotton that I cannot alter the decision, which has been communicated to General Darling, in answer to Mr. Cotton's former application.

Refusal of
request.

In reply to the observations of General Darling as to the dearness of House rent, etc., I have to acquaint you that, without meaning to deny the importance of Officers of the Government possessing Houses of their own in lieu of paying an exorbitant rent for those they may occupy, I see no more reason for making them a present of the ground on which they may

1832.
24 Feb.

Ability of
officers to
purchase land.

wish to build a residence, than I should deem it necessary to bestow the Indulgence upon any private Individual who may desire the same accommodation, it being in the power of both classes of persons to purchase, at a moderate rate, any quantity of Land which they may require for such an object.

Refusal of
town allotment
for J. Bowman.

After the foregoing observations, it is almost needless for me to add that Dr. Bowman's request for a similar Indulgence cannot be complied with.

I have, &c.,
GODERICH.

VISCOUNT GODERICH TO GOVERNOR BOURKE.
(Despatch No. 69, per ship Lady Harewood.)

25 Feb.

Inability
to grant
J. T. Morisset
transfer from
Norfolk island.

Sir, Downing Street, 25th February, 1832.

I have received General Darling's Dispatch No. 69 of the 26th of August, enclosing an application from Lieutenant Colonel Morisset to be placed in a Situation less irksome and disagreeable to him than that which he now occupies as Commandant at Norfolk Island.

However much I may regret the disappointment of any expectations entertained by Colonel Morisset in regard to the Appointment which he now fills, I have no means at present of complying with his request to be provided with another Office. Colonel Morisset should be reminded that it was at his own solicitation that he was appointed to his present command, and that the experience, acquired by him in the Management of Convicts of the description of these placed at Norfolk Island, was the chief ground for accepting his Services as Commandant of that Island.

As it appears that General Darling has already pointed out to Colonel Morisset the proper course for him to pursue in furtherance of his wish to sell his Commission, it is not necessary that I should advert to that part of his Communication.

I have, &c.,
GODERICH.

GOVERNOR BOURKE TO VISCOUNT GODERICH.
(Despatch No. 26, per ship Surry; acknowledged by
Viscount Goderich, 17th August, 1832.)

My Lord, Government House, 25th Feby., 1832.

With reference to my Despatch of the 9th February, No. 23, upon the Subject of the balances in the hands of the Colonial Agent, I have now to inform Your Lordship that, by letters lately received from Mr. Barnard, I find that the Sums of five hundred pounds, and twelve hundred pounds, have been

Letter of credit
given by
E. Barnard.

paid into his hands on account of Mr. Dutton, a resident of New South Wales, for which he has given letters of Credit on the Treasurer of the Colony. By the same Mail, I received Mr. Barnard's account for the Second quarter of the Year 1831, in which as usual the balance in his hands is not returned.

1832.
25 Feb.

Letter of credit
given by
E. Barnard.

I am not aware of the Authority under which the Agent receives Money in London, giving orders for the Amount on the Treasurer in Sydney; but the practice may lead to Considerable inconvenience, if it be not restrained within certain limits. It is not probable that in future the agent will be required to expend any large Sums on account of the Colony, and therefore his receipts on this account may with great propriety be curtailed, and with the less apprehension of inconvenience, as I understand that Money may be remitted here in the Same way through the House of Heries, Farquhar and Co. of London, Corresponding with the Bank of Australia in Sydney. I would add that, from any information I can obtain here, it does not appear that Mr. Barnard has entered into any Security.

Objections to
issue of letters
of credit.

Method for
remittances
to colony.

I have, &c.,

—————
RICHD. BOURKE.

VISCOUNT GODERICH TO GOVERNOR BOURKE.

(Despatch No. 70, per ship Lady Harewood.)

Sir, Downing Street, 26th February, 1832.

26 Feb.

I have received General Darling's Despatch No. 74 of the 14th September last, reporting that the practice of granting Land as marriage portions had been discontinued in consequence of the Instructions lately received by him with respect to the disposal of Land, And I have the pleasure to acquaint you that the suspension of this Indulgence is approved.

Approval of
suspension of
land grants
as marriage
portions.

I have, &c.,

—————
GODERICH.

UNDER SECRETARY HAY TO GOVERNOR BOURKE.

(Despatch per ship Lady Harewood.)

Sir, Downing Street, 26 February, 1832.

With reference to my Letter of the 24th Ultimo, I have now the honor of enclosing herewith, as received from Mr. Busby, descriptive Lists of the Vines collected by him in France which are shipped in the "Lady Harewood," Convict Ship, also a printed Catalogue of the Royal Nursery of the Luxemburg and particulars of the contents of each case in which the Plants are packed.

Shipment of
vine cuttings.

I have, &c.,

—————
R. W. HAY.

[Enclosures.]

[Copies of these papers are not available.]

1832.
27 Feb.

VISCOUNT GODERICH TO GOVERNOR BOURKE.
(A circular despatch per ship Lady Harewood.)

Sir,

Downing Street, 27 Feby., 1832.

Payments
authorised by
despatches.

The Lords Commissioners of the Treasury have represented to me the inconvenience to which they are subjected in examining the accounts of Public Officers in His Majesty's Colonies, when despatches from the Secretary of State for this Department are referred to in support of particular items, and are not annexed in copy to the papers under consideration. I have therefore to desire that, whenever in future any account of expenditure of public money shall be transmitted by you to me or to the Lords of the Treasury, you will support the account by transmitting attested copies of my despatches or extracts of so much of them as contain the requisite authority.

Attested copies
of despatches
to be
transmitted
with accounts.

I am, &c.,
GODERICH.

GOVERNOR BOURKE TO VISCOUNT GODERICH.
(Despatch No. 28, per ship Surry.)

My Lord,

Government House, 27th February, 1832.

Arrangements
for female
immigrants.

I have to acknowledge the receipt of Your Lordship's letter of the 28th Sept., 1831, No. 26, informing me that the Commissioners of Emigration would take measures for sending to this Colony eight hundred Females from the Agricultural Counties of England, and desiring me to be prepared to pay for the passage of each the sum of eight pounds, and to make arrangements for their reception in the Colony.

Preparations
prior to arrival.

In reply, I have the honor to acquaint Your Lordship that the Sum of £6,400 will be ready to meet the expense whenever the Women arrive, and that measures are in progress for procuring their engagement in the families of Settlers, at Such rate of Wages as the price of Labor in the Colony, at the time of their arrival, Shall enable them to obtain. Any further arrangement I have not been able to make, as Your Lordship has not informed me whether these Women are to Come out under Conditions, or altogether free to dispose of their labor to the best advantage.

Opinion of
executive
council *re* tax
on assigned
convicts and
tickets of leave.

In compliance with the Suggestions, Contained in Your Lordship's despatch of the 23d January, 1831, No. 19, I brought under the Consideration of the Executive Council on the 22d December last the expediency of providing funds for the encouragement of Emigration from Great Britain to this Colony by means of a

Charge on the assignment of Convict Servants to the Settlers, and by a tax on Convicts holding Tickets of Leave. The Council were of opinion that neither of those measures would be expedient in the present State of the Colony. I enclose the Minute of Council on the Subject.

1832.
27 Feb.

Opinion of executive council *re* tax on assigned convicts and tickets of leave. Revenue from land sales to assist immigration.

With respect to the means that this Colony can yield towards the rendering it more accessible to Emigrants from Great Britain, I think Your Lordship may count upon an annual payment of ten thousand pounds at the least for the next three Years, derivable from the revenue of Crown Lands. If the Sale of Land Should proceed with Spirit, of which however I have some doubt, the Sums might be taken Still higher.

I beg leave to add that the arrangements for the reception of Emigrants, required by Your Lordship's Despatches of the 23d January, No. 29, and 9th of July, 1831, No. 6, have been some time made, as the annexed Return will Shew; and I imagine that any Mechanic or Laborer, Male or Female, of good Character and industrious habits, will find upon arrival the means of Speedy and profitable employment.

Employment available for immigrants.

I have, &c.,
RICHD. BOURKE.

[Enclosure.]

EXTRACT from Minute No. 66 of the proceedings of the Executive Council on the 22nd December, 1831, relative to a proposed tax on Convicts.

Minute of executive council *re* proposed tax on assigned convicts and tickets of leave.

PRESENT:—His Excellency the Governor; The Hon. Colonel Lindsay; The Venble. the Archdeacon; The Hon. the Colonial Secretary; The Hon. the Colonial Treasurer.

In reference to the proceedings on the 23rd August last, the Council resumed the consideration of that part of the Despatch of the Right Honorable the Secretary of State, which proposes, as a means of providing funds for the introduction of free labourers into this Colony, a tax upon Convicts, as well in private service as holding Tickets of leave.

The Council having maturely considered the subject were of opinion that, under the present distressed circumstances of the Colony, a tax on assigned Servants was inexpedient, more especially as the Settlers in general have very large arrears to pay up both for the rent and purchase of land, which are now in progress of collection.

With respect to the proposed tax on Convicts holding tickets of leave, the Council were also of opinion that any tax upon free labour, which is already so high in this Colony, would be impolitic and inexpedient, while it would tend to operate injuriously on the Convicts by diminishing the boon which is held out to them for good conduct.

A true Extract:—E. DEAS THOMSON, Clk., Col.

1832.
27 Feb.

GOVERNOR BOURKE TO HON. J. STEWART.

(Despatch per ship Surry.)

Sir, Government House, 27th Feby., 1832.

Request by
F. A. Hely
for remission
of surcharge
on salary.

I have the honor to forward, for the information of the Lords Commissioners of His Majesty's Treasury, a letter from Mr. Hely, Principal Superintendent of Convicts in the Colony, praying that the Surcharge of £66 13s. 4d. directed, by Your letter of the 10th last, to be placed on his pay, may be suspended for the present, and that their Lordships may be pleased to remit it. In recommending a Compliance with this request, I have to State that Mr. Hely discharges very respectably a large Share of public business with a very moderate Salary, And that I have reason to believe that it will Seriously inconvenience him to pay the Amount now Claimed. I have, &c.,

RICHD. BOURKE.

[Enclosure.]

[A copy of this letter is not available.]

VISCOUNT GODERICH TO GOVERNOR BOURKE.

(A circular despatch per ship Lady Harewood.)

28 Feb.

Sir, Downing Street, 28th February, 1832.

Accounts and
returns
required by
treasury.

I have the honor to transmit to you the Copy of a letter addressed by Mr. Stewart to this Department, by direction of the Lords Commissioners of the Treasury, in which he specifies various Accounts and Returns which will be required by their Lordships, in order that they may have periodically laid before them a distinct and comprehensive view of the whole expence which is incurred in our Colonial Establishments.

In calling for these Returns and Accounts, their Lordships entertain a confident expectation that they shall arrive at such a knowledge of the actual state of the Colonial Finances and Resources as may enable them to exercise a prompt control over the whole expenditure of the Colonial Government. For the more perfect attainment of this object, their Lordships would be desirous of receiving Quarterly Returns, under the several heads, which are enumerated in their letter; but, as it is understood that, in Colonies having Colonial Legislatures, the Accounts are usually made up at the end of the year, it may be sufficient in those cases if they are transmitted annually, as soon as possible after the termination of the year.

I need not point out to you of how much importance it is that the information, which is required by the Treasury, should be furnished with that promptitude and punctuality which the occasion demands; and you will not fail, therefore, to impress

upon those Officers of your Government, whose duty it is to comply with these Instructions, that any remissness or neglect in this respect will be visited with the marked displeasure of His Majesty's Government.

1832.
28 Feb.

You will observe in Mr. Stewart's letter, under the head of "Disbursements," that Returns are required of the Pay of the General Staff, Ordinary Military Allowances and Contingencies, Commissariat Charges, Barrack Charges, and Expenditure for Military Works; but, as more accurate information can be obtained by their Lordships with regard to this Class of Expenditure from the Officers under their immediate Control, it will not be necessary to include in the Returns to be furnished by the Officers of your Government any Military Expenditure which is defrayed from the Funds of Great Britain.

Instructions
re military
accounts.

As the Accounts of the Colonial Revenue and Expenditure, which are required by this Despatch, are intended for the exclusive use of the Lords Commissioners of the Treasury, you will not allow any delay to take place, in consequence of this requisition, in forwarding, as heretofore, the Annual Blue Book of your Government for the information of this Department.

"Blue book"
to be
transmitted.

I have, &c.,

GODERICH.

[Enclosure.]

HON. J. STEWART TO UNDER SECRETARY HAY.

Sir, Treasury Chambers, 17th October, 1831.

I am commanded by the Lords Commissioners of His Majesty's Treasury to acquaint you, for the information of Viscount Goderich with reference to your letter of the 30th of December last, that My Lords have had under their consideration the various Accounts and Returns that will be required in order to their having periodically laid before them complete information as to the Financial condition of the Colonies, and the expence of each separately, and have given directions to the several Departments in this Country to prepare and furnish various Accounts relating to the several branches of the Service under their control, in addition to which, My Lords are of opinion that the following Statements should be furnished by the several Colonial Governments, viz. :—

Consideration
of accounts
and returns.

Colonial Revenue and Receipts.

Statements
required.

1st. Regular Revenue arising from local Taxes and Duties, distinguishing the amount of Collections under each head, and the arrears of preceding years, from the receipts of the current year.

2nd. Revenue derived from Monopolies in the hands of the Government, and from Rents or other proceeds of Crown Property.

3ly. Casual Revenue and Incidental Receipts, including Judicial Fines and Forfeitures, Escheats, and other similar Droits of the Crown, and recoveries of Debts from Individuals.

4ly. Repayments of Colonial Advances, or other Receipts on account of that description.

5th. Receipts in aid of Revenue, including Loans raised, Drafts on Account of Parliamentary Grants, or other Advances from the

1832.
28 Feb.
Statements
required.

Funds of this Country, Issues of Paper Currency, and Deposits from the Courts of Law, or otherwise, which may be for a time available for the purposes of the Colonial Government.

Gly. Deposits not so available.

Disbursements.

1st. Civil Charges regularly authorised by His Majesty's Government, or by Acts of Local Legislatures, which have received His Majesty's Assent, classed under the heads of Salaries, and of Incidental and Contingent Charges, specifying the amount expended, under each head for each Public Department, and including Judicial and Ecclesiastical Establishments paid by the Government.

2ndly. Supplementary Civil Charges, comprising any Salaries or Contingent Charges which may not have been regularly sanctioned by His Majesty's Government, specifying the Department and Service for which they may have been incurred, and whether such sanction has been applied for.

3ly. Military Charges, if defrayed from Colonial Funds, and not paid by Officers accounting to the Military Departments in this Country under the heads of Regimental Pay, and Subsistence of local Corps or Militia.

Pay of General Staff, special Colonial Allowances to Officers or Men.

Ordinary Military Allowances or Contingencies.

Commissariat Charges, Barrack Charges, Expenditure for Military Works.

4thly. Advances for the Colonial Service (to be subsequently repaid or accounted for to the Colonial Authorities) including remittances to Agents.

5ly. Advances from the Colonial Funds to the Military Chests, or otherwise, for Services to be accounted for by the Officers to whom the advances are made to their respective Departments in this Country.

Gly. Repayment of Loans or Advances in aid of Revenue, and payments for Interest thereon, Paper Currency cancelled or other Debts liquidated.

7ly. Repayments of Deposits.

8th. Special and particular Services not attaching to the ordinary Colonial Establishments, such as Indian Presents, the expenditure for liberated Africans in Sierra Leone, and, in the cases of New South Wales, Van Diemen's Land, and Bermuda, the Charges for the Maintenance, Clothing and Lodging the Convicts, and for Establishments connected with their immediate superintendence and management, any Sums received for their Labour being stated by way of deduction from the Gross amount of the Expenditure.

My Lords adverting to the variations in the charges defrayed from Revenues at the disposal of the Colonial Governments, comprising in some instances Expences of a Public Nature which in others are provided for by separate and special Rates not levied, or accounted for by the Officers of Government, would further wish to receive the best Returns, that can be obtained from the Colonial Government, of the produce and appropriation of all such Dues or Tolls as are levied or applied by Local Municipal Bodies or Officers, or as may have been imposed by Law for any Specific purposes, including Legislative provision for Ecclesiastical, Scholastic or Charitable Establishments.

I am further to acquaint you that My Lords are desirous that these several Returns and Statements should be made out and furnished *Quarterly*, and that they should comprise not only the Revenue and Expenditure and other Financial Transactions of those Colonies of which the Revenues are at the immediate disposal of the Crown, but also of those Colonies where the Revenues are appropriated by and accounted for to Local Legislative Assemblies.

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28 Feb.

Returns and statements to be transmitted quarterly.

My Lords therefore request, in the event of its being found that the Statistical Returns referred to in your said Letter do not afford the means of preparing such Quarterly Statement, that you will move Viscount Goderich to transmit without loss of time such directions to the Governors of the respective Colonies as will ensure the regular and punctual transmission to My Lords (immediately after the expiration of each Quarter from the commencement of the year 1832) of specific Returns from every Colony, under each of the heads before enumerated.

My Lords also wish that the Quarterly Returns in those Cases where the Revenues are at the disposal of the Crown should be accompanied by a short Abstract of the transactions of the Treasurer or other Officer accountable to My Lords for the application of the Colonial Funds, shewing the amount of his Receipts and Disbursements during the corresponding period, and the Balances in hand or available at the commencement and end of it.

Although My Lords are of opinion that it is very desirable to obtain these Returns and Statements Quarterly, They are aware that in some Cases the Colonial Financial Returns are made up Annually, and that it may be difficult to obtain them more frequently from Colonies having Colonial Legislatures than once in each year; My Lords would wish however to obtain them Quarterly in all practicable cases.

My Lords will hereafter determine on what Department the Duty of collecting and arranging or consolidating those various Accounts and Returns should devolve, in order to My Lords having submitted to them that distinct and comprehensive view of the whole Expence attending upon the Colonies, separately and collectively, which is the object of the Suggestion of the Commissioners of Enquiry.

I am, &c.

J. STEWART.

UNDER SECRETARY HAY TO GOVERNOR BOURKE.

(A circular despatch per ship Lady Harewood.)

Sir,

Downing Street, 28 Feby., 1832.

In consequence of a representation which has been received from the Postmaster General, I am directed by Lord Goderich to request that you will give particular directions that nothing may be forwarded by the Bags, which convey the public despatches from your Government, except letters addressed to persons belonging to the Colonial Department, and such as are on public Service. All despatches and letters for the Colonial Department should be addressed either to the Secretary of State or to one of the Under Secretaries.

Instructions re transmission of official letters.

I have, &c.,

R. W. HAY.

GOVERNOR BOURKE TO VISCOUNT GODERICH.

(Despatch No. 29, per ship Surry; acknowledged by
Viscount Goderich, 22nd March, 1833.)

My Lord, Government House, 28th Feby., 1832.

Payment
claimed by
Ferguson
and Co.

I have the honor to enclose for Your Lordship's Consideration the Copy of a letter from Mr. Steele, Agent to the house of Messrs. Ferguson and Co. of Calcutta, under date 31st December, 1831, requiring payment of £513 1s. 0d. principal and £697 15s. 4d. Interest, total £1,210 16s. 4d., Claimed under the following Circumstances:—

Details
of claim.

On the 31 March, 1802, Governor King leased to Mr. John Palmer three Acres and thirty two Rods of the Government Demesne for five Years, the lease Containing a promise of renewal every five Years, Until twenty one Years Should be expired; See a Copy of Lease Sent herewith.

On the 16th September, 1814, Governor Macquarie, through his Secretary Mr. John Thomas Campbell, addressed Mr. Walker, Agent to the House of Ferguson and Co. of Calcutta, to whom Palmer had assigned his Lease, Claiming possession for the Crown of the Land in question, on the Score of its not being in the power of Governor King to grant a Lease for a longer term than five Years, and giving Mr. Walker notice to Surrender the premises on *the 31st March, 1815*, Governor Macquarie at the Same time agreeing to grant a piece of Land of equal extent near the Town of Sydney, to which the Materials of certain Buildings erected by Mr. Palmer at a Considerable Expense might be removed, and also offering a "handsome" grant of land in the interior as a further Compensation for the trouble he might be put to.

To this it appears that Mr. Walker objected, and proposed that the Buildings Should be Valued by himself, and also by the Government, and the mean of the two Valuations paid to him. This was accordingly done, and the Sum fixed at £513 1s. to be paid over, if His Majesty's Government Should pronounce the Condition of renewal, Contained in Governor King's Lease to Palmer, to be Valid, Governor Macquarie at the same time protesting against the Validity of that instrument as being altogether beyond the power of Governor King to grant, and in absolute violation of the King's Commands, See Governor Macquarie's Despatch,* No. 7, October 14th, 1814, and Enclosures Marked A, B and G.

To this, no reply Seems to have been received during Governor Macquarie's residence in the Colony; but the buildings,

* Note 150.

which had been Valued, were pulled down, and that portion of the Land on which they Stood was resumed. Some part of the Land about one Acre, on which a large Windmill of Stone was built, was Still left in the Lessee's possession, as stated by Governor Macquarie in the last paragraph but one of his Despatch of the 7th of October, 1814, and up to this day has not been resumed by any of his Successors in this Government.

1832.
28 Feb.
Details
of claim.

On the 19th February, 1825, Mr. Wentworth, on the part of Mr. Walker, Claimed payment of £513 1s., the Valuation Set on the Buildings pulled down by Governor Macquarie, and also Interest on that Sum from the 19th December, 1814, at the rate of 8 per Cent.

Sir Thomas Brisbane, on the 10th August, 1825, declined to pay the amount, unless the Commands of Earl Bathurst Should be received to that effect. These Commands were requested in Sir Thos. Brisbane's Despatch* to Earl Bathurst, written in the latter end of the Year 1825, but of which no Copy is to be found here, and to which no reply has been received.

Here the matter appears to have rested Until the present Application.

It is necessary that I should now State to Your Lordship in what way this Government, or rather the Governor of the Colony is interested in the decision of this Claim. Governor Macquarie, in his Despatch of the 7th October already mentioned, has Shewn how the occupation of these three Acres of Land by any other Person than the Governor becomes a perfect nuisance to the latter. The occupation by Palmer's assignee of the large Mill, and the Acre left Unresumed in 1815, is as great a Nuisance to the Governor of this day, as the occupation of the whole could have been to Governor Macquarie. Your Lordship will be able to judge of this by inspecting the accompanying Sketch of the Ground, and observing the position† of the Government House with respect to the Mill and plot of ground colored in red, which is the part not resumed by Governor Macquarie, that which he resumed and on which he built the Celebrated Stables‡ being done in green.

Necessity for
resumption of
land leased to
J. Palmer.

I am confident that I shall, in execution of Your Lordship's instruction delivered before I left London, Shortly have to lay before You the expediency of building a Government House within this demesne on a site near to the Stables. A New House must be built, as this, which I now inhabit, is extremely inconvenient, Subject to bad smells, Old and irreparable. I know of no position near Sydney so good as that of the present

Proposed
erection of new
government
house.

* Note 150.

† Note 151.

1832.
28 Feb.

Funds for
erection of
building.

Recommend-
ation for
settlement
of claim.

Government grounds. By giving up the Water frontage* immediately opposite the old House, a Sum of Money may be obtained Sufficient to build the New One, while the best part of the Demesne will be brought Still nearer the Stone Mill and remaining part of the Land formerly leased to Palmer.

If, by payment of the Money now Claimed, an immediate Surrender of the Mill and ground as yet Unresumed were obtained, I would recommend to Your Lordship to procure it, leaving the Validity of Governor King's Lease out of the question. Not indeed that I imagine the Title of Palmer's Representative can be upheld, but the Courts and Juries of the Colony have a great leaning towards long possession as against the Crown. Mr. Steele, the Agent to Messrs. Ferguson, is now proceeding to London to prosecute this Claim before Your Lordship, and I have some reason to believe, an offer of the principal Sum demanded, or, if his claim be thought an equitable one, of the principal and interest, would Secure the quiet Surrender of the Land in question.

Claim by
T. Steele for
grant of land.

I have to add that Mr. Steele has made a demand for a Grant of this Land under the provisions of a Proclamation† of General Darling; but, as the Land in question is Specially excepted from the benefit of that Proclamation, his employers can have no title under it, and I shall not trouble Your Lordship by detailing the particulars.

I have, &c.,

RICHD. BOURKE.

[Enclosure No. 1.]

MR. T. STEELE TO COLONIAL SECRETARY MACLEAY.

Sir,

Sydney, 21st December, 1831.

Claim
submitted by
T. Steele as
agent for
Ferguson
and Co.

As Agent for Messrs. Fergusson and Coy. of Calcutta, I beg you will be pleased to submit to His Excellency the Governor a claim which they have on the Government of this Colony for the Sum of £513 ls., being the amount of the Valuation of a Windmill and Bakehouse, which formerly stood on an allotment of ground, situated on the west side of "Farm Cove," leased by Governor King to Mr. John Palmer, which were removed, at the request of Governor Macquarie, by Mr. William Walker, then acting for the above Parties, on the express understanding that the Sum now sought should be received for them, should the Lease be admitted valid for the period of 21 years, as appears from the enclosed Copy of a Letter from Mr. John Thomas Campbell, then Secretary to Government, to Mr. Walker, dated the 19th day of December, 1814. As it does not appear that any informality exists in this Lease to render it otherwise, I trust His Excellency will be pleased to authorise payment thereof, which with Interest will now amount to the Sum of £1,210 16s. 4d. I have, &c.,

THOMAS STEELE.

* Note 152.

† Note 153.

[Sub-enclosure.]

1832.
28 Feb.

STATEMENT OF CLAIM.

	£	s.	d.	Statement of claim.
AMOUNT of Valuation of a Windmill and Bakehouse, by Manning, Lucas, Bolton and Legg, Mechanics, on the part of the Proprietors	546	6	6	
Do. by Bean, Bradley and Vandercour on the part of Government	479	15	6	
	<hr/>			
	£1,026	2	0	
The Mean is	513	1	0	
Interest from 19th Decr., 1814, to this date—17 years 2 days at 8 pr. Cent.	697	15	4	
	<hr/>			
E.E.	£1,210	16	4	

Sydney, 21st December, 1831.

THOMAS STEELE, Agent for Messrs. Ferguson and Co.

[Enclosure No. 2 A.]

[A copy of the deed of lease will be found on page 342, volume VIII.]

[Enclosure No. 2 B.]

[This was a copy of secretary Campbell's letter dated 26th September, 1814; see page 348 et seq., volume VIII.]

[Enclosure No. 2 C.]

SECRETARY CAMPBELL TO MR. W. WALKER.

Sir, Secretary's Office, Sydney, 19th Decemr., 1814.

I have it in command to acknowledge the receipt of your letter of the 28th ultimo, which, with its enclosed valuation of Windmill and a House and Bakery Situated in the Government Domain, was submitted without loss of time to His Excellency the Governor.

Agreement re
payment of
compensation.

Herewith you will now receive a new valuation of the above house and Bakery made on the 17th Instant by the subscribing persons, James Bean, Samuel Bradley, and James Vendercour, making their value £479 15s. 6d.

In the event of His Majesty's Ministers authorising the confirmation of the conditional Lease made by Governor King of the ground on which those Buildings are erected, the Governor will direct payment to be made for the said House and Bakery, agreeably to the suggestion contained in your letter now under Answer, viz., by a mean between the valuation transmitted by you, and that which I now enclose.

His Excellency however desires to remind you, that the Buildings in question must be entirely removed on or before the 31st of March next ensuing agreeably to a Communication already made you.

I have, &c.,

JNO. THOMAS CAMPBELL.

1832.
28 Feb.

GOVERNOR BOURKE TO VISCOUNT GODERICH.
(Despatch No. 30, per ship Surry; acknowledged by
Viscount Goderich, 25th December, 1832.)

My Lord, Government House, 28th Feby., 1832.

Transmission
of letter from
Revd. W. G.
Broughton.

In forwarding the accompanying duplicate, the Report of the Venble. the Archdeacon of New South Wales (the original having been taken charge of by Lieut. General Darling on his leaving the Colony), I have no observation to make on its Contents, further than that I entirely concur in opinion with the Archdeacon, as to the Absolute necessity of Stationing a Minister of Religion at Norfolk Island. It is in truth a place where the Zeal and Devotion of an Active Missionary would find ample room for employment. It is filled with the worst Criminals, sent from hence, and as yet nothing but Severity has been attempted to effect their reformation. The Same observations apply to Moreton Bay, but I do not press an appointment there so Strongly, as Circumstances may, I think, induce me to recommend to Your Lordship to abandon that Station before long.

Necessity for
chaplain at
Norfolk island.

I agree also, with the Archdeacon, upon the advantage of Substituting educated Clergymen for Catechists at the Same rate of Salary and allowances.

I have, &c.,

RICHD. BOURKE.

Substitution of
clergymen for
catechists.

[Enclosure.]

[A copy of this letter, dated 29th September, 1831, will be found in a volume in series VII.]

GOVERNOR BOURKE TO VISCOUNT HOWICK.
(Despatch marked "Private," per ship Surry.)

Government House,

My dear Lord, Sydney, 28 February, 1832.

Inability to
forward full
reply to
statements re
jury system.

Although I cannot at this moment forward the reply I proposed, I beg leave to acknowledge the receipt of your Lordship's letter of the 24th August last, enclosing the observations of Mr. Busby upon the extension of the Jury system in this Colony. I had hoped by this opportunity to have sent you full and complete answers to Mr. Busby's remarks, from the pen of Chief Justice Forbes who desired particularly to be allowed to reply to them. Both his time and mine have been so taken up in Council, since your Lordship's letter reached me, and the circumstance of the ship, which conveys this, having undertaken her voyage rather sooner than I expected, have prevented the preparation of the Reply in time for this mail. By the next which may be despatched in a week or so, I hope to forward it. Your Lordship is right in supposing I left England with a strong bias

in my mind towards the adoption of the Jury system to as great an extent as circumstances will permit. Since my arrival, I have not been able to discover why Military Jurors* should still be continued to try the few criminal Issues for which Civil Jurors are not declared capable. Sir George Murray, in his despatch 7th April, 1830, admitted that necessity alone can justify the continuance of Military Juries, and, anxious to avoid the imputation of partiality on their part, desires that in criminal Trials where any member of the Executive Govt. or Naval or Military Officer is concerned, a Civil Jury may be resorted to. The law has been lately framed accordingly. The occurrence of Trial for Libel gave rise to this Instruction, and the Secretary of State probably contemplated a repetition of such trials when he issued it. Now these are trials of rather a difficult nature, and it may be inferred that, if a common Jury be equal to dispose of them, to the same description of Persons may safely be confided the trial of Felonies and misdemeanours. The 9 Geo. 4, Cap. 83 authorizes the Trial of Civil Issues by a common Jury, upon application of either party with consent of the Court. In practice, I understand the Court never refuses; it follows therefore that civil Issues involving any amount of property, and difficult criminal cases in which the bias of popular feeling is most to be apprehended, are triable by Civil Juries, whilst the law reserves for a Military Jury those cases with which, for the most part, popular feeling and prejudice and what is called the anomalous state of Society in this Colony are the most likely to interfere. There appears therefore no sufficient reason founded upon any alleged incompetency or disqualification in the Jurors for any longer refusing to comply with the general desire of the community for extending the application of common Juries.

When I state the desire is general, I do not mean to deny that there is a strong party in the Colony opposed, not indeed to trial by Jury, but to the admission of any Person as a Juror who did not arrive in the Colony in a free condition. It is no answer to these persons to tell them that the law of England does not exclude from the Jury List persons, who have received a Pardon or endured the sentence of the Law for certain offences. The envy and ill will, which have been engendered by the competition offered by these Persons in the pursuit of wealth by the free Settlers, and the success, which has attended the efforts of the former, will not permit the latter to see that wealthy Emancipists have as great an Interest as themselves in putting down robbery and violence, and promoting the due administration of criminal justice. These jealous feelings are however confined to a set more powerful by the possession of large grants of Crown

1832.
28 Feb.

Opinion of
R. Bourke in
favour of trials
by civil juries.

Opposition to
admission of
emancipists
as jurors.

* Note 142.

1832.
28 Feb.

Opposition of
members of
council to
emancipists
as jurors.

lands, than by *reputation, talents or numbers*; the smaller Settlers, and nearly all who have been born in the Colony, feel no repugnance to the admission of Emancipists on Juries, and call loudly for the abolition of what is called the *Military Commission*.

It has happened that, of the seven Colonists whom the Secretary of State has placed in the Legislative Council, five are the principal opponents of the Emancipists and of Trial by Jury, if any of that Class are to be allowed to sit as Jurors. The Civil Servants in the Council, yielding probably to what has hitherto seemed to be the inclination both of the home and local Government, have for the most part expressed a similar opinion. Some of them are, however, not unwilling to reconsider the question, and I have little doubt of carrying it thro' the Council next year, constituted as it is, if, by obtaining the order in Council for the institution of Circuit Courts, all difficulties on this score are removed. The notice,* which I gave on opening the Council last month, has paved the way for the introduction of the measure next year without any great opposition. I enclose a copy of the paper to which I allude and send a few others which may be useful.

Opposition
to new land
regulations.

Reason for
opposition.

I must now say a few words on the Land Question, connected as it is with the means of facilitating the introduction of free Emigrants from England. Upon my arrival, I found the *Landed Interest* in a great ferment and preparing all sorts of Petitions and Manifestos against the late Land Regulations. Upon looking into the matter, I thought I could perceive that there was more uneasiness felt on account of the short time allowed to the great Landholders to pay up their arrears, than on account of the change in the terms upon which Land is in future to be obtained. The debtors of the Crown were in truth taken by surprise, and about 130 persons were called upon to pay above £50,000 by the 30th day of June next. It was impossible they could do so, and the members of Council, who had advised this order, expressed their belief that it could not be complied with, but that it would have the effect of procuring the surrender of considerable portions of land, which it might be convenient to have in hand to dispose of to newcomers. This appeared to me to savour of injustice to our old friends, and, with only one dissentient voice, the Executive Council agreed to receive payment by 3 instalments, on the 31st March, 1832, 33 and 34. From this source, I can reckon on the annual receipt for three years of about from ten to fifteen thousand pounds, which may be applied to the promotion of Emigration from Great Britain, independently of what sums may be received by the sale of land within that period. The opposition to the new Land Regulation is nearly subsided,

Payments for
land by three
annual
instalments.

Removal of
opposition.

* Note 154.

and an end is put, as I believe for ever, to remonstrances or petitions against it.

1832.
28 Feb.

We shall be quite ready and thankful to receive the women from the agricultural Counties, if they are young and of good characters and industrious habits. I sincerely hope the selection has been made with care.

Female
immigrants.

I had anticipated your Lordship's application for a copy of the Minute of Instructions, received from Lord Goderich in conversation in London, having forwarded it in duplicate by the late opportunities. I take great blame to myself for not having left a copy in Downing Street. I am proceeding in execution of those instructions by the appropriation of the Revenues by the Legislative Council, as the accompanying abstracts exhibit, and other measures which these Instructions direct. As yet every thing is going on very smoothly, and I have reason to hope that confidence is in great measure restored, animosity subsided, and a foundation laid for future peace and goodwill.

Minute
of verbal
instructions
to R. Bourke.

Appropriation
of revenues
by council.

Tranquillity
of colony.

I have given your Lordship these details as I know your anxiety on the Land and Emigration subjects. I have not written to Lord Goderich so fully as I could have wished, but the truth is I find I have more to do than I can well get through. I hope, however, that this excess of work will diminish.

I can hardly express how much I am mortified by the recall of the Solicitor General.* He is the only useful lawyer whom the Crown has sent into this Colony for many years. I wish it were possible still to retain him.

Recall of
solicitor-
general.

I am, &c.,

[Enclosures.]

RICHD. BOURKE.

[Copies of these papers are not available.]

VISCOUNT GODERICH TO GOVERNOR BOURKE.

(A circular despatch per ship Lady Harewood.)

Sir, Downing Street, 1 March, 1832. 1 March.

I have had under my consideration the manner in which it has been usual to obtain supplies of Stores from this Country for the various public services for which they are required in the *Crown Colonies*, and it has appeared to me that the system, under which these Stores are supplied, needs regulation. It seems to have been customary for the Officer at the head of the Department for the service of which the Stores are required to forward a requisition for them to the Governor, who transmits it to the Agents for the Colony in this Country, by whom it is submitted to the Secretary of State with a request that he may be authorized to send out the articles. On the Agent receiving the authority of the Secretary of State, they are sent out accordingly.

Regulations
required for
supplies of
stores.

System for
supply by
requisition.

1832.
1 March.
Criticism
of system.

The Secretary of State, however, in the generality of cases, can have but little means of forming an opinion upon the propriety of supplying the articles enumerated in the Requisition, or whether it is really necessary that they should be supplied in the quantities and of the qualities specified; neither is it likely that this Department should be enabled to judge whether any want of care or frugality in the custody and use of public Stores has given occasion to the necessity in question, assuming it to exist. It is not often that there is any appearance of the Requisitions having undergone any especial scrutiny at the hands of the Governor, and thus the whole security for economy in this part of the Public Service seems to resolve itself into the responsibility of the Officers making the requisition. But whatever confidence may be due to the Officers at the head of the Departments in the Colonies, it is needless to observe that the motives of every such Officer to ensure the safe custody and economical use of the public property, entrusted to the Department over which he presides, will be materially weakened if he possess an unbounded facility of replacing to an indefinite extent all articles which may be spoilt, lost, wasted or stolen. His Estimates, of what is originally required for the execution of particular services, ought also to be subjected to strict revision and controul.

Regulations
re requisitions.

I am therefore to acquaint you that the authority of the Secretary of State will be refused in future for the furnishing any supplies upon requisitions which shall not be submitted to him in conformity with the following Regulations:—

First. There must be noted upon the Requisition the despatch from the Secretary of State or other document constituting the authority under which the expenditure involved in the Requisition is incurred; or, if no authority for the Expenditure has been yet obtained, a reference must be noted to the despatch from the Governor to the Secretary of State in which the circumstances requiring the Expenditure are explained and the authority applied for. When authority has neither been obtained or asked for, the Requisition must be noted as a "Requisition for the current supply of an Established and Customary Service"; and it is only when the Requisition can be strictly so designated, that the Governor should consider himself dispensed from applying for the special authority of the Secretary of State.

Second. No Requisition must be made to replace Articles spoilt or worn out, until a Board of Survey consisting of not less than three Public Officers, of whom the Chief Secretary to Government shall be President, have been holden upon the spoilt or worn out articles, the certificate of which Board, to the effect

that the Articles in question are unserviceable and necessary to be replaced, must accompany the requisition.

The Officer at the head of the Department must, at the same time, be *debited* in his store accounts with the unserviceable articles, and the Board of survey must give the necessary directions for having them sold by Public Auction, whenever the quantity accumulated shall render such sale expedient. The Board must recite the directions, thus given in their Report; and they must also specify the time when the Stores under Survey were supplied, the period for which Stores of the like description may be reasonably expected to last, if properly taken care of, the causes to which they attribute the state in which the stores are found, and the causes to which they attribute the waste, loss, or destruction in other ways of those which are wanting.

Third. A Board similarly constituted to the above must be assembled to consider every requisition for articles not required like the above to replace others of a similar description; and this Board, taking into consideration the purposes to which the articles are to be applied, will correct or reduce the Requisition, as they may think proper, in order to bring it into conformity with the real necessities of the Public Service, and with strict economy in providing for them. They will fully set forth in their Report the reasons and the information by which their judgment shall have been guided, and this Report must be appended to the Requisition as altered or approved by them.

Fourth. The Governor will be expected to revise the Requisitions and Reports of the Boards; he will direct the Boards to re-assemble and reconsider their Reports, should he see cause to object to them and, when the Requisitions are finally adjusted and transmitted to this Country, he will report the opinion which he shall have formed upon them.

I am, &c.,

GODERICH.

VISCOUNT GODERICH TO GOVERNOR BOURKE.

(A circular despatch per ship Clyde.)

Sir,

Downing Street, 1 March, 1832.

I have the honor to transmit to you an Extract of a letter from Mr. Stewart, enclosing, by command of the Lords Commissioners of the Treasury, the copy of a letter which has been addressed to all Officers in Command on Foreign Stations, prohibiting them from increasing salaries or allowances, or authorising any Public Expenditure without previous sanction. I am to desire that you will strictly adhere to their Lordships' instructions

Prohibition
of increase of
salaries or
allowances
without
approval.

1832.
1 March.

Regulations
re requisitions.

1832.
1 March.
Liability of
governor for
unauthorised
expenditure.

in this respect, and you will not fail to observe that it is their Lordships' intention to give effect to the Provisions of the Act, 1 and 2 Geo. 4, C. 121, S. 20,* by making the Governors or Persons administering the Government at Foreign Stations responsible for all the Expenditure they may sanction without authority.

I am, &c.,
GODERICH.

[Enclosure No. 1.]

HON. J. STEWART TO UNDER SECRETARY HAY.

Sir,

Treasury Chambers, 23 July, 1829.

Instructions
to officers in
command.

I am commanded by the Lords Comrs. of the Treasury to call your special attention to their Lordships' Circular letter of 30 Novr., 1821, and to acquaint you that so many improper and unauthorised issues still continue to be made under the authority of Officers in Command, contrary to the Royal Warrants, the directions and instructions of this Board, and other established Regulations, that my Lords will feel it their duty to give a more extensive effect to the 20 Sect. of the Act 1 and 2, Geo. 4, Cap. 121, copy of which was transmitted in the above letter unless such Warrants, Regulations, etc., shall henceforward be more strictly adhered to.

I have, &c.,
J. STEWART.

[Enclosure No. 2.]

EXTRACT FROM TREASURY LETTER.

3rd April, 1830.

Prohibition
of increases
without
approval.

"I AM commanded also by my Lords to transmit to you for Sir G. Murray's information the enclosed copy of a Circular letter directed by my Lords to be forwarded to Officers in Command, and I am to request that you will take this opportunity of drawing Sir G. Murray's attention to the necessity of impressing the Governors at all Foreign Stations with the importance of adhering strictly to the injunctions they have repeatedly received, prohibiting them from increasing salaries or allowances, or authorising any Public Expenditure without previous sanction.

Liability of
governor for
unauthorised
expenditure.

"My Lords also request that the attention of the Governors may be drawn to the Act of the 1st and 2d Geo. 4th, Cap. 121, Sec. 20, and that they may be apprised that it is the intention of this Board to give effect to the provisions of that Act by making the Governors or persons, administering to the Govts. at Foreign Stations, personally responsible for all the Expenditure which they may sanction without authority."

VISCOUNT GODERICH TO GOVERNOR BOURKE.

(A circular despatch per ship Clyde.)

Sir,

Downing Street, 3d March, 1832.

3 March.
Irregularity of
communications
to
secretary of
state.

The daily inconvenience and perplexity, to which this Department is subjected by the delay, which is unavoidably occasioned in attending to the questions, which are brought before it by the prevalence of a method of addressing communications to the Secretary of State, either not in conformity with the

Regulations laid down in Lord Bathurst's despatch,* marked separate of the 20 of May, 1826, or if, in nominal conformity with them, so contrived as to defeat its obvious intention, obliges me to recur to the subject and to request that you will give publicity to the following remarks for the guidance of those concerned.

1832.
3 March.

Irregularity of communications to secretary of state.

It is by no means my desire to preclude or even to discourage the free resort of all His Majesty's Subjects to the highest authority in the State for the redress of any grievances, under which they may deem themselves to labour, provided they pursue the course of communication, which justice and fairness to all parties concerned, as well as convenience and regularity in the despatch of public business, render it necessary to prescribe.

Freedom of communication.

The Governors of His Majesty's Colonies are the Authorities to which any of His Majesty's Subjects, being in those Colonies, should have recourse in the first instance for the correction of any evils under which they may conceive themselves to suffer. If the Governors are merely made the medium for transmitting documents to the Secretary of State, one of their most important functions and the practical utility of their Offices are altogether superseded. It is their duty to receive with attention all representations properly and respectfully addressed to them, and to make such decisions upon them as may appear to the best of their judgment to be just; or, if the matter be, from its nature or from its importance, such as they do not feel themselves authorized to decide upon, to refer it with their opinion and report to the Secretary of State. If on the other hand, although they feel themselves warranted in proceeding to a decision on their own judgment, their decision is not satisfactory to the parties concerned, it is their duty to receive the remonstrances which shall be respectfully addressed to them by those parties, and, if requested to do so, to transmit them to this Office, always however accompanied by their opinion and report. If the parties should be desirous for additional security to transmit to this Office duplicates of the communications which they may have made to the Governor, they are of course at liberty to do so, though it would seem to be a superfluous precaution, and one which is not unattended with inconvenience. But they should understand that the subject of such duplicate papers will not be taken into consideration until the originals shall have been received from the Governor, accompanied by his report, or until such a period of time shall have elapsed, as shall have afforded to the Governor an ample opportunity of considering and transmitting them. It must also be understood that should the letters, transmitting the duplicates, contain any comments

Governor to receive and decide *re* grievances.

Procedure in protests against decision of governor.

Decisions to be withheld pending reports by governor.

* Note 158.

1832.
3 March.

upon the subject matter of them or anything beyond a list of the papers enclosed, it will be necessary, with whatever reluctance, to delay the consideration of the whole until the additional matter shall have been referred back to the Governor for his report.

Transmission
of memorials.

The method, which, since Lord Bathurst's despatch of 20 May, 1826, has been frequently adopted by Memorialists to the Government, of addressing their Memorials direct to this Office and only sending copies of them to the Governor on the eve of the departure of the Vessel for England, is obviously calculated, if it were permitted to have any effect, to preclude the Governor's exercise of his proper functions. There can be no occasion to make any reference to the Secretary of State, until it shall have been ascertained that the Governor is unable or unwilling or slow to take the measures desired by the Memorialists, or to forward, if necessary, their representations.

Instructions to
be published.

At the same time that you give publicity to this despatch, you will be pleased to republish Lord Bathurst's despatch of 20 May, 1826, Both which communications have been suggested by an earnest desire to establish the most effectual and expeditious means of doing justice to all parties who may seek it from His Majesty's Government.

I am, &c.,

GODERICH.

VISCOUNT GODERICH TO GOVERNOR BOURKE.

4th March, 1832.

4 March.
Despatch re
voting of
public money.

[A copy of this circular despatch, relating to the manner of voting public money in colonies where there was no legislative assembly, is not available.]

UNDER SECRETARY HAY TO GOVERNOR BOURKE.

(Despatch per ship Lady Harewood.)

5 March.
Shipment
of plants
and seeds.

Sir,

Downing Street, 5 March, 1832.

In addition to the cases of Vine Cuttings referred to in my Letter of the 26th Ultimo, I transmit to you herewith a statement of the particulars of three cases of Plants and two Boxes of Seeds obtained by Mr. Busby from Malaga and Xeus-de-la Frontera, which will, in like manner with the French Collections already shipped, be addressed to you; and I am to request that you will cause them to be placed under the charge of the Superintendent of the Government Garden at Sydney, with directions to him similar to those which you were requested to give with respect to the other collections.

I have, &c.,

R. W. HAY.

[Enclosure.]

1832.
5 March.

PARTICULARS of three Cases of Vine Cuttings, and two boxes with Seeds to be forwarded to New South Wales by the and addressed to His Excellency the Governor of the Colony. Invoice of vine cuttings and seeds.

Case No. 1 contains 300 cuttings of vines from Malaga, viz.:
80 Cuttings of *Muscatel*, the large White Grape which is dried for the finest desert Raisins.

100 Cuttings *Pedro Ximenes*, a white grape celebrated for the quality of the wine it produces throughout the South of Spain.

50 Cuttings of *Larga*, a very long white grape which is also dried for raisins for the Table. They are known by the appellation of *Sun Raisins*.

20 Cuttings *Jacu*, also white; this variety is used for Wine and also for *Lexia* Raisins.

20 Cuttings *Machelli*. This is also a white grape, and is chiefly consumed as an eating grape.

10 cuttings of *Cabriel*. This is a black grape and is also an eating grape.

8 Cuttings of *Doradillo*. This is a white grape, and is used for wine and for *Lexia* raisins.

7 Cuttings of *Don-Bueno*. This is a white grape, and is used in making wine.

5 Cuttings of *Temprana*, qualities not stated.

Case No. 2 contains 240 cuttings of Malaga vines, viz.:

100 cuttings of *Muscatel* as before.

22 do. *Larga* do.

40 do. *Laiseu*, a white eating Grape.

28 do. *Cabriel* as before.

20 do. *Temprana* do.

20 do. *Jacu* do.

10 do. *Don Bueno* do.

Case No. 3 contains cuttings of vines from *Xeus-de-la Frontera*.—The varieties used in making Sherry wines; But the number of each variety is not stated, and they are not distinguished by any marks or numbers.

1st. 1 Bundle *Pedro-Ximenes*.

2nd. 1 do. *Moscatel Meundo*.

3rd. 1 do. *Mantua Castellana*.

4th. 1 do. *Uvas del Rey*.

5th. 1 do. *Mollan*.

6th. 1 do. *Moscatel Gordo*.

7th. 1 do. *Machar Nudo*.

The boxes Nos. 4 and 5 contain seeds from Malaga, the same quantities and description in each. With the exception of a parcel of Onion Seed. There is also a Book in No. 5. The contents of each box are:

2 pounds of dates.

1 paper parcel of Seed of the Valencia Melon.

1 do do *Calaboza de Rota*.

1 do do *Sandia*.

1 do do *Tomatos*, a variety of the Love Apple.

1 do do *Pimintos*, a sweet pepper.

1 do do *Pepinos*.

1 do do *Sectrugas*.

1 do do *Escocolas*.

1832.
5 March.
Invoice of
vine cuttings
and seeds.

One third of the Vine Cuttings are to be retained in the Government Garden to be propagated for general distribution, also one half of the Seeds. The remainder will be applied for on Mr. Busby's own account.

JAMES BUSBY.

London, 1st March, 1832.

VISCOUNT GODERICH TO GOVERNOR BOURKE.
(Despatch No. 71, per ship Lady Harewood.)

6 March.
Despatch
acknowledged
re accounts
of colonial
agent.

Sir,

Downing Street, 6 March, 1832.

I have had the honor to receive General Darling's despatch No. 51 of the 13th June, 1831, in which he enclosed a Report of the local Auditor upon the Accounts of the Colonial Agent for the years 1826, 1827, 1828, and 1829, and suggested the propriety of charging a portion of the Salary of the latter Officer upon the Revenues of Van Diemen's Land, the Agency of that Colony being conducted by him without any expense, hitherto, to Van Diemen's Land.

Apportionment
of salary of
agent.

General Darling's despatch and its enclosures having been referred to the Commissioners of Colonial Audit for their Report, I herewith transmit to you a copy of the answer which has been received from them, by which you will perceive that they have recommended that two thirds (viz., £400) of Mr. Barnard's Salary should be paid out of the Revenues of New South Wales and the remaining third out of those of Van Diemen's Land. This division of the expense of the Agent between the two Colonies appears to me very equitable, and I have therefore to desire that the arrangement may take effect from 1st January, 1832.

Balance
in hands of
E. Barnard.

With respect to the balance remaining in Mr. Barnard's hands at the end of 1829, which Mr. Lithgow estimates at £14,205 5s. 1½d., it appears from the Auditors' Report that the real balance then in his custody was only £4,692 9s. 2d., and that the apparent discrepancy between the two amounts arises from Mr. Lithgow not having taken into account the disbursements made by the Agent for the service of Van Diemen's Land out of the common Funds of the Agency, which exceeded by £9,512 15s. 11d., the remittances from that Colony during the four years in question.

Division of
expenditure
of colonies.

There can be no question that, from the date* at which the Colonies of New South Wales and Van Diemen's Land were made separate and independent, the expenses of each Colony ought to have been defrayed from its own resources, and, upon this principle, I should not hesitate to direct Colonel Arthur to

* Note 159.

repay immediately the sum in question to the Treasury of New South Wales; but, as I am unable to judge whether the Finances of Van Diemen's Land are able to bear at once so unexpected a charge, I shall only call his attention to the subject and authorise him to make arrangements for gradually liquidating the claim, according as the Revenues of his Government may enable him to do so.

1832.
6 March.

Tasmania to
make refund.

In conclusion, I beg to acquaint you that I have forwarded to Mr. Barnard a copy of Mr. Lithgow's Report, with instructions to furnish you with the information stated to be necessary for the adjustment of the Colonial Accounts. I have further instructed him not to defray, without special authority, any expenses for the one Colony out of the Funds of the other, and, whenever it may so happen, to take the earliest opportunity of apprising the Governor, in order that the means of repaying the advance may be speedily remitted to him, and thus avoid the inconvenience of a confused account.

Instructions
given to
E. Barnard.

I am, &c.,

GODERICH.

[Enclosure.]

MR. G. W. BRANDE TO UNDER SECRETARY HAY.

Sir,

Colonial Audit Office, 2d February, 1832.

I am directed by the Commrs. of Colonial Audit to acknowledge the receipt of your letter of Decr. last, enclosing the copy of a despatch from the Govr. of N. S. Wales with several enclosures relating to the Accounts of Mr. Barnard as Agent for that Govt. in this Country; and, in compliance with your request that the Commrs. would report what portion of the Salary, received by Mr. Barnard as Agent for the Colonies of N. S. Wales and V. D. Land, it would be reasonable to charge against the latter Govt., I am directed to state to you that adverting as well to the amount of the Expenditure incurred by the Agent for each respective Colony, as to the amount of Revenue raised in them, it appears to the Commrs. that it would be a fair apportionment of the Agent's Salary, if two thirds of it were defrayed from the Funds of N. S. Wales, and one third from those of V. D. Land.

Apportionment
of salary of
agent.

Referring to the observations of the Colonial Auditor relative to the apparent balance in the Agent's hands at the end of the year 1829, I am to observe to you that the balance for which Mr. Barnard was actually accountable at that period was £4,592 9s. 2d. and that the great discrepancy between this amount and that of the balance stated by the local Auditor arises from the Auditor not having taken into account the Disbursements made by the Agent, during the four years referred to, for the service of V. D. Land, out of the common Funds of the Agency, and which exceeded by £9,512 15s. 11d. the remittances from the last mentioned Colony.

Balance in
hands of
E. Barnard.

1832.
6 March.
Separation
of accounts of
colonies.

Mr. Barnard has latterly kept the entries in his Accounts of transactions relating to each Colony distinct, and it is to be presumed will have furnished the respective Govts. with statements of their separate Accounts; but I am to suggest that he should be desired to forward to the Govt. of N. S. Wales the information respecting the advances made to him in this Country, which the Auditor states in his Report to be required for the adjustment of the Account between the Colonial Govt. and H.M. Treasury.

I have, &c.,
G. W. BRANDE.

VISCOUNT GODERICH TO GOVERNOR BOURKE.
(Despatch No. 72, per ship Lady Harewood.)

7 March.
Approval of
reductions
at dockyard.

Sir, Downing Street, 7th March, 1832.

I have received General Darling's dispatch No. 73 of the 12th September last, stating that, in addition to the retrenchments before reported, he has been enabled to place the Establishment of the Dockyard upon a reduced scale; and I observe with much satisfaction that the arrangements carried into effect by him will diminish the Expences of this Department even below those contemplated by the Commissioners of Colonial Enquiry, upon the subject of whose Report I had the honor of addressing you on the 29th of Septr., 1831.

I have, &c.,
GODERICH.

VISCOUNT GODERICH TO GOVERNOR BOURKE.
(Despatch No. 73, per ship Lady Harewood.)

8 March.
Approval of
expenditure
on clerk, etc.,
for attorney-
general.

Sir, Downing Street, 8th March, 1832.

I have received General Darling's Dispatch No. 80 of the 23rd September, 1831, enclosing the Copy of a Resolution of the Legislative Council on a minute presented by him to that Body on the subject of an allowance of £150 per annum to the Attorney General for the Services of a Clerk, £60 for furnishing and fitting up the office appropriated to his use, and £25 per annum to meet his expences for Stationery.

I do myself the honor to acquaint you, in answer, that I approve, under the circumstances of the case, of the expenditure in question, and that the course pursued by General Darling for bringing these matters under the consideration of the Legislative Council appears to be in strict conformity with the Instructions conveyed to him by Sir George Murray in his Dispatch of the 12th of November, 1830.

I have, &c.,
GODERICH.

VISCOUNT GODERICH TO GOVERNOR BOURKE.

1832.
9 March.

(Despatch No. 74. per ship Lady Harewood.)

Sir,

Downing Street, 9 March, 1832.

In reference to my despatch of the 28th of Sepr. last, announcing the intention of sending out a Ship containing Female Emigrants, and requiring preparation to be made for receiving them and furnishing them with information as to the opportunities of engaging themselves as Servants, I now have the honor to acquaint you that a Vessel will be despatched in the course of next month, containing Emigrants of this description. The persons to be sent out in this Vessel have principally been selected from the charitable institutions in the Towns of Dublin and Cork. My former despatch will have caused the collection of every information likely to be useful on this occasion, and you will probably be possessed of a list of the names and addresses of Settlers in want of Female Servants, as well as of the terms which they are willing to offer. I need scarcely observe that these Females must be treated entirely as free Agents, having their own choice of Service, and being in no respect required to enter into any other Bonds or engagements than they might have done, had they gone out from this Country at their own expense. You will provide a lodging, into which they may be received on landing, and until they can be disposed of in private Service, be employed in some suitable; the choice, as well as the conduct, of which will be best confided to the Matrons, by whom they will be accompanied to the Colony. It has been suggested to me that the formation of a Ladies' Committee, should you find in the Colony a disposition favourable to that object, might tend to secure a successful issue to this Emigration. For the adoption of this or of any other measure, which may seem likely to be useful, I shall rely upon the disposition that I am sure you will feel to secure to these Emigrants every means of prospering in the Country which they have chosen for their future home.

Proposed
departure of
vessel with
female
immigrants.Instructions
re treatment
of immigrants.

I am, &c.,

GODERICH.

UNDER SECRETARY HAY TO GOVERNOR BOURKE.

(Despatch per ship Lady Harewood.)

Sir,

Downing Street, 10 March, 1832.

10 March.

With reference to Mr. Twiss's Letter of the 11th January, 1830, to General Darling, I am directed by Viscount Goderich to transmit to you the Copy of a further Letter from Mr. Appleyard relating to the affairs of Mr. Mills late Registrar of the Supreme Court of New South Wales; and I am to request, in the event of no Communication having been made to this Department

Letter re
estate of
G. G. Mills.

1832.

10 March.

Particulars to
be given by
W. H. Moore.

since that, dated the 20th of June, 1829, that you will call upon Mr. Moore to furnish you with the additional particulars required. As to the late Mr. Mills' private papers, it must of course rest with Mr. Moore, as Executor, to part with them or not, as he shall think proper; but Lord Goderich cannot consider that he will have any excuse for withholding Copies of the accounts which are applied for in 'behalf of the relations of the deceased, and therefore trusts that there will be no unnecessary delay or difficulty opposed by Mr. Moore to a compliance with their request.

I have, &c.,

R. W. HAY.

[Enclosure.]

MR. R. L. APPELYARD TO UNDER SECRETARY HAY.

Sir,

Lincoln's Inn, 7 March, 1832.

Request for
private papers
and accounts
in estate of
G. G. Mills.

I take the liberty of addressing you on behalf of the family of, and of requesting your Official assistance in obtaining for us some further information from N. S. Wales relative to the affairs and property of G. G. Mills, Esq., the late Registrar at Sydney, who died there in the month of February, 1828.

On the receipt in August, 1828, of intelligence of Coll. Mills' death, Mr. Twiss (to whom I have the honor to be known) was kind enough to write to the then Governor, requesting him to procure and transmit home some information relative to his affairs and the property he had left behind him; and, in June, 1829, Mr. Twiss sent me the reply he had received from Genl. Darling to his application, enclosing a letter from W. H. Moore, Esq. (who it appeared had acted in the Colonel's concerns) stating in general terms that the property of Mr. Mills was only capable of paying 5s. in the pound, but without transmitting any account whatever of his Effects, or sending over to me (who was well known there to be his confidential and professional friend, as well as his Attorney in England) Mr. Mills' private papers, as had been particularly requested. On receipt of Mr. Twiss's communication, I, on the 23d of Decr., 1829, addressed another letter to that gentleman, a copy of which Mr. Twiss was kind enough to transmit to Sydney in a despatch of the 11th of January, 1830, to which no reply whatever has since been received, as I have found after repeated enquiries at the Colonial Office; in consequence of which (and as the only probable effective means of procuring one) I venture to intrude upon you, Sir, with a request that you will have the goodness to apply for and endeavour to procure, thro' such channel as you shall judge the best, the transmission to me of the private papers of Coll. Mills, and an account of his property left at his death with the Executorship Account and the Balance, if any, now left of it, and of the sale of his land, if effected since the period of Mr. Moore's letter.

I have, &c.,

ROBT. L. APPELYARD.

GOVERNOR BOURKE TO VISCOUNT GODERICH.

(Despatch No. 34, per ship Strathfieldsaye; acknowledged by
Viscount Goderich, 23rd September, 1832.)

1832.
14 March.

My Lord, Government House, 14th March, 1832.

I have to acknowledge the receipt of Your Lordship's despatch of the 24th Sept., 1831, No. 22, informing me of His Majesty's pleasure that Mr. McDowell should be removed from the office of Solicitor General in this Colony, with which I immediately acquainted that Gentleman.

Instructions
re removal of
E. McDowell
from office.

This intimation arrived at the opening of the Criminal Sessions, a Moment at which it would have been entirely prejudicial to the public Service to have removed Mr. McDowell from office. The Charge of conducting the Crown prosecutions rested wholly with him, the Attorney General being then much engaged in the Legislative Council. I therefore thought it right to leave Mr. McDowell in possession of his Office for a short time, that the business of the Crown before the Supreme Court might not be interrupted. By the end of this Month (Should Mr. Plunkett not Sooner arrive), Mr. McDowell will be removed from his Office.

Temporary
suspension of
instructions.

In making this Communication, I think it due to Mr. McDowell's professional Character to acquaint Your Lordship that he has Conducted the Criminal Trials, to which I have alluded, with great Credit and effect. I have, &c.,

Testimony
in favour of
E. McDowell.

RICHD. BOURKE.

VISCOUNT GODERICH TO GOVERNOR BOURKE.

(A circular despatch per ship Clyde.)

Sir, Downing Street, 15 March, 1832.

15 March.

I herewith transmit to you a Copy of an Address from the House of Commons for Returns of the amount of the several Fees chargeable on the Instruments therein described, stating to what persons and for what purposes, and in what proportion paid, also by what authority the said Fees respectively are demanded and received, and the dates at which the Fees were fixed, as far as the same can be complied with, and the appropriation thereof.

Returns re
fees required
by house of
commons.

I have to request that you will transmit to me, with the least possible delay, a Return of any Fees which may be chargeable in the Colony under your Government, of the description mentioned in the Address, with the further particulars therein required, for the purpose of being laid before the House.

I have, &c.,

GODERICH.

1832.
15 March.

[Enclosure.]

ADDRESS BY HOUSE OF COMMONS.

Resolved, Martis, 7^o Die Februarii, 1832.

That an humble Address be presented to His Majesty, that he will be graciously pleased to give directions that there be laid, before this House, A Return of the amount of the Several Fees and Stamp Duties now chargeable on the Appointment to each and every Office, Place, or Employment, Commission, Grant, Pension, Patent, Rank, or Precedence, Civil or Military, Judicial and Ecclesiastical, under the Crown, within the United Kingdom of Great Britain and Ireland, Dominion of Wales, Town of Berwick upon Tweed, Isles of Guernsey, Jersey, Alderney, Sark and Man, and also in His Majesty's Foreign Possessions, Colonies, and Plantations (the British East Indies excepted), distinguishing Fees from Stamp Duties, and stating to what persons, and for what purposes, and in what proportion paid; also, by what Authority the said Fees respectively are demanded and received, and the dates at which the Fees were fixed, as far as the same can be complied with, and the appropriation thereof.

Ordered,

That the said Address be presented to His Majesty by such Members of this House as are of His Majesty's Most Honorable Privy Council.

J. H. LEY,

Cf. Dom. Com.

GOVERNOR BOURKE TO VISCOUNT GODERICH.

(Despatch No. 35, per ship Strathfieldsaye; acknowledged by Viscount Goderich, 6th November, 1832.)

My Lord, Government House, 15th March, 1832.

I have the honor to transmit for Your Lordship's Consideration an Application from the Revd. Mr. Cross, assistant Chaplain in this Colony, for Leave to Select four Sections of Land as portions for his two daughters, in accordance with the Instructions of Secretary Sir George Murray, Conveyed in his Despatch to Lieut. General Darling, No. 113, 25th May, 1829. I have declined granting the Land in question Until I shall receive Your Lordship's Commands upon the Subject, Conceiving it possible that the late regulations for the Sale of Crown Lands may be considered as Cancelling these Claims.

I have, &c.,

RICHD. BOURKE.

[Enclosure No. 1.]

MINUTE No. 6.

Government House, 12 January, 1830.

LET it be notified to the Archdeacon that the Secretary of State has signified (despatch dated 25th May, 1829, No. 113) the decision of His Majesty's Government on the subject of improving the situation of the Chaplains employed here, which is to the following effect, viz. :—

1. That each Chaplain shall be allowed "a decent parsonage House" and "a sufficient portion of land to serve as Glebe" (in any case not to exceed 40 Acres).

Returns *re*
fees required
by house of
commons.

Application
by Revd.
J. Cross for
land grants.

Minute *re*
indulgences
for clergy and
their families.

2. That each Chaplain shall receive land to serve as a future provision for his Widow and such other Members of his Family as shall not, at the time of his decease, have become independent of his support; to be granted as follows, that is, 1,280 acres at the end of five years' service and a further grant to the same extent at the end of Ten years' service.

1832.
15 March.

Minute *re*
indulgences
for clergy and
their families.

3. The Chaplains, who receive the £100 a Year granted by the Corporation as an equivalent for the 400 Acres formerly assigned to them as a Glebe, will not be allowed the grants alluded to in Par. 2, except they relinquish the above allowance of £100 a year.

4th. That the Sons of the Clergy (whose character and conduct shall render them deserving the Indulgence) shall receive three square Miles or 1,920 Acres, on attaining the Age of nineteen, on condition of their residing on the land, and the Daughters, two Square Miles, or 1,280 Acres as a portion from the Crown, on their attaining the age Eighteen.

Let the Archdeacon be requested to send in a Return of the Chaplains, stating,

Returns
required.

1. The period they have respectively served in the Colony.

2. The lands they have received by grant from the Government, specifying the date and quantity of each, whether in their immediate possession, and what portion is cleared, under cultivation, etc.

3. The Names of the Chaplains, who are allowed £100 per Annum in lieu of the 400 Acres of land formerly granted as Glebe.

4. The Names of the Sons and Daughters of each Chaplain now alive and residing in the Colony, specifying their Age, and if married.

RA. DARLING.

[Enclosure No. 2.]

REVEREND J. CROSS TO COLONIAL SECRETARY MACLEAY.

Sir, Port Macquarie, 13th February, 1832.

In consequence of instructions from the Venerable The Archdeacon, dated January 28th, 1830, I have the honor to make application for leave to select four Sections of land for my two Daughters, who are now become of Age to receive their Grants; and in trust for them I undertake to abide by such regulations as are fixed by The Right Honorable The Secretary of State. I have, &c.,

Request by
Rev. J. Cross
for land grants.

JOHN CROSS.

GOVERNOR BOURKE TO VISCOUNT GODERICH.

(Despatch No. 36, per ship Strathfieldsaye; acknowledged by Viscount Goderich, 5th November, 1832.)

My Lord, Government House, 16th March, 1832.

16 March.

In reply to Your Lordship's Despatch of the 25th September, 1831, No. 23, I have the honor to State that the whole of the Proceedings in the case of the Revd. F. Wilkinson were forwarded through the late Governor to the Bishop of the Diocese at Calcutta, in conformity to the 12th Article of Instructions* from Earl Bathurst, dated 21 December, 1824. To this Communication, no answer has as yet been received.

Reference of
papers *re* Revd.
F. Wilkinson
to bishop of
Calcutta.

* Note 160.

1832.
16 March.
Reasons for
submitting
statement to
ecclesiastical
board.

I am requested by the Archdeacon of New South Wales to add that, in forwarding a Duplicate Statement to the Secretary of the Ecclesiastical Board in London, he was guided by a Verbal Instruction made to him by the Under Secretary of State previously to embarkation, Signifying it to be the wish of His Majesty's Government that he Should Communicate to the Board every occurrence of importance, in order that the Board might be prepared to advise upon any question, which might be referred to them by the Secretary of State.

Suspension
of Revd.
F. Wilkinson.

I have further to observe that the Revd. F. Wilkinson remains Suspended from his functions, but in receipt of Salary, which, however, I understand it is Your intention to withdraw upon the arrival in the Colony of an unfavorable decision on Mr. Wilkinson's Case by the Bishop of Calcutta.

I have, &c.,
RICHD. BOURKE.

GOVERNOR BOURKE TO VISCOUNT GODERICH.
(Despatch No. 37, per ship Strathfieldsaye.)

17 March.
Exploration by
T. L. Mitchell.

My Lord, Government House, 17th March, 1832.

I found upon my arrival here that the Surveyor General had obtained leave* from the acting Governor, Colonel Lindesay, to proceed to the North West of the Colony to trace the course of a large River, which a fugitive Convict, upon his being brought back by the Police, asserted he had seen and traversed its banks to the Sea, Supposed to be the Gulph of Carpentaria. Major Mitchell is now returned to the Colony. During his absence, two letters of which Copies are transmitted herewith were received from him, and Serve to Shew that the accounts of the Convict were fallacious.

I have, &c.,
RICHD. BOURKE.

[Enclosures.]

[Copies of these letters will be found in a volume in series V.]

GOVERNOR BOURKE TO VISCOUNT GODERICH.

(Despatch No. 38, per ship Strathfieldsaye; acknowledged by
Viscount Goderich, 10th October, 1832.)

My Lord, Government House, 17th March, 1832.

Delay in
investigation of
complaint by
T. L. Mitchell.

Upon my arrival here in December last, I found the Surveyor General Major Mitchell had obtained leave of absence to proceed upon a journey of discovery in the North Western parts of New Holland. I was therefore unable to carry into

* Note 161.

effect the instructions contained in Your Lordship's despatch of the 8th of July, 1831, No. 5, for investigating a Complaint brought forward by that Officer against the local Government.

1832.
17 March.

Subsequently, on perusing the recent correspondence of General Darling with Your Lordship and the Minutes of the Executive Council, I discovered that Several heavy Charges against Major Mitchell had been transmitted to Your Lordship and his removal from employment Solicited in General Darling's Despatch of the 28th March, 1831, Marked Separate.

Charges against
T. L. Mitchell.

Major Mitchell is now returned; but I have not thought it necessary to communicate with him on the Subject of Your Lordship's Despatch above referred to, as the Complaint he has made against the local Government is in truth of a frivolous Character, and I expect to be honored with Your Lordship's Commands in reply to the Despatch of General Darling. In the meantime, I am employing Major Mitchell in the important and very pressing duties of his Department.

Frivolous
complaint by
T. L. Mitchell.

I have, &c.,

RICHD. BOURKE.

VISCOUNT GODERICH TO GOVERNOR BOURKE.

(Despatch No. 75, per ship Clyde; acknowledged by Governor Bourke, 2nd May, 1832.)

Sir, Downing Street, 18th March, 1832.

18 March.

General Darling's despatch No. 71 of the 7th of September last has been received; and I am glad to find that he had relinquished the intention, notified in his former communication of the 4 of June, of appointing Captain Sturt to the office of Resident at New Zealand, being of opinion that a more advantageous mode of employing that Officer's services might be found, by dispatching him on an Expedition to explore the course of the River, which he discovered flowing into the Murray, and which he considers to be a continuation of the Darling. The settlement of this important point appears to be worthy of the enterprise and zeal in pursuing his discoveries, which have been manifested by Captain Sturt; it would decide the question as to the identity of those Streams, and would also throw much light on the interior Geography of a large portion of Country as yet unexplored.

Proposed
exploration by
C. Sturt of
Darling river.

It is of little consequence whether the exploring Party, to be sent out, commence its researches from the point where Captain Sturt fell in with the Darling River in 1829, or trace up its course in a North Easterly direction for the purpose of

1832.
18 March.

Instructions
re proposed
exploration.

ascertaining the identity of the Stream. In either case, much information cannot fail to be obtained as to the tributary waters, which it probably receives, and an accession of Geographical knowledge be obtained, which will throw considerable light on the prospects of extending our Settlements in that direction. It would perhaps be more advisable to adopt the latter of the courses pointed out, and the traveller might then, having reached the point of Captain Sturt's discovery of the Darling in 1829, or having attained the same latitude (should the two streams not turn out to be identical) be instructed to pursue a north western course for 3 or 4 degrees of Latitude, till he reached the Longitude of 140, should the nature of the Country permit him to do so, and then to bend his steps to Moreton Bay; and by this means he could not fail of adding materially to the information respecting this tract of Country, which was first made known to us by the discoveries of Mr. Cunningham.*

Preference for
extension of
settlement.

It has always been my fixed opinion that, as well on account of the temperature of the Climate being more congenial to the European Constitution, as to preserve as far as possible the compactness of the Settled Country, the first efforts of the Local Government ought to be directed to the extension of Our Settlements to the Southward; but, at the same time, it cannot be unimportant that the nature of the Country in the immediate neighbourhood of all the settled Districts should, as far as possible, be ascertained.

Selection of
leader in place
of O. Sturt.

Should the arrangement, which is proposed for sending out Captain Sturt on such an Expedition as that which has been mentioned, not meet with that Officer's wishes, another Person, calculated for the task, should be employed instead of Captain Sturt in exploring the course of the Darling; but it will be essential that no one should be employed in this service, who may not have shewn himself fitted for the prosecution of such an undertaking; and it will be proper also that he should be accompanied by some one, who is accustomed to use the necessary instruments for taking observations in exploring the Country, and that the attention of the Head of the Expedition be directed to the importance of keeping an accurate Journal of his progress, and of following the other Rules contained in the enclosed memorandum.

Nomination of
J. Busby as
resident in
New Zealand.

In my Despatch No. 63 of the 31 of January last, I expressed my concurrence in the appointment of a Resident at New Zealand, and I have now to acquaint you that I am desirous that Mr. J. Busby, who has shewn much intelligence in the information which he has given to this Department as well as to a

Committee* of the House of Commons on matters connected with the Australian Provinces, should be employed in that Situation, to whom you will recommend to the Council to assign a salary at the rate of £500 per annum. In this arrangement, I have been influenced by the consideration that it will be inexpedient, as well in point of policy as with reference to expence, to detach any Troops to those Islands, at any rate, until they can be more easily spared from other duties, and until the feelings of the New Zealand Chiefs, in regard to their appearance amongst them, can be correctly ascertained.

I am, &c.,

GODERICH.

[Enclosure.]

RULES TO BE OBSERVED BY PERSONS EMPLOYED ON EXPLORING PARTIES.

1st. Never to set out without the following Articles, viz. :—the Ephemeris of the year, a Sextant, an Azimuth Compass, an artificial Horizon, and a Chronometer or well regulated watch, set upon the Meridian of the place of departure, in order to take as frequently as possible during their Journies either Solar or Lunar Observations to determine the Longitude and Latitude of the places upon their Route; the calculations for that purpose may be made on their return home.

1832.
18 March.
Salary for
J. Busby.
No troops to
be quartered in
New Zealand.

2d. The bearing of their Route every time they alter their course (if only for half a mile) to be accurately noted with the distance pursued upon that course. At night a computation to be made of the distance explored during the day from first setting out in the Morning to the bivouacking at night, with the general bearing of the last place, compared with that at starting.

3. Particular attention to be given to every object worthy of remark which they may meet with either on their Route or at a distance from it. Mention will be made in their Journal of the Bearing, Distance and Situation of such object; whether to the right or left of their Route, with a minute description of its form and character.

4. Whether those Bearings be deduced from the Pole of the World or the Magnetic Pole; in either case, it must be stated what is the Angle of variation East or West, between the Meridian and the Needle. N.B.—If the place of observation be situated within 30 miles of the place of departure the difference of variation cannot be very great, but at a greater distance it begins to be sensible and must be noticed.

The Journal of the Traveller ought to contain the minutest particulars in reference to the foregoing Rules, for, without such information, it is impossible for the Hydrographer of this Dept. to construct an accurate Map of the Discoveries which may be made. Many of those already accomplished have been very imperfectly delineated in consequence of the brief or superficial manner in which some of the Journals transmitted to this Office have been kept. It is essential also that a Draft or Sketch of each Expedition should accompany the Journals.

R. W. HAY.

Colonial Office, Feby., 1832.

* Note 163.

GOVERNOR BOURKE TO VISCOUNT GODERICH.
(Despatch No. 39, per ship Strathfieldsaye.)

My Lord, Government House, 19th March, 1832.

Transmission of
acts of council.

I have the honor to transmit for His Majesty's gracious allowance fifteen Acts of Council passed at the late Session. It may be convenient that I should State Succinctly to Your Lordship the objects and particular enactments of each.

Act for
regulating
constitution
of juries.

2d Wm. 4, No. 3 Is an act for regulating the Constitution of Juries in New South Wales. It is in all essential respects the renewal of a former act, which expired last December. In two particulars indeed, it has a More liberal tendency than the Act which it replaces. By Section 24, Bank Directors are placed on the list of Special Jurors, which was not the case before. The reason was this, that one or more of the Directors are of the Class termed *Emancipists*, and, though Gentlemen who came out free do not refuse to associate with Emancipists in the direction of a gainful concern, they deemed it a Contamination to Sit in the Same Jury Box with them. This prejudice after Some debate and a division, was overcome. By Section 40, Civil Jurors are to try Cases in which the Government or Naval or Military Officers are Prosecutors. This enactment was introduced in obedience to the directions of Secretary Sir George Murray, Conveyed in his Despatch* of the 17th of July, 1830, No. 63. In the next Year, I hope another Step may be gained on the path to the British Institution by Superseding the Military Jurors altogether.

Bank directors
to act as
special jurors.

Civil jurors
to try certain
cases.

2nd Wm. 4, No. 4 Fixes the Salaries of the Governor and Judges, and Makes them payable out of the Revenue of Customs. This Act I received Your Lordship's Instructions to initiate. It will have the effect of rendering an annual application to the Legislative Council for the Salaries of the Governor and Judges unnecessary.

Act *re* salaries
of governor
and judges.

Amendment
of customs law.

2nd Wm. 4, No. 5 Is an Act for amending the Customs Law by enabling Officers to Seize Unlicensed Boats and apprehend Smugglers. It differs from the English Law in no other particulars than the Application of reduced penalties and the omission of a power to apprehend *Passengers* on board Unlicensed Boats, which the English Act conveys. I do not understand that Smuggling prevails to any great extent in the Colony; Nevertheless this law was wanting to Supply a deficiency in a former Enactment.

Act *re* fines
and penalties;

2d Wm. 4, No. 6 Is an act directing all fines and penalties, which Under Ancient laws were ordered to be paid in Dollars, to be now paid in British Silver.

and to regulate
foreign
attachment.

2d Wm. 4, No. 7 Is an act to regulate foreign attachment. This Bill was drawn by the Chief Justice and is calculated to

prevent the Commission of fraud, which has been practised with great Success and to a large Amount in Some recent instances by Persons absconding to avoid payment of their just debts, leaving property behind them which was afterwards Sold and the proceeds remitted to them. The property may now be attached and Sold for the benefit of Creditors under Certain Regulations.

1832.
19 March.

2nd Wm. 4, No. 8. This act renews one* about to expire, the object being to abate a serious Nuisance to the Public, caused by an immense Number of half starved Dogs which used to roam through the Streets of Sydney. The Number of these Animals at large is Still excessive.

Act re nuisance of dogs.

2nd Wm. 4, No. 9. This is the renewal of an Act* which expires the 21st of April next. It was passed in 1830, when the Roads were infested by Bushrangers, and it was Unsafe to proceed even a Short distance from Sydney without an Escort or being well Armed and in Company. Burglaries had become Common, and I am informed there was an absolute want of security for life and property within the best peopled parts of the Colony. Certainly a less alarming State of Society would not have justified the passing of a law which Subjects all persons to be arrested on Suspicion without a Warrant, and empowers a Justice of the Peace to detain any Person in Custody, or to Send him from any distance to Sydney, Unless he can prove to the Satisfaction of the Justice that he is not a transported felon, and further enables Justices to issue general Search Warrants to be executed by day or night.

Renewal of act for suppression of bushranging and housebreaking.

I am happy to say that the present state of the Colony is very different from that which induced the Council to pass So restrictive a Statute. Highway Robberies and Housebreaking are now by no means frequent, and the Roads are traversed at all Seasons without greater precaution than is frequently used in England. It was therefore with extreme reluctance that I yielded to the Unanimous Application of the Council and introduced a renewal of the Act of 1830. The Council attributed the present Security to the operation of the act, and expressed great apprehension of a renewal of outrage, if it were so soon to be withdrawn. Feeling that I had not acquired such a knowledge of the Country, as would justify me in resisting the Unanimous opinion of the Council upon so important a subject, I brought in the Bill, the duration of which is limited to two Years. I would have confined it to one only, but His Majesty's Instructions forbid the passing of any Acts for a Shorter period than two Years.

* Note 165.

1832.
19 March.
—
Act for
regulating
engagements
of merchant
seamen ;

2nd Wm. 4, No. 10 Is an Act for regulating the engagements of Merchant Seamen. It was called for by the Merchants of Sydney, principally to control the Conduct of Crews of Merchant Vessels arriving in Port Jackson for refreshments or to fit out for a Whaling Voyage. On the arrival of these Vessels, the Crews used frequently to desert in Contravention of their Articles, and there existed no Summary process by which they could be compelled to return to their duty. This act provides a remedy and regulates the engagements of Seamen upon the principles of the 2 Geo. 2, Cap. 36. I trust, when its existence is known to Masters of Vessels and their Owners in British Ports, that Port Jackson will become the resort of a great portion of Shipping, which has been kept away from apprehension of inconvenience and loss occasioned by the former defective State of the Law.

and for relief
of insolvent
debtors.

2nd Wm. 4, No. 11 Is an Act for the relief of Insolvent Debtors. In 1830, An Act* was passed for the Same purpose, but Containing all the Bankrupt Clauses of the English Acts and much of the regulations and Machinery, by which the Estates of declared Insolvents are (or have been Until lately) administered in England. After a trial of nearly two years, this System was found Unsuitable to the State of Society in the Colony, and many frauds are alleged to have been practised under cover of the law. The former act expires on the 2d April next, having been at first passed for two years only. It will be replaced by the Act now under Consideration, the objects of which are to relieve a Debtor from imprisonment upon his giving up to his detaining Creditor the property he possesses, and engaging to Make a full payment of the debt, if he Should at any Subsequent time acquire the means of discharging it.

General
turnpike act.

2nd Wm. 4, No. 12. This is a Kind of general Turnpike Act, the want of which occasioned much inconvenience and even placed the Collectors of Toll in a doubtful position. The rates are Moderate and will provide for the repair of the Roads on the most frequented lines at Short distances from Sydney. The distant roads of long extent are Supported by payments from the general Revenue of the Colony.

Act for
establishment
of savings bank.

2nd Wm. 4, No. 13 Establishes a Savings Bank in New South Wales, with many of the Provisions of the English Acts regulating Such Institutions. It was called for here, in Consequence of its having been long a practice to take from the Convicts on their arrival what money they possessed, which was placed in the hands of Mr. Robert Campbell, a very respectable Merchant in Sydney, who allowed the Convict the benefits of a Savings Bank, and engaged to pay an interest of $7\frac{1}{2}$ per Cent. At the Close of

* Note 166.

last Year, the Sum in Mr. Campbell's hands Amounted to Near eight thousand pounds, for which this Government is considered responsible to the Convict Depositors. No Security has been given by Mr. Campbell, who has, in addition to the Sum I have stated, about two thousand pounds in his hands, deposited by free Persons at the Same rate of interest as the Convicts. The present Act will enable free Persons to remove their deposits to the Savings Bank if they please; and I have Called on Mr. Campbell to make arrangements for paying into the Colonial Treasury, to the Credit of the Trustees, the Money due to Government on account of the Convicts. Mr. Campbell requires time to make these payments, as he States the principal part of the Deposits is lent on Mortgage at ten per Cent.

1832.
19 March.
Money deposited with R. Campbell.

2nd Wm. 4, No. 14. This is an Act Substituting a declaration in lieu of an Oath in certain Custom House transactions, and is a Copy nearly of the English Act, which the Commissioners of Customs transmitted to the Collector here, with the view, I understand, of procuring the adoption of a Similar Measure in the Colony.

Act re declaration in customs transactions.

2nd Wm. 4, No. 15 Renews an Act* by which Slaughter Houses are required to be licensed, and the Skins of Slaughtered Cattle Submitted to the Inspection of an Officer, who registers the Brand and Marks. The object is to Check Cattle Stealing, which the Bill is Said to have accomplished in a considerable degree. The Officer is paid or nearly So by the Amount of Fees Collected.

Renewal of act re slaughter-houses.

2d Wm. 4, No. 16 Establishes the Market dues at Sydney and Parramatta upon a more equitable footing than they Stood before, with reference to the present low price of Cattle and Agricultural produce. It also legalizes and regulates the Collection of Market dues, and will enable me to establish Separate Markets for Certain distinct objects of Sale to the great convenience of the Town.

Act re market dues.

2nd Wm. 4, No. 17 Is an act for appropriating the Revenues of the Colony for the Year 1832, and, being an Annual Act, has been passed Under the Authority of Your Lordship's Instructions on this Subject. The Several Items of Expenditure were first discussed and agreed to in the Shape of Resolutions. They are for the most part Such as have been approved of by the Secretary of State. In a separate Despatch, I shall have the honor of laying before Your Lordship the Grounds upon which those expences, which have not been So Sanctioned, are proposed to be incurred. I enclose herewith a printed Copy of the appropriation Bill, as it passed the Council.

Appropriation act.

I have, &c.,

RICHD. BOURKE.

* Note 167.

1832.
20 March.

VISCOUNT GODERICH TO GOVERNOR BOURKE.

(Despatch per ship Clyde; acknowledged by Governor Bourke.
18th March, 1833.)

My dear Sir,

Downing Street, 20th March, 1832.

I beg leave to enclose to you a copy of a letter, which I have received from Sir Colin Campbell on behalf of his relative Mr. Patrick Campbell, who was temporarily employed by General Darling in the Department of Roads and Bridges, but was discontinued when that Department was placed by Sir George Murray under the charge of the Surveyor General. The General seems to infer from the circumstance of two other persons, junior to Mr. Campbell, having been reinstated whilst Mr. Campbell remains unemployed, that he has been guilty of misconduct; I have to request that you will make enquiry on this point, and, if you should be satisfied that Mr. Campbell is not disqualified for further employment by the Government, that you will confer upon him some small appointment which may compensate him for the one which he lost, whenever circumstances may enable you to do so, without interfering with the interests of other claimants.

I remain, &c.,

GODERICH.

[Enclosure.]

SIR COLIN CAMPBELL TO UNDER SECRETARY HAY.

My dear Hay,

34 Pall Mall, 17 Feby., 1832.

I write you these few lines as I may not have the pleasure of seeing you.

I spoke to you a considerable time ago regarding a Relation of mine, who went to New South Wales with his family as Settlers; they were unfortunate being obliged to sell their property and went with the residue of that property to try their luck there, and were doing very well until the death of their Father, who was head Land Surveyor. The Son Patrick Campbell was the Senior of three assistants in the same Department, but orders went from home to reduce them; two of them have since been reinstated who were junior to my Relation, I presume by the applications of their friends at home. My Relation feels himself aggrieved by being overlooked. He would not have ventured to have said one word of the reduction, but it looks as if something improper in his conduct as the two Juniors were reinstated. I have therefore only to request you to do me the favor to enquire into this, and have him reinstated, if he is found deserving, which I have every reason to believe he is; and, if he cannot be appointed to his former situation, that you will do what you can to appoint him to another.

I remain, &c.,

C. CAMPBELL.

Application
on behalf of
P. Campbell.

P. Campbell to
be employed.

Application
on behalf of
P. Campbell.

VISCOUNT GODERICH TO GOVERNOR BOURKE.

(Despatch No. 76. per ship Clyde.)

1832.
21 March.

Sir, Downing Street, 21st March, 1832.

I have received General Darling's Despatch No. 66 of the 23d August, 1831, on the subject of Mr. Foster's remuneration for discharging the duties of Inspector of Slaughter Houses.

Despatch
acknowledged.

As this subject has been regularly brought under the consideration of the Executive Council, who have stated that the whole of the fees collected by Mr. Foster in the execution of his duty, if granted for his benefit, will not in addition to his salary be more than a fair remuneration for his services, I have no objection to allow the augmentation which has been thus made in his Emoluments; but, as I am by no means satisfied as to the necessity of continuing this appointment, you will take an early opportunity of enquiring into the nature of the duties which devolve upon the Inspector; and, if you shall consider it practicable to dispense with the Services of such an officer without prejudice to the Interests of the Public, you will immediately carry such an arrangement into effect, providing otherwise for Mr. Foster in the best manner that circumstances may permit.

Approval of
emoluments for
E. B. Foster.Proposed
abolition of
office of
inspector of
slaughter-
houses.

I am the more sanguine that this reduction of Expence may be made, as I observe that the Board of Officers, who were assembled by General Darling in November, 1826, to remodel the scale of Salaries at that time enjoyed by the respective officers of the Government, reported it to be their opinion that the office of "Superintendent of Government Slaughter Houses" might be abolished, the Regulations, under which this Establishment was formed, being no longer in force.

I have, &c.,

GODERICH.

VISCOUNT GODERICH TO GOVERNOR BOURKE.

(Despatch No. 77. per ship Clyde.)

Sir, Downing Street, 22d March, 1832.

22 March.

I have to acknowledge the receipt of Colonel Lindesay's Despatch No. 3 of the 16 of November last, inclosing an application from the Surveyor General in favor of Mr. Thompson's claim to Lodging Money.

Despatch
acknowledged.

The ground, upon which this application is supported by the Surveyor General, is that Mr. Thompson's Employment at Sydney, in assisting the head of his department in arranging the Plans and Graphic Records belonging to it, exposes him to a heavy charge for House Rent and to other Expences, to which

Proposed
increased
allowance to
J. Thompson.

1832.
22 March.

Proposed
increased
allowance to
J. Thompson.

an assistant Surveyor, employed in the Bush under Canvas and having Rations, is not equally liable. In estimating, however, the pecuniary advantages which one species of Employment confers over that of the other, it appears to have escaped attention that the Surveyors, whose duties call them into the Interior, are also liable to charges from which the same Officers when employed at home are relieved. I allude in particular to the expence attendant upon the keep of a horse, for which Mr. Thompson receives the same allowance in lieu of forage as the other Officers of his Department, whilst there is not the same necessity for his incurring it.

Refusal of
increase.

The Sum paid to Mr. Thompson on that account will thus be available towards defraying any extra charge to which he may be exposed for House-Rent, and I do not therefore feel myself at liberty to sanction the issue to him of any additional Remuneration, as, by doing so, I should be conferring advantages upon him which are not enjoyed by the other officers of the Surveyor General's Department, whose services, without any disparagement to Mr. Thompson, are of as much importance perhaps to the public, as any which he may have performed.

I have, &c.,

GODERICH.

VISCOUNT GODERICH TO GOVERNOR BOURKE.
(Despatch No. 78, per ship Clyde.)

24 March.

Sir,

Downing Street, 24th March, 1832.

Reply to
grievances
alleged by
R. Darling in
his recall.

Having received a Dispatch from General Darling of which the enclosed is an Extract, I consider that I should be acting with a great want of fairness towards that officer, did I not at once endeavour to remove the very important misapprehension under which he seems to have labored in regard to the circumstances under which it was decided that his Government of the Australian Colonies should be brought to a close.

Statements *re*
J. Hume and
E. S. Hall.

I do not feel that I am called upon to make any comment on the correspondence, which seems to have taken place between Mr. Hume and the Editor of the "Sydney Monitor," excepting to express my regret that any one of the daily Journals of New South Wales should be written with so vindictive a spirit as is displayed by Mr. Hall in such of his papers as have been brought under my notice, and to add my anxious hope that a better tone than that which has prevailed hitherto will be found in general amongst the publications which issue from the Colonial Press.

In regard, however, to the particular grievance of which General Darling complains, I feel myself bound to observe (not only for your Information, but with a view to your giving the utmost publicity to the statement) that the change in the Government of New South Wales, which has recently taken place, was in no degree whatever produced by any representation, which might have been made to this Department by any of those persons in England who were inclined to disapprove of the mode in which its affairs had been administered by General Darling; and that nothing could be more erroneous than the supposition that any observations contained in an intemperate newspaper or any suggestions from those at home, who might think fit to espouse the cause and adopt the Language employed in such a publication, could have any influence whatever with His Majesty's Government in deciding on a measure of so much importance as that of a change in the Government of a distant Colony, whether such a step be regarded with reference to the public Interest, or to those of the officer whom such a decision would more immediately affect.

I have, &c.,

GODERICH.

[Enclosure.]

[*This extract comprised the second and third paragraphs on page 401.*]

UNDER SECRETARY HAY TO GOVERNOR BOURKE.

(Despatch per ship Clyde; acknowledged by Governor Bourke, 6th August, 1832.)

Sir,

Downing Street, 25th March, 1832.

25 March.

I am directed by Viscount Goderich to transmit to you the Copy of a Letter, which has been addressed to him from New South Wales by Mr. Arthur Kemmis, who complains that an allotment of Land, for which he applied in 1828, and which was refused to be granted to him, because it was required for public purposes, has been granted very recently by the Acting Governor, Colonel Lindsey, to C. D. Riddell, Esqr., the Colonial Treasurer. Lord Goderich conceives there must be some error in the statement which Mr. Kemmis has transmitted to him in respect to the disposal of the Land in question, as from the new Regulations having come into operation *prior to the assumption of the Government by Colonel Lindsey*, no Land could have been given to Mr. Riddell by that officer excepting upon terms which would

1832.
24 March.

Denial of
influence of
E. S. Hall on
recall of
R. Darling.

Transmission of
complaint by
A. Kemmis re
land grant.

have enabled Mr. Kemmis to enter into competition with Mr. Riddell for it; His Lordship requests, however that you will enquire into the circumstances of the case, and report to him how the matter stands.

I have, &c.,

R. W. HAY.

[Enclosure.]

MR. A. KEMMIS TO VISCOUNT GODERICH.

My Lord,

Sydney, 19 Novr., 1831.

Knowing that justice will be impartially administered even to a private individual by H.M. Ministers, I respectfully beg leave to lay before your Lordship the following statement:—

In 1828, Genl. Darling being Govr. of this Colony, I arrived, and my attention being directed to embarking my Capital (which I have since done to the amount of upwards of £10,000) in the Sperm Whale Fishery, I applied to H.E. to grant me an allotment of land for the purpose of building a Wharf, Sheds, etc., suitable to the prosecution of my business. He gave me permission officially by letter to select such a piece of land, and, upon the most minute inspection of the whole harbour of Port Jackson, the only spot, I found *in the hands of Govt. suited* to my purposes, was a point situated on the South Side of the harbour, 3 miles E. from the Town of Sydney, and lying between that land* granted to A. McLeay, Esq., Col. Secretary, and that originally granted to J. Piper, Esq., now the property of Messrs. Cooper and Levey. I applied for this point, as the only *part of the shore eligible* for my pursuits, and was informed by official letter that it was *specially reserved* for public purposes, and I was directed to select in Darling (otherwise called "Cockle") Harbour, situated immediately to the West of Sydney an allotment which would suit me; here likewise I found all the lands in the hands of Govt. specially reserved for building a Dockyard. Despairing of being able to procure a piece of land suited to my undertakings, in the early part of the year 1831, I selected an allotment on the *N. Shore* of the harbour, to which there is no access except by Water, and what I now find I can make no use whatever of, and which I am anxious to surrender again to Govt. if I would be permitted to select that point of land described to your Lordship in the foregoing part of this letter. This point of land a few days back has been granted by H.E. the Actg. Govr. Col. Lindsay, to C. D. Riddell, Esq., Colonial Treasurer, thereby shewing that it was not "*specially reserved*" as officially stated to me; now I would most respectfully submit to your Lordship's consideration that I was a prior applicant by some years, and that I have embarked a considerable capital in this Country, thereby contributing to its advancement, whereas Mr. Riddell, to whom this land has been granted, has not been many months in this Country, is a Govt. Officer, and embarked in no speculations which would require *such* an allotment of land, or benefit or advance an infant Colony. For the correctness of the statements made in this letter, I most respectfully beg leave to refer to Genl. Darling, and to the documents in the Colonial Secretary's Office, and trusting to your Lordship's impartial judgement in a matter of vital interest to a private individual.

I have, &c.,

ARTHUR KEMMIS.

1832.
25 March.

Report to be
submitted.

Statement by
A. Kemmis re
application for
land grant for
erecting wharf,
etc.

UNDER SECRETARY HAY TO GOVERNOR BOURKE.

1832.
26 March.

(Despatch per ship Clyde.)

Sir, Downing Street, 26 March, 1832.

With reference to Lord Goderich's Dispatch of the 31st of January last, No. 63, I am directed by his Lordship to transmit for your Information the enclosed Copy of a Letter from the Secretary to the Admiralty, in answer to a proposition made to that Board with a view to the better protection of British Subjects, trading to or engaged in the Fisheries at New Zealand, by which you will perceive the precise nature of the Instructions which have been given by their Lordships, and of the orders, founded upon them, which have been issued by Rear Admiral Sir Edward Owen, Commanding on the East India Station, respecting the occasional visits of a Man of War to those Islands.

Transmission of
correspondence
re New Zealand.I have, &c.,
R. W. HAY.

[Enclosure.]

MR. J. BARROW TO UNDER SECRETARY HAY.

Sir, Admiralty Office, 24th March, 1832.

Having laid before my Lords Commissioners of the Admiralty your letter of the 20th Inst., relative to New Zealand, I am commanded by their Lordships to acquaint you, for the information of Viscount Goderich, that the Sulphur Bomb* has been ordered, on the 21st October, 1831, to proceed forthwith to England, but that their Lordships cannot doubt that the Admiral Commanding on the Indian Station, who has repeatedly been instructed on this subject, will have taken care to send, in succession, a ship of War to New South Wales, to communicate with the officer in Command at Sydney, and to meet his wishes with regard to New Zealand; But Lord Goderich must be aware that, considering the Character of the Natives, and the numerous Americans that visit those Islands, who, as well as British Subjects, come into frequent collision with the Islanders, it would neither be expedient nor safe that the Crews of His Majesty's Ships should interfere on shore in the quarrels that will unavoidably occur; nor indeed could any authority be given to the Commander of a King's Ship, so to interfere in a territory not belonging to His Majesty, and with the Rulers of which he has no treaty either of alliance or Commerce; and the extent of whose interference must be confined to the giving protection to British Subjects, by receiving them on board the Ship he Commands, when applied to for that purpose.

Arrangements
for protection
of British
interests in
New Zealand.

That Lord Goderich may be in possession of the heads of correspondence, and the orders given respecting the visits of a Man of War to New Zealand, I herewith enclose an Abstract which will afford that information.

I am, &c.,
J. BARROW.

* Note 169.

1832.
26 March.

[Sub-enclosure.]

NEW ZEALAND.

Abstract of
correspondence
re New Zealand.

15th June, 1826. Jno. Barrow to R. Adml. Gage.

THE Ship stationed at New South Wales is to be ordered to inspect occasionally the Coasts of New Zealand.

Orders for
protection of
British subjects.

20th July, 1830. R. Adml. Sir Edward Owen to Mr. Croker.

H.M.'s Sloop Comet, stationed at New South Wales, has orders to attend to "the protection of H.M.'s subjects trading to New Zealand, or engaged in the Fisheries in any of the Seas adjacent." "To arrange with the Governor of New South Wales as to the most convenient time for carrying the orders into effect as regards the protection which may be required for the Coasts of the Colonies, and of New Zealand."

Outrages by
crews of
whalers.

5th Jany., 1831. Lord Howick to Jno. Barrow.

Encloses a Dispatch* from the Governor of New South Wales, respecting outrages committed by the Crews of South Whalers towards the Natives of New Zealand, and expresses a hope that it may not be impracticable to afford greater protection to the Mercantile Establishments formed at New Zealand, and to restrain the bad conduct of Crews of Vessels resorting thither for supplies.

Reply to
despatch re
outrages.

7th Jany., 1831. Capt. Elliott to Lord Howick (in reply to the preceding).

"Their Lordships have an earnest wish to do all in their power to restrain irregularities of the kind alluded to; but they do not feel that they have any power to delegate such authority as is requested in the Governor's dispatch"; and their Lordships observed "that the greater part of the Trade in the quarter in question is carried on by Americans. They have however repeated their Instructions to the Commander in Chief in the East Indies on this subject."

Ship of war
to visit
New Zealand.

7th Jany., 1831. Jno. Barrow to R. Adml. Sir E. Owen.

The Rear Admiral's attention called to the directions of the 15th June, 1826, "that the Ship stationed at New South Wales should be ordered to inspect occasionally the Coasts of New Zealand."

Orders given
to commander
of vessel at
Sydney.

19th May, 1831. R. Admiral Sir E. Owen to Capt. Elliott (In reply to the preceding).

The Instructions of June, 1826, have been always kept in view, and orders founded on them given to the Vessel detached to New South Wales. "The Governor of New South Wales has but to make known his wishes to the Commander of the vessel on that or any other subject connected with the duties of his Colony, and that officer must yield a ready acquiescence to them, or most grossly disobey the orders he is acting under."

The Rear Admiral refers to the Copy of the Orders to the Comet enclosed in his letter of the 20th July, 1830.

27th Sept., 1831. Lord Howick to Jno. Barrow.

Resident
appointed in
New Zealand.

The Governor of New South Wales has appointed a Permanent British Settlement at New Zealand, and Lord Goderich requests that their Lordships will "afford such assistance as may render the

presence of the British Resident effective, either by directing that the occasional visits to New Zealand of a ship of War, from the Squadron stationed in the neighbourhood of those Seas, should take place as frequently as possible, or by detaching an armed Vessel exclusively for that service."

1832.
26 March.

28 Sept., 1831. Captu. Eliot to Lord Howick, in reply to the preceding.

"Instructions will be given to V. Admiral Sir J. Gow on this subject."

Instructions to be given.

12 Jan., 1832. Extract from the general instructions to V.A. Sir John Gow.

"And the Secretary of State for the Colonies having expressed a wish that a Ship of War may occasionally be sent to N. Zealand for the protection of the British interests in that quarter, you are to make arrangements for that purpose."

Ship of war to visit New Zealand.

GOVERNOR BOURKE TO VISCOUNT GODERICH.
(Despatch No. 42, per ship Strathfieldsaye.)

My Lord, Government House, 26th March, 1832.

Captain Sturt of the 39th Regiment, being in bad health, has obtained leave to return to England. This Officer has made two Journeys* into the Interior of the Colony, and added much to the knowledge of the Geography of the Southern portion of this vast Country. In his last expedition he discovered and embarked on a large River, which he descended to the Southern Coast reaching it at Encounter Bay.

Leave of absence for C. Sturt.

Captain Sturt is an Officer of Considerable intelligence and great perseverance. He has I fear suffered irreparably by the Constancy with which he pursued his object, and the hardships he was exposed to on his Journeys. I feel it my duty to make these Circumstances known, and to solicit for this deserving Officer Your Lordship's protection and Support.

Request for support for C. Sturt.

I have, &c.,
RICHD. BOURKE.

GOVERNOR BOURKE TO VISCOUNT GODERICH.
(Despatch No. 43, per ship Strathfieldsaye; acknowledged by Viscount Goderich, 23rd September, 1832.)

My Lord, Government House, 26th March, 1832.

Mr. E. McDowell, late Solicitor General in this Colony, has requested me to lay before Your Lordship the accompanying testimonials of his Competency to fill a judicial Station in New South Wales, or Van Diemen's Land, in either of which Countries it is his wish and his design to continue his professional

Request by E. McDowell for judicial appointment.

* Note 171.

1832.
26 March.
Merit of
E. McDowell.

pursuit. I have had already occasion to express my opinion of Mr. McDowell's merit, and my regret that circumstances had rendered it Necessary to withdraw him from the Service of the Crown.

I have, &c.,
RICHD. BOURKE.

[Enclosures.]

[Copies of these testimonials are not available.]

VISCOUNT GODERICH TO GOVERNOR BOURKE.

(Despatch No. 79, per ship Clyde.)

27 March.
Fines and fees
received
by police
establishment
to be paid to
commissariat.

Sir,

Downing Street, 27th March, 1832.

I have the honor to acquaint you that the Lords Commissioners of the Treasury have drawn my attention to the subject of the Fines and Fees received by the various Police Establishments at New South Wales, which have hitherto been paid into the Colonial Treasury. Their Lordships have expressed an opinion, in which I entirely concur, that these Fees and Fines ought, from the period when the expenses of these Establishments were defrayed from the Military Chest, to have been paid to the Commissariat. I do not think it necessary to give you any instructions with respect to the Fees and Fines which were received previous to the 1st Jany. last, as the amount has been more than covered by the proceeds of the Spirit Licenses, lately paid by your Predecessor into the Military Chest for the service in question; but I am to desire that any Fines and Fees received by the Police Departments, subsequent to the 1st January last, may be paid to the Commissariat to be applied towards the liquidation of the expenses of those Establishments.

I am, &c.,
GODERICH.

GOVERNOR BOURKE TO VISCOUNT GODERICH.

(Despatch No. 44, per ship Strathfieldsaye.)

My Lord,

Government House, 27th March, 1832.

Avoidance of
insolvency
by Revd.
T. Reddall.

In reply to Your Lordship's Despatch of the 21st August, 1831, No. 13, I have the honor to State that the Revd. Thomas Reddall has not been Compelled to take the benefit of an Insolvency Act, and that the following arrangement for the payment of his Debts to Government was made by the late Governor in June last, upon the recommendation of the Venble. the Archdeacon of New South Wales.

Mr. Reddall's debt, which, in 1826, Amounted to £693 6s. 8d., was reduced in the last Year by payments on account of principal to £486 10s. 1d. To liquidate this balance, the Commissioners for the Management of the Church and School Affairs took from Mr. Reddall on Lease for six Years at £80 per annum Rent a House and Premises, his Property, situate near Campbell Town; and, as there is no House and Glebe in the Parish and Mr. Reddall would be entitled to an allowance in lieu, he has been allowed to occupy his own premises, and the rent payable by the Commissioners to him is handed over on his account to the Collector of Internal Revenue to discharge the debt to Government. The balance due to this date amounts to £413 4s. 3d.

1832.
27 March.

Arrangement
for liquidation
of debts.

I should add that all Interest on Mr. Reddall's debt has been remitted, as also An Annual payment of £60, for which he had given his Bond in October, 1828.

I have, &c.,

RICHD. BOURKE.

VISCOUNT GODERICH TO GOVERNOR BOURKE.

(Despatch No. 80, per ship Clyde.)

Sir,

Downing Street, 28th March, 1832.

28 March.

I have received General Darling's Dispatch No. 91 of the 19th of October, accompanied by a Memorial from Mr. Archibald Bell, claiming remuneration for a Town Allotment in Sydney, which he first received from Governor Bligh and which appears by his Statement to have been subsequently exchanged for the accommodation of the Government for another piece of Land, the Deeds connected with which were afterwards cancelled.

Claim for
compensation
by A. Bell.

As no steps appear to have been taken by Mr. Bell, further than the communications which he states to have held upon the subject with the Attorney General, to recover possession either of the original Location or that which was promised to him in Exchange. Although the transaction occurred so far back as the late Governor Macquarie's Administration, His Majesty's Government must now decline entering upon a consideration of it, the more especially as, from Mr. Bell's own shewing, he forebore to bring it forward at the proper time, owing to the "great indulgence" which he was then enjoying under the Colonial Government.

Reasons for
refusal of
claim.

I am not aware that any compensation* has lately been made to Mr. John Blaxland for Land granted to him and resumed by the Government under similar circumstances.

Compensation
to J. Blaxland.

I have, &c.,

GODERICH.

1832.
28 March.

VISCOUNT GODERICH TO GOVERNOR BOURKE.
(Despatch marked "Separate," per ship Clyde.)

Sir, Downing Street, 28th March, 1832.

Report *re*
occupation of
New Zealand
by French.

I have to acknowledge the receipt of Colonel Lindesay's Dispatch marked separate of the 4th of November last upon the subject of the report, which had reached him, of the occupation of New Zealand by a detachment of Soldiers which had been landed there from the French Corvette "*La Favorite*."

I did not fail to communicate the Information, contained in this Dispatch, to His Majesty's Secretary of State for Foreign Affairs, and I have now the honor of transmitting herewith for your Information the copy of a letter, which has been received from his Lordship's Under Secretary, with its Enclosure from His Majesty's Ambassador at Paris, by which you will perceive that, if possession has been taken of New Zealand in the name of The King of the French by the Captain of "*La Favorite*," it has been done without any Instructions or authority to that effect having been conveyed to him from the French Government.

I have, &c.,
GODERICH.

[Enclosure No. 1.]

UNDER SECRETARY BACKHOUSE TO UNDER SECRETARY HAY.

Sir, Foreign Office, 26 March, 1832.

Transmission
of despatch.

I am directed by Lord Palmerston to transmit to you, with reference to your letter of the 23d Inst., copy of a dispatch from H.M. Ambassador at Paris upon the subject of the report of the French Schooner "*La Favorite*" having taken possession of New Zealand in the name of the King of the French, and I am to request that you will lay that dispatch before Lord Goderich for His Lordship's information.

I am, &c.,
J. BACKHOUSE.

[Enclosure No. 2.]

LORD GRANVILLE TO VISCOUNT PALMERSTON.

My Lord, Paris, 23 March, 1832.

Denial by
French
government of
intention to
take possession
of New Zealand.

I received your Lordship's dispatch No. 64, enclosing a P.S. of a letter dated Sydney, which states that it was reported "that the French Schooner *La Favorite* had taken possession of N. Zealand in the name of the French King, had hoisted the Tricolor Flag, and mounted Guns in the Bay of Islands," and directing me to ascertain, by a confidential enquiry from the French Govt. whether there is any foundation for the report therein mentioned.

I had the opportunity of speaking last night on the subject with Admiral de Rigny, who answered my enquiries by saying that the *Favorite* sailed from France before the Revolution of 1830, that the Captain of that Vessel had no instructions which could authorise him to take possession of N. Zealand or to form there any Establishment.

Admiral de Rigny added that perhaps the Crew of the Favorite, after so long a Voyage, might have been in an unhealthy state, and that some of them had been landed for the recovery of their health, and some field work raised for their defence against any attack that might be made upon them by the Natives of the Country.

I have, &c.,

GRANVILLE.

1832.
28 March.

VISCOUNT GODERICH TO GOVERNOR BOURKE.

(Despatch No. 81, per ship Clyde.)

Sir,

Downing Street, 29th March, 1832.

29 March.

My Under Secretary has laid before me Colonel Lindesay's Letter of the 22nd October last, enclosing Copies of a Correspondence, which had taken place with Mr. J. Gray, Deputy Harbour Master at Sydney, upon the subject of the maintenance, which I had deemed it right to call upon him to afford to his Wife, whom it appears that he had deserted and left in the greatest distress in this Country. In this correspondence, Mr. Gray states that he had made arrangements with Mr. William Walker, when he left Sydney for London, to pay his Wife three Pounds per month and to continue the same until further orders, at the same time offering, if more satisfactory, to remit the money through the Colonial Government to the Colonial Agent for the purpose of being paid to her. I regret that the Acting Governor did not avail himself of the latter proposal, Mr. Gray having (as appeared too probable) made no arrangements with Mr. Walker of the nature referred to, nor having taken any other steps, as I am informed, to afford to his Wife the relief which he had promised. Under these circumstances, you will immediately send for Mr. Gray, and, after pointing out to him the highly discreditable conduct of which he has been guilty, you will inform him that he will be expected, without further loss of time, to remit, through the hands of the Colonial Government, the allowance which he has promised to make to her, paying up the arrears from the time at which he undertook that it should commence, and continuing the same by regular quarterly payments, failing in which he will subject himself to the loss of the Situation which he holds under the Colonial Government.

Non-fulfilment
by J. M. Gray
of engagement
re maintenance
of wife.

I enclose for your Information the Copy of a Letter from Mrs. Gray, with its enclosures from her husband, and also the Copy of one from Mr. Walker by which you will perceive that there can be no mistake as to the non-fulfilment by Mr. Gray of his engagement, as Mr. Walker explicitly states that no arrangements were made with him by Mr. Gray to pay a monthly sum to his Wife in this Country.

I have, &c.,

GODERICH.

[Enclosure No. 1.]

1832.
29 March.

MRS. GRAY TO VISCOUNT GODERICH.

My Lord, Wapping, 5 King Edward St., 13th March, 1832.

Sensible of the obligation I am under to your Lordship for the prompt attention to my case, as stated to you in Feby., 1831. and under the greatest privations, I beg to state I have received a letter from my Husband, John M. Gray, dated Sydney, 6 Octr., informing me he had made arrangements with Mr. Wm. Walker to pay to me the sum of £10 and £3 per month. In consequence I waited on Mr. Walker, and he denies all knowledge of any such arrangement with Mr. Gray. I therefore cannot but think it is a deception on his part to lead the Governor to believe he is allowing me a maintenance. I therefore enclose a copy of my Husband's letter with the order on Mr. Walker. Humbly craving you will make my case known to the Governor.

Neglect by
J. M. Gray
to make
arrangements
with
W. Walker.I remain, &c.,
ISABELLA GRAY.

[Sub-enclosure.]

MR. J. M. GRAY TO MRS. GRAY.

Dear Madam,

I wrote some time ago to acquaint you that I had made arrangements with Mr. Walker, who left this Colony in the Barque "Forth" for London, to pay you £3 per month and continue the same until further advice. I also wrote to Mr. Walker to advance you £10 which I hope you have received. Since my letter to you I am informed by the Govr. that you had applied to the Secy. of State to be allowed a maintenance from me, In consequence of which I think you cannot have received my letter. On the receipt of this, you will wait on Mr. Walker to present the order on the other side; have the goodness to acknowledge the receipt.

Instructions
re payment
by W. Walker.I am, &c.,
J. M. GRAY.

Mr. Walker's address: 11 Fenchurch Buildings.

ORDER REFERRED TO.

Sir,

On the receipt of this have the goodness to pay Mrs. Isabella Gray £10 and £3 per month, which you were kind enough to promise you would advance on my account, paying the same to your order in Sydney and continuing the monthly money until further advice.

Wm. Walker, Esq.

I am, &c.,
J. M. GRAY.Order for
payment to
I. Gray.

[Enclosure No. 2.]

MR. W. WALKER TO UNDER SECRETARY HAY.

Sir,

11 Fenchurch Buildings, 27 March, 1832.
In reply to your letter of the 24 Inst. I have the honor to state for the information of Viscount Goderich that no arrangements were made with me by Mr. John M. Gray, Deputy Harbour Master of Sydney, to pay a monthly sum to his Wife in this Country.

Denial of
arrangement
for payment
by W. Walker.I am, &c.,
W. WALKER.

VISCOUNT GODERICH TO GOVERNOR BOURKE.

(Despatch marked "Confidential," per ship Clyde; acknowledged by Governor Bourke, 19th September, 1832.)

1832.
30 March.

Sir, Downing Street, 30th March, 1832.

I have for some time had it in contemplation to address you on the subject of the present state of the Judicial Establishment of New South Wales, and to explain to you confidentially my sentiments as to the steps, which it may be proper to take for relieving the administration of justice from some of the defects under which it appears at present to labor, and for restoring it to that degree of reputation in the eyes of the Community, which is so essential to the efficiency of the Law in all Societies, but more especially in a Convict Colony.

Opinion *re*
reforms
required in
judicial
establishment.

It cannot be concealed that, from various circumstances to which it would be useless now to advert (the more so, as I trust they will not again recur) that good understanding, which is so essential to the interests of the Colony, has not for some time existed between the Governor of New South Wales and the Heads of the Law in that Settlement, frequent disputes having arisen which, as in all similar cases, have tended to lower the authority of the disputants. Each party has manifested a desire to expose the errors of the other, in a manner which could not fail to be very prejudicial to the Public Service.

Disputes
between
governor and
principal law
officers.

It is unfortunately too notorious at the same time that those Persons, who of late filled the Chief Law appointments of the Crown in the Colony, have not proved themselves equal to the discharge of the arduous duties which belong to their situation, and that hence an undue advantage has been given to those who were opposed to them in the Colonial Courts. By the appointment of Mr. Kinchela and Mr. Plunkett, I should hope that this defect has in a great measure been provided for, but still I am inclined to think that the state of the Bench is susceptible to much improvement.

Incompetency
of law officers.

There can be no doubt of the abilities of the Chief Justice, and of his fitness for the situation which he fills. I should hope also that, after all that has passed, he will be aware of the importance of acting cordially with the Executive Government, and of applying himself entirely to the correct discharge of his legal duties.

Improvement
proposed in
bench.

Opinion *re*
F. Forbes;

When I observe how frequently of late the Senior Puisne Judge, Mr. Stephen, has been precluded by illness from attending to the active discharge of his official duties, I am afraid that it would be injudicious to anticipate that the Public would derive much advantage from his further continuance on the Bench, or that he can fairly be expected to devote himself much longer

and J. Stephen.

1832.
30 March.

Proposed
resignation of
J. Stephen.

to the performance of his judicial Functions; and His Majesty's Government have therefore been relieved from much embarrassment in dealing with his case by the intimation which has been received within these few days of a wish on his part to resign that office.

You are well aware that those employed in the Colonial Service have, on quitting office, no positive claim to a retiring Pension, yet, as in most cases where the Government are satisfied with the services of Individuals, who have long held situations of trust in the Colonies, the Crown has been advised to grant a Pension to them, when disabled by age or infirmities from the further performance of their duty. I conceive that it would be no less just towards Mr. Stephen than indispensable, with the view of placing the administration of the Law at New South Wales upon an efficient footing, to grant to him a superannuation allowance upon the same principle as it has been bestowed upon other servants of the Crown.

Pension
proposed for
J. Stephen.

As Mr. Stephen's services at New South Wales have not exceeded eight years (five only of which have been performed on the Bench), I have not felt myself at liberty to fix the allowance to be granted to him at a higher rate than one third of his salary; But although this sum falls short of that for which he has stipulated, I have in reliance on his acquiescence made arrangements for supplying his place at New South Wales by the employment of a Judge, whose services are no longer required at the Cape of Good Hope. And I have been induced to take this step as well to save that time which must otherwise be lost in a reference to New South Wales, as because I see no prospect that, if this opportunity of providing for the retirement of Mr. Stephen be neglected, when it can be done without an increase of expence to the Public Service, the Treasury will consent to grant any superannuation allowance whatever to Mr. Stephen at a future period.

I am, &c.,

GODERICH.

VISCOUNT GODERICH TO GOVERNOR BOURKE.

(Despatch No. 82, per ship Clyde.)

31 March.

Sir,

Downing Street, 31 March, 1832.

Refusal of
request by
R. Campbell
for land grant.

I have received General Darling's Dispatch No. 93 of the 20th October, enclosing a further application from Mr. Campbell on the subject of a Grant of Land.

In proportion to the estimation in which the private as well as public character of this Gentleman is held must be my regret at not feeling at liberty to meet his wishes; but, as any departure from the recent Regulations in respect to the disposal of Land

in favor of a particular Individual, however strong might have been his claim under the former system to an additional Grant, would occasion much embarrassment to His Majesty's Government in dealing with other applications of the same kind, I have unfortunately no other alternative than to decline complying with the request which he has again addressed to this Department. I have likewise to lament that the Sons of Mr. Campbell, by not having made applications for Land at an earlier period, should have debarred themselves from participating in the advantages which others have enjoyed.

I have, &c.,

GODERICH.

1832.
31 March.

Refusal of
request by
R. Campbell
for land grant.

VISCOUNT GODERICH TO GOVERNOR BOURKE.

(A circular despatch per ship Clyde; acknowledged by Governor Bourke, 30th October, 1832.)

Sir, Downing Street, 31 March, 1832.

I have the honor herewith to enclose for your information the Copy of a Paper on the subject of Quarantine,* which has been drawn up by the Central Board of Health now established in London.

Transmission
of paper re
quarantine.

The results, to which the Members of that Body have been led by a careful examination of the most authentic sources of intelligence, are so fully stated at the close of this Document, that it would be altogether superfluous for me to enter into any explanation of them. In general you will perceive that they strongly confirm the opinion that, even under the most suspicious circumstances and in reference to infected Ports in the immediate vicinity of an uninfected Country, the period of Quarantine, whether for Ships, Persons or Goods may, with entire safety, be reduced in the case of Spasmodic Cholera within a far shorter period than that which the experience or the apprehensions of Mankind have required in the case of Plague and some other highly contagious Diseases.

Quarantine
period for
spasmodic
cholera.

Indeed with regard to Merchandize, even of the most susceptible Class, such regulations might seem, from the Document to which I have referred, to be entirely superfluous, were it not necessary on such a subject as the present to consult the feelings of Society and to defer in some degree even to unnecessary alarm.

Regulations re
merchandize.

The Central Board of Health confirm the opinion, which appears to have been generally adopted throughout the European Continent as well as in Great Britain, that all methods, taken for arresting the progress of the Disease from one part of the same territory to another, are not merely unavailing but positively injurious. By the distress and panic inseparable from

Objections to
system of
overland
quarantine.

* Note 172.

1832.
31 March.
Objections to
system of
overland
quarantine.

such measures, an overland Quarantine has always been found to aggravate the Calamity which it was intended to prevent. Accordingly every such attempt has been abandoned amongst the States on the European Continent, nor has any regulation of that nature been established in any part of Great Britain since the disorder first appeared in this Island.

Investigations
re spasmodic
cholera.

Since the character and progress of this Malady have been the subject of anxious observation and scientific enquiry in Europe, many facts have been ascertained which have contributed greatly to allay the terror which the first appearance of a disease so rapid in its course, and so destructive of human life, had naturally excited. It has for example been fully established that the rate of mortality is much less in reality than had been supposed, rarely exceeding two pr. Cent. upon a given population, and generally not reaching above half that number. It appears also that persons of intemperate habits, and those who are peculiarly destitute of food, clothing and shelter, are not indeed the only but by far the most usual victims. In the crowded Societies of Europe, the relief of pauperism and prevention of drunkenness are attended with difficulties almost insuperable. But amidst the comparatively scanty population of the British Colonies, the temporary relief of extreme distress and the prevention (at least during the general prevalence of Disease) of the inordinate use of strong Liquors might be attempted with far better prospects of success. Amidst the urgent demands upon the funds of private Charity, which are continually made in this Kingdom, it has been found that the relief of extreme want has even here tended greatly to mitigate the Disease, and sometimes to arrest its progress.

Arrest of
malignant type
of disease.

Without encroaching on the province of Medical Writers, I may properly notice in this place the general conclusion to which they seem to have arrived that by a careful attention to the symptoms which are generally found to precede the more virulent forms of the Spasmodic Cholera, it may, in a large proportion of cases, be arrested or cured before it has assumed a malignant type.

Occurrence of
disease in
Great Britain.

Hitherto the Spasmodic Cholera has manifested itself only in the Counties of Durham and Northumberland, in some of the Southern Districts of Scotland, and in London and its Suburbs. The whole Southern and Western parts of the Kingdom, and all the Ports between the Clyde and the Thames and between the Thames and Sunderland are and have as yet been exempt. Ireland has hitherto escaped this visitation altogether

The great importance of the Trade of Liverpool has induced His Majesty's Government, at the instance of the Merchants of

that Town, to subject to a Quarantine of ten days all Vessels resorting thither from infected places even in this Kingdom, in the hope that, so long as Liverpool itself remains free from the disease, Vessels sailing from it with clean Bills of Health may be admitted, if not absolutely without hesitation yet with little comparative suspicion or delay at any Foreign Ports to which they may be bound.

1832.
31 March.

Quarantine
established
at Liverpool.

I have thought it my duty to communicate to you the preceding facts, because the intercourse between Great Britain and her Colonies is so extensive, and is a subject of such extreme importance, that I would not willingly leave you in ignorance of any circumstances by which it may be interrupted or rendered less easy.

Reasons for
statement.

However strongly His Majesty's Government may be disposed to maintain the opinion that a protracted Quarantine is unnecessary, they of course acknowledge in the fullest manner that it is the duty of the Officers, administering the Governments of His Majesty's various Possessions abroad, to adopt every measure which prudence suggests for preventing the introduction of this formidable malady. So fully indeed do I admit and respect the right of self preservation on such an occasion as this, that it would not be without extreme reluctance, and the most evident necessity, that I should advise His Majesty to disallow any local regulations respecting Quarantine, even tho' they might seem to have been dictated by an inordinate alarm or by a misconception of the material facts of the Case. This is a subject on which each Community, acting thro' its proper representatives, must to a great extent be permitted to decide for itself; and I should be far better satisfied to err on the side of caution, from deference to popular feelings, than on that of temerity from respect to any Scientific authorities, however eminent.

Quarantine to
be determined
by local
authorities.

Assuming that you will ere now have enforced the powers vested in you by Law for subjecting to Quarantine all Vessels arriving within your Government without clean Bills of Health, I shall not, for the reasons already mentioned, attempt to oppose either authority or influence to that measure, however prejudicial it may be to the Trade of this Kingdom.

Freedom of
action for local
authorities.

I must however impress upon yourself and upon all Members of the Government or Legislature within the Colony the importance of not aggravating by unnecessary restrictions the embarrassment inseparable from a strict Quarantine on British Vessels. When the length of time which must elapse between the departure of Ships from this Kingdom and their arrival at the Ports of your Government is considered, and adverting to the fact that no reason whatever exists for supposing that the Cholera

Unnecessary
restrictions to
be avoided.

1832.

31 March.

Suggestions
re quarantine
in colony.

ever remains in the human constitution in a latent state for so long a period, there would seem no motive for enforcing more than a very short Quarantine on any Vessels which had been wholly free from the Disease during the Voyage. In cases of just suspicion in which a separation of the Ship's Company for a considerable time might be thought necessary, it would greatly tend to the prevention of disease, if any secluded spot, the access to which could be readily prevented, were appropriated as a Quarantine ground upon which the Crews and Passengers of Vessels might be landed for refreshment, and for the enjoyment of purer air and more active exercise than can be obtained in a crowded Vessel. For the assistance of persons in that situation, temporary abodes might perhaps be made by pitching any Tents which may be applicable to that service, and to necessitous persons such gratuitous Medical aid should be afforded as may be compatible with the proper maintenance of Quarantine Regulations.

Rations for
persons in
quarantine.

Arrangements should also, if possible, be made for a regular supply of fresh provisions at prime cost, or in case of extreme poverty, gratuitously to persons performing Quarantine, since nothing would seem to have a stronger tendency to avert the disease or to abate its malignity than a regular and moderate supply of wholesome food.

Regulations
in London
re disease.

I transmit Copies of all the Sanitary regulations which have been published under the authority of the Central Board of Health in London, in order that, if unhappily the Spasmodic Cholera should appear in the Colony under your Government, you may be in possession of all the results which have yet been established by Medical Science and experience respecting the prevention, treatment and cure of that Disease.

I have, &c.,
GODERICH.

[Enclosures.]

[Copies of these papers are not available.]

UNDER SECRETARY HAY TO GOVERNOR BOURKE.
(Despatch per ship Clyde.)

1 April.

Sir,

Downing Street, 1 April, 1832.

Paper
submitted for
reply by Revd.
C. P. N. Wilton.

Having communicated to the Revd. Dr. Wrench the correspondence enclosed with General Darling's letter of the 23rd October, 1831, Lord Goderich has received the enclosed Letter from that Gentleman, the substance of which he desires may be made known confidentially to the Revd. Mr. Wilton, in order that he may have an opportunity of establishing the

accuracy of his former statements on the two points referred to in Dr. Wrench's Letter, or at least of removing any unfavorable impressions which those statements have produced, by such explanations as the circumstances of the case may admit of his affording.

I have, &c.,

R. W. HAY.

1832.
1 April.

[Enclosure.]

REV. DR. WRENCH TO VISCOUNT GODERICH.

My Lord, Salehurst Vicarage, 30 March, 1832.

I have the honor to acknowledge the receipt of your Lordship's packet, containing the correspondence respecting the debts of the Revd. C. P. N. Wilton, one of the chaplains in N. S. Wales.

I shall merely advert to two statements which Mr. Wilton has made. I think, without due caution. The first, that he had not been repeatedly applied to for the amount due to his creditors; this I have reason to believe is incorrect, for I have been informed by several of them that they had, as well before as after his departure from England, made such applications but without effect. The second is, that he was deprived of his cure by the sudden death of Mr. Archdeacon Sandiford. This I fear is also not quite correct; for Mr. Sandiford was between 70 and 80 years of age at the time of his death, which had been expected for some months, I might say *many months* previous to that event.

I have, &c.,

J. G. WRENCH.

Denial of statements made by Revd. C. P. N. Wilton.

UNDER SECRETARY HAY TO GOVERNOR BOURKE.

(Despatch per ship Clyde.)

Sir, Downing Street, 2d April, 1832.

2 April.

I am directed by Viscount Goderich to request that you will inform Mr. Girard, the person referred to in his Lordship's Dispatch to General Darling of the 28th December, 1830, that Mr. Girard's Letter of the 30th September last, in reply to one which was addressed to him by Lord Goderich's direction on the 5th January, 1831, has been received at this Department; but that his Lordship does not perceive any reason for altering the opinion which he has already expressed on his case, and that he cannot therefore consent to comply with his request that his complaints should undergo further investigation.

Refusal to reopen case of F. Girard.

I have, &c.,

R. W. HAY.

GOVERNOR BOURKE TO VISCOUNT GODERICH.

(Despatch No. 45, per ship Dryade; acknowledged by Viscount Goderich, 12th December, 1832.)

My Lord, Government House, 2d April, 1832.

The Legislative Council having appropriated the Revenue of this Colony for the present Year, according to the Bills which I have now the honor to transmit, it becomes my duty to Submit

Appropriation of revenue.

1832.
2 April.

to Your Lordship Some observations in explanation of certain items of expenditure and to point out the Sources from whence the Revenue is to be derived.

Amount appropriated.

The Bill, fixing permanently the Salaries of the Governor and Judges, disposes of ten Thousand pounds; The appropriation Act of £113,952 10s. 7d., making a total of £123,952 10s. 7d. as the Charge for the Year 1832.

Estimates of revenue.

To meet this charge, the following Sources of Revenue are calculated upon:—

Customs	£94,401 0 0
Internal Revenue	37,840 0 0
	<hr/>
	£132,241 0 0
	123,952 10 7
	<hr/>
	£8,288 9 5

The Revenue of the Year 1831 Amounted to £122,854 13s. There can be no doubt that a much more Considerable Sum will be raised this Year from the arrears due on Land than in the preceding. There is also in the Colonial Treasury a Sum amounting to £36,584 16s. 4½d., the balance of Revenue over Expenditure at the Close of the last Year; but the Claims of the Commissariat, between whom and the Colony there has been a running account Since the 1st Jany., 1828, will probably absorb the whole of this Sum.

Balance in treasury absorbed by claims of commissariat.

Margin in estimates of expenditure.

I should observe that the Estimates have purposely been taken rather high, and that there will be a balance in favor of the Treasury upon many of them. The reductions in the Department of Public Works and of the Master's Office in the Supreme Court will alone make a difference of near £2,000.

Items of fixed establishment and contingent charges.

I have in the annexed Tables brought Under Your Lordship's view the items of fixed Establishment and Contingent Charges, which have not been Authorised by the Secretary of State, but which I found it necessary to lay before the Council. All the Appointments on the Supplementary Establishment (that in the Customs only excepted) were made by my Predecessors; and I am of opinion they can not for the present at least be cancelled without prejudice to the public Service. It is possible that, when I have had time carefully to review the Several Departments of this Government, with reference to Your Lordship's Despatch of the 29th September, 1831, No. 27, that some further reductions, than those which I have alluded to in the foregoing paragraph,

Possibility of further deductions.

may be effected, but not for Some time to any important Amount. When the Survey of the Colony Shall have reached a greater State of forwardness, some Considerable diminution may be made in that very expensive Department.

1832.
2 April.

Your Lordship will perceive that the Sum of £400 only has been Voted for the Colonial Agent, the Council being of opinion that, as the Agent transacts the business of Van Diemen's Land as well as that of New South Wales, the former Colony Should be Charged with a portion of his Salary.

Appropriation
for salary of
colonial agent.

I beg leave to transmit a Resolution of Council, passed at the time of Voting the Sums required for the Roman Catholic Chaplain and Schools. I concur entirely with the Council in opinion that two additional Chaplains and Several Schools are required for the instruction of the large body of Roman Catholics in the Colony (nearly one third of the whole population), who are generally of the very poorest Class.

Chaplains and
schools required
for Roman
Catholics.

It will be necessary hereafter to Submit to Your Lordship for approval a New Schedule of fixed Contingencies. The present was formed when almost every Article, required for the Colonial Service, was obtained by Requisition on the Commissariat. This System being now changed and the Several Departments of the Colony required to provide for themselves, the fixed Contingencies are (nominally at least) much increased; but I anticipate a diminished Expenditure from the greater restraint imposed on the Departments in procuring the required Articles under the present System, and the lower prices at which those, which are actually necessary, will probably be obtained.

New schedule
required
for fixed
contingencies.

I have, &c.,

RICHD. BOURKE.

[Enclosure No. 1.]

[*This was a copy of the act of council 2 Gul. IV, No. 17.*]

[Enclosure No. 2.]

[*This was a copy of the supplementary estimates* for the year 1832.*]

[Enclosure No. 3.]

EXTRACT from the Votes and Proceedings of the Legislative Council, dated 6th February, 1832.

RESOLVED: "That His Excellency the Governor be requested to represent to the Right Honble. the Secretary of State for the Colonies the propriety of appointing two additional Roman Catholic Chaplains, and of allowing a further sum for the promotion of Education amongst the Roman Catholics of this Colony, and the willingness of the Council to appropriate such sum for these purposes, as shall be deemed proper by His Majesty's Government."

Necessity for
chaplains and
schools for
Roman
Catholics.

* Note 173.

1832.
3 April.

VISCOUNT GODERICH TO GOVERNOR BOURKE.

(Despatch No. 83, per ship Clyde.)

Sir,

Downing Street, 3d April, 1832.

Despatches *re*
published
remarks
by Revd.
J. D. Lang.

I have to acknowledge the receipt of Colonel Lindesay's Dispatches No. 4 and 5, together with one marked "Separate," dated respectively the 18th November last, relative to the Revd. Dr. Lang; also, of the Enclosures from Archdeacon Broughton and from the Commissioners for managing the Affairs of the Church and School Corporation, containing the representations which they have felt themselves called upon to make, in consequence of Dr. Lang having published observations reflecting on the Clergy of the Colony, which observations are to be found in a Letter which Dr. Lang addressed to me whilst in this Country.

Surprise at
publication of
letter by Revd.
J. D. Lang.

I feel it difficult to express, in adequate terms, my extreme regret at finding that any communication, addressed to this Department containing remarks of so objectionable a character, should have been allowed to pass as it were unnoticed; and I cannot easily convey to you my extreme surprize that Dr. Lang should have permitted himself to publish any document of this kind, which, even if it had not contained any matter liable to animadversion, was at any rate an Official Document, having been addressed to the Secretary of State, and ought not to have been made public without his permission.

Support for
Revd. W. G.
Broughton
and members
of church
corporation.

I can perfectly understand the feelings which must have arisen in the minds of all those who were the objects of this unmerited attack, on perusing the Passages which have now been recalled to my recollection, and to which, from their vagueness and want of accuracy, I at the time attached less importance than they have now acquired by the publication of them to the World; and I feel that I owe it to the Archdeacon, and to the other Members of the Church Corporation who have addressed me on this occasion, to testify without hesitation or reserve the conviction which I feel that great injustice has been done to them by the language employed by Dr. Lang, and the high sense which I entertain of the propriety and rectitude, which has marked their discharge of the important duties which they have been appointed to fulfil.

Treatment of
misconduct
of Revd.
J. D. Lang.

You may further assure them that, had I conceived it possible that Dr. Lang could have so far forgotten himself as to publish such an attack upon his reverend Brethren of the Church of England, at the very moment when he was about to receive at the hands of His Majesty's Government that bounty* which seemed to be due to the claims of the particular church at which he is at the head in New South Wales, I should certainly have withheld my consent from his application.

You will communicate this Dispatch to the Archdeacon and his Colleagues on the one hand, and to Dr. Lang on the other, acquainting Dr. Lang that the cause of religious peace and the efficacy of religious feelings cannot, in the opinion of His Majesty, be successfully promoted, if those whose duty it is to inculcate the former, and to cherish the latter, are unmindful of the sacred obligation which that duty imposes upon them of speaking charitably of their Neighbours.

I have, &c.,
GODERICH.

1832.
3 April.

Despatch to be communicated to interested parties.

GOVERNOR BOURKE TO VISCOUNT GODERICH.

(Despatch No. 46. per ship Dryade; acknowledged by Viscount Goderich, 11th October, 1832.)

My Lord, Government House, 3rd April, 1832.

In conformity to the instructions Contained in Your Lordship's Despatch of the 27th September last, No. 27, I have reduced the Department of Public Works in this Colony by cancelling the following Appointments from the 1st inst., Vizt. :—

Reductions in department of public works.

Director of Public Works	£700	0	0	pr. an.
1 Superintendent of Works	220	0	0	
1 Storekeeper	108	10	0	
1 Superintendent of Carpenters ..	108	10	0	

Total £1,137 10 0

I have caused most of the Convict Mechanics and Labourers in the Lumber Yard to be assigned, and gave the Stores over to the Deputy Commissary General, proposing hereafter to execute all Considerable Works and repairs by Contract. I have placed under the Surveyor General the Gangs employed in forming and repairing the Streets and Roads in and near Sydney; but I have kept the charge of the Public Buildings and their furniture, and the duty of preparing Plans and Specifications and of Superintending all Works executed by Contractors in a Separate Department.

Rearrangement of department.

I have Selected Some of the most efficient Persons from the late Department of Public Works to discharge the Duties I have mentioned, and propose that there Shall be:

New department established.

- One Architect;
- One Clerk of the Works, Sydney;
- One Clerk and Storekeeper, do.;
- One Clerk of the Works, Bathurst;
- One Clerk Storekeeper, a Convict at a low Salary, do.;
- One Overseer, Newcastle,

with a Small Number of Convict Mechanics of the most necessary

1832.
3 April.

Trades and Convict Labourers at each place, for the purpose of making Such trifling repairs in the Public Buildings as it would not be possible nor a Saving to Contract for.

Appointment
of A. Hallen
as architect.

Mr. Ambrose Hallen, whom I have Appointed Architect with a Salary of £400 a Year, held the office of Town Surveyor and Architect at £375. He would in the next year have been entitled to £400 a year; but, in Consideration of his taking Charge of the New Department from the 1st of March last, I have given him the Salary of £400 (which is to be the Maximum) from that period. The other Persons, whom I have Selected, retain their former Salaries.

Gratuities for
retrenched
officials.

Of the Persons removed, the Superintendent of Works and Supt. of Carpenters receive one Year's Salary each. The Store-keeper receives two Years, These retired allowances having been made in Conformity to Your Lordship's instructions. Captain Wilson the Director having been removed as an Insolvent and having applied for nothing more than an allowance to provide his Passage to England, I have directed him to receive one hundred Pounds.

I trust Your Lordship will Signify Your approval of the foregoing arrangements, that the appointments may be placed on the fixed Establishment of the Colony and the gratuities admitted in account.

I have, &c.,

RICHD. BOURKE.

VISCOUNT GODERICH TO GOVERNOR BOURKE.

(Despatch No. 84, per ship Clyde.)

4 April.

Proposed forage
allowance for
P. Lindesay.

Sir,

Downing Street, 4 April, 1832.

I have received General Darling's Dispatch No. 89 of the 19th of October last, recommending that an allowance for two Horses, at the rate of 2s. 6d. a day each, should be granted from the Revenues of the Colony to Colonel Lindesay.

This separate allowance, on account of Forage, appears to have been made to Colonel Lindesay upon the ground of his having been subjected to much expence in consequence of his being a Member of the Executive as well as of the Legislative Council, and in consideration of his having found it necessary to keep a carriage for the due support of his station, and the better to enable him to attend the Executive Council, when suddenly required to do so.

Previous
application by
P. Lindesay.

Sir George Murray, in the Dispatch which he addressed to General Darling on the 8th of November, 1829, when a similar application to the present was received in favor of some extra allowance being made to Colonel Lindesay on account of the

duties which he had to perform as Member of the two Councils, entered so fully into the reasons which induced him to withhold his consent to any additional allowance being made to that Officer, that I need not repeat them in this despatch. But, without any disparagement to Colonel Lindsay's Services in the above Civil Capacity, I am sorry to state that it is out of my power to take a different view of his Situation from that in which it was regarded by my Predecessor; and you will therefore call upon that Officer to refund any sum which he may have received in pursuance of the arrangement which General Darling reports, in his dispatch of the 19th of October, to have taken place.

1832.
4 April.

Refusal of allowance.

Refund required from P. Lindsay.

I have, &c.,
GODERICH.

GOVERNOR BOURKE TO VISCOUNT GODERICH.

(Despatch No. 47, per ship Dryade; acknowledged by Viscount Goderich, 13th October, 1832.)

My Lord, Government House, 4th April, 1832.

I have the honor to transmit herewith for Your Lordship's Consideration the Copy of a Memorial addressed to me by Major General Stewart.

Transmission of memorial.

Your Lordship will perceive that General Stewart's object is to obtain an extension of time for the payment of the purchase Money due upon Lands granted to him. This request I have not Considered myself authorised to Comply with, unless I shall receive Your Lordship's Commands to that effect. I have not given General Stewart any reason to expect that his application will be favorably received. I have further to add that I do not Consider it would be advantageous to adopt General Stewart's Suggestions for a revision of the regulations Under which the Crown Lands are to be Sold.

Deferred payments requested by W. Stewart.

Objections to revision of land regulations.

I have, &c.,

RICHD. BOURKE.

[Enclosure.]

THE Memorial of Major General William Stewart of His Majesty's Service.

Memorial of W. Stewart.

To His Excellency Major General Bourke, Captain General, Vice Admiral, and Governor in Chief of the Territory of New South Wales, etc., etc., etc.

Most respectfully Sheweth.

That, in the Year 1825, while Lieut. Governor of this Colony. Your Memorialist obtained special permission from Lieut. General Sir Thomas Brisbane, then Governor in Chief, to become the purchaser of Crown Land to the extent of 9,600 Acres, at such price as it might be valued at by the King's Three Commissioners then appointed for the valuation of Crown Lands. That, in consequence of that Governor's departure soon after for England whereby the temporary Government of the Colony devolved on your

Permit for purchase of land.

1832,
4 April.
Land acquired
by W. Stewart.

Memorialist), he was precluded from selecting the Land* in question until the 1st of July, 1827, when he got possession of it on Rent with a view to purchase, under the authority of His Excellency Lieutenant General Darling, the late Governor, together with 2,560 adjoining Acres in addition, also on Rent, until His Majesty's pleasure should be known, and at the same time, in obedience to Instructions from The Right Honble. Earl Bathurst, then Secretary of State for the Colonies. Your Memorialist received a Grant of 3,200 Acres, adjoining to the Land he intended to purchase; and, after having expended a considerable sum in stocking those Lands with a superior breed of Sheep and Cattle, he was called on to embark in the Command of his Regiment for India, from whence he has just returned to the Colony.

Conditions for
purchase of
land.

That, at the time when Your Memorialist first obtained permission to purchase Crown Land, it was generally understood that, on paying ten per Cent. of the price, a period of twenty Years would be allowed for paying up the remainder in such portions as might best suit the convenience of the purchaser.

Alteration in
system of
payment.

Since Your Memorialist's return however to the Colony, he has learnt with concern that alterations of a most embarrassing nature have been made in the terms of payment, such indeed as very few Individuals in this Young Colony have the power of complying with; in short he is informed that Instructions have been lately received from England, authorising the demand of prompt payment for all Crown Lands that have been or may be disposed of. Your Memorialist is fully aware of the noble effort, now carrying into operation by His Majesty's Ministers throughout the whole British Empire, to lessen the National Burdens, and he has no doubt the pursuit of that important object has inadvertently induced the adoption of the measure in question. It cannot, however, fail to be the unbiassed and deliberate opinion of every well informed Person, who is sufficiently acquainted with the real state of the Colony and with the general want of Capital that prevails, that no measure could be more likely to defeat the end in view, or more distressing to those it affects; a conclusion which will be sufficiently evident to Your Excellency, when it is known to you that the Command of the small portion of Capital, which is available here, is confined to a few Individuals, and that from 20 to 25 per cent. as Interest is demanded and given for the loan of Money. Any Coercive measure, therefore, which might be resorted to, could not fail to end in the ruin of numbers, without benefit to the Revenue, and, in a community like this, it would most assuredly excite much hostility to Government.

Probable
effect of
alteration.

Your Memorialist indeed is fully satisfied that a conviction of the impracticability of the measure induced Your Excellency to the adoption of the Government Notice,† promulgated on the 9th Ultimo, and which has in a great measure allayed the ferment that existed on the subject; but Your Memorialist trusts he may be allowed to observe that, altho' the extension of the period of payment so judiciously granted by that Notice will be a great relief to, and may perfectly answer the purposes of those who have only arrears of a small amount to pay up, still to those who have large sums to pay for Land, and who have now to commence paying their first Instalment in addition to the deposit of ten per cent. demanded on the whole price, he greatly fears compliance will be impracticable to a great number at so short a notice.

* Note 175.

† Note 176.

The great object in view evidently appears to be the attainment of a regular and permanent increase of the Colonial Revenue from the Sale of the immense tracts of Crown Lands in this Country to meet the growing Colonial Expenses. It, therefore, becomes important to ascertain by what modification of the existing regulations this highly desirable object could be best accomplished. In your Memorialist's humble opinion, the more simple and permanent such a Regulation could be made, the more effectually it would promote the end in view. If duly encouraged by permanent and practicable Regulation, sufficiently simple to be understood by all, the great Body of Emigrants and Colonists of moderate Capital would become extensive purchasers; but, to people of that description, and even to purchasers of the higher Class, Nothing can be more embarrassing, or can more effectually discourage them from speculations of that nature, than the sudden and unexpected changes in the Land Regulations and terms of payment, which have so frequently occurred of late Years. As the prosperity of the Colony in a great measure depends on the adoption of a permanent, simple and well digested System, it certainly merits deliberate and serious consideration; and the most competent Judges are undoubtedly those, who possess much local Information, and have the most perfect knowledge of the real Interests of the Colony.

While President of the Land Board here for nearly three years, Your Memorialist formed the following opinion relative to the terms of payment, which ought to be held out to purchasers of Land, as likely to suit their Interests and at the same time afford a regular and growing aid to the Colonial Revenue. After mature reflection, he is now more confirmed than ever in the Opinion that, if adopted as a permanent Regulation, it would not only pacify the general discontent, which at present exists on the subject, but he is also satisfied that, if promulgated in India, it would induce a number of Old Officers, with Families of the East India Company's Army to settle and become Purchasers of Land in these Colonies. The modification he respectfully begs leave to submit is briefly as follows, Viz. :—That the purchasers of Land should only be required to pay down 20 per Cent. as the first Instalment of the Price on getting possession; that Warrants of Attorney should be lodged with the Colonial Secretary for the regular payment of the remainder by annual Instalments of Ten per Cent., at those periods of the Year when the produce of the Lands could be most advantageously brought to Market; and, if the existing minimum price of Five Shillings per Acre should be continued (which all parties consider too high), in such Case no Interest ought to be chargeable on the Price, provided the Instalments are duly and regularly paid up. Your Memorialist is decidedly of opinion that a plain and simple alteration of this nature would not only give general satisfaction to all reasonable persons, but would also prove a very efficient mode of materially increasing the Colonial Revenue. Being however resolved carefully to avoid having any share in the public agitation of such a question, he sincerely hopes it will not be deemed intrusive on his Part to have adopted this mode of making known to Your Excellency his private Opinion on the subject; and he trusts it will be the more excuseable, as he is himself a party seriously interested in the decision which may ultimately be given.

Your Memorialist, on this occasion, cannot in common Justice to himself refrain from making known to Your Excellency that his

1832.
4 April.

Proposed
modification
of existing
regulations.

1832.
4 April.

Expenditure
by W. Stewart
on land.

hitherto unfortunate speculation in Land at Bathurst has already been productive of an expenditure of nearly £5,000 Sterling, as yet almost without any return whatever, and without any part of the price being paid. A principal cause of this large expenditure (as is too generally known) has resulted from the heavy expense (a sum nearly equal to half the price of the Land), Which has been incurred by Memorialist's Agents in feeding and Clothing a number of Prisoners of the Crown, assigned to service on his farm, during a period of Three Years and a half, when almost a total failure of Three Crops of Grain in succession took place in the Colony, from a continuance without intermission of extreme drought during that long period of time, and in consequence of which a general scarcity, bordering on actual Famine, would have ensued, had not extensive importation of Grain been made at high prices. The unfortunate result of that scarcity has been that Your Memorialist's Agents were compelled, during his absence, to bring to sale Thirty five Shares of his Stock in the Bank of Australia, exclusively of the expenditure of several other sums of Money which had been intended for paying the price of the Land.

Request for
extension of
time for
payment for
land.

Under all these unfortunate occurrences, and as so large a sum has been expended in the maintenance of Prisoners of the Crown during the long period of scarcity referred to, and at a time when their services were totally unproductive and useless to Your Memorialist, he now confidently hopes Your Excellency will, on that account, consider him as justly entitled to some indulgence in point of time in making payment of the large sum of Money now charged against him for the purchased portion of his Land. He is ready and willing to make payment of Twenty per cent. of the whole amount as a first Instalment, and will deposit a Warrant of Attorney with the Colonial Secretary, binding himself to pay off the remaining Portion of the Price by annual Instalments of Ten per Cent.; and, if this proposition be acceded to, he will, notwithstanding, most probably pay it off by Yearly Instalments of Twenty per Cent.; altho' he would not wish to bind himself in a Warrant of Attorney, Otherwise than by Yearly Instalments of Ten per cent., as to that extent it could be paid off every succeeding Year with the Utmost punctuality.

Effect of refusal
of request.

Should Your Excellency feel authorised to accede to this solicitation on the part of Your Memorialist, he will in such Case be able to retain all the Land he has in possession; but, if it should be decided otherwise, and the Terms of the Government Notice of the 9th Ultimo be strictly enforced, in that event, as he has just arrived in the Colony without any previous intimation of so heavy a demand being made on him, And as he has not time to avail himself of his resources at home, he will be under the necessity of relinquishing a portion of his purchased land. Under such an Alternative however, Your Memorialist entreats Your Excellency will do him the favor to transmit this Memorial, with your favorable notice of it, for the Consideration of My Lord Goderich, Principal Secretary of State for the Colonies, who, he is fully satisfied, will give the subject of it that degree of minute attention, which is so important to the welfare and prosperity of the Colony, entrusted to Your Excellency's Administration.

Request for
transmission
of memorial
to England.

Which is most respectfully submitted by

WILLIAM STEWART, Major General.

Sydney, New South Wales, 27th February, 1832.

GOVERNOR BOURKE TO VISCOUNT GODERICH.

1832.
5 April.

(Despatch No. 48, per ship Dryade; acknowledged by
Viscount Goderich, 13th October, 1832.)

My Lord, Government House, 5th April, 1832.

I have the honor to enclose for Your Lordship's Consideration the Copy of an application, lately made to me by Captain Maxwell of the Madras Army under the following Circumstances:—

Request by
G. Maxwell
for land grant.

On the 31 of July, 1831, Captain Maxwell arrived in Sydney from India, having retired from E. I. Company's Service with a view to Settle in this Colony, and Under the impression that he would receive Land on the Conditions of the Regulations in force at the time of his departure. On the first of the Month on which Captain Maxwell arrived in Sydney, the New Regulations prohibiting the alienation of Crown Lands except by Sale were published, and he was therefore refused a grant upon the Ancient terms. He now urges his Claim for Land on these Terms from the fact of the New Regulations not having reached India at the time of his departure. I have not Considered Myself authorised to accede to his application and request Your Lordship's Commands.

There are other Persons Similarly Circumstanced, and Your Lordship's decision on one Case will be regarded as the rule for all.

I have, &c.,

RICHD. BOURKE.

[Enclosure.]

CAPTAIN MAXWELL TO COLONIAL SECRETARY MACLEAY.

Sir, Sydney. 15th December, 1831.

I have the honor to request you will have the goodness to lay before His Excellency the Governor the following application:—

Being induced to retire from the Honorable East India Companies Military Service with a view of obtaining a Grant of Land in New South Wales, I arrived at Sydney on the 31st of July last; but, on applying to the late Governor for the said Grant, it was refused me as not being conformable to the new Regulations for the disposal of Government lands, put in force in this Colony about a month previous to my arrival in it, and of which I could not be aware of; may I request, therefore, His Excellency will have the goodness to take into consideration the peculiar nature of my case; and, should it appear to him to authorize a deviation from the general system, I beg he may grant me (2,560) Acres of Land under the conditions formerly stipulated by Government.

Request by
G. Maxwell
for relaxation
of regulations.

I have, &c.,

GEO. MAXWELL, Captn., Madras Army.

1832.
6 April.

VISCOUNT GODERICH TO GOVERNOR BOURKE.
(Despatch No. 85, per ship Clyde.)

Sir, Downing Street, 6 April, 1832.

Despatches
acknowledged.

My Under Secretary has laid before me General Darling's Letters of the 10th September, and 1st October, 1831, the first conveying the Information which he was requested to obtain as to the quantities of Flax, which could be procured at New Zealand; the second, reporting that the Flax Plant, the same as that which grows at New Zealand, may be procured in any quantity at Norfolk Island.

Objects of
inquiries *re*
flax.

The object, which His Majesty's Government had in view by the Enquiries contained in the Letter from this Department, to which one of the Communications above referred to is in answer, was merely to obtain as much Information as possible in respect to an Article, which at some future period may be made available for purposes in this Country to which the Flax of other Nations is now applied. I have therefore no particular Instructions to convey to you at present upon this subject, so far as regards the flax produced at New Zealand. But as the discovery lately made by Captain Sturt at Norfolk Island is one which may ultimately prove of great importance to New South Wales, I am of opinion that the growth of the Flax Plant at that Island, as well as in any other of the dependencies of the Colony, is well worthy of attention. In any efforts, however, which may be made to bring its culture to perfection, care must be taken that the Colonial Government do not become connected in any manner with such a speculation, and that it does not render itself responsible for any Losses incurred by Individuals who may be induced to embark in it. On the other hand, it will be proper that every reasonable encouragement should be given to those who may be desirous of turning their views to the cultivation of this article at Norfolk Island, and there will be no objection to such assistance being afforded, in the first instance, as may enable them to ascertain whether, from the quantity and quality of the Plant in its natural state, it is likely to become a source of profit in reference to the outlay of Capital which may be required at the commencement of the Speculation. I have, &c.,

GODERICH.

GOVERNOR BOURKE TO VISCOUNT GODERICH.
(Despatch No. 49, per ship Dryade; acknowledged by
Viscount Goderich, 3rd October, 1832.)

9 April.

My Lord, Government House, 9th April, 1832.

Progress in
collection of
arrears on
land grants.

I think it right at this time briefly to State to Your Lordship what progress has been made in Calling in the Arrears due to the Crown upon Land granted in this Colony, and the effect

of the general Settlement of the various descriptions of Grants proposed by General Darling, in the Regulations published by him and reported to Your Lordship in his Despatch of the 28th September last, No. 81.

1832.
9 April.

In those Regulations, it is, I think, assumed as a principle that, from the 1st of July, 1831, when the last Instructions for the Sale of the Crown Lands were published, all former Grants held Under Conditions not then fully Completed Should be placed under the New Regulations, and the Land be Charged with the Minimum rate of five Shillings per Acre, the instalments and times, at which the price Should be paid, being given in detail. Credit is allowed for any Sums previously paid down, but the Quit Rent, which is reserved in Some Cases After the price of five Shillings per Acre Shall have been paid for the purchase, is not given up.

Regulations
re disposal
of lands.

The Regulations, and the declared intention of disposing of the Crown Lands in future by Sale only at the Minimum rate of five Shillings per Acre, appear to have Caused Considerable Alarm and discontent in the principal Proprietors of Land and their Friends and followers in the Colony. Public Meetings had been called and Petitions prepared deprecating the proposed System, but none actually agreed to or passed at the time of my arrival, it having been resolved to defer the adoption of the proposed measures Until it should be ascertained whether I was the bearer of fresh instructions, mitigating in any way what those Gentlemen considered to be severe in the last.

Opposition to
regulations.

Upon looking into the terms imposed by my Predecessor on those Persons who were in arrear, and hearing the opinion of the Collector of Internal Revenue on the Subject, I became Convinced that the Completion of the purchases at the rate of five Shillings per acre, within the time prescribed, was not to be expected. The Sum to be paid by about 120 individuals amounted to more than £50,000, and they were allowed no longer time than to the 30th June of this Year. I therefore thought it right to bring the Matter before the Executive Council, and, in accordance with the Suggestions of the Collector of Internal Revenue, an extension of the time allowed for payment was determined on, and the amount due required to be discharged in three installments, Vizt., on the 31st March, 1832, 1833 and 1834. These periods were fixed as the most convenient for the Proprietors, who, being principally Graziers, receive the Monies arising from the Sale of Wool usually in the Month of March.

Objections to
collection of
payments on
due date.

Extension
of time for
payment.

This extension of time to the ancient Grantees was made known on the 9th of January last, Some days before the adjourned Public Meeting of the Colonists was to be held. A copy of the

1832.
9 April.

Effect of
extension
of time for
payments.

Government Notice* is Sent herewith. The effect produced was the abandonment of the proposed Petition, and I have reason to hope no further opposition will be made to the New System of Sales. Already a Considerable Sum £5,038 0s. 10½d. has been paid in of the first instalment; and although there may be some failures, Some Complainants and perhaps some Litigants, yet I contemplate a very large portion of the long outstanding arrears will be quietly got in within the prescribed time, an advantage which I am thoroughly convinced could not have been obtained in any other way. I should add that, if in failure of payments the Crown had to appear in Court to enforce them, or to effect a resumption of the Land, a hard Contest would ensue, the feelings of the Court, of the Assessors and Jurors being all on the other Side.

Policy to
be adopted.

As it is, I am not sure that every person, who obtained Land Under Ancient regulations, will acquiesce in the terms prescribed by General Darling in the last Year. I propose however not to make any Change of principle. What I have lately done has been an extension of time only. I shall not indeed refuse to lay before the Council, or to refer for Your Lordship's decision, any cases of particular hardship, if requested so to do; but it is my intention to maintain as much as possible the regulations promulgated by my Predecessor.

Proposed
remission of
quit rents on
lands purchased.

Upon the whole I hope the old Systems will be closed and the New one introduced with less difficulty than was at first apprehended. It will be right, I submit as An Act of Grace, upon the payment of the last instalment of the purchase Money at 5s. per Acre, to forego the Quit Rent payable by one Class of Grantees to whom I have alluded, namely those to whom Lands have been Sold Under the regulations of the 5th November, 1823, and are Subject to a Quit Rent of two Shillings on every hundred Acres. This remission will place those persons upon the Same footing as the Purchasers at the Minimum rate Under the present Regulation.

I have, &c.,

RICHD. BOURKE.

P.S.—The Annual Amount of those *Quit Rents* is £700.

GOVERNOR BOURKE TO VISCOUNT GODERICH.

(Despatch No. 50, per ship Dryade; acknowledged by
Viscount Goderich, 10th December, 1832.)

10 April.

Reference of
claim of
H. Macarthur.

My Lord,

Government House, 10th April, 1832.

I regret that I should be obliged to trouble Your Lordship with the long and perplexed case, which accompanies this Despatch. It is one which the Majority of the Executive Council

desired to refer for Your Lordship's decision, as the question lies between the Crown and an Individual and involves the payment of what may be Considered a large Sum in this Colony, and as one of the principal facts of the Case, upon which this individual relies, Can only be determined by reference to the original document in Downing Street.

1832.
10 April.

The question is Simply this, whether Mr. Hannibal MacArthur Shall hold from the Crown fifteen thousand Acres of Land at the Annual Quit Rent of twopence per Acre, or whether he Shall purchase them at the rate of five shillings per Acre. Problem involved.

The former terms are claimed by Mr. McArthur; the advantage he would derive from them may be thus stated. Supposing the Quit Rent of twopence per Acre to be redeemable at twenty Years' purchase, the price of the Land would be but 3s. 4d. per Acre, instead of five Shillings. The difference on fifteen thousand acres amounts to £1,250. Amount involved.

I have endeavoured to make the Case as brief as possible without being obscure. Perhaps I should have stated that Mr. MacArthur's Claim to hold the Land at two pence per Acre Quit Rent is founded upon the Regulations of November, 1824, published in Downing Street, Under which, as being the Regulations then in force, His Brother applied to Lord Bathurst for his large Additional Grant, and received a favorable answer. Those regulations fixed the Quit Rents at five per Cent. on the Value of the Land. It was at that time proposed that all the Land in the Colony should be Valued by Commissioners. This was never wholly effected. I cannot discover that this Land held by Mr. McArthur was ever Valued; but in assuming its Value in the Year 1825, or at the present time, at 3s. 4d. per acre, the rate is Sufficiently high. Most of the Land, which was Valued by the Commissioners, was rated at three Shillings only. Basis of claim by H. Macarthur.

I have &c.,

RICHD. BOURKE.

[Enclosure No. 1.]

STATEMENT OF CLAIM OF MR. H. MACARTHUR.

IN the latter end of the year 1825, Mr. Charles MacArthur applied to Earl Bathurst for additional Grants of land in New South Wales for himself and Brother, Mr. Hannibal MacArthur, and with such success that, on the 11th October, 1828, Earl Bathurst addressed a letter to Lieut. General Darling, then Governor of the Colony, containing his consent to a Grant in favor of Messrs. MacArthur to the extent set forth in Mr. Charles MacArthur's application, of which his Lordship enclosed a copy.

Statement of claim of H. Macarthur.

Mr. C. MacArthur having died soon after, some time was lost in prosecuting their claim, which Lord Bathurst sanctioned, and, after some discussion and correspondence, Lieut. General Darling

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10 April.
—
Statement
of claim of
H. Macarthur.

agreed to give him an additional Grant of 15,000 Acres as his own and deceased Brother's portion, besides confirming a purchase of 5,000 Acres allowed to Mr. H. MacArthur by Governor Sir Thomas Brisbane. See letter of the Colonial Secretary of February 26th, 1829, and Mr. MacArthur's reply of the 3rd March following.

In this letter of the Colonial Secretary, Mr. MacArthur is informed, he is to take his purchase, and his additional grant, under the regulations of the 23rd October, 1828, being a regulation applicable to persons, who agreed in 1823 to *purchase* land from Sir Thomas Brisbane at the rate of 5s. per acre, payable in six half yearly instalments; which, having omitted to do, this regulation required the payment of 1s. 8d. only, and substituted a Quit rent of 2d. per Acre, in lieu of the remaining 3s. 4d. It should be observed that Mr. MacArthur had purchased 5,000 Acres from Sir Thomas Brisbane at the rate of 5s. per acre, but the 15,000 Acres were an additional Grant ordered by Lord Bathurst in 1825.

Upon the receipt of the instructions for the sale of Crown Lands, General Darling, apprehending all former regulations which required the sanction of the Secretary of State to be thereby annulled, published, with the concurrence of the Executive Council, new regulations* under date the 1st July, 1st and 25th August, 1831; by the last of which persons, holding land under the regulations of the 23rd October, 1828, are informed that these conditions cannot be carried into effect, and that they must complete their purchase at 5s. per Acre, or give up the land.

To this arrangement Mr. H. MacArthur objected with respect to his additional Grant of 15,000 Acres, stating that he had not purchased *those* from Sir Thomas Brisbane, and that, in accepting General Darling's proposal to hold them under the regulations of 23rd October, 1828, he conceived he held them at the rate of 2d. per Acre Quit rent only, and free from the claim of 1s. 8d. per Acre to be paid down, which he supposed to apply to his purchased land alone. He claimed to hold his additional Grant under the conditions in force, when Lord Bathurst ordered the Grant, and which would place him under a rent of 2d. per Acre.

General Darling, with the concurrence of the Executive Council, refused this claim of Mr. MacArthur's, thereby retaining him under the conditions of those persons, who had agreed to purchase from Sir Thomas Brisbane at 5s. per acre. See Minute of Executive Council, and Colonial Secretary's letter of 23rd September, 1831.

Subsequently there was made known to General Darling the probability of a mistake having been made in the copy of Mr. Charles MacArthur's letter to Lord Bathurst, dated 27th September, 1825, and enclosed in Lord Bathurst's to General Darling dated 11th October, 1825, upon which the claim to an additional Grant is altogether founded.

The supposed mistake is in the Postscript. The original is said by Mr. MacArthur to run thus:

"Messrs. H. and C. MacArthur have possession of 15,000 Acres of land in Eden Forest, County of Argyle, surrounding the grant of 1,000 Acres given by the late Governor McQuarie. Their shepherd's huts and sheep stations are established on different parts of it, and, in consequence of finding it unequal to the support of their sheep and cattle, they have been obliged to remove the latter. *This tract they now solicit to have confirmed by Grant.*

* Note 178.

"The tract of 5,000 Acres lies between two farms of Messrs. H. and C. MacArthur in the Cow pastures, which from their limited extent are at present unavailable for pasturing sheep."

1832.
10 April.

Statement
of claim of
H. MacArthur.

Whereas the copy is as follows:—

"Messrs. H. and C. MacArthur have possession of 15,000 Acres of land in Eden Forest, County of Argyle, surrounding the Grant of 1,000 Acres given by the late Governor McQuarie. Their shepherds' huts and sheep stations are established on different parts of it; and, in consequence of finding it unequal to the support of their sheep and cattle, they have been obliged to remove the latter.

"This tract of 5,000 Acres lies between two farms of Messrs. H. and C. MacArthur in the Cowpastures, which, from their limited extent, are at present unavailable for pasturing sheep."

The effect of which induced General Darling for some time to resist Mr. MacArthur's claims, and, when he granted the land under the same regulations as those which were meant as an indulgence to those persons who had purchased from Sir Thomas Brisbane, to think that he had acted generously by Mr. MacArthur.

This being made apparent to General Darling just before his departure, he appears to have advised a reconsideration of Mr. MacArthur's case.

The subject was accordingly brought before the Executive Council on the 30th March, 1832. Little doubt was entertained by the Council that a mistake had been made in the copy of the post-script of Mr. C. MacArthur's letter, and that it had operated unfavorably on his claim; and the Council were of opinion that, as Mr. MacArthur had accepted the regulations of 23rd October, 1828, though certainly inapplicable to his case, he was bound to abide by those regulations; but, as there now appeared reason to suppose that, in consequence of an omission in the transcript of Mr. Charles MacArthur's Memorial (enclosed in Lord Bathurst's Despatch to General Darling of 11th October, 1825), the intentions of the Secretary to grant himself and Brother 15,000 Acres had not been fulfilled, they recommended that the whole case should be referred to the Secretary of State with a view to its being placed on the footing, which, upon a review of all the circumstances, His Majesty's Government shall deem most equitable; and that, in the meantime, Mr. H. MacArthur should not be called upon to pay up the instalments due upon the land in question.

[Appendix No. 1.]

[This was a copy of Earl Bathurst's despatch to Governor Darling, dated 11th October, 1825, with its enclosures; see page 68 et seq., volume VII.]

[Appendix No. 2.]

Copy of a Letter from the Colonial Secretary to Hannibal MacArthur, Esquire, dated

Sir, Colonial Secretary's Office, 26th February, 1829.

I am directed by the Governor to acknowledge the receipt of your Letter of the 16th instant, recapitulating such particulars, as you are acquainted with, of the Correspondence between your late Brother and the Secretary of State, relative to your Application for Land by Additional Grant and purchase, and enquiring whether His Excellency will confirm a Grant of Fifteen thousand Acres which you understood to be approved by Lord Bathurst, or will allow you as your Brother's representative to avail yourself of the full permission to purchase, conveyed to you respectively on 7th April, 1827, or will restrict you to the quantity specified for yourself and also Five thousand Acres also understood to have been approved by the Secretary of State.

In reply, I am directed to inform you that His Excellency did not understand, until the receipt of this Communication, that the application, made by your Brother

1832.
10 April.

Interpretation
of instructions
by R. Darling
re land for
H. and
C. Macarthur.

and yourself to the Secretary of State, was for a Grant of Fifteen thousand Acres, nor does it appear to have been so from the Letter which you addressed to Earl Bathurst on the 27th September, 1823, and on which His Lordship's Instructions are founded. Your request, as specified in that Letter, is to the following effect, viz:—

“In addition to the Grant of Land, which we respectfully submit we are entitled to in Conformity with the general Regulations of November, 1824, we beg to request your Lordship's permission to purchase Five thousand Acres in order that we may be enabled to Continue in possession of the Land we now occupy.”

And, as the Regulations of November, 1824, to which you allude, authorised Grants without purchase to the extent of Two thousand and five hundred and Sixty Acres only, His Excellency felt himself restrained from exceeding what those regulations permitted, and Concluded that the joint purchase of Twelve thousand four hundred Acres, authorised on the 7th April, 1827, added to the Five thousand Acres authorised by Sir Thomas Brisbane, would fully enable you to Continue in possession of the Land you occupied at the time you wrote to the Secretary of State.

By the Regulations alluded to, the largest quantity of Land, which any private Individual is allowed to obtain from the Crown, is—

by Grant	2,560 Acres	} Total	12,160 Acres.
by purchase	9,600 „		

And upon this were Calculated the quantities respectively assigned to your Brother and yourself, on 7th April, 1827, namely:

<i>Mr. Hannibal MacArthur—</i>		Acres.	Acres.
Former Grants		4,020	
Purchase authorised by Sir T. Brisbane		5,000	
		—	9,020
Additional purchase authorised 7th April, '27			3,140
		Acres	12,160
<i>Mr. Charles MacArthur—</i>			
Grants			2,800
Purchase authorised 7 April, 1827			9,360
		Acres	12,160

In reply therefore to your enquiries, I am directed to add,

1st. That, as above stated, it does not appear to His Excellency that any Grant of Fifteen thousand Acres has been applied for to Earl Bathurst or approved by him.

2nd. That His Excellency has no wish to avail himself of your Brother's death to withdraw the permission before given, and that you will be admitted therefore as his representative to become a candidate for the 9,360 Acres authorised in his favor.

3rd. The third enquiry is answered by the last, but it may perhaps be necessary to observe that, by an error in my former Letter, you received authority for one hundred Acres too little, the quantity should have been 3,140 instead of 3,040.

I accordingly do myself the honor to enclose the usual printed reference to the Surveyor General for authority to select the two quantities specified, and am directed to add His Excellency's hope that this arrangement will enable you to obtain every object which you had in view.

I have, &c.,
ALEX. MCLEAY.

COPY of a Letter from Hannibal MacArthur, Esquire, to the Colonial Secretary, in reply to the foregoing, dated

Sir, Vineyard Cottage, 3rd March, 1829.

Acceptance of
conditions by
H. Macarthur.

I was honored by the receipt of your Letter of the 26th Ultimo, this day, in reply to my application to His Excellency the Governor, respecting my claim for a Grant of Land in extension or reserve for purchase. And I have now the honor to request you will be pleased to express my entire satisfaction, in the arrangement His Excellency has made in my favor; and, through you, I would beg to assure His Excellency that the Kind Condescension, with which he has been pleased to take the whole of my case into consideration will ever be gratefully remembered by myself and family.

I have, &c.,
H. H. MACARTHUR.

[Appendix No. 3.]

COPY of a Government Notice, dated

Colonial Secretary's Office, 23rd October, 1828.

Notice re
modification of
terms on lands
purchased.

THE individuals, who obtained Lands as purchases previous to the departure of the late Governor, but who have not yet paid for the Lands so obtained, are hereby informed that the following modification of the Terms has been recommended to His Majesty's Government; that is, that, instead of the parties paying up the full Sum of five shillings per Acre, according to the Conditions on which they received the Lands in question, an Annual Quit-rent of Two pence per Acre be substituted (which is the interest on three shillings and four pence at five per Cent.); and

further, that they pay into the Office of the Collector of Internal Revenue the difference between three shillings and four pence, and the sum due by them on this Account. As, in most Cases a Deposit of Ten per cent. or six pence per Acre was paid by the parties, the Sum remaining due under the proposed arrangement is one shilling and two pence per acre, which Sum, those, who are desirous of availing themselves of the indulgence now held out, are required to pay to the Collector of Internal Revenue by the first of January next, and to take up their Bills to that Amount. Bills, for the balance due under the original conditions, will be retained in the Treasury, until it is ascertained whether the Secretary of State will approve of the arrangement which has been submitted to His Majesty's Government.

1832.
10 April.

Notice re
modification of
terms on lands
purchased.

2. Various Applications to rent Land with a view to purchase having been received, while the Regulations notified in the Government order of the 21st August, 1828 (No. 26) were under consideration, and these Regulations differing materially from those previously in force, the Parties are informed that the applications alluded to cannot now be acted on.

3. Persons applying to purchase Land will be required, under the Instructions of the Secretary of State, to satisfy the Governor that they have improved all such Land, as they may have previously received, to the full amount of the Estimated value of the same, and that they possess besides Capital equal to the purchase and improvement of the additional Land which they are desirous to obtain.

4. It is further notified, with reference to the Government Notice, dated the 7th May, 1828, that the applications of persons to rent or purchase Land, who are in Debt to the Government, cannot be Complied with, and will not be replied to.

By Command of His Excellency the Governor,
ALEXANDER MCLEAY.

[Appendix No. 4.]

EXTRACT from a Government Notice, dated

Colonial Secretary's Office, Sydney, 25th August, 1831.

THE Governor directs it to be notified, with reference to the Government Order of the 1st Instant, No. 22, detailing the "Land Regulations," and the Government Notices of the same date relating to "Leases" and to "Lands rented with a view to purchase," that, in pursuance of the Instructions received from the Secretary of State for the Colonies, His Excellency has taken into Consideration, in Council, the subject of the *Land purchased* under the authority of the late Government, the period within which *arrears of Rent* should be required to be paid, and the rate of *Quit-rent* to be charged upon *Grants without purchase*; and the following Regulations have been laid down in these cases respectively, viz. :—

Notice re
regulations for
land purchased
prior to 1826.

Purchase prior to 1826.

1. Those persons, who obtained permission to purchase Land at a Credit of three years under the Regulations dated 5th November, 1823, will be allowed until the 1st of October next to signify their choice of the following modes of Settlement, namely:—

1. Either to fulfil the original Conditions by immediately Completing the payment of the Sum of five shillings per Acre for the whole quantity of Land they agreed to purchase.
2. Or, to surrender the whole, forfeiting all payments already made;
3. Or, to complete the purchase at five shillings per acre, of any part of the Land now in their occupation, not being less than one square Mile, by paying to the Collector of Internal Revenue a deposit of Ten per Cent. (if not already paid), as soon as their selection is approved; the remainder within one month thereafter: and also rent as pointed out in paragraph 9. Calculated at the rate of Sixteen shillings and eight pence per hundred Acres per Annum, for the whole quantity of Land they agreed to purchase, from the date of that Agreement until the 31st July last.

2. The foregoing election will be open also to those persons who notified their wish to accept the Conditions provisionally offered by the Government Notice of 23rd October, 1828, of paying up one shilling and eight pence, and a yearly quit-rent of two pence per acre; as the instructions received from the Secretary of State do not admit of the arrangement then proposed being carried into effect.

3. The choice of the three modes of Settlement above detailed, but modified as follows, will likewise be extended to those persons, who obtained permission, under the regulations dated 18th May, 1825, to purchase Land at such a valuation as should be afterwards determined by the Commissioners for apportioning and valuing the Territory, the price being now fixed at five shillings per Acre, viz.:

1. Either to purchase the whole of the Land, at the fixed price of five shillings per Acre;
2. Or, to abandon the whole, without any payment;
3. Or, to retain any portion, not being less than one square mile, paying for the same at the rate of five shillings per acre, together with a yearly rent of two pence per Acre, upon the whole quantity originally occupied, from the date of obtaining possession until the 31st of July, 1831.

1832.
10 April.
—
Notice *re*
regulations for
land purchased
prior to 1826.

4. To those persons who, under the regulations of 5th November, 1823, were allowed to occupy Lands as *New Settlers*, at a rent of fifteen shillings per hundred acres for three years previous to their being required to notify their final intention with regard to purchase, the period will, in like manner, be extended to the 1st of October next, for intimating their choice of the following terms, viz. :—

1. Either to abandon the Land, paying up the stipulated rent of fifteen shillings per hundred Acres per annum for three years;
2. Or, to Complete the purchase of the whole at five shillings per Acre by paying immediately to the Collector of Internal Revenue a deposit of ten per cent.; the remainder by instalments as originally stipulated within six years from the date of obtaining possession; and also rent for three years, as specified in paragraph 9, Calculated at the yearly rate of fifteen shillings per hundred Acres.
3. Or, to purchase any portion of the Land now in their possession, not being less than six hundred and forty Acres, at the rate of five shillings per Acre, by paying immediately a deposit of ten per cent.; the remainder of the purchase money in one month; and (in this case) rent, as pointed out in paragraph 9, upon the whole quantity originally occupied, from the date of possession until the 31st of July last.

5. All parties, who are desirous of retaining a *portion* of the Land before held by them under any of the Regulations herein alluded to, will be required to describe the exact boundaries of the particular spot to the Surveyor General with as little delay as possible, in order that he may point out whether the selection be conformable to the established Rules.

6. In the event of the required notifications not having been made by the 1st of October next, the parties will be Considered as having relinquished all intention to purchase, and the Lands will be thrown open for sale under the Regulations contained in the Government order of the 1st instant, No. 22.

7. In accordance with the original Conditions, a quit-rent of two shillings per hundred acres per annum, redeemable at twenty years' purchase, will be reserved upon all Lands sold under the Regulations of 5th November, 1823.

Arrears of Rent on Lands occupied for purchase.

8. The rent of all Lands, occupied with a view to purchase, will be calculated at the rate of two pence per acre or sixteen shillings and eight pence per hundred Acres per Annum, with the exception of those held by *New Settlers* under the Regulations of 5th November, 1823, which will be calculated at the yearly rate of fifteen shillings per hundred Acres, as mentioned in paragraph 4.

9. Persons, who shall not retain any portion of the Land now in their possession, will be required to pay up the whole amount of rent due, before the 1st of December next. But those, who may Complete the purchase of the whole or any part of the Lands now held by them (in the manner pointed out above), will not be required to pay the arrears of rent until the 1st of August, 1832. Should they be unable to pay them up at that time, they will be allowed to discharge the balance remaining due by four quarterly instalments, with Bank interest thereon, entering into security for the same.

[Enclosure No. 2.]

EXTRACT from Minute No. 47 of the proceedings of the Executive Council on the 12th September, 1831.

PRESENT:—His Excellency the Governor; The Venerable the Archdeacon; The Honble. the Colonial Secretary; The Honble. Colonel Lindesay.

“His Excellency the Governor then laid before the Council an application from Hannibal H. McArthur, Esq., requesting, in consequence of the regulations dated 23rd October, 1828, by which His Excellency was pleased to meet his claim for a Grant in extension, not being ratified by the Right Honorable the Secretary of State, that his case may be again considered.

“The Governor also laid before the Council two Despatches from the Secretary of State, dated respectively 11th October, 1825, and 10th August, 1826, together with Mr. McArthur's correspondence with the local Government upon the subject.

Minute by
executive
council *re*
application
for land by
H. Macarthur.

" It appears that Messrs. Charles and Hannibal McArthur, on the 27th September, 1825, made application to the Right Honble. Earl Bathurst for a Grant of land in extension 'in conformity with the Government regulations of November, 1824,' with permission to purchase 5,000 Acres more, which was accordingly acceded to.

1832.
10 April.

Minute by executive council re application for land by H. Macarthur.

" It further appears that Mr. H. McArthur claimed a Grant of 15,000 Acres as having been authorised by Earl Bathurst, but which was not admitted by the local Government. Mr. H. McArthur was allowed, however, by Grant and purchase, 24,320 Acres on the part of himself and as the representative of his Brother, who had lately died, being the largest quantity of land which, by the regulations of November, 1824, any individual was permitted to obtain from the Crown, namely:

" By Grant	2,560	
" By purchase	9,600	
		— 12,160 acres.

" With this arrangement Mr. McArthur expressed himself satisfied, and indeed accepted the terms 'with grateful acknowledgment.'

" The Council, after a full and mature consideration of the case, saw no reason to disturb the former arrangement, and therefore could not recommend that the application of Mr. McArthur should be complied with, as it did not appear to them from the documents now before them that any Grant of 15,000 Acres had been applied for to Earl Bathurst or sanctioned by him."

A true Extract:—E. DEAS THOMSON, Clk., Col.

[Enclosure No. 3.]

COLONIAL SECRETARY MACLEAY TO MR. H. MACARTHUR.

(No. 31/2412.)

Sir, Colonial Secretary's Office, 23rd September, 1831.

I have had the honor to receive and Submit to the Governor your letter of the 20th August, requesting, with reference to former Correspondence, that, as the Regulations proposed in the Government Notice of 23rd October, 1828, have not yet been Confirmed by the Secretary of State, you may be allowed an additional Grant of Fifteen Thousand Acres of Land instead of being required to Complete the purchases for which yourself and your late Brother respectively received authority, as specified in my letter to you dated 26th February, 1829.

Refusal of application by H. Macarthur for land.

In reply, I am directed by His Excellency to observe that both your Brother and yourself have obtained Maximum Grants, and that the quantities you were permitted to purchase (as now Stated in the Margin)* were also the largest that could be allowed to Individuals, the Government being disposed to grant you every indulgence consistent with the Regulations in force at the time.

I am also directed to point out that there appears to be some mistake in quoting the Government Notice of 23rd October, 1828, as this Could only apply to the Five thousand acres, authorised by Sir Thomas Brisbane. But, on referring to that Notice, and also to the Government Order of 21st August, 1828, No. 26, it will be

* Marginal note.—Mr. H. McArthur.—By Sir Thomas Brisbane, 5,000; on 7th April, 1827, 3,140—8,140. Mr. C. McArthur.—on 7th April, 1827, 9,360—Total, 17,500 Acres.

1832.
10 April.

Refusal of
application by
H. Macarthur
for land.

seen that the arrangement in question was made with the distinct understanding that it must be subject to the ultimate approval of the Home Government.

As that Conditional arrangement was the most equitable that could be adopted with reference to the Cases of others; as it has been approved by the Secretary of State, and subsisted for several Years; and as it could not now be cancelled by the substitution of what you apply for, without giving a Claim to every Inhabitant of the Colony to have the conditions revised on which he obtained land; His Excellency can only express his regret that it is not now Considered as advantageous as it was supposed to be at the time it was made, and add his conviction that you will feel satisfied that it is impossible to comply with your request, the more especially as such a compliance would be in direct Opposition to the principle laid down by His Majesty's present Government for the disposal of land.

I have, &c.,

ALEXR. MCLEAY.

GOVERNOR BOURKE TO VISCOUNT GODERICH.

(Despatch No. 51, per ship Dryade.)

11 April.

Transmission
of report *re*
appropriation
to assist
immigration.

My Lord,

Government House, 11th April, 1832.

I have the honor to transmit the Report of a Committee of the Legislative Council, appointed to consider the best method of applying the Sum of £3,600 towards the introduction of Useful Mechanics and Labourers into this Colony.

There is much in this report, which has been anticipated by that of the Commissioners for Emigration, published in September, 1831; Still I am induced to forward it, as the Commissioners, to whom Your Lordship will probably refer it, may consider Some of the Suggestions it contains to be Worthy of their attention.

I have, &c.,

RICHD. BOURKE.

[Enclosure.]

Report by
committee of
legislative
council *re*
appropriation
of vote to
assist
immigration.

REPORT of the Committee of the Legislative Council appointed to consider the best mode of appropriating the sum of £3,600 towards the introduction of useful mechanics and Laborers into the Colony.

YOUR Committee have proceeded, in pursuance of their instructions, to consider in what manner the sum, set apart by the Council for the encouragement of Emigration, may be most readily applied to promote that end, at the same time a due regard being had to economy, and to the general advantage of the Colony.

The Council having already resolved that the sum of £6,400, forming part of the entire Vote of £10,000, should be appropriated to the introduction of respectable females, according to the plan proposed by the Secretary of State, your Committee have confined their attention to the advantageous disposal of the remaining

£3,600. They recommend that it be applied to facilitate the Emigration from the United Kingdom of artizans, mechanics and agricultural Laborers of the following description, viz. :—

Shipwrights, Millers, Country Wheelwrights, Coopers, Country Blacksmiths, Millwrights, Gardeners, and Agricultural Laborers.

To provide for the transmission of these Individuals to the Colony, and to superintend the expenditure of the sum to be now appropriated for that purpose, an Agency in England will necessarily be required. Amidst a variety of suggestions, which have presented themselves for accomplishing these purposes, the most efficient and becoming course has appeared to your Committee to be that of placing the funds at the disposal of the Commissioners of Emigration now sitting in London, under the sanction and authority of His Majesty's Government. Considering the interest, which has been displayed upon this question by the Ministry in England, your committee have felt that, by recommending the management to be placed in any other hands, they would be justly chargeable with a want of that respect which they are most anxious to render to the endeavours of the home-government to benefit the Colony; while they are at the same time persuaded that it would be impossible to select individuals on whose honor and competency more secure reliance could be placed than those who compose the Emigration Committee. Having therefore stated the description of Emigrants whose services would be most advantageous to the Colony, your Committee will offer only a few remarks as to the qualities and conditions, which are to be desired in the persons who shall be selected under this arrangement.

The mechanics and artizans are recommended to be such as are skilful in their several Trades, and have served a regular apprenticeship; the laborers should be well practised in all the ordinary operations of a well-managed farm; and none belonging to any class should be sent out, but such as are able bodied, industrious, and of the most respectable character. Your committee consider it would also be politic to obtain the most valuable return possible for the sums about to be expended on Emigration; and they therefore recommend that preference should be given to individuals in the prime of life; that is not having passed their twenty-fifth year.

They conceive that, as the disproportion between the Sexes in this Country is already alarmingly great, it ought not to be increased by encouraging an influx of unmarried men; but that it will be advisable to direct attention chiefly, if not exclusively, to married couples. At the same time in order to increase the probability of introducing those whose marriages are likely to be prolific (which the interest of the Colony evidently requires), preference should be given to those who have already one child.

With respect to the terms on which a supply of Emigrants thus qualified may be obtained, your committee are sensible that they must depend so much upon contingencies not to be calculated or provided for by them, that they would prefer leaving all pecuniary arrangements to the discretion of the Commissioners of Emigration. They therefore recommend that authority be given them to draw upon His Excellency the Governor for the sum of £3,600, by whom a warrant will be issued to the Colonial Treasurer for payment of that amount.

1832.
11 April.

Report by
committee of
legislative
council *re*
appropriation
of vote to
assist
immigration.

1832.
11 April.

Report by
committee of
legislative
council *re*
appropriation
of vote to
assist
immigration.

Your Committee in conclusion beg to observe that they have too much confidence in those, by whom the funds are to be expended, to fix any precise terms which they should observe. At the same time they have no doubt the Commissioners of Emigration, as they will perceive the reasonableness of the foregoing suggestions respecting the qualifications which the Emigrants should possess, will also agree with your Committee in opinion that, provided due care be taken to engage with none except persons who are so qualified, the expense thrown upon the Colony for their passage should be reduced as low as circumstances can possibly admit. The only additional suggestion they have to offer is, that a Board should be nominated by the Governor to consist of a convenient number of respectable Individuals under the Presidency of His Excellency, for the purpose of securing the most judicious and impartial distribution of the Emigrants among the Settlers and public at large.

11th March, 1832.

W. G. BROUGHTON, Chairman.

True Copy:—E. DEAS THOMSON, Clk., Col.

VISCOUNT GODERICH TO GOVERNOR BOURKE.

(Despatch No. 86, per ship Clyde.)

13 April.

Detailed annual
statements of
accounts of
trustees of
clergy and
school estates
to be
transmitted.

Sir,

Downing Street, 13th April, 1832.

The attention of the Lords Commissioners of the Treasury having been drawn by the Board of Audit to the large sums which have, from time to time, been advanced by the Colonial Treasury to the Corporation in aid of the Funds entrusted to them for the maintenance of the Ecclesiastical and School Establishments of New South Wales, their Lordships have requested to be furnished with an account of the application of the whole of the monies received by the Trustees during the continuance of the Trust. Their Lordships observe that, as the Charter of Incorporation provided that the Colonial Treasurer should perform the duties of Treasurer of the Corporation, and that he should annually submit to the General Court of the Trustees, for examination and audit by a Committee, an account of all sums of money received or paid by him or by his Order for the purposes of the Trust, their Lordships do not require regularly Vouched Accounts of these Transactions, but that they will be satisfied with detailed annual statements of all Sums received and disbursed for the Trust, specifying under what Authorities the payments were made, the rates of all Salaries, and to whom they were made, and full particulars of all other Disbursements, such statements to be supported by Certificates as to the nature of the examination the Accounts may have undergone.

I have to desire that you will cause these Statements to be prepared with as little delay as possible and transmit them to me for the information of the Lords Commissioners.

I am, &c.,

GODERICH.

VISCOUNT GODERICH TO GOVERNOR BOURKE.

(Despatch No. 87, per ship Clyde.)

1832.
14 April.

Sir, Downing Street, 14th April, 1832.

Herewith I have the honor of transmitting a conditional pardon which His Majesty has been graciously pleased to grant to Dennis Kellaher, now under sentence of death in the Colony under your Government, in consideration of certain circumstances represented by Colonel Lindesay in his Despatch No. 6, of the 29th November last, and I am to desire that you will take such steps as may be necessary, in order that the Prisoner may receive the benefit of the conditional pardon in question.

Transmission
of pardon for
D. Kellaher.I have, &c.,
GODERICH.

[Enclosure.]

COPY OF PARDON.

William R.

L.S.

WHEREAS Dennis Kellaher was at a Criminal Session of the Supreme Court of Judicature, holden in and for Our Territory of New South Wales on the 4th day of November last, tried and Convicted of Murder, and had Sentence of Death passed upon him for the Same; WE, in consideration of some Circumstances humbly represented unto Us, are Graciously pleased to extend Our Grace and Mercy unto him, and to Grant him Our Pardon for his said Crime, on Condition of his being Transported to Norfolk Island and there kept to hard labour in Chains, for and during the term of his Natural Life. Our Will and Pleasure therefore is that you do give the necessary directions accordingly. And for so doing this shall be your Warrant. Given at Our Court at St. James's the 30th day of March, 1832, in the Second Year of Our Reign.

Conditional
pardon for
D. Kellaher.Dennis Kellaher, }
Pardon. }

By His Majesty's Command.

MELBOURNE.

To Our Trusty and Well-beloved Major General Richard Bourke, Governor and Commander in Chief of Our Territory of New South Wales, The Governor and Commander in Chief of Our said Territory for the time being, and all others whom it may concern.

VISCOUNT GODERICH TO GOVERNOR BOURKE.

(Despatch No. 88, per ship Clyde.)

Sir, Downing Street, 15th April, 1832.

General Darling's Dispatch No. 92 of the 19th of October, 1831, together with abstracts of the Revenue of the Colony and of its appropriation for the whole of the five entire years of his administration, have been received at this Department; and, although from General Darling's departure it may not have been necessary for me to make any particular communication to

15 April.
Accounts of
revenue and
expenditure
during
administration
of R. Darling.

1832.
15 April.
Commendation
of supervision
of finances by
R. Darling.

you upon the subject of these Abstracts, yet the examination of them has tended to impress me so strongly with the conviction of the attentive and effectual supervision, which that officer has exercised over the Revenue and Expenditure during the period in question, to which, added to the beneficial arrangements introduced by him connected with its collection and management, is mainly to be attributed the great improvement which has taken place, that I consider it to be due to him to record in this manner in the Colony, the sense which His Majesty entertains of his Services in this important branch of his public duty.

I have, &c.,
GODERICH.

VISCOUNT GODERICH TO GOVERNOR BOURKE.

(A circular despatch per ship Planter.)

23 April.
Transmission
of letters *re*
customs officers.

Sir,

Downing Street, 23 April, 1832.

I have the honor to transmit to you herewith, for your information and guidance, Copies of two Letters and enclosures from the Lords Commissioners of the Treasury, prescribing the mode of appointing Substitutes for Officers of the Customs in the Colonies, when proceeding upon leave of absence.

I remain, &c.,
GODERICH.

[Enclosure No. 1.]

HON. J. STEWART TO VISCOUNT HOWICK.

My Lord,

Treasury Chambers, 4 February, 1832.

I am commanded by the Lords Commissioners of His Majesty's Treasury to transmit to you, for the information of Viscount Goderich with reference to Your Lordship's letter of the 24th of November last, the enclosed Copy of their Lordships' Minute of the 24th Ultimo, relative to the Regulations to be observed by the Officers of the Customs in the Colonies, when proceeding upon leave of absence from their duties, in the appointment of Substitutes, and I am to request that you will move his Lordship to cause the necessary Instructions to be conveyed to the Governors of the several British Possessions abroad for giving effect to the Regulations therein prescribed.

I am, &c.,
J. STEWART.

[Sub-enclosure.]

COPY OF TREASURY MINUTE.

dated 24th January, 1832.

READ a Report of the Commissioners of Customs dated 9th Ultimo on a Letter from Lord Howick transmitting, by desire of Viscount Goderich, the Copy of a Despatch addressed to the Secretary of State by the Governor of Antigua, relative to the manner in which the Substitutes of Officers of the Customs in the Colonies when

Treasury
minute *re*
regulations for
substitutes for
customs officers
on leave of
absence.

proceeding upon leave of absence are at present appointed, and suggesting that the Substitute should receive a Commission from the Governor empowering him to execute the duties of the Office to which he may be temporarily appointed, and further that he should be required to take the usual Oaths of Office.

The Commissioners refer to their Report of the 8th September, 1830, on a Letter from Mr. Hay, transmitting the Copy of a Communication from the Acting Governor of Jamaica on this subject, in which they adverted to their Lordships of 28 December, 1826, founded on a Letter from Mr. Wilmot Horton, dated 27th November preceding, in which the Secretary of State for the Colonies at that period expressed an opinion that the selection of their Deputies by the Officers of the Customs themselves was the proper and convenient usage, and they (the Commissioners) also stated that, in pursuance of their Lordships' Order before referred to, the necessary instructions had been issued by them to the Officers of the Customs in the Colonies, requiring them to obtain the sanction of the King's Representative previously to availing themselves of any permission which they might obtain from them (the Commissioners) to absent themselves from their duties, and also to notify to the Governor the names of the persons proposed by them for the performance of their duties during their absence, in order that they might be assured that no objection to their Deputies existed on the part of the Governor. With respect to the suggestion of Lord Goderich that the Substitutes of Officers proceeding upon leave of absence should receive an appointment from the Governor and be required to take the Oath of Office, the Commissrs. refer to that part of the letter from this Board of 9th December, 1830, signifying the opinion of their Board that the appointment of Substitutes in the Island of Jamaica in cases of leave of absence should be made under an Instrument to be executed by the Governor, His Excellency continuing to make out the appointments by taking the Recommendations of the Officers seeking leave of absence, unless some sufficient ground of objection might exist to the contrary; and they beg to state that they see no objection to a similar practice being observed generally in the several British Possessions abroad, nor are they aware of any objection to the Substitutes of Officers being required to take the usual Oaths of Office previously to their entering upon the duties of the Situations to which they may be nominated.

My Lords resume the consideration of Mr. Wilmot Horton's letter of the 27th Novr., 1826, suggesting the Regulations in regard to the Selection of Substitutes by Officers of the Customs in the Colonies proceeding on leave of absence, which are alluded to in the said Report of the Commissioners of Customs of 9th Ultimo, and which were directed to be carried into effect by the Minute of this Board of 22nd December, 1826.

My Lords also resume the consideration of the Reports of the Commissioners of Customs of 9th September and 17th November, 1830, on Communications from the Secretary of State, and the Governor of Jamaica, respecting the mode of granting leave of absence to Officers of the Customs in that Colony, and of appointing substitutes for them, and My Lords read their Minute of 3rd December, 1830, prescribing the Regulations for the Island of Jamaica, which are also adverted to in the Report of the Commissioners of Customs now under Consideration.

1832.
23 April.

Treasury
minute *re*
regulations for
substitutes for
customs officers
on leave of
absence.

1832.
23 April.

Treasury
minute re
regulations for
substitutes for
customs officers
on leave of
absence.

Write to the Commissioners of Customs acquainting them, that My Lords are of opinion it will be proper, in lieu of the Regulations of December, 1826, to cause the regulation which received their Lordships' sanction in December, 1830, in so far as regards the Island of Jamaica to be acted upon generally in all the other British Colonies; and My Lords therefore desire that they will issue directions to their Officers in the different British Possessions Abroad, to the effect that, in order to obtain the Sanction of the King's Representative previously to availing themselves of any permission which they may obtain from the Commissioners of Customs to absent themselves from their duties, they shall in all such cases enclose the Governor a Copy of the permission of the Commissioners, stating the time they intend to act upon such leave, which leave shall in all cases, where Orders to the contrary are not given by His Excellency, be deemed and taken to be as effectual as if a certificate of leave had been granted.

My Lords further desire that in all such Cases the Officer shall have the power of nominating, and shall notify to the Governor the names of the persons proposed by them for the performance of their duties during their absence, My Lords considering it of importance to continue to them this power in consequence of their responsibility, and My Lords presume of that of their Sureties to the Crown for the due Conduct of the duties of their Office, and that such persons as Substitutes shall in all cases be appointed under the regular Instrument of appointment by the Governor, His Excellency continuing thus to make out the appointments by taking the recommendations of the Officers seeking the leave of absence, unless, on some sufficient ground of objection, such instrument of appointment continuing subject to the Colonial Stamp duty, and the usual Oaths of Office to be in all cases administered to the persons so appointed, previously to their entering upon the duties of the situation to which they have been temporarily nominated.

Let this Minute be communicated to Viscount Howick for the Information of Viscount Goderich, with the request of My Lords that His Lordship will cause the necessary instructions to be conveyed to the Governors of the several British Possessions abroad for giving effect to the regulations herein prescribed.

VISCOUNT GODERICH TO GOVERNOR BOURKE.
(Despatch No. 89, per ship Clyde.)

26 April.

Sir,

Downing Street, 26 April, 1832.

Application by
directors of
A.A. company
re price of coal
for government.

The Directors of the Australian Agricultural Company have addressed a Communication to me in which they request, for the reasons therein explained, that the Coals, which, on the transfer of the Mines to them, they undertook to supply for the use of the Colonial Government, should be charged at the fixed rate of 8s. per ton at the Pit's Mouth instead of the price being annually regulated by the process referred to in Sir George Murray's Dispatch to General Darling, dated the 31st July, 1828, No. 18, viz., that the principal Manager of the Mines should

make a periodical Statement upon oath founded upon the Company's Books of Account as made up to the 30th of April of each year.

1832.
26 April.

Application by directors of A.A. company re price of coal for government.

I have now the honor of transmitting for your Information a Copy of the Directors' application, together with a Copy of the reply which, by my desire, has been returned to it, and I am to request that you will act in this affair in strict accordance with the spirit of the arrangement therein sanctioned.

I have, &c.,

GODERICH.

[Enclosure No. 1.]

MR. J. SMITH TO VISCOUNT GODERICH.

My Lord, Australian Agr. Company, 6 April, 1832.

Under the arrangement with H.M. Govt. for the transfer of the Coal mines in N. S. Wales to the Aus. A. Company, this Company long since selected an eligible site whereon they have erected Steam Engine Machinery, formed a railway with levels and an inclined plane, leading to an excellent Wharf and Shipping place, which they have built, constituting altogether a very complete Colliery Estab't. at an outlay of more than £15,000 Sterling.

Equipment of colliery by A.A. company.

Recent dispatches from Sir E. Parry, the Commr. for managing the affairs of this Company, inform the Directors that H.E. the Governor had transferred the Coal Mines to their Agents in the Colony.

Transfer of coal-mines to company.

The same accounts state that, previous to the 9th Novr. last, about 70 Tons of Coal had been supplied from the Company's Works for the use of the Colonial Govt. *whence arises a question as to the price to be paid by the Colonial Govt. to the Company for such supply.*

Proposed modification of terms for sale of coal to government.

Adverting to the negotiation carried on with the Colonial Department during the years 1825, 1827, and 1828 on this subject generally, and especially to the letter addressed to Mr. Twiss on the 4th Aug., 1828, whereof a copy is now laid before your Lordship, it was arranged that such supply should be furnished by the Company at the cost price.

The Directors have no desire to disturb the principle of that arrangement with a view to pecuniary gain, but they ask a more definite arrangement for the convenience of both the parties interested.

It is in the nature of a Colliery Estab't. to require under ordinary circumstances a large outlay of Capital at its commencement; and in the present case the ordinary expenditure has been greatly augmented by unforeseen delays beyond the control of the Directors. Estimating the annual sale of Coal in the Colony at 4,000 Tons which is about the amount, and charging interest on the Capital already expended by the Company, together with expenses of Wear and Tear of Machinery, superintendance and labor in raising the Coal, the price at which the Coal is now sold by the Company, Viz., 8s. per Ton, is less than one half of the actual cost to the Company.

Finances of coal-mining.

1832.
26 April.
Necessity for
opening of new
pit.

Fixation of
price of coal.

Price proposed
for government.

It is likewise essential to bear in mind that, the Seam of Coal worked by the Govt. having from local circumstances become very inferior in quality, and the water in the Pits having rendered it impossible to continue the working, it required the selection of some new District whereon to sink other Pits and to erect a Steam Engine, causing a very considerable outlay of Capital, and which H.M. Govt. must have expended, had they continued working the Mines on Govt. account, thereby raising the cost per Ton to nearly as great an amount as that which the Company has incurred. But, as it is the object of the Company to submit to a present loss with a view to extend the demand for Coal, and thereby lay the foundation of a future profit, rather than to attempt the attainment of a high price at first, whereby the Public might imagine they had cause for complaint, the Directors have endeavoured, on commencing the supply, to select a fair medium price at which to sell the Coal, with the intention not to reduce and they hope it will not be necessary to raise the price. Upon the same principle the Directors submit to your Lordship that the Coal to be supplied for the use of the Colonial Govt. in N. S. Wales should be charged at the rate of 8s. per Ton at the Pits' mouth, which the Directors have reason to believe to be less than it has hitherto cost the Govt.; but, should the Company hereafter be enabled by a more extended sale to lower the price per Ton to the Public, they will make the same reduction to the Colonial Govt.

The Directors, in the hope of obtaining an early adjustment of this question, beg leave to add that, should any further explanation be required, a deputation from their Body would do themselves the honor to wait on your Lordship at any day or hour, it may suit your Lordship to appoint.

I have, &c.,

JOHN SMITH, GOVT.

[Enclosure No. 2.]

UNDER SECRETARY HAY TO MR. J. SMITH.

Sir,

Downing Street, 12th April, 1832.

Letter
acknowledged.

I am directed by Viscount Goderich to acknowledge the receipt of your letter of the 6th Inst., in which, with reference to the original arrangement by which the Australian Company undertook to supply the Govt. of N. S. Wales with Coal from their Mines at Newcastle, you submit that this article should be charged at the fixed rate of 8s. per Ton at the Pit's mouth, instead of the price being annually regulated by the process at first proposed, viz., that the principal Manager of the Mines should make a periodical statement upon oath, founded upon the Company's Books of Account as made up to the 30th of April of each year.

Modification
of agreement
re price to be
at discretion
of governor.

Lord Goderich desires me to acquaint you, in reply, that he is desirous of meeting the wishes of the Company by simplifying as much as possible the transaction in question between the Colonial Government and the Company's Agent in the Colony, and has no doubt that the proposition, which you have brought forward in behalf of the Company, originates in no other views than those which are professed; at the same time, Lord Goderich feels that he should be incurring a most heavy responsibility were he, upon the Company's statement alone, to decide on dispensing altogether, and without previous communication with the Governor, with those measures of precaution which were deemed necessary, at the period

at which the transfer of the Mines was agreed upon, for securing the interests of the Public. Under these circumstances, his Lordship can only undertake to authorise Genl. Bourke to receive the Coal, furnished by the Company's Agent for the use of the Colonial Govt. at the price which you have named, provided he sees no reason to question the reasonableness of that amount, and upon the understanding that he will have the power of returning to the original mode of ascertaining the cost price of the Coal to the Company, viz., by the statement made on oath by the Manager, whenever it shall appear to the Governor necessary with the view of satisfying himself that the Govt. are not charged higher for the Article than the circumstances of the case justify.

1832.
26 April.

Modification
of agreement
re price to be
at discretion
of governor.

I am, &c.,
R. W. HAY.

UNDER SECRETARY HAY TO GOVERNOR BOURKE.

(Despatch per ship Clyde; acknowledged by Governor Bourke,
14th February, 1833.)

Sir, Downing Street, 27th April, 1832.

27 April.

I am directed by Lord Goderich to transmit to you, for your information and guidance, a copy of a Memorial from Mr. Alexander Fotheringham, and of the answer which has been returned to it, on the subject of a piece of land in Sydney which he wishes to obtain to form the Site of a Patent Slip which he intends to take to the Colony.

Transmission
of memorial.

I am, &c.,
R. W. HAY.

[Enclosure No. 1.]

THE MEMORIAL of Alexander Fotheringham, now about to leave England and to reside at Sydney, N. S. Wales,
To the Right Honble. Viscount Goderich, etc., etc., etc.
Sheweth.

Memorial by A.
Fotheringham
soliciting land
for erection of
patent slip for
repair of ships.

That the Colonies of N. S. Wales and V. D. Land have suffered and are still suffering very considerable loss and injury from the want of Docks or other adequate means to repair the damage sustained by their own shipping, and by Merchant Ships arriving in those Colonies from G. Britain and Ireland and other parts of the British Dominions.

That, by reason of there not being a sufficient rise and fall of the tide in the Harbour and on the coasts of N.S.W. and V.D.L., it is impracticable to make Docks in those Colonies for repairing Ships, and, whenever any ships require repair, it becomes necessary to heave them down, an operation attended with great risk and danger and exposing the Ship to serious injury; and your Memorialist has been informed that one of H.M. Frigates, upon being hove down, sunk in Sydney Harbour.

That it is impossible for a Ship so hove down to be put into thro' repair, and in many instances H.M. Ships and also Merchant ships have in consequence had their damages only partially repaired there and have been compelled at a great risk both to Ship

1832.
27 April.

Memorial by A. Fotheringham soliciting land for erection of patent slip for repair of ships.

and Crew to proceed to Calcutta or Bombay, or to return to England to get a thoro' repair, by which means considerable expense has been incurred and much loss of time and grievous injury sustained.

That your Memorialist has recently purchased, at a very considerable price, from Mr. T. Morton one of his Patent Slips for dragging Ships out of the water on dry land in order to their being thoro'ly repaired, and is about to proceed with it to Sydney there to reside and to use and work the same.

That the said invention or Patent Slip is designed as a substitute for a Dock for the repair of Ships, and has been found to answer all the purposes of a Dock at Hull and other ports in G. Britain where it has been used with great advantage and benefit.

That your Mem. Patent Slip is capable of dragging out of the water on dry land Ships of any size not exceeding 700 Tons burthen, and also any of H.M. Frigates if her Guns and Stores were previously taken out, which is invariably done in the case of a Frigate going thro' a partial repair in those Colonies in the manner before stated.

That some of H.M. Ships are always stationed in the harbour and off the Coasts of N. S. Wales and V. D. Land, and that upwards of 250 Merchant Ships and Vessels belong to those Colonies and are engaged in the Whale Fishery and in trading to various parts of the British Possessions.

That the number of British Ships and Vessels trading to and with those Colonies from G. Britain and Ireland and other parts of the British Dominions have been for several successive years past annually increasing, and that, from the improving condition and growing wealth of those Colonies, there is every reason to expect a very considerable augmentation of the Shipping and Tonnage belonging to and trading to and with those Colonies.

Your Memt. begs leave most respectfully to represent to your Lordship that your Mem. Patent Slip, when laid down and used at Sydney, will be of incalculable benefit and advantage to the Colonies of N.S.W. and V.D.L., enabling H.M. Ships and also the Merchant Ships and Vessels belonging to and trading with those Colonies to obtain there a thoro' repair of any damages they may sustain, instead of being compelled, as they now are, to proceed to sea imperfectly repaired at considerable risk both to Ship and Crew, and to resort to distant Ports in India or return to England to procure the necessary repairs.

Your Mem. further begs leave most respectfully to represent to your Lordship that H.M. Govt. has reserved to the Crown certain pieces of land at Sydney near the Dock-yard, and that your Mem. Patent slip might be laid down upon one of those reserves and used with peculiar benefit and advantage to H.M. Service in repairing Ships of War, as from its contiguity to the Dock yard the Ships' Guns and Stores could be put on board with a saving both of time and expense, immediately after the repairs had been completed.

Your Memorialist therefore prays your Lordship will be pleased to grant him a piece of land at Sydney situated near the Dock yard for the purpose of laying down thereon his Patent Slip and to give such directions to the Colonial Authorities in N. S. Wales on the subject as to your Lordship shall seem meet.

And your Mem. will ever pray,

[Unsigned.]

[Enclosure No. 2.]

1832.
27 April.

UNDER SECRETARY HAY TO MR. A. FOTHERINGHAM.

Sir, Downing Street, 25 April, 1832.

In answer to your letter to Lord Howick of the 13th Inst., enclosing a Memorial, in which you solicit the grant of a piece of land in Sydney on which to erect a Patent Slip which you are about to take to New South Wales, I am directed, in answer, to acquaint you that Grants of land in that Colony are no longer given away, but sold by Public Auction. Lord Goderich duly appreciates the advantages which the Community may derive from the introduction of an invention of so much public utility, but his Lordship extremely regrets that he does not feel at liberty to relax in your favor a Regulation which it is the object of the Government inflexibly to maintain. Lord Goderich will however make known to the Govr. of N. S. Wales the purpose for which you are proceeding to Sydney, and he has no doubt that you will receive at the hands of General Bourke every encouragement and facility in prosecuting the undertaking on which you have entered, which can be afforded to you consistently with the Regulations and the interests of other persons.

Inability to
make free
grant of land.Assistance to
be granted.I am, &c.,
R. W. HAY.

VISCOUNT GODERICH TO GOVERNOR BOURKE.

(Despatch No. 90, per ship Clyde.)

Sir, Downing Street, 28 April, 1832.

28 April.

With reference to that part of my Despatch of the 14th February, 1831, No. 21, in which I explained to you the manner in which I proposed to continue, under the new system, to Officers of the Navy and Army the advantages* which they had enjoyed with respect to Grants of land, I have the honor to transmit to you, for your information and guidance, a copy of the Admiralty Memorandum which has been issued for extending to Naval and Marine Officers the advantages* enjoyed by Officers of the Army under the General Order of the 10th August, 1831.

Concessions to
naval and
marine officers
as settlers.

I have nothing to add to the Instructions contained in my above mentioned despatch, excepting to authorise you to admit Officers of the Navy, Army and Marines to the benefits in question, upon the production of a *Certificate* of unexceptionable character and length of Service from the General Commanding in Chief or from the Board of Admiralty instead of *the letter* from this Office, which it has been customary for each officer to take out with him.

I am, &c.,
GODERICH.

[Enclosure.]

[This was a printed memorandum* from the admiralty office dated 3rd March, 1832.]

1832.
28 April.

GOVERNOR BOURKE TO VISCOUNT GODERICH.
(Despatch No. 52, per ship Asia; acknowledged by
Viscount Goderich, 14th October, 1832.)

My Lord, Government House, 28th April, 1832.

In obedience to the Instructions contained in Your Lordship's Despatch of the 30th July last, No. 8, I caused a List to be made out of the Persons holding employment under this Government, who had been declared Insolvent. The Names of four persons were returned, "Vizt.":

Captain Wilson, Director of Public Works;

Mr. Carter, Master Supreme Court;

Mr. Bate, Surveyor of Distilleries;

Mr. Percy Simpson, Assistant Surveyor.

The two former have been removed from their employments according to Your Lordship's directions; with respect to the two last, I have to Submit a few observations and to request Your Lordship's Commands. Mr. Simpson's case is described in his Letter to the Colonial Secretary, of which I have the honor to enclose a Copy. The facts therein Stated are I am assured quite Correct, and the Certificate from Mr. Simpson's former Creditors, acknowledging his having paid them in full, has been Authenticated. Under these Circumstances, and as Mr. Simpson bears a good Character and is not in an employment requiring the receipt or expenditure of public Money, I would recommend to Your Lordship that he be permitted to remain in the Service of Government.

Mr. Bate's case is one of a more ordinary kind. There is in truth little difference between it and the case of Mr. Carter, except that the latter held a more responsible office, and was more obnoxious to public Scandal. Mr. Bate does not receive any Revenue; he merely inspects the Distillery (for I believe there is but one which Works) and Certifies to the Collector of Internal Revenue the quantities of Spirit upon which duty is to be paid. His Salary is £400 per Annum. He is an elderly person, now nearly blind, and therefore Unfit for his Situation. The duty is I believe Chiefly discharged by his Son, who appears to be an intelligent Young Man and receives a Salary as Clerk and Assistant of £80 a year. I have thought it right to inform Mr. Bate Senior that he will be removed from his employment at the end of this Month; and I propose to retain his Son at the rate of £300 a year, Until Your Lordship's pleasure is known as to the keeping up a Department which in my opinion it will be advisable to abolish. Upon this Subject, I shall have the honor of addressing Your Lordship very shortly.

List of
insolvent civil
servants.

Dismissal of
C. Wilson and
W. Carter.

Recommendation in favour
of P. Simpson.

Details re
S. Bate.

Notice of
dismissal.

Proposed
abolition of
office.

I enclose the Copy of a letter addressed to the Colonial Secretary by Mr. Bate; and, in Consideration of his having been Sent out here by Government, and of his infirmities and misfortunes, I would request permission to pay him one Year's full Salary, if, upon receiving my Report, Your Lordship shall think fit to abolish the Department of Surveyor of Distilleries, or not to confirm the appointment of Mr. Bate's Son.

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28 April.

Gratuity
proposed for
S. Bate.

I have, &c.,

RICHD. BOURKE.

[Enclosure No. 1.]

ASSIST. SURVEYOR SIMPSON TO COLONIAL SECRETARY MACLEAY.

Sir, Lower Portland Head, 27th March, 1832.

I have the honor to acknowledge the receipt of your letter of the 16th Instant (which owing to Floods was only received last Evening), acquainting me that instructions had been received from His Majesty's Government for the discontinuance of the services of any Public Officer declared Insolvent, and requiring me to state for His Excellency's information whether I had anything to allege in my particular case, which might exempt me from the loss of my appointment in consequence of my Insolvency.

Statement by
P. Simpson re
his insolvency.

In reply, I beg leave to observe that, after my appointment ceased as Commandant at Wellington Valley, owing to the projected reduction of that Settlement, as notified to me by the Honorable the Colonial Secretary's letter of the 15th June, 1826, Circumstances of a peculiar Nature connected with my appointment at Wellington Valley, and known to General Darling, plunged me in Pecuniary difficulties, and obliged me to borrow Money at a high rate of Interest.

The Expense incident to commencing a Farming Establishment on unreclaimed land (which had been granted me by Sir Thomas Brisbane in November, 1822) in addition to having a Wife in a delicate state of health, and a young Family to support (now increased to Seven), added to the subsequent depreciation of land and Stock, while the Interest on the money borrowed was compounding, tended effectually to increase my difficulties without the hope of surmounting them, and, my debts amounting in 1828 to £800, I was induced to accept General Darling's offer then made of confirming on me my present appointment, the General at the time being fully aware of the Debt I owed.

I would further beg to state, for His Excellency's information, that, so far from my having either by any speculation or extravagance contracted Debts whilst holding a Government Appointment, I have on the Contrary, since I obtained one, paid in full every Debt I owed, and am still in possession of Two thousand Acres of Land granted me by Sir Thomas Brisbane in September, 1825, and other property.

The accompanying Original Document, dated 14th July, 1831, presented me by my Creditors, establishes the fact that I had taken no advantage of my apparent Insolvency and that every claim on me had been paid in full of all demands.

1832.
28 April.

Under the foregoing Circumstances, I most respectfully trust, and intreat His Excellency Governor Bourke may be pleased to consider my peculiar case of sufficient weight to exempt me from being affected by the Order in question of His Majesty's Government.

I have, &c.,
PERCY SIMPSON, ASS. SURV'R.

[Sub-enclosure.]

CREDITORS TO MR. P. SIMPSON.

Sir, Sydney, 14 July, 1831.

Payment of
debts in full by
P. Simpson.

We, whose Names are hereunder written, Creditors of your Estate at the time you were lately declared Insolvent, having since that occurrence (without any Solicitation on our part) been fully paid and satisfied the entire Amount of our respective Claims, altho' the Certificate of the Supreme Court had entirely discharged you from all legal obligation to pay us, feel it due to you to acknowledge with much satisfaction this convincing proof of your justice and integrity; and further to state our opinion that there was no other necessity for the proceedings in Insolvency but to save your property from being swallowed up by heavy and fruitless law Expenses.

We are, &c.,

A. FOSS.	JNO. WOOD.
W. BLAND.	GEO. ALLEN.
WM. RENDRAY.	R. MANSFIELD.
GEO. and JNO. PAUL.	COOPER and LEVEY.
W. C. WENTWORTH.	(pr. procuration of
T. NOWLAN.	James Holt).

[Enclosure No. 2.]

MR. S. BATE TO COLONIAL SECRETARY MACLEAY.

Sir, Sur. of Distilleries Office, Sydney, 24th March, 1832.

Statement by
S. Bate re his
insolvency.

In reply to your letter of the 16th Instant, acknowledged by me on the 20th instant, I have the honor to state, for the information of His Excellency the Governor, the following particulars relating to my Insolvency; and I consider that, in doing which, it will be necessary for me to shew how I first became involved in debt. I may say then that, when I first arrived in the Colony, I was involved by having to pay £300 for my passage; that during my passage I was so shamefully treated on board by the Captain, together with a libel he had inserted against me in the Log Book, that I was induced to enter an Action against him on our arrival here, as also another action for the recovery of £50 which I had paid the Captain twice over, in both of which I was non suited, the Law Expenses arising from these two actions amounting to nearly £200; that, while struggling to meet the Promissary Notes I had given for my passage money, I had to run in debt for Clothing, furniture, and other necessaries, and, before I had sufficiently recovered myself to pay the persons, I owed money to for these articles, they brought their bills into Court, obtained Judgement, and Law expenses upon Law expenses were added thereto; thus by accumulated Law expenses, I was necessitated (to prevent myself being immersed in Gaol) to obtain frequent advances of money from the Government to Satisfy their various demands, and in this manner I was enabled to struggle on for about three years; but, not satisfied with my paying the whole of my Salary away to

them, they in the Year 1828, as if determined to crush me at once, had my Furniture sold off for £70, but which only covered £50 of the debt it was sold for, and which Furniture originally Cost me at least £200; a few weeks after I was thrown into Gaol, and at the same time received information that an execution was lodged in a Garden I had rented for everything to be sold off there also. Borne down with oppressions, difficulties and distresses like these, what was I to do? If I had had any fraudulent intentions, Should I not at this time have become Insolvent when my debts amounted to upwards of £1,200. But, as a Convincing proof that I had no fraudulent intentions, but that on the other hand my intentions were most honorable, I employed a Mr. Tawell to Collect all the demands made against me, and I then gave Notes of hand for the liquidation of the whole of those which I considered just debts, amounting to about £600, giving up two thirds of my salary for a period of two years and upwards to meet them, and in the mean while living upon the remaining third; together with the Salary of my son, I contrived to pay nearly the whole of these Bills, and, as I had received a kind of half-promise from both Mr. Norton and Mr. Wentworth that they would never call upon me for the amount of the Costs in the Two actions, mentioned in the former part of my letter, and not having heard any thing for the last three Years Concerning the four notes mentioned in my Schedule as bearing my Indorsement, I began to Congratulate myself upon being so nearly out of debt, when an action of Ejectment was brought against me by Mr. Wiltshire; I lost it, and was threatened to be immediately arrested and sent to Gaol where he would, to use his own words, keep me, until I was rotten, for the rent due to him for a Garden, and also by Dr. Wardell his Counsellor for his Expenses in bringing the Action: at the same time a Judgement was obtained against me for the Amount of Mr. Wentworth's Costs in the Actions I brought against the Captain of the Vessel; and, not knowing how soon I might now be threatened with the four bills bearing my Indorsement and Mr. Norton's Costs, and being threatened by Mr. Tawell also that, if I did not pay every one of his Bills as they became due, he would also put me in Gaol and let me rot there, It was now utterly impossible for me to Contend with persons so determined on my ruin as these persons evidently were; and, when I came to consider that, with a few exceptions, nearly the whole of what I termed my just and equitable debts had been paid, and that those remaining were principally Law Expenses and Interest on Money, I thought no fraudulent motives could be attached to my Name by my Consulting with an attorney to have me proved Insolvent, as I found that I might be paying every Shilling of my Salary away and still be as far in debt as ever, and subject to be put in Gaol every day. I therefore Consulted one on the subject; he approved of my Opinion, and I was shortly afterwards proved Insolvent, that is in the literal sense of the word, which is, that I did not possess sufficient property to pay all the Claims against me at that time; but, as I have never applied for a Certificate of Insolvency, I am nearly in the same situation as I was before I was proved an Insolvent; in fact there is only this difference, that, before I was proved Insolvent, I could be arrested by any of my Creditors and put in Gaol, but now my person is safe; but, by my not taking out a Certificate of Insolvency, my property is as much in the power of my Creditors as ever it was; therefore I think independent of the

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Statement by
S. Bate *re* his
insolvency.

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28 April.

Statement by
S. Bate *re* his
insolvency.

hardships I have enumerated to account for what I have done, that I do not come within the Meaning of the Officers mentioned in the Instructions received from His Majesty's Government.

But, to Convince His Excellency that what I have said in my letter is entirely true, I have obtained a Copy of the Schedule of my Insolvency from the Registrar's Office, which I have enclosed, as also my remarks on the various items contained therein, which I have numbered as they are in the Schedule, and I leave it to any Candid man, whether he sees ought in that Schedule tending in any way to fraud or dishonesty, but merely a Struggle to avoid imprisonment, and to stop my creditors from preventing me doing the duty imposed on me by His Majesty's Government; there is also nothing in the said Schedule that in any way tends to extravagance; but let the items be well looked into and it will be perceived that nearly three fourths of the Amount, which is £690, I have never received any Value for.

I now conclude by hoping His Excellency will Consider the above Statement of heart rending grievances sufficient to exempt me from the loss of my Appointment; I beg also to urge my long services, for I am one of the oldest Civil Officers in the Colony; and am I, who have all along been strict to My duty, to lose my appointment after I may say nearly seven years struggling with difficulties such as I have enumerated. I am fully convinced Lord Goderich is too humane a Man ever to have Contemplated such a thing.

I have, &c.,

SAMUEL BATE.

GOVERNOR BOURKE TO VISCOUNT GODERICH.

(Despatch No. 53, per ship Asia.)

30 April.

My Lord,

Government House, 30th April, 1832.

I have the honor to acknowledge the receipt of Your Lordship's despatch of the 12th October last, No. 29 with its enclosures, and to inform Your Lordship that arrangements have been made for the reception of both descriptions of Emigrants, whom it is proposed by the Commissioners to send out, and for the payment of the Bounty in one case and the Advance in the other, taking the best security for the repayment of the latter that Circumstances permit.

Your Lordship and the Lords of the Treasury having, as it appears, reckoned upon the product of a tax upon assigned Convicts as a fund from whence to defray in part or in the whole the expences incurred for those Emigrants, it may be right that I submit some further observations on the Subject of the proposed tax, in addition to the reasons, which the Executive Council have alleged against it in the Minute, which accompanied my Despatch of the 27th February last, No. 28.

By a late regulation* of General Darling's, upon a Convict being Assigned, the Master has to pay one pound for his Servant's Clothes, before he is permitted to receive him from the

* Note 180.

Arrangements
for reception
of immigrants.

Observations *re*
proposed tax
on assigned
convicts.

Convict Barracks. By another late Regulation,* he has to maintain his Servant in Hospital at the rate of one Shilling per day for any period not exceeding thirty. By the accompanying Estimates, Your Lordship will perceive that the Annual Cost of each Convict averages about £13 per Annum, exclusive of the Charge of £1 for Clothes, and those for Hospital and travelling expences and for various gratuities which Masters, who are anxious to keep their Convict Servants in good humour, are always disposed to allow. The Return in labour for this expenditure is for the most part very Unsatisfactory. The Convict generally does as little as he can, not unfrequently robs his Master. Much of his time is passed in the road going to or returning from Hospital, or to a Justice to Complain of his Master's treatment, or to Answer the Master's Charges against him for negligence, drunkenness or insubordination. Many also are unsuited for labour of any sort. Good Mechanics indeed are Some times of Value to their Masters; but, where the latter are Mechanics themselves and in public business, they usually give their Convict Servants large gratuities.

1832.
30 April.

Expense and
conduct of
assigned
servants.

The expense and conduct of the Convict Servants being as I have described, the Situation of the Masters is next to be considered. The highest class of these, with very few exceptions, are the very reverse of opulent. Such as employ fifty or More Convicts could not without Some inconvenience pay £50 or even £25 per Annum as a direct tax. Many of the Smaller Settlers, who have one or more assigned Servants, are Struggling with a poor Soil and variable Climate and raise little more from their Land than what is barely sufficient to Support their families and the Servants, who assist them to clear the ground. Others have themselves perhaps just emerged from Servitude or are discharged Soldiers, and have obtained the aid of a Convict, who prefers their coarse fare to being better fed and Cloathed with a More opulent Master and less liberty. To these lower Classes of Cultivators, the tax would be a great evil. In the Establishments of Merchants and Shopkeepers, the tax ought not to be complained of; but the Number of assigned Servants So employed is not Considerable, as Compared with those engaged for Agriculture.

Probable
inability of
settlers to pay
tax on assigned
servants.

It may be further observed that the tax is not actually necessary if it be intended to allow the Revenue derived from the Crown Lands to be appropriated as heretofore to Colonial purposes. A sum of ten thousand pounds is Voted for the encouragement of free Emigration in this Year, and will be forthcoming if required. The Expenditure of the Colony is now assuming a regular form; the Separation of the Military and

Land revenue
adequate for
encouragement
of immigration.

1832.
30 April.
Finances
of colony.

Convict Establishments from the Colonial is nearly Complete, and the expense of the latter could at once be defrayed without the aid of the Military Chest or the interference of the Commissariat, if the concourse of Criminals were averted from the Colony, and its Establishments placed on the reduced footing, which would then be sufficient.

The foregoing observations are the result of a better knowledge of the Condition of the Colonists, than I possessed when transmitting to Your Lordship the Minute of the Executive Council on the proposed tax. I trust Your Lordship will be Satisfied that the Council took a correct view of the Circumstances of the Colony in dissuading its imposition.

I have, &c.,
RICHD. BOURKE.

[Enclosure.]

Estimates for
maintenance
of convict.

[This was a letter from F. A. Hely, dated 18th April, 1832, enclosing four independent estimates of the annual cost of maintenance of a convict. They were £13 15s. 2½d.; £13 18s. 8d.; £14 10s. 7d.; and £17 6s. 9d.]

VISCOUNT GODERICH TO GOVERNOR BOURKE.

(Despatch marked "Private and Confidential," per ship Planter.)

1 May.

Dear Sir,

Downing Street, 1st May, 1832.

Despatches from
R. Darling re
sale of and
payments due
on land.

I have received General Darling's Despatches* of the dates mentioned at the foot of this letter, detailing the steps which he had taken, previously to quitting his Government, for carrying into effect the several Measures referred to in my Despatches of the 9th and 23d of January, 1831, for the future sale of the Crown Lands, and transmitting the Memorial of a body of Land Holders at New South Wales representing the serious injuries, which will result to them from the enforcement of the Regulations respecting the payment of Quit-Rents and of such Sums as may be due by the Settlers to the Government for the Lands purchased by them under the administration of Sir Thomas Brisbane.

As no Instructions (even were I disposed to afford to the Petitioners the relief for which they have prayed) would now reach the Colony before the latest period when the payment of the Instalments have become due, and, as accounts may be expected from you in the course of a very short time, it is not my intention to reply to these Despatches, until I may be favoured with your opinion on the points to which they relate. In the meantime, however, I think it may be useful to you to be in possession of the Information communicated to me by Colonel

* Note 181.

Arthur in reference to this subject, and the sentiments which I have expressed in my answer; and I therefore do myself the honor of transmitting copies of these papers to you. I also take this opportunity of observing that, at present, I see no ground for admitting any intended modification of the Regulations laid down by General Darling to meet the case of those persons, who are indebted to the Colonial Government either on account of Quit-Rents due on their Lands, or for the purchase of Lands at the periods specified.

I have, &c.,

GODERICH.

1832.
1 May.

Report from
G. Arthur.

[Enclosures.]

[*These were copies of a despatch from lieut.-governor Arthur to Viscount Goderich with its enclosures, dated 9th July, 1831, and numbered 42, and of a despatch from Viscount Goderich to lieut.-governor Arthur, dated 27th January, 1832, and marked "private and confidential," which will be found in a volume in series III.*]

GOVERNOR BOURKE TO VISCOUNT GODERICH.

(Despatch No. 54. per ship Asia.)

My Lord,

Government House, 1st May, 1832.

I have the honor to transmit a Resolution passed by the Legislative Council on the 15th of March last, censuring the Conduct of the Revd. Dr. Lang in having published* certain charges against the Episcopal Clergy of the Colony. This Subject was brought under the Consideration of the Council and the Resolution moved by the Venble. the Archdeacon of New South Wales, upon the occasion of a Vote of £2,000 being proposed for the Australian College,† of which Dr. Lang may be Considered the Founder, and who had advanced those Charges, on Soliciting the Assistance of Government towards establishing the College.

Resolution of
censure passed
by council
on Revd.
J. D. Lang.

Dr. Lang, on Seeing the Resolution in print, requested me to forward his observations Upon it at the Same time with the Resolution itself, which I have now done.

Reply by Revd.
J. D. Lang.

I regret exceedingly that the Council took the matter up, and that I have been obliged to trouble Your Lordship with this Communication. It would have been fitter to have left the Clergy to have refuted the Charge by their own means. As it is, I Submit to Your Lordship that the matter should be Set at rest by no further notice being taken of either Party.

Regret at
action of
council.

I have, &c.,

RICHD. BOURKE.

* Note 126.

† Note 182.

[Enclosure No. 1.]

EXTRACT from Minute No. 25 of the proceedings of the Legislative Council on the 15th March, 1832.

PRESENT:—His Excellency the Governor; The Chief Justice; The Archdeacon; The Colonial Secretary; The Attorney General; The Controller of Customs; The Auditor General; Colonel Lindesay; John MacArthur, Esquire; Robert Campbell, senior, Esquire; Alexander Berry, Esquire; John Blaxland, Esquire; Hannibal H. MacArthur, Esquire.

“The Council resumed, and, on the motion of the Archdeacon, seconded by Mr. John MacArthur, it was resolved—

“That His Excellency the Governor be requested to Communicate to the Right Honorable The Secretary of State the opinion of this Council that the charges against the Protestant Episcopal Clergy of the Colony, contained in the Letter addressed by Dr. Lang to Viscount Goderich, were unfounded and unwarrantable; and that the publication of the same was a highly improper and Censurable Act.”

A true Extract:—E. DEAS THOMSON, Clk., Col.

[Enclosure No. 2.]

REVEREND J. D. LANG TO GOVERNOR BOURKE.

Sir,

Sydney, 24th March, 1832.

As the Legislative Council of this Colony was pleased, on the 15th day of this present month, to resolve, “That His Excellency the Governor be requested to communicate to the Right Honourable the Secretary of State the opinion of this Council, that the charges against the Protestant Episcopal Clergy of the Colony, contained in the Letter addressed by Dr. Lang to Viscount Goderich, were unfounded and unwarrantable; and that the publication of the same was a highly improper and censurable act”; I do myself the honour to submit to Your Excellency the following remarks on that resolution and to request that Your Excellency will be pleased to transmit them, along with the opinion of the Council, to the Right Honourable the Secretary of State.

1. I beg, therefore, to remark in the first place that, as the Archdeacon, the Colonial Secretary and the Auditor General had already rendered themselves parties in the case, to which the resolution refers, by transmitting a formal complaint to the Right Honourable the Secretary of State on the subject of my Letter to Lord Viscount Goderich as Commissioners of the Corporation, it was contrary to the fundamental and well known principles of English law for any of them to sit in judgment on my letter, or to express any opinion respecting it, as Members of Council.

2. Instead of specifying the particular statement in my letter which they held “unfounded and unwarrantable,” as it was incumbent upon them to have done, especially when the public expression of their opinion was evidently directly calculated to affect my reputation as a Minister of religion, the Legislative Council merely passed a general and sweeping sentence of condemnation, the injustice of which was exactly proportioned to its vagueness and generality.

3. If the Legislative Council, conceiving my Letter to my Lord Goderich of sufficient importance to engage their attention, had really been desirous of ascertaining the truth in regard to the

1832.
1 May.

Resolution of
censure passed
by council
on Revd.
J. D. Lang.

Reply by Revd.
J. D. Lang
to resolution.

Participation
of interested
parties.

Injustice of
general
character of
resolution.

statements which it contained, they would have called for an explanation in the first instance, in accordance with the practice of a higher tribunal in the Mother-Country, and thereby ascertained whether there was any ground for the statements referred to, or whether I was capable of adducing any evidence in attestation of their truth. But, in condemning me unheard and without even the shadow of investigation, they have in this particular instance virtually, though perhaps undesignedly, rendered an Institution, which His Majesty designed for the general good, an instrument of individual oppression.

1832.
1 May.
—
Criticism of
condemnation
without
inquiry.

4. But, even though all the members of the Legislative Council had been in the highest degree disinterested in the case in question; though the charge they have preferred against me had been direct and specific; and though they had substantiated that charge by unexceptionable evidence, I beg to submit to Your Excellency whether the Legislative Council had any authority to erect themselves into a Court of Inquisition and to sit in judgment on the moral character and veracity of a private individual. To be stigmatized by a civil Court as the author of "unfounded and unwarrantable" charges would subject me to ecclesiastical censures in the Church Court, to which I am amenable. I beg, therefore, to submit to Your Excellency that, in so stigmatizing me, the Legislative Council have very much exceeded their proper power.

Powers
exceeded by
legislative
council.

I beg also to submit to Your Excellency that the statements, referred to in my letter to Lord Goderich, were not charges against the Episcopal clergy of this Colony, but against the Church and School Corporation, the system under whose operation the Episcopal Clergy had been accidentally and, as I still conceive, unfortunately placed. For in addition to all the other and lesser evils of that system, I observed in the letter in question that it tended to secularize the Episcopal Clergy and to render them worldly minded, and thereby to lower the standard of morals and of religion throughout the Territory. Such a tendency was the necessary consequence of the primary constitution of the Corporation, which rested in a court composed chiefly of Episcopal Clergymen a property almost inconceivably extensive, together with the uncontrolled management of funds to the amount of upwards of £20,000 per annum. At the same time, I am most willing to admit that such would have been the tendency of the Corporation, had it been instituted in favour of any other church or of any other body of clergy; for, although there will always be found individuals of that order superior to the usual tendencies of wealth and the desire of gain, no church, whether Popish or Protestant, has ever yet withstood the corrupting influence of extensive possessions.

Character of
charges made
by Revd.
J. D. Lang.

That His Majesty's Government have latterly entertained the very same view of the tendency of the Corporation, I am warranted to conclude from the fact that its Constitution has been entirely remodelled, and the management and control of its funds transferred from the original Trustees to the Archdeacon and certain lay Commissioners.*

Opinions
confirmed by
actions of
government.

In regard to the actual effect of the Corporation in secularizing the Episcopal Clergy of the Colony, although the question is partly a matter of opinion and not entirely a matter of fact, had the Council required any explanation of my letter, previous to their making it the subject of a condemnatory sentence, I beg to assure Your Excellency that I could have exhibited satisfactory proofs of the secularizing tendency of the Corporation. But, as the

Evidence
available
in proof of
statements
by Revd.
J. D. Lang.

* Note 18.

1832.
1 May.

exhibition of such proofs might require me to mention the case of individuals, which I have not yet done in any way and which I conceive is neither necessary nor expedient, I forbear saying anything further on the subject.

Standard
of clerical
conduct.

I beg also to submit to Your Excellency that the case, on which the Legislative Council pronounced an authoritative opinion, required the previous settlement of the question, "What is the proper standard of clerical excellence and clerical disinterestedness?" That question, Your Excellency is well aware, can only be decided by a reference to authority universally acknowledged paramount in the Protestant Church. But it unfortunately happens, in the ordinary course of human affairs, that individuals, without referring to divine authority, not infrequently form another standard agreeably to their preconceived opinions and the practice of those around them, and conclude, without evidence and without investigation, that what is generally practised cannot be wrong. Whether the Legislative Council were thus precipitate in forming their opinion in the present instance, I shall not presume to decide; but I cannot help expressing my own suspicion, confirmed as it is by what has uniformly been the case in the other Colonies of the Empire, that their standard of clerical propriety is by no means so high as to render their opinion on such subjects infallibly correct.

Submission to
judgment of
R. Bourke.

Whether a passage, incidentally introduced in a Letter obviously written to promote the best interests of this Colony and to point out the means of relieving the Mother-country of a portion of its distressed population, was the only particular either in my conduct or writings that deserved the notice of the Legislative Council, I am not competent to decide; but I beg leave most respectfully to submit the case to Your Excellency's better judgment, conscious that my own humble efforts to promote the intellectual, the moral and religious welfare of this Colony will be estimated in a very different manner when the present members of the Legislative Council shall have ceased to vote and the individual who has now the honour to address Your Excellency to be affected by their opinion.

I have, &c.

JOHN DUNMORE LANG.

VISCOUNT GODERICH TO GOVERNOR BOURKE.

(Despatch No. 91, per ship Planter.)

2 May.

Sir,

Downing Street, 2d May, 1832.

Proposed
appointment of
E. McDowell
as solicitor-
general in
Tasmania.

In my Dispatch of the 24th Sept. last, I intimated to you the circumstances, which had induced me to supersede Mr. McDowell in the situation to which he had been appointed at New South Wales. Certain legal arrangements, which are about to take place in Van Diemen's Land, consequent on the return of Mr. Baxter to England, have occasioned a Vacancy at that Island in the office of Solicitor General. As I consider Mr. McDowell's conduct towards this Department, in protracting his stay in this country so much beyond the period at which he was authorized to remain, will have been visited with sufficient severity by his having been deprived of the office, which he was appointed in the first instance to fill, you will offer to him that

which is now vacant in Van Diemen's Land, directing him to proceed forthwith to that Island, if he should be disposed to undertake the duties of it, united with those of Crown Solicitor. The emoluments of these two situations amount to £600 per Annum; and, although I am aware that this sum is considerably less than that which he would have enjoyed, had he been permitted to retain the Situation originally conferred upon him in New South Wales, yet I cannot hold out to him, if he acquiesces in the present arrangement, any other remuneration than that which was paid to the Officer whom he will succeed. Upon the same principle, however, on which officers appointed from home are permitted to receive portions of their Salaries from the date of their embarkation in this Country, Mr. McDowell will be entitled to receive, on arriving at Van Diemen's Land, half salary on account of his new office, from the date at which he may take his departure from New South Wales.

1832.
2 May.
Proposed appointment of E. McDowell as solicitor-general in Tasmania.

Should Mr. McDowell have quitted that Colony upon his return to this Country, previously to the arrival of this Dispatch, or should the arrangement proposed in it not meet the views of Mr. McDowell, you will immediately acquaint me therewith, in order that I may adopt such other measures as shall appear necessary for filling up the office of Solicitor General at Van Diemen's Land, and it will be also desirable that you should apprise Lieut. Governor Arthur, who will be in expectation of Mr. McDowell's arrival in Van Diemen's Land, of the circumstances which have prevented his proceeding thither.

I have, &c.,
GODERICH.

GOVERNOR BOURKE TO VISCOUNT GODERICH.

(Despatch No. 55, per ship Asia; acknowledged by Viscount Goderich, 4th October, 1832.)

My Lord, Government House, 2d May, 1832.

I have been applied to by the Clerk of the Council to order payment of the accompanying bill for copying and other Clerical Services in the Offices of the Executive and Legislative Councils during the year 1831, amounting to £91 5s. 4d.

Transmission of bill for clerical services to councils.

From the quantity of writing required for engrossing three Copies of every local ordinance, and Copying the Minutes and documents in the appendix to the Minutes of the Councils, I am Satisfied it would have been hardly possible for the Clerk to have executed the duty within the required time unless by engaging assistance in the Manner he has done. In consequence of representations forwarded through Lt. General Darling, Your Lordship

1832.
2 May.

was pleased to allow a Copying Clerk to the Department of the Councils from the first day of the present year, and I have now to request that the Charge detailed in the accompanying account may obtain Your Lordship's Sanction.

I have, &c.,

RICHD. BOURKE.

[Enclosure.]

BILL FOR CLERICAL SERVICES TO COUNCILS.

Sydney, New South Wales.

THE Department of the Executive and Legislative Councils Dr. to Charles Moore For the Undermentioned Services performed for the Public Service, from 11th February to 30th September, 1831.

	Folios of 72 words.	£	s.	d.
For Transcribing a Copy of the Appendix to the Proceedings of the Legislative Council for the half Year ended 31st Decemr., 1830	88			
„ Do. original and Duplicate Copies in the case of the Surveyor General	216			
„ Do. Requisitions for Stationery in Quadruplicate	16			
„ Entering in the Appendix to the Proceedings of the Executive Council for the Year 1830	680			
„ Transcribing a Copy of the Appendix to the Proceedings of the Executive Council for the Quarter ended 31st March, 1831	256			
„ Do. Copies of the examination of Messrs. Jones, Campbell, Macarthur, Berry and Barker before the Executive Council in the Case of the Petition for a Duty to be levied on Imported Wheat and Flour	68			
„ Do. Copies of the examination of Messrs. Piper, Icely and Brown before the Executive Council in the Case of the Petition for Distillation at Bathurst	16			
„ Transcribing a Copy of the Appendix to the Proceedings of the Executive Council for the Quarter ended 30th June, 1831	248			
„ Entering in the Appendix to the Proceedings of the Executive Council to 30th June, 1831	600			
„ Transcribing Copies of the Observations of the Venble. the Archdeacon and Letter of their Honors the Judges of the Supreme Court addressed to His Excellency the Governor relative to the affairs of the Church Corporation	16			
„ Do. in Duplicate the Abstracts, Vouchers and Authorities of Fixed and Unfixed Contingencies supplied for the use of the Executive and Legislative Councils and forwarding the same to the Auditor General	24			
„ Do. Two Drafts of the Rewards proposed should be offered to Public Competition, with a view of drawing the Attention of the Colonists to Branches of Agriculture and Horticulture, which are Considered suited to the Soil and Climate	32			

Bill for clerical services for executive and legislative councils.

1832.
2 May.

I certify that the abovementioned Services were duly and satisfactorily performed, that the Expenses thereof were actually and necessarily incurred for the Department of the Executive and Legislative Councils, and that the price charged was most reasonable, for which they could be procured at the above date specified.

E. DEAS THOMSON, Clk., Cols.

I acknowledge to have received from E. Deas Thomson, Clerk to the Executive and Legislative Councils, the Sum of Ninety one Pounds, five shillings and four pence Sterling, in full payment of the above account for which I have signed a Receipt in Duplicate.

Sydney, 19th November, 1831.

CHARLES MOORE.

Witness:—W. M. LITHGOW.

UNDER SECRETARY HAY TO GOVERNOR BOURKE.

(Despatch per ship Planter; acknowledged by Governor Bourke, 15th January, 1833.)

3 May.

Sir,

Downing Street, 3d May, 1832.

Compensation
ordered for
J. H. Reibey
and J. Atkinson.

Messrs. Reibey and Atkinson having renewed their application for compensation on account of the piratical seizure by Convicts of the "Eclipse," their joint property, I am directed by Viscount Goderich to call your attention to Sir George Murray's despatch, No. 45 of the 9th June, 1830, and to desire that you will carry into effect the instructions, which were conveyed to General Darling by that despatch, respecting this case.

As it has been represented to Lord Goderich by Mr. Reibey that he has settled in Van Diemen's Land, his Lordship has consented (in the event of this case being deemed one deserving compensation) to one half of the land and cattle which may be awarded to the parties, being assigned to him in Van Diemen's Land, and the other half to Mr. Atkinson in New South Wales, where he is a resident. You will therefore apprise Colonel Arthur of the decision which may be formed respecting the claim in question.

I am, &c.,

R. W. HAY.

GOVERNOR BOURKE TO VISCOUNT GODERICH.

(Despatch No. 56, per ship Asia; acknowledged by Viscount Goderich, 7th November, 1832.)

My Lord,

Government House, 3rd May, 1832.

Proposed
concessions on
purchase of
land by
officers of
E.I. company.

I take the liberty of requesting Your Lordship's Consideration of the Subject of a letter lately received from Lieut. Colonel Parker of the Honble. the East India Company's Service, a copy of which I have now to honor to transmit. Lieut. Colonel Parker is desirous that the Allowance, Afforded to Officers of His Majesty's Service in the purchase of Land in this Colony, Should be extended to Officers of the Company's Service. He places, in a very Strong point of view, the injury

Sustained by the latter in being deprived of the indulgence now Sought for by the Selfish feeling of the Company. It is my duty to represent that I believe the Colony to Suffer from the Same Cause, as I have reason to think that many Valuable Settlers, Valuable both from respectability of Character and possession of Capital, would be induced to remove here from India, if they were allowed the Same advantage as those now enjoyed by retired Officers of the King's Service.

1832.
3 May.

Proposed concessions on purchase of land by officers of E.I. company.

I have, &c.,

RICHD. BOURKE.

[Enclosure.]

LIEUT.-COLONEL PARKER TO COLONIAL SECRETARY MACLEAY.

Sir,

Lower Minto, 26th March, 1832.

Having observed in the New South Wales Government Gazette a notification under date 6th March, 1832, wherein a Scale is laid down, in conformity with which Military Officers purchasing Land in this Colony, according to the Established Regulations, will be entitled to a remission of the purchase money in proportions bearing reference to rank and service; and having heard that it was not intended that this indulgence should extend to Military Officers in the service of the East India Company, I did myself the honor to wait upon his Excellency the Governor, with a view of ascertaining whether the information I had received on this Head was correct; and, to my surprize and regret, learned from His Excellency that the exclusion adverted to was in accordance with the instructions* of the Right Honorable the Secretary of State for the Colonies.

Request by C. Parker for concessions on purchase of land by officers of E.I. company.

Considering this exclusion to be harsh and invidious, as well as impolitic, I take the liberty of offering a few observations, with the intention of shewing the grounds of this opinion; hoping respectfully that, if His Excellency should deem it founded in reason, he will be pleased to bring the case to the notice of His Majesty's Government, with the addition of his powerful recommendation that the regulation should be so modified as to admit that portion of His Majesty's Military Servants, serving in the Army of the East India Company, to an equal participation with the Officers of the Royal Army in an indulgence so considerately and graciously granted to the latter.

From the known liberality of sentiment possessed by His Excellency, I am not under any apprehension that His Excellency will refuse to allow due weight to the observations I shall offer on the subject of this address, or that he will deem me intrusive in submitting the matter for his consideration.

I have termed the Officers of the East India Company's Army a portion of His Majesty's Military Servants, and such they may justly be considered.

The acquisition and defence of the vast territories under English Rule in Hindostan will not, I apprehend on any hand, be denied to be objects of the highest National importance; so much indeed are they considered so, that a considerable portion of the Royal Army is always employed in conjunction with that of the East India Company for their preservation, the duties of the two Armies being in all respects similar; and, in the performance of these duties, it very frequently occurs that Officers of the Royal Army

* Note 183.

1832.

3 May.

Request by
C. Parker for
concessions on
purchase of
land by
officers of
E.I. company.

act under the orders of the Company's Officers. Moreover the East India Company's Officers hold commissions under the immediate authority of His Majesty, which, according to their tenor, are valid even in this Colony. They also participate in His Majesty's Brevet and extraordinary Brevet Promotions for distinguished services, and are eligible to the highest National Military Honors, some splendid instances of their enjoyment of which might be mentioned.

Since then it is deemed just to consider the East India Company's Officers, in the respects above adverted to, as worthy to participate in the indulgencies granted to His Majesty's Officers, on what grounds of equity or consistency can they be refused the same facilities as are enjoyed by the latter for obtaining the means of comfortable retirement in the evening of a life, passed equally with them in the public service, by the purchase on easy terms of Land in a distant Colony in want of population? The distinction seems invidious as well as inequitable, because it is drawing a marked line between two classes, in other respects considered and treated as on an equality. I feel fully convinced that I might safely appeal to the high feelings of His Majesty's Officers themselves for a confirmation of these sentiments.

As to the impolicy of the regulation, or rather of the exception from a regulation otherwise Politic and Beneficial, as regards the interests of this Colony, there can I imagine be but one opinion. The exclusion, under the present circumstances of the Colony, of the Population, to say nothing of the Capital, which, if this obstruction were removed, would flow into it from India, cannot but be impolitic; and it requires no argument to prove it so.

Where then are we to look for the reason of this exclusion? It emanates perhaps from the East India Company, and I proceed to examine the grounds on which the objection of that body, to the extension of the boon to their own Officers, may probably rest.

Under the existing regulations, the Officers of the East India Company's Army are entitled to retire, after a service of not less than twenty two years actually in India, on the Pay of the rank which each may chance to have attained. This period, few will think too short under a tropical Sun, and exposed to all the chances of premature demise, arising from a climate in many places known to be deadly, attended, should that danger be providentially surmounted, in almost every instance with the destruction of health.

The extension of the boon might possibly enable a few Officers to command the means of a retirement required by their infirmities, which would not otherwise be within their reach; but surely this is an object, which neither His Majesty's Government nor the Court of Directors of the East India Company would wish to withhold from Officers, whose best days have been passed in the Public Service under circumstances peculiarly adverse to the preservation of health. This would be confessedly to enforce a prolonged sojourn in India to the exclusion of the only probable chance of restoring a broken constitution, and consequently to the certain abbreviation of life.

I confidently indulge the hope that His Excellency the Governor will feel disposed to recommend a measure, supported by the considerations of humanity, equity and expediency, and opposed only by an interest of a comparatively narrow and unimportant character.

I have, &c.,

C. PARKER,

Lt. Col. East India Company's Service.

GOVERNOR BOURKE TO VISCOUNT GODERICH.

(Despatch No. 57, per ship Asia; acknowledged by
right hon. E. G. Stanley, 16th April, 1833.)

1832.
3 May.

My Lord, Government House, 3rd May, 1832.

I have the honor to transmit the Copy of a Communication received from Sir Edward Parry, requesting that a Magistrate and a sufficient Police Establishment* may be maintained at the public Expense at Port Stephens, where the principal Estate of the Australian Agricultural Company is situated. Sir Edward Parry Claims for the Number of free persons and Convicts located on that Estate the Same protection and Control as is extended to Similar Numbers residing on Separate Estates in any other District of the Colony. He states the Numbers on the Estate of Port Stephens to be about 227 free Persons and 285 Convicts.

Request for
magistrate
and police
establishment at
Port Stephens.

Population at
Port Stephens.

I laid the application before the Executive Council, who are of opinion that, if the Military Party be withdrawn, as proposed by Sir Edward Parry, a Magistrate, Clerk, three Mounted Police and three Constables should be Maintained at and near Port Stephens for the benefit of the Residents on the Company's Estate and any others in the Neighbourhood. The latter, however, are too few to be taken into Consideration. I will take early measures for supplying the Police and Constables; but the Expense of the Magistrate and Clerk is too Considerable to be incurred without Your Lordship's Sanction. A properly qualified Police Magistrate and Clerk can not be obtained for less than £230 per Annum. The Military Officer, who is now at Port Stephens, receives £100 a year from the Company. I should observe that, if Your Lordship authorises this Charge, it will be defrayed out of the Military Chest, from which all payments for Police within the Colony are made, the expense of Police having been with great reason given over to the British Treasury in the arrangement made for Separating the expenditure of Great Britain and the Colony.

Recommendation by
executive
council.

Expense of
proposed
magistrate
and clerk.

I beg leave to add that I have some doubt as to the propriety of Charging the Colony with the expense of a Magistrate, as I think it probable that, if the Same extent of land as that granted to the Australian Company had been allotted to Settlers of the usual description, there would have been found amongst 227 free Persons one or two fit to hold a Commission of the Peace, who would act without Salary. The peculiar manner, in which the Company have settled their lands, has excluded Persons of the description I have mentioned. Sir Edward Parry and another Gentleman at Port Stephens are indeed in the Commission; but, both being in the employment of a Company, they are not

Special
conditions
prevalent on
estates of
A.A. company.

* Note 184.

1832.
3 May.

considered qualified to act as Magistrates where the Company's interests are concerned. On the other hand, it should not be forgotten that the Company are expending a large capital in the Colony and are on this account entitled to particular Consideration.

I have, &c.,

[Enclosure.]

RICHD. BOURKE.

[A copy of this letter is not available.]

VISCOUNT GODERICH TO GOVERNOR BOURKE.

(Despatch No. 92, per ship Planter.)

4 May.

Sir,

Downing Street, 4th May, 1832.

Despatch
acknowledged.

I have to acknowledge the receipt of Colonel Lindesay's despatch No. 8 of the 26th November, 1831, enclosing the application of Lt. Colonel Snodgrass for a grant of a Town Allotment, on which to build a Residence.

Refusal of
request by
K. Snodgrass
for town
allotment.

I am sorry to acquaint you, in answer, that Colonel Snodgrass's request cannot be acceded to. The necessity of rigidly adhering to the Regulations, lately established, have compelled me on several occasions to reject similar applications from Public Officers both in New South Wales and in the neighbouring Colony; and, if I were now to admit the claim of Colonel Snodgrass, I should not be able to refuse the applications of other persons, which would immediately be preferred; and the door would thus be thrown open to all the evils of the old system.

Proposed
remission on
purchase
money.

The only way, in which claims of this description can be granted, is that pointed out in my despatch of the 14th February, 1831, viz., "by remitting a certain sum from the price of the land which they may purchase." If you should be satisfied that Colonel Snodgrass's services in the Colony are such as to entitle him to peculiar consideration, and that it is not likely to be quoted as a precedent hereafter, I have no objection to your giving him the benefit of a remission of the price of the building allotment he may purchase to the extent of *Fifty pounds*. You will acquaint him that this is the utmost which I am at liberty to sanction.

Return
required of
land grants.

I cannot conclude this despatch without calling your attention to the statement made by Colonel Snodgrass in support of his application that "several of the Civil Officers and many private gentlemen, with one Military Officer, have within the last month received" Building allotments; I am to request that you will transmit to me a list of all Grants, whether Farms or Town Allotments, which may have been given away since the promulgation of the new Regulations, accompanied by an explanation of the reasons for each Grant. The great value of Building allotments and the eagerness, with which they are

sought, render great circumspection necessary in the disposal of them, more particularly as it is expected that a great part of the funds, arising from the sale of land and appropriated to the assistance of labouring persons who may wish to emigrate to the Colony, will be derived from this source. You will, therefore, understand that you are not at liberty to sanction the remission of any purchase money on the ground of public services, without special authority from home.

1832.
4 May.

Special authority required for remission of purchase money.

I am, &c.,

GODERICH.

GOVERNOR BOURKE TO VISCOUNT GODERICH.
(Despatch No. 58, per ship Asia.)

My Lord, Government House, 4th May, 1832.

With reference to Your Lordship's Despatches of the 25th August, 1831, No. 15, and 23d September, 1831, No. 21, I have the honor to State that Mr. Carter has been removed from his employment as Master in the Supreme Court, and that an arrangement has been made with the Chief Justice, by which the duties of the Master's Office will be discharged by the Chief Clerk of the Supreme Court without any present addition to the public expense. I should, however, observe that the Chief Clerk's Salary was augmented by my Predecessor with a view as I understand to this arrangement at the commencement of the Year 1828.

Removal of W. Carter from office as master of supreme court.

It was found necessary to keep Mr. Carter in Office Until the close of the last Month to wind up certain Matters, which could not have been taken out of his hands without great inconvenience. He has however, during the whole time of this delay in his removal, continued to apply a large portion of his Salary towards the discharge of a debt to the Government, Contracted during the time of my Predecessor by non payment of fees received by him in his office, which debt he has now paid in full. With respect to the Sum issued to Mr. Carter in Consideration of the loss of the Office of Chairman of the Quarter Sessions, to which Your Lordship alludes, I fear it is irrecoverable; but, as Mr. Carter remains in the Colony practising as a Conveyancer, I will not fail to call upon him for payment at a suitable time.

Payment of salary towards liquidation of debt.

I have, &c.,

RICHD. BOURKE.

GOVERNOR BOURKE TO VISCOUNT GODERICH.
(Despatch No. 59, per ship Asia.)

My Lord, Government House, 4th May, 1832.

In my despatch of the 3d Ultimo, No. 46, I informed Your Lordship that I had removed Captain Wilson from his employment as Director of Public Works, and reduced that Department

Removal of C. Wilson from office.

1832.
4 May.

in conformity to Your Lordship's instructions, Conveyed in Your Despatch of the 22d August last, No. 14. I have now to reply to that part of Your Lordship's Communication, which relates to the transfer of Captain Wilson's Servants at the period of his Insolency.

Practise in
transfer of
assigned
convicts.

In the first place, I beg leave to State that, by the Regulations of this Government, no transfer of an assigned Convict Should take place without permission obtained for the purpose and Communicated through the Assignment Board to the Parties Concerned. An Unauthorised transfer Subjects the Masters giving and receiving to the forfeiture of their Claims for assigned Convicts at any future time. The permission to transfer indeed is Seldom refused (Unless it should appear a grievance to the Convicts), as it is not only a Convenience to the Parties applying for the transfer, but it Saves expense by obviating the necessity of Calling in Convicts from distant Stations to Sydney and reassigning them from thence to the Same or other remote Places.

Convicts
assigned to
C. Wilson.

In the case of Captain Wilson, to which Your Lordship has called my attention, I find that thirteen assigned Convicts in his employment were regularly transferred, and three are Still with Mr. Wilson. Some others are undoubtedly astray, a Circumstance to which I have directed the attention of the Principal Superintendent of Convicts. I do not, however, wish to impute blame to that Officer for not being able at a Moment to account for every one of fourteen thousand Convicts now in the Colony. His Office is one of great detail, and he is not in truth Sufficiently Supplied with Clerks. Where a rigid economy is in practice, there must be some loss in efficiency. I think it right to add that I had reason to be dissatisfied with Some part of Captain Wilson's conduct, and that he was under Suspension at the time I received Your Lordship's Orders for his removal. I had ascertained that he had permitted Individuals at various times and had himself taken Stores from the Lumber Yard at Sydney in a way, which, though to a certain degree authorised by long practice, was injurious to the public Service and to the reputation of all concerned.

Irregular
practises of
C. Wilson.

I have, &c.,

RICHD. BOURKE.

GOVERNOR BOURKE TO HON. J. STEWART.
(Despatch No. 3, per ship Asia.)

Sir, Government House, 4th May, 1832.

Depletion
of military
chest.

I have the honor to acquaint you, for the information of the Lords Commissioners of His Majesty's Treasury, that the Deputy Commissary General in this Colony has lately called my

attention to the low state of the Military Chest, and to the probable failure in recruiting it by the means hitherto adopted. It appears that the demand for Treasury Bills* has latterly much diminished, and, from the encreasing confidence in private Bills and the augmented value of the Colonial Exports, it would seem that the issue of Commissariat Paper is likely to remain much below the amount of former years.

1832.
4 May.

Decrease in demand for treasury bills.

For the first Quarter of the year 1831, Bills were drawn to the amount of *Twenty five thousand and forty two pounds, fourteen shillings, and three half pence.*

For the first Quarter of the present year to the amount of *Twenty one thousand and thirty nine pounds, ten shillings, and two pence,* making a difference on the Quarter of about *Four thousand pounds.* In the month of April, 1831, the amount received for Bills reached *Ten thousand seven hundred and ninety nine pounds, nine shillings, and three pence.* In the month of April of this Year but *Five thousand five hundred and sixty Pounds eight shillings and nine pence,* making a difference of above *Five thousand Pounds* in the month.

To prevent as much as possible the inconvenience which would arise from the absolute want of Specie in the Chest, I have directed the Deputy Commissary General to retain the Spanish Dollars which had been ordered to be Shipped for England. I propose also, with the consent of the Legislative Council, to pay into the Chest from the Colonial Treasury such Sums as are found to be due to the former for Stores issued or cash paid for Colonial purposes, or if necessary to make a further loan to the Chest. But their Lordships will be aware that the whole amount of the Cash Balance in the Colonial Treasury is little more than *Thirty thousand Pounds;* which will I fear be insufficient to supply, even for this year, the deficiency in the Chest occasioned by the diminished call for Bills on the Treasury.

Measures to obviate deficiency in specie.

To render the demand more active, I have thought it may be advisable to take off the premium now required on Treasury Bills and to draw at par. This measure would probably obtain a temporary supply of cash until the private Bills fall to a discount, when the preference would be again given to the latter, supposing, as there seems no reason to doubt, the circumstances of the Colony to continue as prosperous as at present.

Removal of premium on treasury bills.

I do not mean to resort to the issue of Spanish Dollars or the reduction of the premium without an absolute necessity. If such necessity should exist, I propose to adopt the latter expedient in preference to the issue of Dollars, as the introduction of that coin into the circulation would be very inconvenient.

Issue of Spanish dollars to be delayed.

1832.
4 May.
Proposed
remittance of
British silver.

It may be that the demand for Treasury Bills will revive, but of this I have some doubt. To prevent the loss which would ensue if the Treasury Bills fall below par, I would recommend to their Lordships to make a remittance of British Silver without delay.

I have, &c.,

—————
RICHD. BOURKE.

VISCOUNT GODERICH TO GOVERNOR BOURKE.

(Despatch No. 93, per ship Planter.)

5 May.
Despatch
acknowledged.

Sir,

Downing Street, 5th May, 1832.

I have had the honor to receive your Dispatch No. 4, of the 29th Decemr. last, enclosing the Copy of a Letter from the Revd. Dr. Lang in reply to one which had been addressed to me by the Commissioners for the Management of the Church and School Corporation. I have so recently communicated with you on the subject to which Dr. Lang's Letter relates, that I do not think it necessary, at present, to do more than refer you to my former dispatch.

I have, &c.,

—————
GODERICH.

GOVERNOR BOURKE TO VISCOUNT GODERICH.

(Despatch No. 61, per ship Asia.)

My Lord,

Government House, 5th May, 1832.

Transmission of
copy of letter
to treasury.

I have the honor to transmit for Your Lordship's information the Copy of a letter,* which I have addressed to the Secretary of the Treasury Upon the State of the Military Chest in this Command.

I have, &c.,

—————
RICHD. BOURKE.

GOVERNOR BOURKE TO UNDER SECRETARY HAY.

(Despatch per ship Asia.)

Sir,

Government House, 5th May, 1832.

I have the honor to acknowledge the receipt of Your letter dated 23d November, 1831, Conveying Viscount Goderich's Commands to cause an enquiry to be instituted into the Circumstances of the removal of Mr. Young from his Situation in the Post Office at Sydney, with a view to affording that Gentleman Some Compensation in the event of the Post Master's Conduct having been Such as it was represented to be.

I have now to inform You in reply that Mr. Young has Since his removal from the Post Office gone to Van Diemen's Land, where he now holds a profitable employment. I have therefore Considered an enquiry into his case unnecessary.

I have, &c.,

—————
RICHD. BOURKE.

Proposed
inquiry re
complaints of
C. Young.

* Note 185.

VISCOUNT GODERICH TO GOVERNOR BOURKE.

(Despatch No. 94, per ship Planter.)

1832.
6 May.

Sir, Downing Street, 6th May, 1832.

I have received your Dispatch No. 9 of the 6th of January last, enclosing a Memorial from Mr. E. H. Hayes, claiming a grant of Land in New South Wales, and I have to request that you will inform that gentleman, that I regret that I do not feel myself at liberty to authorize his receiving any Land excepting upon the terms lately promulgated in the Colony.

Refusal of
land grant for
E. H. Hayes.

I have, &c.,
GODERICH.

VISCOUNT GODERICH TO GOVERNOR BOURKE.

(Despatch No. 95, per ship Planter.)

Sir, Downing Street, 7th May, 1832.

7 May.

I have received your Dispatch No. 12, of the 14th of January last, accompanied by an application from Dr. Bowman, Inspector of Colonial Hospitals, to be relieved from the repayment of the sum of £150, which appears to have been issued to him in anticipation of an authorized increase of Salary, but which, not having been sanctioned by the Secretary of State to the extent to which it had been proposed, Dr. Bowman was called upon to refund; and, as I do not perceive any circumstances whatever in this Officer's case which should induce me to modify the Instructions which were communicated to your Predecessor upon this subject, I have to desire that you will require from Dr. Bowman the immediate repayment of the Sum in question.

Refusal to remit
refund by
J. Bowman.

I have, &c.,
GODERICH.

VISCOUNT GODERICH TO GOVERNOR BOURKE.

(Despatch No. 96, per ship Planter.)

Sir, Downing Street, 10th May, 1832.

10 May.

I have had the honor to receive your Dispatch No. 8, of the 4th of January last, reporting the death of Mr. Charles Fraser, the Colonial Botanist of New South Wales. In announcing to you the appointment of Mr. Richard Cunningham as the late Mr. Fraser's Successor, I am happy to acquaint you that he has obtained the unqualified testimony of Mr. Brown (the gentleman to whom you have referred me) as to his fitness for this employment.

Death of
C. Fraser.

Appointment of
R. Cunningham
as colonial
botanist.

I beg further to acquaint you that the Salary of £200 per Annum, which was assigned to the Office of Colonial Botanist

1832.
10 May.
Salary for
R. Cunningham.

by Sir George Murray's Dispatch of the 10th of April, 1830, is that at which I have consented to fix Mr. Cunningham's Remuneration, to whom you will issue half-salary from the date of his embarkation.

I have, &c.,
GODERICH.

UNDER SECRETARY HAY TO GOVERNOR BOURKE.

(Despatch per ship Hercules.)

11 May.
Transmission
of letter.

MR. HAY presents his compliments to Major General Bourke, and, with reference to Lord Goderich's Despatch of the 8th Instant respecting Mr. Cunningham, whom his Lordship has appointed Colonial Botanist in the room of Mr. Fraser deceased, begs to transmit to General Bourke the enclosed Copy of a Letter from Mr. Brown of the British Museum on the subject of Mr. Cunningham's qualifications.

Downing Street, 11th May, 1832.

[Enclosure.]

MR. R. BROWN* TO UNDER SECRETARY HAY.

Sir, 17 Dean St., Soho, 10th May, 1832.

Qualifications of
R. Cunningham.

I have to acknowledge the receipt of your letter of the 9th, in which you acquaint me that Lord Goderich has done me the honor to ask my opinion of Mr. Richard Cunningham's qualifications, to fill the situation of Superintendent of the Botanic Garden at Sydney, vacant by the death of Mr. Fraser.

In reply, I have great pleasure in stating that, having for several years had opportunities of judging of Mr. Cunningham's qualifications, I am able to recommend him as perfectly competent to undertake the duties of the Office in question, both from his knowledge of practical Botany generally, and from his extensive acquaintance with the plants of New South Wales in particular; and I beg leave to add that I think his appointment will prove highly advantageous.

I have, &c..
R. BROWN.

VISCOUNT GODERICH TO GOVERNOR BOURKE.

(Despatch No. 97, per ship Planter.)

12 May.
Expenditure
on legal
proceedings.

Sir, Downing Street, 12 May, 1832.

I have received General Darling's Despatch No. 87 of the 10th of October last, on the subject of an Expenditure amounting to £1,767 1s. 3½d., incurred in a variety of Legal Proceedings in which the Local Government of New South Wales has been involved.

The papers transmitted with General Darling's despatch, in explanation of this Expenditure, do not disclose so much information in reference to the several Actions, therein referred to, as could be wished, although, so far as this information goes, I have no reason to disapprove of the course which he has pursued. In regard, however, to the Actions brought against Captain

Sandilands and the other Officers concerned in the detention of the Prisoners, sent to New South Wales by the Governor of the Swan River Settlement, I regret that General Darling should not have defrayed the costs out of the same Funds, to which the other Costs were charged; for, although I see no reason to differ with him in opinion that the expences attendant upon these Proceedings should be borne by the Government of Swan River, yet I consider that it would have been less inconvenient to have charged the Colonial Revenue of New South Wales with them, in the first instance, than to have paid them from the Military Chest. You will, therefore, cause the sum in question, amounting, as is stated by General Darling, to £1,137 15s. 6d., to be returned to the Military Chest, charging the same to the Colonial Revenue, until such time as it may be decided in what manner the sum should be reimbursed to the Colony.

1832.
12 May.

Method of
payment of
costs in suits
against A. A.
Sandilands.

From the observations made by General Darling respecting Mr. Moore, the Crown Solicitor, in the case of the Action brought against the Colonial Government by Mr. Girard, as well as in that of the Master of the Ship "Elizabeth," whose conduct was so atrocious at New Zealand, there is no doubt that he has shewn himself a very unfit person for the Office which he holds. And nothing but my having called your attention to the repeated Acts of negligence of this Officer, and the expectation of my receiving shortly from you a full report on the complaints, preferred against him by your Predecessor, induces me to delay, at once, removing him from the above situation.

Incompetency
of W. H. Moore.

The questions connected with the prosecutions for libel, and the observations of General Darling on the Press, have been already so largely discussed that I do not, at present, feel myself called upon to advert to that subject, in reference to General Darling's vindication of himself in having abandoned the Proceedings, which he had commenced against the Editors of the Sydney Monitor and the Australian Journals. As the Act of the Colonial Legislature, passed in the month of January, 1830, for amending the Law of Libel (and which was originally passed for only two years), will have ceased altogether shortly after your arrival in the Colony, the state of the Public Press will have necessarily engaged your early attention; until, therefore, I shall have under my consideration a New Act in reference to this subject, and have been favored with your sentiments and views as to the extent of the Evil, of which General Darling complains, I do not consider it necessary to convey to you any instructions in addition to those, which have already been communicated to your Predecessor.

Omission of
reference to
press.

I am, &c.,

GODERICH.

1832.
13 May.

VISCOUNT GODERICH TO GOVERNOR BOURKE.
(Despatch No. 98, per ship Planter.)

Sir,

Downing Street, 13 May, 1832.

Despatch
acknowledged.

I have received your despatch No. 3 of the 23 of Decr. last, with the enclosed address* presented to you by the free Inhabitants of New South Wales on your assuming the Government of that Colony, the value of which I should have been better able to appreciate, had you stated the names of the Persons by whom it was signed, and who were the Parties composing the deputation by whom it was presented.

Approval of
loyalty of
colonists.

His Majesty's Government cannot but participate in the satisfaction, which you must have felt, and which you have expressed in your reply, at the assurance conveyed in the Address, that the Colonists were firm in their attachment to the British Constitution, and I cannot hesitate in agreeing in the opinion, which you have expressed, that the Legislature of this Country will be disposed to impart to the Colony of New South Wales the free Institutions of the Mother Country in proportion as the Community there may appear fitted to receive them.

Disapproval
of reflections
in address *re*
administration.

Whilst I approve of the reply given by you to that portion of the Address to which allusion has been made, I regret to observe that there are some parts of it, which, in my estimation, ought scarcely to have passed without animadversion, as containing a direct censure on your Predecessor's mode of conducting the affairs of the Colony and indirectly throwing blame on the Government at home. The way too, in which reflections are cast upon some of the Public Functionaries of the Colony and the Colonial Secretary in particular, appear to me to have required some special notice on your part, not only on account of the insufficient grounds upon which those reflections were made, but also because the continuance in office of those Gentlemen, referred to up to this time, is in itself a proof that His Majesty's Government had not withdrawn their confidence from them.

Necessity for
notice of
remarks by
R. Bourke.

I am fully aware how desirable it was that, on first taking charge of the Government, you should overlook any slight manifestation of dissatisfaction with the measures of the late Governor, which might have been shewn; but the occasion was one where all bitterness on Public Matters ought studiously to have been excluded, and any want of due attention to this point should not, therefore, have passed un-noticed.

I am, &c.,

GODERICH.

* Note 135.

VISCOUNT GODERICH TO GOVERNOR BOURKE.
(Despatch No. 99, per ship Planter; acknowledged by
Governor Bourke, 4th February, 1833.)

1832.
14 May.

Sir,

Downing Street, 14th May, 1832.

I have had the honor to receive, and to refer for the consideration of the Lords Commissioners of the Treasury, General Darling's Despatch No. 82 of the 28th of September last, in which he represents the impracticability of reducing the number of Clerks employed in the Auditor's Department. I enclose, for your information and guidance, a copy of a letter from Mr. Stewart upon this subject, by which you will perceive that, although their Lordships deprecate the alternative proposed by General Darling for diminishing the expense of the Department, they are by no means satisfied that he had sufficiently informed himself of the extent of the duties of this branch of the Service and of the quantum of assistance required for their due performance; you will, therefore, lose no time in instituting the enquiry suggested in Mr. Stewart's letter, and report to me the result for their Lordships' information.

Despatch
acknowledged.

Criticism of
non-reduction
of clerks in
auditor's
department.

I am, &c.,

GODERICH.

[Enclosure.]

HON. J. STEWART TO ———.

Sir,

Treasury Chambers, 7 May, 1832.

I am commanded by the Lords Comrs. of the Treasury to acquaint you, for the information of Viscount Goderich, with reference to your letter of the 3d March last, that the alternative, proposed by Genl. Darling of substituting in the Dept. of the Auditor Genl. in N. S. Wales persons selected from among the Convicts, in lieu of the Clerks whose services, it appeared to my Lords, might have been dispensed with upon the transfer of so large a portion of the Auditor's duties to the Commissary of Accounts, is by no means in conformity with my Lords' intentions on this point, and my Lords fully concur in the objections entertained by Viscount Goderich to the employment of Convicts in services of that description.

Objections to
convicts as
clerks in
auditor's
department.

My Lords must however observe that, adverting to the grounds originally assigned for the continuance of the same number of Clerks in the Auditor's Office, as had been employed in it previously to the alteration of the duties to be performed in the Dept. and to the express directions for the reduction of that Estab. which were conveyed to Genl. Darling, they cannot revoke those directions upon the mere statement of the Govr. that, having seen the Auditor upon the subject, he has satisfied him that the number of Clerks could not be reduced without impeding the business of his Dept. in a manner which would be extremely injurious to the Public service. My Lords would therefore request that the Officer, who has been appointed to succeed Genl. Darling in the Govt. of N. S. Wales, should be directed to make particular enquiry as to the specific grounds upon which the reduction of the Estab. of the

Non-reduction
of establishment
of auditor.

1832.

14 May.

Conditional
liability of
R. Darling for
non-reduction.

Auditor Genl. had been deferred, and that such report, as he may make to Viscount Goderich on the subject, may be communicated to my Lords; and they further request that Genl. Darling may be apprised that, should the report of the present Governor not furnish such explanation as may satisfy my Lords that the course, adopted by Genl. Darling in contravention of the directions transmitted, was absolutely necessary for the due carrying on of the Public Service, he will become personally responsible for the amount of whatever charge has been incurred in consequence of his non-compliance with those directions.

I am, &c.,

J. STEWART.

UNDER SECRETARY HAY TO GOVERNOR BOURKE.

(Despatch per ship Planter.)

24 May.

Sir,

Downing Street, 24th May, 1832.

Instructions
re payment for
immigrants on
ship *Red Rover*.

In reference to Lord Goderich's Despatch No. 74 of the 9th of March last, respecting the Female Emigrants who have since been sent out in the "Red Rover," I am directed by his Lordship to acquaint you that, in order to make the most advantageous agreement with the Owners of the "Red Rover," one Portion of the charge was advanced in this Country from His Majesty's Treasury, the other Portion being left for payment in the Colony. In consequence of this arrangement, I am now to transmit to you the enclosed copy of a Letter from the Secretary to the Treasury, and to request that the Advance of £1,522 10s., therein referred to, may be repaid into the Military Chest. The additional £1,522 10s. still remaining due on account of the Freight of the "Red Rover" is left to be discharged in the Colony from the proceeds of Sales of Lands.

I have, &c.,

R. W. HAY.

[Enclosure.]

HON. J. STEWART TO VISCOUNT HOWICK.

My Lord,

Treasury Chambers, 22d May, 1832.

Payment for
freight of
ship *Red Rover*.

I am commanded by the Lords Commissioners of H.M.'s Treasury to transmit to you the enclosed Copies of letters from the Commissioners of the Navy of the 27th March and 18th Ultimo, with their original enclosures, relative to the sum due to the owners of the Ship "Red Rover" engaged to convey Female Emigrants to New South Wales; and I am to acquaint you for the information of Viscount Goderich, with reference to your Lordship's letters of the 2d Augt., and 4th Feby. last, that Mr. Sargent of this Office has been directed to advance the sum of £1,522 10s. to Mr. Lachlan the Ship's Broker, out of Army Extraordinaries, being the moiety, as stated by the Comms. of the Navy, of the freight of the "Red Rover"; and I am to request that you will move his Lordship to

cause instructions to be conveyed to the Governor of New South Wales to cause that sum to be repaid into the Military Chest there, and the remaining moiety also due of the freight of the said vessel to be discharged out of the Colonial Funds arising from the sale of Crown Lands.

1832,
24 May.

I am, &c.,
J. STEWART.

[Sub-enclosure No. 1.]

COMMISSIONERS OF NAVY TO SECRETARIES OF TREASURY.

Gentlemen,

Navy Office, 27th March, 1832.

We beg to transmit for the information of the Lords of the Treasury a copy of the Charter Party entered into between us and the Broker of the Ship *Red Rover*, hired under the direction of the Secretary of State for the Colonies for the conveyance of female Emigrants from Cork to New South Wales; and, as it is provided that a moiety of the freight shall be paid on the departure of the vessel from Ireland and the other moiety on the completion of the service at Sydney, we have to request that their Lordships will order the first payment to be made when due to the Broker direct according to an account with which he shall be furnished by us, and further that they will be pleased to authorize the Dy. Commy. Genl. to pay the remaining half of the freight into the hands of Mr. Robert Charles Chrystie, the Master of the Ship, at New South Wales, when the Governor shall have certified that the Contract has been duly performed; by which the object of settling the claim without going through the Books of this Department will be effected.

Conditions for
payment of
freight on
ship *Red Rover*.

We are, &c.,
A. DUNDAS.
L. THOMSON.

[Sub-enclosure No. 2.]

COMMISSIONERS OF NAVY TO SECRETARIES OF TREASURY.

Gentlemen,

Navy Office, 18th April, 1832.

Adverting to Mr. Stewart's letter of the 4th Inst., we request you to lay before the Lords of the Treasury the enclosed Certified Account shewing that the first moiety of the freight of the *Red Rover* Emigrant Ship amounting to £1,522 10s. is now due to Mr. Lachlan, the Broker, the Ship having finally sailed for her destination.

First moiety
of payment.

We are, &c.,
T. MIDDLETON.
L. THOMSON.

UNDER SECRETARY HAY TO GOVERNOR BOURKE.

(Despatch per ship *Planter*.)

Dear Sir,

Downing Street, 26 May, 1832.

26 May.

I am directed by Viscount Goderich to transmit to you the copy of a Memorial which has been addressed to his Lordship by Mr. Henry Dixon Owen, a Settler at New South Wales, and of the answer which has been sent to Lord Sandon, by whom this Memorial has been presented at this Department. Lord Goderich has further desired me to request that you will be

Transmission of
memorial from
H. D. Owen
re land.

1832.
26 May.

Transmission of
memorial from
H. D. Owen
re land.

good enough to enquire into the circumstances referred to, as His Lordship is of opinion that, if Mr. Rutherford was not a bona fide Settler at the time the Land, when taken from Mr. Owen, was bestowed upon him, the interests of the Public have not been sufficiently considered, whilst an appearance of hardship has attached to the case, in reference to the original grantee, which it would not have assumed, had the Land, after resumption on the part of the Crown, been otherwise disposed of.

I remain, &c.,

R. W. HAY.

[Enclosures.]

[Copies of these papers are not available.]

UNDER SECRETARY HAY TO GOVERNOR BOURKE.

(Despatch per ship Planter; acknowledged by Governor Bourke, 20th March, 1833.)

27 May.

Refund to be
made by
C. D. Riddell
for over-issue
of salary.

Sir,

Downing Street, 27th May, 1832.

Mr. C. D. Riddell, Treasurer of New South Wales, having been surcharged the sum of £858 13s. 2d. on account of an over-issue of Salary received by him whilst holding the Office of Commissioner of Eastern Enquiry, and no intimation having yet reached this Office of his having refunded the same, I am directed by Viscount Goderich to instruct you to recover the above sum from Mr. Riddell, and to pay it into the Military Chest, "as a sum recovered on account of Civil Contingencies." In the event of Mr. Riddell's not having the means of at once repaying this Surcharge, a deduction must be made from his present Salary, and you will therefore arrange with him the amount of each Instalment, giving him the benefit of every reasonable indulgence consistent with the interests of the Public. I am also to request that you will make a special report upon this subject for the information of the Lords Commissioners of the Treasury.

I am, &c.,

R. W. HAY.

VISCOUNT GODERICH TO GOVERNOR BOURKE.

(Despatch No. 101, per ship Planter.)

28 May.

Legal opinion
re guilt of
master and
mate of brig
Elizabeth.

Sir,

Downing Street, 28th May, 1832.

I have the honor of transmitting herewith the Copy of a Letter addressed to this Department by desire of the Lords Commissioners of the Treasury, by whom the opinions of The King's Advocate and of the Attorney and Solicitor General have been taken as to the practicability of bringing to trial the Master and Crew of the Ship "Elizabeth" for the part they took in

the transactions at New Zealand, described in General Darling's Dispatch of the 13th of April, 1831. As it appears from the papers enclosed with the Letter of the Secretary to the Treasury, that it is the opinion of the Law Officers of the Crown that Stewart and Clements, the Master and Mate of this Vessel, were guilty, as accessories before the fact to the murder of the Native Chief Mara Nui and his Wife, if not to that of the Tribe which was massacred, and that the 3d and 4th Sections of the 9th of Geo. 4th, Cap. 83, give to the Supreme Courts of New South Wales and Van Diemen's Land jurisdiction to try such offences, I have to desire that you will use your utmost diligence for apprehending Captain Stewart (who you will observe is no longer Master of the "Elizabeth") and Clements, the Mate, should they return to Sydney, and that you will take such measures, as the Evidence will enable you to do, for proceeding against them in order that acts of the atrocious nature of those of which they are accused may not go unpunished, if it be possible to bring the parties to trial.

I have, &c.,

GODERICH.

[Enclosure.]

HON. J. STEWART TO VISCOUNT HOWICK.

My Lord,

Treasury Chambers, 10 May, 1832.

With reference to your Lordship's letter of the 27 Sept. last, on the subject of certain atrocities of a most sanguinary nature, which had been committed at N. Zealand by the Natives of one Island against those of another at the instigation of the Crew of a British Merchant Vessel, I am commanded by the Lords Comrs. of the Treasury to transmit to you, for the information of Lord Goderich, a copy of the Report of the King's Proctor of the 5th Decr. last, together with copy of the opinion of the King's Advocate and of the Attorney and Solicitor Genl., transmitted therewith, also a copy of the Minute of this Board of the 23d Decr. last on the King's Proctors report, and copies of the Solicitors' letters of the 5th and 23d April, 1832, all on the subject of the above mentioned crimes; and I am also to acquaint your Lordship that it appears to my Lords that great difficulties present themselves in bringing Stewart and Clementson, the principal Offenders, to justice in this Country, and that there is greater probability of the Offenders and Witnesses being collected in Sydney than in England, more particularly as Stewart appears to have been held to Bail; and, notwithstanding that the Crown Solicitor expressed a doubt that there was sufficient evidence to sustain a prosecution when all the Crew of the "Elizabeth" were present, yet My Lords trust that, when the Governor and the Law Authorities at Sydney are made acquainted with the opinion of the Law Officers of the Crown in England, they will use every effort to obtain evidence and will not hesitate to bring the parties to trial; and, even if they should fail from want of evidence in obtaining a conviction, yet the effort of

1832.
28 May.

Legal opinion
re guilt of
master and
mate of brig
Elizabeth.

Master and
mate to be
tried.

Transmission of
legal opinions
re atrocities in
New Zealand.

J. Stewart and
Clementson to
be tried.

1832.
28 May.

the Colonial Govt. to bring the Offenders to justice may have a salutary effect on the proceedings of the Traders with the N. Zealand Islands.

As the same time, their Lordships will not abandon the prospect of prosecuting these two men in England, if they should be found, and will for that purpose instruct their Solicitor to watch for their return and for that of the principal witnesses to this Country.

I am, &c.,

JAS. STEWART.

[Sub-enclosure No. 1.]

MR. ILTID NICHOLL TO THE LORDS COMMRS. OF THE TREASURY.

MAY it please your Lordships,

I was duly honored with Mr. Stewart's letter of the 14th Octr. last, transmitting by your Lordships' command a letter from Lord Howick, dated the 27th Septr., enclosing the copy of a dispatch from the Governor of N. S. Wales, stating that atrocities of a most sanguinary nature had been committed at N. Zealand by certain Natives of one Island against those of another, at the instigation of the Crew of a British Merchant Vessel, and suggesting certain measures for the protection of the lives and properties of the British Subjects residing in N. Zealand, as well as the very valuable Trade of those Islands. Mr. Stewart also transmits a copy of your Lordships' Minute thereon of the 30th Octr. for my information and guidance. Upon perusal of this Minute, it appeared that your Lordships had been pleased to refer Governor Darling's letter and enclosures to me for any suggestion I might have to offer, with a view to bringing to justice Captn. Stewart of the "*Elizabeth*" and any other persons, who may have been principally concerned in the atrocious crimes of which they are accused, and that it was your Lordships' pleasure that I should attend at Lord Howick's Office for the purpose of inspecting such other papers relating to these atrocities, as Lord Goderich might permit me to examine. And I do most humbly report that, having attended at his Lordship's Office accordingly, I was permitted to peruse the whole of the papers relating to this subject, the substance of which, together with that of the several documents referred by your Lordships, were stated in a case which I submitted to the consideration of H.M. Advocate General, and subsequently at his suggestion and with the concurrence of Mr. Stewart, to H.M. Attorney and Solicitor Genl., and I have now the honor to transmit for your Lordships' information a copy of such case and of the opinion of H.M. Advocate, Attorney and Solicitor Genls. thereon.

All which I do most humbly submit, &c.,

ILTID NICHOLL.

Doctor's Commons, 5 Decr., 1831.

[Sub-enclosure No. 2.]

COPY of the opinion of the King's Advocate and of the Attorney and Solicitor Genl. on a case relating to the conduct of Captn. Stewart of the Merchant Brig "*Elizabeth*," engaged in trading between N. S. Wales and New Zealand.

H.M. ADVOCATE and Mr. Attorney and Solicitor General are requested to consider the facts and circumstances of this case as appearing in the papers stated, and with reference to the strong sense expressed by the Lords of the Treasury of the importance

Papers
acknowledged
re atrocities in
New Zealand.

Case submitted
to counsel.

of all possible means being employed for bringing to Justice Captn. Stewart of the "Elizabeth" and any other persons, who may have been principally concerned in the atrocious crimes of which they are accused; they are further requested to suggest any measures, which may occur to them as proper to be adopted for effecting the object which their Lordships have in view.

1832.
28 May.

Opinion of H.M. Advocate and Mr. Attorney and
Solicitor General.

"We think it clear that, by the Law of England Captn. Stewart and Clementson, the Mate, are guilty as accessories before the fact to the Murder of Mara Nui and his Wife, if not to that of the Tribe which was massacred; and we think the fact fully proved by the Witnesses. It is also clear the 3d and 4th Sections of the 9th of Geo. 4, Cap. 83, give the Court at V. D. Land Jurisdiction to try these Offences. We therefore lament that measures for securing and bringing them to Trial were not taken at N. S. Wales. We advise that they should be apprehended as soon as they can be met with and brought to their Trial, when the attendance of the Witnesses against them can be procured.

Counsel's
opinion re
guilt of
J. Stewart and
Clementson.

Procedure
proposed.

"The Facts, relating to the figured Heads of the Natives, shew the necessity for prompt exertions in bringing such Crimes to Justice, but they are not sufficiently definite to warrant any direct proceeding."

HERBERT JENNER.

T. DENMAN.

WM. HORNE.

Doctors Commons, 2 Decr., 1831.

[Sub-enclosure No. 3.]

COPY OF TREASURY MINUTE, DATED 23 DECR., 1831.

READ Report from the King's Proctor, dated 5 Decr., 1831, enclosing the copy of a case, which he had submitted for the opinion of the King's Advocate and the Attorney and Solicitor General on the atrocities committed at N. Zealand by the connivance of Captn. Stewart of the Brig "*Elizabeth*."

Transmit this report, together with the opinion of the Law Officers of the Crown and all the other papers on this subject to the Solicitor desiring him, after having fully considered the difficulties which may be opposed to bringing the accused persons to trial in this Country, to report what measures, in his opinion, it would be advisable for my Lords to take in order that the two persons, whom the Law Officers consider to be guilty of the atrocious crimes described in these papers, should be brought before the proper Tribunal, which my Lords deem it highly important to effect.

Papers
submitted
to solicitor.

[Sub-enclosure No. 4.]

MR. C. BOURCHIER TO HON. J. STEWART.

Sir,

Lincoln's Inn, 5 April, 1832.

In obedience to my Lords' command, signified by your letter of the 31 Ult., directing me to transmit a detailed account of the measures, which I have pursued with a view to determine the proper course of proceeding for bringing to trial the Master and Mate of the Ship "*Elizabeth*" on a charge of being concerned in atrocious crimes committed in New Zealand, as detailed in the papers transmitted to me in your letter of the 24 Decr. last, I beg

Measures
adopted.

1832.
28 May.

leave to acquaint you for my Lords' information that, upon the receipt of your first letter, I wrote to the Secretary of the Customs, stating that it appeared that the "*Elizabeth*" was in the London Docks on the 22d Feby., 1830, and sailed soon afterwards for Sydney, and requesting that he would, if possible, afford me any clue, by which I might discover where the Ship, the Master, the Mate or any of the Crew were, as the papers in my hands afforded me no information whatever on these points.

In reply, I received a letter from Mr. Walford, the Solicitor to the Customs, stating that the "*Elizabeth*" had not returned to England; that he had been unable to procure the names of the Crew; but that he would endeavor to obtain information for me; that he had written to Yarmouth, to which Port the Ship belonged, and, as soon as any intelligence was received, it should be transmitted to me. I have since seen Mr. Walford, but he has hitherto been unable to supply any further information on the subject except that Mr. Stewart has not for some time been Master of the "*Elizabeth*."

I am, &c.,

CHAS. BOURCHIER.

[Sub-enclosure No. 5.]

MR. G. MAULE TO HON. J. STEWART.

Sir,

Lincoln's Inn, 23d April, 1832.

With reference to your letter of the 24th Decr. last, enclosing copy of Case and opinion of H.M. Advocate and Attorney and Solicitor General on a letter from Lord Howick and other papers relating to atrocities, committed at N. Zealand by some of the Natives of one Island against those of another at the instigation of the Master and Crew of the British Merchant Ship "*Elizabeth*," together with the other papers on the subject, and desiring me, after having fully considered the difficulties which may be opposed to bringing the accused persons to trial in this Country, to report what measures in my opinion it would be advisable for my Lords to take, in order that the two persons, whom the Law Officers consider to be guilty of the atrocious crimes described in these papers, should be brought before the proper Tribunal, which my Lords deem it highly important to effect, I beg leave to acquaint you that the parties accused are amenable to the Jurisdiction of the Supreme Courts of N. S. Wales and V. D. Land under the provisions of the Act 9 Geo. 4, C. 83, S. 4, and to the Criminal Jurisdiction of this Country under a Commission of Oyer and Terminer to be issued pursuant to the enactment of 9 Geo. 4, C. 31, S. 7.

The difficulties which presented themselves to proceeding against the accused at N. S. Wales, when both they and the Witnesses were all present within the Jurisdiction, seem to have been the insufficiency, in the opinion of those who advised the Govt. there, of the evidence, and possibly there may be some deficiency in the depositions as they now stand, in the precise proof which the law would require of the Murder of the Chief Mara Nui and his Wife; but it seems probable that this deficiency, if there be any such, might be cured upon a further examination of the Witnesses. The Law Officers of the Crown in this Country are of opinion that the

Inability
to obtain
information *re*
crew of brig
Elizabeth.

Letter
acknowledged.

Jurisdiction
of courts over
offenders.

fact is fully proved, and advise that the parties should be apprehended as soon as they can be met with and brought to trial, when the attendance of the Witnesses against them can be procured.

1832.
28 May.

Difficulties
in bringing
J. Stewart and
Clementson
to trial.

The difficulties, which present themselves to any proceeding in this Country at present, are the absence both of the accused and witnesses. And, with reference to this point and to the advice of the Law Officers above stated, I beg leave humbly to call my Lords' attention to Mr. Bouchier's report of the 5th Inst., in answer to your letter of the 31st Ult., shewing the steps which had been taken by him in order to ascertain whether the Brig "Elizabeth," by whom some of the Witnesses and the accused might be expected, had returned to this Country, or any tidings were known of her. I would add to that report that, having learnt the names and descriptions of the Owners of the Brig, and finding John Stewart (one of the accused as I conceive) to be one, I have written to make enquiries after him at Southtown in Suffolk, the place of which he is described. I have not thought it advisable to address myself to the other Owners, fearing this might operate as notice to the accused as well as witnesses at their return; and having learned from the Customs that the person, who paid the Crew when the Brig left Yarmouth, has been applied to, but has refused to give the names of the Crew.

It is difficult to suggest any measures for bringing these two persons to trial further than the utmost diligence in the look out for the return of the Brig and her Crew, and for the discovery of the Witnesses and accused, if it should be found that they form no part of that Crew. The Carpenter and a Seaman are material witnesses; the others, who are material, appear to have been Merchants resident at Sydney when their depositions were taken; another Witness, described as a Negro boy of the name of Pery, a Native of Hakarua, Banks Peninsula, can hardly be expected to be now forthcoming, and, if he were, would perhaps turn out to be an incompetent witness from his want of any religious obligation. It may be that the testimony of the Carpenter and Seaman upon a full examination of them may be thought sufficient; if not, others must be sought either from the Witnesses at Sydney or other sources; and I find from the depositions the names of Francis Richardson and George Brown mentioned as part of the Crew, and of Mr. Cowby as the Supercargo and Interpreter. These, however, may possibly be tainted more or less with the character of accomplices. The name of Mr. Harvey is also mentioned as speaking to a material part of this atrocious scene, and he is described as at that time being on the main land.

Upon the whole, it appears to me that, until some tidings be gained of the Brig and her Crew, no effectual measures can be suggested for accomplishing the object stated in your letter of the 24 Decr. last, so far as regards proceedings in this Country. With respect to proceeding at Sydney, I humbly submit that the Governor should be apprised that Captn. Stewart is no longer Master of the Brig and should be directed, in case he or the Mate Clementson should appear at Sydney or in that quarter, to take such measures as the evidence at Sydney may enable him to do for apprehending and proceeding against him.

I am, &c.,
G. MAULE.

1832.
2 June.

GOVERNOR BOURKE TO VISCOUNT GODERICH.
(Despatch No. 64, per ship Portland; acknowledged by
Viscount Goderich, 30th November, 1832.)

My Lord, Government House, 2d June, 1832.

Transmission
of letter from
J. Dowling.

I have the honor to transmit a letter addressed to me by Mr. Justice Dowling, who has requested me to forward it with the accompanying Newspapers for Your Lordship's information. The object of Judge Dowling's letter is to lay before Your Lordship a correct Statement of what passed in a trial, at which he presided in the Supreme Court of this Colony, and upon which Some Strictures have been made in the Sydney Monitor.

I have, &c.,
RICHD. BOURKE.

[Enclosure.]

MR. JUSTICE DOWLING TO GOVERNOR BOURKE.

Sir, Sydney, 2d June, 1832.

Comments in
Monitor on
trials for rape.

In the Sydney Monitor of Wednesday, the 30th of May, 1832, there are two letters* published, one purporting to be addressed to the Editor by Sir John Jamison, Knt., and the other by the Editor himself to the right Honorable Lord Viscount Goderich upon the subject of the trial of three soldiers in the Supreme Court on the 7th of May last, on a charge of rape, to which I respectfully beg leave to call your attention. These letters contain very offensive reflections upon my public character as a Judge, founded upon a very gross misrepresentation of what took place in public open court on the occasion alluded to. I have thought it my duty to cause a correct report of the proceeding to be inserted in the Sydney Gazette* of this day, to which I beg leave also to call your attention, and to request that Your Excellency will be pleased to cause both these papers to be brought under the notice of the right Honorable the Secretary of State.

Necessity for
vindication of
J. Dowling
against slander
in press.

It is very painful for a Judge to be put into the situation of vindicating himself against newspaper slander. If the Sydney Monitor were confined in its circulation to the Territory of New South Wales, I should view observations such as those I complain of with utter indifference, because the public here have an opportunity of fully and fairly judging of the conduct of a man placed in the anxious and responsible situation of a Judge; but, knowing from experience that this and other Sydney newspapers are sent to London for sinister purposes, I feel myself called upon to transmit to the Secretary of State the enclosed papers, in order that, in case any unfair representation of my judicial conduct should reach his notice, he should be possessed of the means of forming a candid judgment for himself. For the accuracy of my account of what took place at the trial in question, I pledge my honor as a Gentleman, without sheltering myself under the official credit which a Judge is entitled to receive when acting under the solemn obligations of an oath.

* Note 186.

It is matter, I beg leave to state, of public notoriety in this place that Sir John Jamison and Captn. Wright of the 39th regt. have had some misunderstandings and bickerings with each other in the neighbourhood where they reside. With these Gentlemen, I have never had any intercourse beyond the common courtesies of life in a community such as we have in Sydney. The right Honorable the Secretary of State will form his own judgment as to the propriety of my public conduct on the occasion in question; and I indulge a hope that he will not draw any conclusion unfavorable to me, without consulting some other authority than that of the Sydney Monitor.

1832.
2 June.

Disputes
between Sir J.
Jamison and
T. E. Wright.

It is scarcely necessary to point out the difference of duty cast upon a Judge in this Colony from that of a Judge in the Mother country. Here the Attorney General *ex officio* stands in the place of a Grand Jury, and the Judge has no control over or right to interfere with him in the filing of informations and indictments as public prosecutor. To the Attorney General are transmitted all depositions in crown cases, for him to exercise his sole discretionary power of prosecuting or not prosecuting according to circumstances. At home the Grand Jury, as to finding Bills of Indictment, are sometimes guided by the direction of a Judge, to whom is transmitted by the clerk of the peace the Depositions of witnesses who are bound over to prosecute at the Gaol delivery. Such a duty as this is not, and cannot, be exercised by a Judge of New South Wales as the law at present stands.

Difference in
duties of judge
in N.S.W. and
England.

During the last four years, I have had a most laborious, anxious, and I must say an unequal share of the judicial duties of this colony cast upon my shoulders. It has been my painful lot to try a great number of cases, pregnant with political excitement and party local feeling. A Judge cannot pick and chuse the cases he will or will not try; and it has therefore happened, in the course of the rotation of business, that cases of a most disagreeable character have been brought on when I have presided in the court. It would ill become me to speak myself of my conduct during the period in question; but I will boldly venture to assert, without the fear of contradiction, that justice has been as purely administered to the King's Subjects in New South Wales as far as my knowledge of the proceedings of that court goes, as was ever administered in any court within the King's dominions. Nay I will assert that it is impossible for any man to act otherwise than honestly and uprightly, nay with fearful anxiety to do right, considering the rigid, harsh, and ungenerous supervision, to which a Judge is exposed in this Colony. I complain not personally of my lot, but I do cast myself upon the right Honorable the Secretary of State for protection on public grounds in the event of any unfair attack being made in my absence in a quarter the most to be guarded against, because of its obligation to listen even to unfounded complaints.

Duties of
J. Dowling.

Administration
of justice in
colony.

I feel myself reluctantly constrained to take this serious notice of the publication in question, and very respectfully to request that your Excellency will be pleased to transmit to the right Honorable the Secretary of State the enclosed newspapers, together with this Letter, by the first opportunity.

Request for
transmission
of letter and
papers.

I have, &c.,

JAMES DOWLING.

1832.
4 June.

GOVERNOR BOURKE TO VISCOUNT GODERICH.

(Despatch No. 65, per ship Portland.)

My Lord, Government House, 4th June, 1832.

I have the honor to inform Your Lordship that, in Consequence of a representation of the exhausted State of the Military Chest, made to me by Deputy Commissary General Laidley, I have directed the Colonial Treasurer to issue to him the Sum of £10,000 on Loan.

This is the Second Loan of £10,000 that has been made to the Commissariat within this year.

I have, &c.,

RICHD. BOURKE.

VISCOUNT GODERICH TO GOVERNOR BOURKE.

(Despatch No. 102, per ship Planter.)

13 June.

Sir, Downing Street, 13 June, 1832.

Letter acknowledged
re education
and civilisation
of natives.

I have received a letter from General Darling dated "the 13th of Nov. at Sea," enclosing a letter in original from Archdeacon Broughton, which the General had received on the eve of his departure from Sydney, and which he was, therefore, prevented from transmitting with his despatches from thence.

The Archdeacon's letter to General Darling is dated 19th of Oct., 1831, and refers to two subjects of great importance, the Education of His Majesty's Subject in New South Wales, and the Civilization of the Aborigines of Australia.

Erroneous views of
Rev. W. G.
Broughton.

I greatly regret that the Archdeacon should have seen, in the course pursued by His Majesty's Government upon these two matters, anything calculated to give him pain, and to inspire him with a belief that due regard had not been paid, either to himself individually, or to the high station which he holds in the Colony of New South Wales; But I flatter myself that, although the Archdeacon's letter was apparently written under feelings of irritation, I shall be able to satisfy you, and through you the Archdeacon himself, that he has quite mistaken those by which I at least was influenced in the course pursued, and that nothing could be further from my thoughts than any notion of treating with inattention a gentleman, for whose personal character, as well as Ecclesiastical Situation, I entertain the most entire respect.

Delay in attention to previous letter from Rev. W. G. Broughton.

The first object, to which the Archdeacon refers, and in regard to which he considers himself as not having experienced due attention, is the plan which he had submitted to your Predecessor in the Government, and which General Darling transmitted to Sir George Murray in a despatch,* which left Sydney

* Note 187.

on the 19th of Feby., 1830. General Darling's letter reached this office on the 14th of June, 1830, and I am, of course, not responsible for any absence of notice or decision upon the subject, between that period and the 22 of Nov., 1830, the day on which His Majesty was pleased to entrust to me the Seals of this Department. You may easily conceive, and I am sure that Mr. Broughton will equally understand that, considering the peculiar circumstances under which the new Government came into Office, and the intense weight of Business which necessarily pressed upon it upon its first formation, it was totally impossible for me at once to attend to, much more to decide upon all the complicated and extensive questions belonging to the Business of this Office, which awaited my consideration. I could only, in the first instance, apply myself to those points, which were brought before me as peculiarly urgent; and, as far as my memory serves me, I was not aware of the existence of Mr. Broughton's plan till a considerable time after I commenced the duties of this Office. In the meantime, Dr. Lang arrived in this Country (about the end of Nov.) and on the 28th of Dec., 1830, he submitted to me his project for the establishment of an Academical Institution* in New South Wales upon the principles of the Scotch Schools and Colleges. Knowing that Dr. Lang held an authorized and salaried station in the Colony, where many Members of the Church of Scotland are settled, and taking into consideration, not only the recognized establishments of that Church in a material part of the British Islands, but the great importance of the object which Dr. Lang had in view, I gave a ready ear to his propositions, and finally sanctioned his plan in a despatch to General Darling, dated 12th of Jany., 1831. That despatch, however, did not leave this Country till the 17th of Feby., five weeks subsequent to its date.

At what precise period my attention was first drawn to the Archdeacon's plan, I cannot, at this distance of time, undertake to say; but I have little or no doubt that it was subsequent to the date of the Instructions respecting the Establishment of the Presbyterian College, in conformity with Dr. Lang's propositions.

On the 22d of March, however, a despatch was addressed to General Darling, conveying my sentiments upon the Archdeacon's plan, sanctioning its general principles (of which the great importance was most distinctly acknowledged) and approving of a great part of its details. This despatch was sent off on the 23d of March between four and five weeks after the transmission of the Instruction respecting Dr. Lang's Institution.

1832.
13 June.

Reasons
for delay.

Consideration
of proposals
by Revd.
J. D. Lang
for college.

Despatch
approving
of plans of
Revd. W. G.
Broughton.

* Note 158.

1832.
13 June.
Priority of
decisions.

Injury to plans
for King's
schools alleged
by Revd. W. G.
Broughton.

I have, thus, shewn that the priority of decision, which was actually obtained in favor of the latter scheme, was purely accidental and mainly attributable to the circumstance of Dr. Lang's presence in England.

Mr. Broughton, however, considers, not only that he has been personally slighted, but that his plan has suffered great injury from the circumstance of Dr. Lang having preoccupied the ground. I trust that this will not prove to be the case; and I am the more inclined to hope so from the circumstance that, although the despatch to General Darling, respecting the King's School, was not sent off till near five weeks after that relating to Dr. Lang's School, no direct operation with respect to the latter could be commenced upon till after his arrival, at least as far as regarded the advance of money by the Government of the Colony; Whilst, on the other hand, I am not aware of any obstacle in the way of making the requisite preparation for the King's Schools immediately upon the receipt of my despatch, by which their establishment was sanctioned. No time was lost here in obtaining and sending out the two Schoolmasters,* whose nomination I left entirely to the Bishop of London, well knowing that I could in no other way make so satisfactory a selection; and I believe that both those Reverend Gentlemen sailed from England by Sepr. Dr. Lang did not leave this Country till June, so that my despatch, authorizing the King's Schools, preceded Dr. Lang's departure by more than two months, and must, I presume, have reached the Colony long before it could have been possible for the Government to have advanced any money towards the execution of his design.

I have been induced to enter into this long detail from the unfeigned anxiety which I feel to remove every uneasy feeling from the Archdeacon's mind, and I cannot for a moment doubt that my explanation of all these circumstances will have that effect.

Objections by
Revd. W. G.
Broughton to
agreement *re*
mission to
natives.

The next point to which the Archdeacon calls the attention of General Darling is the arrangement,† which has recently been made with the Church Missionary Society for the purpose of enabling them to forward the conversion and civilization of the Aborigines of New South Wales, and which Mr. Broughton considers to be an improper departure from the principle laid down in the general Instructions of the Governor, whereby he is directed to avail himself of the advice of the Archdeacon in the pursuit of that benevolent object. I am persuaded that a consideration of the following statement of the circumstances of the

* Note 189.

† Note 190.

case will satisfy the Archdeacon that, what has been done, upon this subject, affords no just ground of complaint.

1832.
13 June.

In the first place, the employment of the Church Missionary Society in this service is no novelty. In the years 1825 and 1826, when Lord Bathurst was Secretary of State for the Colonies, grants of Land* to the amount of 10,000 acres each were made to the London and Church Missionary Societies in trust for this very object; and it does not appear from the Records of this Office that this proceeding excited, at the time, any objection or jealousy on the part of the Ecclesiastical Authorities in the Colony. It might have been fairly assumed that they felt themselves unequal, from the extent of their regular and ordinary duties, to the discharge of additional functions at once laborious and incessant; for, in the Reports* upon this matter made by Archdeacon Scott, he remarks that any attempt to convert or civilize the Aborigines would be futile, unless done upon a large scale; he calculated that seven Stations, at least, would be required, involving an expence of £2,000 per annum, and he reported the utter inadequacy of the Colonial Establishment to undertake this charge, the Chaplains being unable, although severely worked, to attend even to the White Population. It was under these circumstances that Sir George Murray, in January, 1830, directed a communication to be made to the Church Missionary Society of his desire to set on foot a mission to the Natives, and he offered to place it under their Superintendence. The Society having consented, the sum of £500 was placed at their disposal, to be paid year by year out of the Colonial Revenue, the Government reserving the right of discontinuing the Grant, if they should consider that the plan had failed, and also of examining the expenditure of the money. After some delay, it fell to my lot to sanction the arrangement proposed by Sir George Murray; the Missionaries embarked, and instructions were addressed to you upon the subject, on the 2d of Decr., 1831, together with copies of the whole correspondence, which had preceded the final decision.

Details re
negotiations
with missionary
societies.

I cannot see in any part of these transactions anything which bears even the appearance of intentional slight of the Archdeacon; nor do I know how a Mission of this description could be more easily carried on than through the medium of a Society, constituted (as its name imports) for the express purpose of propagating the Doctrines of the Church of England amongst the Heathen in different parts of the World. It may in fact be doubted whether I could have found elsewhere persons willing to undertake a task so arduous in its details and so uncertain

Denial of
intentional
slight for
Rev. W. G.
Broughton.

* Note 191.

1832.
13 June.
Instructions
re general
supervision
of mission to
natives.

in its results. I can, however, have no wish that you should decline to avail yourself of the Archdeacon's advice in the execution of the scheme, although it is obvious that care must be taken not to give to the Missionaries an impression that it is intended to supercede them in the management of it. I rely upon your own discretion, as well as upon that of Mr. Broughton, in any attention which it may belong to either of you to give to this matter. All must feel interested in the successful attainment of an object, which involves the improvement of many wretched People by extending among them the benefits of civilization and the Blessings of Christianity; and I can confidently affirm that neither my Predecessor nor myself were influenced upon this subject by any other consideration than an anxiety to promote it in the manner which appeared to offer the greatest practical facilities.

I am, &c.,
GODERICH.

VISCOUNT GODERICH TO GOVERNOR BOURKE.

(Despatch No. 103, per ship Planter; acknowledged by Governor Bourke, 1st May, 1833.)

14 June.

Appointment
of J. Busby as
resident in
New Zealand.

Sir,

Downing Street, 14 June, 1832.

This despatch will be delivered to you by Mr. James Busby, who is proceeding to New South Wales, thence to take his departure for New Zealand, at which place he will have authority to act as His Majesty's Resident, in pursuance of the arrangement communicated to you in my despatch No. 75 of the 15th of March last. This appointment has been made, partly with a view of protecting British Commerce in the Islands of New Zealand and in the adjacent Islands in the South Sea, and partly in order to repress the outrages, which unhappily British Subjects are found so often to perpetrate against the persons and property of the Natives and the peace of Society in those Regions.

Legal
disabilities in
New Zealand.

I am, indeed, well aware that the Law is at present very inadequate to give full effect to such a Mission. The power of bringing to trial within the Australian Colonies persons committing Crimes in the adjacent Islands appears, from the single experiment which has come under my observation, to be almost nugatory. Nor, indeed, would it be reasonable to anticipate a different result. There is not, within any of those Countries in which the Offence may be committed, any authority competent to seize or to detain Offenders. There is no power of compelling either the Criminals or the Witnesses to resort to New South Wales; and, in the case of minor offences, the impossibility of inflicting any punishment on the spot affords a virtual

and complete impunity. Nor can it be forgotten that, in the peculiar circumstances which Society exhibits in the South Sea Islands, many actions either impracticable or venial in Europe may deserve severe punishment. Thus, for example, the fomenting of Wars between barbarous Tribes for selfish purposes, though a crime of the deepest malignity, is of course prohibited by no European Code; and the extraordinary traffic* in Human Heads, which prevailed between New Zealand and New South Wales, is an instance of a transaction, which derives its danger and criminality almost exclusively from circumstances and considerations applicable to no other Country than that in which it occurred. The duty of rescuing uncivilised Nations from the fearful calamities so often produced by the vicinity of European Settlers and Navigators may be collected from almost every page of the history of that intercourse; and, in order to render such protection effectual, it may be necessary not only to provide for the enforcement of the Criminal Law as it exists amongst ourselves, but for the adaptation of that Law to new and peculiar exigencies.

1832.
14 June.
Necessity for
adaptation of
law to local
conditions.

With these views, Viscount Howick has obtained leave to bring into the House of Commons a Bill,† of which I enclose a copy for your information. Should it pass into a Law, the Legislative Council of New South Wales will have the power of rendering Mr. Busby's Mission effectual to the purposes with which it has been undertaken. Should the Bill not pass, his Mission will still not be unattended with important advantages, and His Majesty's Government will be acquitted of the reproach of an acquiescence in crime, which they will have done the utmost in their power to prevent.

Bill proposed
to give powers
to resident.

You are so perfectly aware of the objects, which have led to this appointment in a commercial point of view, that I do not feel it necessary to enter into any detail as to the nature of the Instructions, with which Mr. Busby should be furnished by you in regard to this branch of his duty. But it is obvious that he will derive great advantage from a strict union and cordial co-operation with the Missionaries in the extension of Christian knowledge throughout the Islands; and you will not fail to impress this, amongst other points, upon his attention.

Objects of
appointment
of resident.

I transmit, herewith, under a flying Seal for your information, a letter which I have addressed to the Chiefs of New Zealand, in answer to the communication from them, which accompanied your despatch No. 2 of the 23d Decr. last, with the delivery of which Mr. Busby will of course be entrusted; and you will consider yourself authorised to supply Mr. Busby with such articles

Letter to
Maori chiefs.

* Note 78.

† Note 192.

1832.
14 June.

Presents for
Maori chiefs.

to be presented by him to the Chiefs on his arrival, as you may consider likely to be acceptable to them; taking care, however, that they are of inconsiderable value, and such as will not create any jealousy on the part of those whom it may not be so necessary to conciliate, and upon whom consequently such presents need not be bestowed.

I am, &c.,
GODERICH.

[Enclosure.]

Letter to
Maori chiefs.

LORD VISCOUNT GODERICH, one of the Principal Secretaries of State to His Majesty the King of Great Britain, to the Chiefs of New Zealand.

Friends!

I am commanded by the King to acknowledge the receipt of the letter, which you addressed to His Majesty and which you intrusted to Mr. William Yates to forward to England.

The King is much gratified to find that the cause for alarm, which appears to have existed at the time when your letter was written, has entirely passed away; and he trusts that no circumstances may occur in future to interrupt the Internal tranquillity of New Zealand, which is so necessary to the maintenance of a close commercial Intercourse between the Inhabitants and those of Great Britain.

The King is sorry for the injuries which you inform him that the people of New Zealand have suffered from some of His Subjects. But He will do all in His power to prevent the recurrence of such outrages, and to punish the Perpetrators of them according to the Laws of their Country, whenever they can be apprehended and brought to trial; and the King hopes that mutual good will and confidence will exist between the people of both countries.

In order to afford better protection to all classes, both Natives of the Island of New Zealand and British Subjects who may proceed or be already established there for purposes of Trade, the King has sent the Bearer of this letter, James Busby, Esqr., to reside amongst you, as His Majesty's Resident, whose duties will be to investigate all complaints which may be made to him. It will also be his endeavour to prevent the arrival amongst you of men, who have been guilty of Crimes in their Country and who may effect their escape from the place to which they may have been banished, as likewise to apprehend such persons of this Description as may be found at present at large.

In return for the anxious desire which will be manifested by the British Resident to afford his Protection to the Inhabitants of New Zealand against any Acts of Outrage, which may be attempted against them by British Subjects, it is confidently expected by His Majesty that, on your part, you will render to the Resident that assistance and support which are calculated to promote the object of his appointment, and to extend to your Country all the benefits which it is capable of receiving from its friendship and alliance with Great Britain.

I am, &c.,
GODERICH.

Colonial Office, Downing Street, 14 June, 1832.

Appointment
of J. Busby
as resident.

UNDER SECRETARY HAY TO GOVERNOR BOURKE.

1832.
14 June.

(Despatch per ship Planter.)

Sir, Downing Street, 14th June, 1832.

I have the honor, by direction of Viscount Goderich, of transmitting to you the enclosed Copy of a Memorandum prepared by Mr. Busby, upon whom, as you are already informed, his Lordship has conferred the appointment of Resident at New Zealand.

Transmission
of memo. from
J. Busby.

In reference to that part of the Memorandum which relates to the preparation at Sydney of the frame of a House, Lord Goderich desires me to acquaint you that he will authorize a compliance with Mr. Busby's request, provided it will not be attended with any great expense, his Lordship having been given to understand that materials for that purpose cannot be easily found at the place at which Mr. Busby will have to establish his residence. Lord Goderich also desires that advantage may be taken of any Ship of War, which may be at New South Wales at the time of Mr. Busby's arrival in the Colony, to convey him to his destination, and that the Officer in command of her may be requested to direct one or more of the Ship's Carpenters to assist in the erection of the House, the frame of which Mr. Busby proposes to have constructed at Sydney.

Frame of house
to be provided
for J. Busby.J. Busby to be
conveyed in
ship of war.

I have, &c.,
R. W. HAY.

[Enclosure.]

MEMO. BY MR. JAMES BUSBY.

As the influence which I will possess over the minds of the N. Zealanders will be altogether of a moral character, it is of the highest importance that I should appear among them in circumstances that would command their respect.

Mr. Coates of the Missionary Society informs me that he doubts the practicability of my putting up a house at all, as a private individual, and if practicable that the expense will be enormous. With the means at the command of the Colonial Govt. in Sydney, a house might be furnished to me in frame with the greatest facility; and Mr. Barrow has suggested that, were I sent down in the Ship of War upon the Station, the Carpenters of the Ship could easily put it up.

Request for
house in frame
and passage in
ship of war.

The Chiefs of the Islands having lately written a letter to the King, it would be very desirable that some answer to this letter should be sent by me, and that I should be presented to the King, for, with their simple ideas of Majesty, it would detract not a little from the respect in which they would hold me, if I had it not in my power to say that I had been in the presence of the King.

Proposed
presentation
of letter to
Maori chiefs.

I ought also to have some presents to conciliate the Chiefs on my landing, but, though no great expense would be requisite, the state of my own finances will not permit this.

Presents
for chiefs.

1832.
14 June.
Request for
uniform as
consul.

It would also be important that I should wear a Uniform (that of a Consul for instance) as a visible mark of distinction, that would be recognised by the English Traders and others upon the Coast.

The means of enforcing my authority over the runaway Convicts and others would probably be better left for the consideration of the Governor of New South Wales.

22 May, 1832.

JAMES BUSBY.

UNDER SECRETARY HAY TO GOVERNOR BOURKE.
(Despatch per ship Hercules.)

15 June.
Criticism of
requisitions.

Sir,

Downing Street, 15 June, 1832.

I am directed by Viscount Goderich to transmit to you, for your information and guidance, the enclosed copy of a letter from the Board of Ordnance to the Treasury, commenting upon certain Requisitions which were sent home by your Predecessor for Stores for the current year; and I am to express Lord Goderich's hope that the Instructions, conveyed to you in his Circular despatch of the 2d March last, will prevent the recurrence of the irregularity in sending home Requisitions of this nature, pointed out in Mr. Byham's letter. I am, &c.,

R. W. HAY.

[Enclosure.]

MR. R. BYHAM TO HON. J. STEWART.

Special
requisitions.

Sir,

Board of Ordnance, 2 December, 1831.

Having submitted to the Board of Ordnance your letter dated the 3d Ultimo, enclosing two Requisitions which have been received from N. S. Wales, one for Clothing for the Mounted Police and Body Guard of the Governor of that Colony, and the other for Ordnance and other stores for the service of the year 1832.

I have the honor to request you will inform the Lords Comrs. of the Treasury, that a general demand for service of the different Depts. at N. S. Wales in the year 1832 (forwarded in your letter of the 6th Jany. last) has already been fully considered by this Board, and authorized to be supplied as notified to you in my letter of 25 Feby., 1831. This demand, it appears, was compiled with great care by the Commissary General at the Station from the Requisitions of the different Depts. of the Colony and was submitted, previously to its transmission to this Country, to the examination of a Board of Officers specially assembled for the purpose. But the Board of Ordnance beg to observe that, if after these formalities, separate Requisitions from the local Heads of the Colonial Depts. are to be transmitted to this Country without passing thro' the hands of the Officers who compiled the general demand, and who alone could be aware either of the available Store already in the Colony, expected from England, or required in that demand to meet the probable wants of the ensuing year, it must be obvious that their labors would be *comparatively useless*, and the object they were designed to prevent, viz., the accumulation of unnecessary quantities of stores in the Colony be *completely frustrated*.

Objections to
requisitions
from heads of
departments.

The Requisition, now sent home from the Major of Brigade, strongly confirms the Board in these opinions, for, in the general demand already referred to, a Column was devoted to that Officer's Dept., in which all those Stores ticked in red ink in the present demand (enclosed) were included (together with others not enumerated in the latter Requisition) and it was clearly shewn that such was the Store already in the Colony, that but in few cases was any supply wanted from England, and those few have already been made good by issues on that demand.

Had therefore the enclosed Requisition from the Major of Brigade been submitted to the Commissary General before it was sent home, he would immediately have seen that a provision had already been made for nearly half of the Articles included in it. The Board therefore beg leave strongly to urge the propriety of adhering to one uniform system in transmitting demands for Stores from the above Colony; and, in soliciting the attention of the Lords of the Treasury to the inconvenience and needless expenditure which must arise from any deviation from that system, the Board request their Lordships will be pleased to give such directions to the Colonial Officers as may guard against a recurrence of these circumstances. For the reasons herein stated, and as the General demand, before referred to, purports to include all the Stores which in the opinion of the Colonial Board will be wanted for the service of the year ending Decr., 1832, and moreover as no special circumstances are stated to shew the necessity of the additional Articles now demanded, the Board beg to submit to their Lordships that all the Articles included in the present demand from the Major of Brigade may be with held.

I am commanded to add that orders are given for the supply of the Clothing for the Mounted Police and the Governor's Body Guard.

I have, &c.,

R. BYHAM.

[Sub-enclosure.]

[*The requisition for ordnance supplies has been omitted.*]

UNDER SECRETARY HAY TO GOVERNOR BOURKE.

(Despatch per ship Hercules.)

My Dear Sir,

Downing Street, 15 June, 1832.

Lord Goderich has desired me to send you a copy of a letter,* which he has received from the People who were removed from Pitcairns Island to Otaheite, informing his Lordship that they have been compelled, from the unhealthiness of Otaheite, to return to the former island. I also enclose an extract of a letter from Captn. Hill, who appears to take an interest in these People, in which he states them to be in want of a supply of Soap, etc. You will perceive, by the answer which has been returned to Captn. Hill, that some expectation has been held out that the Government will afford them assistance in this respect. Lord Goderich, therefore, has directed me to convey to you his authority to forward to Pitcairns Island a *small* supply of such

1832.
15 June.

Requisition from major of brigade.

System proposed for requisitions.

Supply of clothing for police.

Removal of Pitcairn islanders from Otaheite.

Stores required by Pitcairn islanders.

* Note 193.

1832.
15 June.

necessaries as you may learn from these People that they most need, whenever there may be a favorable opportunity of communicating with that Island; but you will distinctly understand that it is not intended to incur any great expense on this account.

I remain, &c.,
R. W. HAY.

[Enclosure No. 1.]

EXTRACT of a letter from Captn. J. Hill to Viscount Goderich, dated the Society Islands, 20th Novr., 1831.

Stores required
by Pitcairn
islanders.

“It seems that they are pretty well supplied with the most essential articles for the present except *common Soap*, which they have no means of obtaining, and are, it is also said, becoming rather negligent as to their ablutions. I have brought out with me from England certain things for them, such as Bibles, elementary School Books, etc. But hereafter possibly they may stand in need of some trifling necessaries, as common Duck for Frocks and Trowsers, etc., with strong threads, needles, Fish-hooks and Soap.”

[Enclosure No. 2.]

UNDER SECRETARY HAY TO CAPTAIN JOSHUA HILL.

Sir, Downing Street, 31 May, 1832.

I am directed by Lord Goderich to acknowledge the receipt of the letters, which you addressed to his Lordship on the 20th Novr. and 12th Decr. last.

Regret at
removal of
Pitcairn
islanders from
Otaheite.

His Lordship desires me to express to you his regret that the humane intentions of His Majesty in regard to the People of Pitcairns Island should have been frustrated by circumstances, which it was impossible to foresee and which have compelled them to leave Otaheite. You will be good enough to acquaint them that Lord Goderich has received their letter, explaining the causes of their return to Pitcairns Island, and to assure them of the interest which His Majesty continues to feel in their favor. A communication has been made to the Governor of N. S. Wales on the subject of the supplies particularly Soap, of which you state them to be in want, and without pledging the Govt. to send them the Articles in question, he has been authorised to forward to them such necessaries as may be of most essential service to them, but which will not greatly increase the expense which has already been incurred on their account.

I am, &c.,
R. W. HAY.

VISCOUNT GODERICH TO GOVERNOR BOURKE.

(Despatch No. 104, per ship *Fanny*; acknowledged by Governor Bourke, 1st February, 1833.)

18 June.

Sir, Downing Street, 18 June, 1832.

Despatch
acknowledged.

I have received and referred for the consideration of the Lords Commissioners of the Treasury General Darling's despatch No. 77 of the 19th September last, with which he transmitted to me a representation from the Collector and Controller of Customs at Sydney, as to the unfitness of the present Revenue Cutter for the duties of the Department.

I am happy to acquaint you that their Lordships have given directions to the Board of Customs to send out another Vessel for this service.

1832.
18 June.

Revenue vessel
for customs.

I enclose, for your information and guidance, a copy of an Order in Council, which has been passed, for extending to the Customs Officers in the Australian Colonies the powers vested in those Officers belonging to the British North American Colonies by the Statute 6th Geo. 4th, Cap. 114, Sec. 50.

Increased
powers for
customs officers.

I am, &c.,

GODERICH.

[Enclosure.]

ORDER-IN-COUNCIL.

At the Court at St. James's the 27th of June, 1832.

PRESENT:—The King's most Excellent Majesty in Council.

Whereas, by an Act passed in the 6th year of the Reign of his late Majesty King George the Fourth, intituled "An Act to regulate the trade of the British Possessions abroad," it is amongst other things enacted that it shall be lawful for the Officers of Customs to go on Board any ship in any port in any British Possession in America and to rummage and search all parts of such ship for prohibited and uncustomed goods, and also to go on board any ship hovering within one league of any of the Coasts thereof, and in either case freely to stay on board such ship so long as she shall remain in such port or within such distance; and, if any such ship be bound elsewhere and shall continue so hovering for the space of twentyfour hours after the Master shall have been required to depart, it shall be lawful for the Officer of the Customs to bring such ship into Port and to search and examine her cargo and to examine the Master on oath touching the cargo and voyage; and, if there be any goods on board prohibited to be imported into such possession, such ship and her cargo shall be forfeited; and, if the Master shall not truly answer the questions which shall be demanded of him in such examination, he shall forfeit the sum of one hundred pounds. And whereas it doth appear to his Majesty expedient and salutary that so much of the said Act, as is hereinbefore recited, should be extended to and be in force within His Majesty's Colonies of New South Wales, Van Diemen's Land and Western Australia. And Whereas it is, by the said Act, further enacted that it shall be lawful for His Majesty by and with the advice of His Privy Council, by any Order or Orders in Council to be issued from time to time, to give such directions and make such Regulations touching the Trade and Commerce to and from any British Possessions on or near the Continent of Europe, or within the Mediterranean Sea, or in Africa, or within the Limits of the East India Company's Charter (excepting the Possessions of the said Company), as to His Majesty in Council shall appear most expedient and salutary; and that, if any goods shall be imported or exported in any manner contrary to any such Order of His Majesty in Council, the same shall be forfeited together with the ship importing or exporting the same. Now therefore His Majesty, by and with the advice of His Privy Council and in pursuance and exercise of the powers vested with him as aforesaid, doth order and it is hereby ordered that so much of the said Act, as is first

Order-in-
council for
extension of
powers of
customs officers
in Australian
colonies.

1832.
13 June.

Order-in-council for extension of powers of customs officers in Australian colonies.

hereinbefore recited, shall extend to and be in force in His Majesty's said Colonies of New South Wales, Van Diemen's Land and Western Australian, and the same is hereby extended to the said Colonies accordingly.

And the Right Honorable the Lords Commissioners of His Majesty's Treasury and the Right Honble. Viscount Goderich, one of His Majesty's Principal Secretaries of State, are to give the necessary directions herein as to them may respectively appertain.

W. BATHURST.

UNDER SECRETARY HAY TO GOVERNOR BOURKE.
(Despatch per ship Fanny.)

19 June.

Refusal to consider memorial from J. Norris.

Sir,

Downing Street, 19 June, 1832.

I am directed by Viscount Goderich to request that you will acquaint Mr. James Norris, who, previously to the late reductions in the Dock yard at Sydney, appears to have held the Situation of Storekeeper, that the Memorial which he addressed to the Secretary of State on the 4th November last has been received at this Department, but that, from its not having been transmitted through the Governor, his Lordship cannot, in conformity with the Regulations already made public in the Colony and with those which you have been lately directed to promulgate, take his case into consideration. Of the nature of Mr. Norris' Services, Lord Goderich can of course know nothing without a previous report from you; but, whatever may be their merits, his Lordship would not feel himself at liberty to grant to him any Land, excepting by purchase upon the terms upon which, alone, it is now to be obtained.

I have, &c.,
R. W. HAY.

UNDER SECRETARY HAY TO GOVERNOR BOURKE.
(Despatch per ship Fanny.)

1 July.

Claim of R. Dacre for land grant.

Sir,

Downing Street, 1 July, 1832.

I am directed by Viscount Goderich to transmit to you a copy of an application which he has received from Mr. Ranulph Dacre, claiming a Grant of land according to the Regulations in force prior to those which have been lately made public in the Australian Colonies. I am further directed to transmit to you, under a flying Seal, the reply which his Lordship has directed me to return to Mr. Dacre's letter, by which you will perceive the principles upon which alone his Lordship is disposed to admit his claim; and I am to desire that you will cause it to be delivered to that Gentleman.

I am, &c.,
R. W. HAY.

[Enclosure No. 1.]

1832.
1 July.

MR. RANULPH DACRE TO VISCOUNT GODERICH.

My Lord, Sydney, New South Wales, 23 Decr., 1831.

By a Regulation* published in January last relative to the granting of land in this Colony, I am a considerable sufferer, and, as I do not imagine it was your Lordship's intention to apply the Regulations of January to persons who had embarked previous to that date, I will briefly state my case, trusting that it may be favorably received.

Request by
R. Dacre for
land grant
under old
regulations.

I first visited these Colonies in 1823, returned to England in 1827, and since that period have twice been out in the command of a ship. I employed most of my time in establishing a trade with New Zealand and the Society Islands, also in examining the N.E. Coast of New Holland at my own expense and risk, having been twice wrecked, for which Sir Thomas Brisbane promised to remunerate me. In 1830, I left the Colony; having made every arrangement for becoming a Settler in the true meaning of the word in this Colony in Sept. and Oct. I went to the Colonial Office in London, and was recommended to wait until the New Regulations came out.

I did so, and on Jan. 5 received a Copy of them, by which land was to be sold; on the next day the Ship "Surry" sailed, and I had not time to apply to your Lordship for the indulgence that many have had in being considered entitled to have the land granted on the old terms and conditions.

I should also have been entitled to a Grant for my wife according to an order published by the late Governor; but, as he was embarking or preparing to embark, he had not leisure to attend to such applications.

I have a Capital of £3,000 and beg to refer your Lordship to my Uncles.

Life Dacre, Esq., 8 Harley St.

F. Dacre, Esq., 27 York Place,

and, as I married and settled in these Colonies from the inducement held out by the Government, I trust your Lordship will give me an order thro' my relations or thro' Mr. Robt. Brooks, 80 Old Broad Street, for a Grant of 2,500 Acres for myself and of 1,260 on behalf of my wife being married in this Colony.

I have, &c.,

RANULPH DACRE.

[Enclosure No. 2.]

[A copy of the reply is not available.]

VISCOUNT GODERICH TO GOVERNOR BOURKE.

(Despatch No. 105, per ship Fanny.)

Sir, Downing Street, 3d July, 1832.

3 July.

I have received, and referred for the consideration of the Lords Commissioners of the Treasury, Lieutt. General Darling's despatch No. 84 of 3d October last, with which he transmitted to me a Volume of Regulations which had been framed with a

Despatch
acknowledged.

* Note 176.

1832.
3 July.

view to carry into effect, as far as practicable, the wishes of that Board in regard to the issue of Rations to the Convicts and others in New South Wales.

Approval of
regulations *re*
rations for
convicts.

Possibility of
further reforms.

I am happy to state that their Lordships have expressed themselves satisfied that these Regulations are, upon the whole, as simple and efficacious as, under present circumstances, can be expected; at the same time they are of opinion that still further improvements will be found practicable whenever the views of His Majesty's Government, in regard to the employment of Convicts, and to the erection of Public Works essentially necessary by Contract, can be more fully acted upon. I feel satisfied that you will give these subjects your best attention, and therefore it is unnecessary for me to do more than to state that the chief object, which the Treasury have in view, is to ensure the discontinuance of the issue of Rations, when consistent with the interests of the Public, and the simplification of the Ration when it is issued, avoiding all alterations not absolutely essential, in order that complication in the Commissariat Accounts may be prevented, and that they may be well controlled and checked on the spot, and transmitted home for final examination as early as possible, no Provision Accounts from New South Wales having reached the Treasury for a period later than the 24th Decr., 1828.

I am, &c.,
GODERICH.

VISCOUNT GODERICH TO GOVERNOR BOURKE.
(Despatch No. 106, per ship *Fanny*.)

4 July.

Sir,

Downing Street, 4th July, 1832.

Claim by
Revd. W. G.
Broughton *re*
method for
payment of
salary.

I have the honor to acknowledge the receipt of your Despatch No. 14 of the 5th February last, enclosing an application from the Archdeacon, in which he prefers a claim to be paid the Salary of that Office in the same manner in which, by a late Bill which has passed the Legislative Council, the Salaries of the Governor and Judges have been secured.

This claim appears to be advanced on the part of the Archdeacon under the apprehension that, as the Appropriation of the Revenue is made dependent upon an annual vote of the Legislative Council, his salary cannot be so secure as when the appropriation of the Revenue rested exclusively with the Governor. Had any question been mooted in the Council, from which it was to be inferred that his Interests would be affected by the change which has been made in the cases adverted to, or were I of opinion that such would be the result of the measure by which a greater control, than they before possessed, has been bestowed upon the

Council, I should not hesitate in directing you to recommend to that Body the same course, which has been adopted in respect to your own Salary and that of the Judges; but, as I see no reason to apprehend any such consequences, and am, moreover, of opinion that much inconvenience might arise from calling for a permanent appropriation of so large a sum as that which the maintenance of the Clergy of the Established Church requires (for I could not recommend the Archdeacon's Salary to be provided for out of any particular source of Revenue without including also the Salaries of the inferior Clergy), I do not feel at liberty to meet the Archdeacon's wishes, on this point, in the way which he has requested. I have no hesitation, however, in stating that, from the arrangement entered into with him on his appointment to the Archdeaconry of New South Wales, I consider him to have a claim, so long as he shall discharge the duties of that Office to the satisfaction of His Majesty's Government, to the full amount of Salary at first assigned to it, and that, should any circumstances hereafter occur to interfere with the payment of that Sum to him out of the Colonial Revenues in the manner in which it has been customary to issue it, he will then have some right to look to His Majesty's Government for the adoption of other means by which his Income may be secured.

I have, &c.,
GODERICH.

1832.
4 July.

Objections to statutory allowances for clergy.

Continuance of salary for Revd. W. G. Broughton.

VISCOUNT GODERICH TO GOVERNOR BOURKE.

(Despatch marked "Private," per ship Fanny; acknowledged by Governor Bourke, 9th February, 1833.)

Dear Sir,

Downing Street, 5 July, 1832.

5 July.

Colonel Arthur having transmitted to me the Copy of a Letter which he had received from you, notifying to him your appointment as Governor of New South Wales and Van Diemen's Land, together with a Copy of his reply, and apprehending from the tenor of your Letter that you may not rightly understand your situation in relation to the Government of that Island, I deem it of importance that you should be informed that, notwithstanding you hold His Majesty's Commission* as Governor of Van Diemen's Land, it is by no means intended that you should exercise any control over or interfere with the *Civil* Affairs of that Government, which is considered wholly distinct and independent from your own Command, excepting so far as may relate to *Military* matters.

Status of R. Bourke as governor of Tasmania.

Should, however, any circumstances occur to induce you to proceed to Van Diemen's Land, Colonel Arthur's functions will

1832.
5 July.

Administration
of government
in Tasmania.

Commission
to be sent to
G. Arthur.

Removal by
R. Darling of
records *re*
Tasmania.

then of course cease, and the Government become vested and continue in you, so long as your presence there shall be deemed necessary; but, upon your again withdrawing yourself from the Island, the Government will devolve as before upon Colonel Arthur as Lieutenant Governor, with the same responsibility and independent of your controul. Under these circumstances, should you not have already forwarded to Van Diemen's Land your Commission as Governor of that Island, you will see the propriety of your immediately doing so, in order that it may be opened there, and the administration of the Government be conducted under the authority which it conveys.

I regret that General Darling should have taken with him to England all the Communications, which he may have received from Colonel Arthur in his capacity of Governor of New South Wales, or at all events that he did not leave Copies of them for your Information; for, although these communications may not have been of the nature of Official Reports (the independence of the two Commands would of course prevent their being so designated), yet they do not appear to have been of that *confidential* Character as to make it incumbent upon him to separate them from the other records of his Government; and I have expressed the wish to Colonel Arthur, should he have the means of doing so, that he would furnish you with Copies, which of course you will take care to leave in the Colony, together with any additional Correspondence which may in the mean time take place between you and him, for the Information and guidance of your Successor, whenever circumstances may lead to the close of your administration.

I am, &c.,
GODERICH.

VISCOUNT GODERICH TO GOVERNOR BOURKE.
(Despatch No. 107, per ship Fanny.)

6 July.

Land grants
withheld by
R. Bourke.

Sir,

Downing Street, 6 July, 1832.

I have the honor to acknowledge the receipt of your Despatch No. 18 of the 7th February last, transmitting a return of certain Grants of Land, promised by Lieut. General Darling and Colonel Lindesay, of which possession had not been given to the parties previously to your arrival in the Colony, and which you had thought it right to refuse completing, conceiving that you had not authority to dispose of such allotments otherwise than by sale.

The first, in order, of these applications is one from Mr. A. C. Innes, late Major of the Buffs, who appears to have been desirous of obtaining one of the disposable allotments of ground on Woolloomoolloo Hill. The date of Mr. Innes' application for this Land is the 3d of June, 1830, and a refusal seems to have been given to it, in consequence of those allotments having been reserved for the officers of the Civil Government who were obliged to reside in Sydney. On the 20th October, 1831, however, General Darling appears to have given Authority to the Surveyor General to allow of the selection by Mr. Innes of the Land in question. The papers, accompanying your Dispatch, do not shew upon what grounds this change of determination on the part of General Darling originated; but it is probable that finding, upon the receipt of the new Instructions respecting the disposal of Land, that Civil Officers could no longer receive grants without purchase, he considered that the original cause for his refusal no longer existed, and that Mr. Innes was entitled to benefit by his former Application. I cannot, however, admit this reasoning (if it be that on which General Darling acted) as giving Mr. Innes a claim to this Land upon any other terms than the new Regulations authorize: It was only in favor of those persons to whom positive promises of Land had been made, or who were warranted in expecting Grants under the former system, from their having emigrated in ignorance of the change that I considered an exception should be made; and as Mr. Innes, up to the period of the arrival in the Colony of my Dispatch of the 9th January, 1831, had been refused the allotment for which he applied, his case does not come within the spirit of that Paragraph of it, by which General Darling was authorized to relax the Regulations; and I regret, therefore, that I do not feel at liberty to confirm the Grant which Mr. Innes had received the permission of that officer to select on Woolloomoolloo Hill.

The next claim, which you submit to my consideration, is that which proceeds from the Trustees of the female School of Industry, who appear to have applied to the Local Government on the 1st of May, 1830, for a Grant for the benefit of that Institution. There seems to have been no objection offered on the part of the Local Government to a Grant being made for the object solicited; but the particular allotment at first applied for having been reserved for public purposes, the Local Government had no opportunity of giving its sanction to another selection, until after the arrival in the Colony of the new Land Regulations, when General Darling, by a Minute dated the 8th October, 1831, gave permission to the Trustees to select two Building allotments at the place known as the Military Garden on the Parramatta

1832.
6 July.

Application by
A. C. Innes for
residential
allotments.

Refusal of
application.

Application
for land grant
for school of
industry.

1832.
6 July.

Application
for land grant
for school of
industry.

Approval of
land grant.

Road for the benefit of the before mentioned Schools, they being "much incumbered with debt owing to the expences which have been necessarily incurred in providing for the branch of that Institution which has been recently established at Parramatta"; and it being "a matter of the first importance in the present state of the Colony that Individuals of the lower classes should receive every possible assistance in obtaining a suitable education for their children." Under these circumstances, I am disposed to acquiesce in the propriety of the Land in question being made over to the Trustees for this Institution, it appearing that although the Trustees could not for the reasons assigned obtain a Grant at the time they made application for it, the Government at no moment objected to their receiving one, and, moreover, the Land being for a public object, there are not the same powerful reasons against exempting the Grant in this case from the late Regulations as in that of an application from a private Individual.

Application by
M. Craig for
land grant.

The third case to which your Dispatch refers is that of Mrs. Craig, late Mary Panton, who appears to have applied on the 6th October, 1831, for a grant of Land in consequence of the practice, which previously existed of bestowing such Indulgences on Ladies on their Marriage. As the application made by this Lady was subsequent to the arrival in the Colony of my Instructions forbidding all further Grants of Land to be made without purchase, and as there do not appear to be any circumstances alleged in this case excepting the general rule which previously existed, I do not consider that she has any claim which may not be quoted as a Precedent by others, to whom it would not be possible without great inconvenience to extend the principle; and you will therefore acquaint this Lady that I am prevented from confirming the Grant, which General Darling had proposed to give to her.

Refusal of
application.

Refusal of town
allotments for
T. H. Burner
and
E. Lakeman.

The fourth and last cases, to which you refer, are those of Mr. Thomas Henry Burner and Mr. Edward Lakeman, who appear, on the 20th of October, 1831, to have received the permission of General Darling to select a Town Allotment each at Parramatta. As no particulars are communicated in respect to these applicants further than the mere Memorandum of General Darling, by which the selection of their Land was authorized, I have no observation to make on these cases, excepting to approve of your refusal to convert this "permission to select" into a free Grant.

I have, &c.,

GODERICH.

VISCOUNT GODERICH TO GOVERNOR BOURKE.
(Despatch No. 108, per ship Fanny.)

1832.
6 July.

Sir, Downing Street, 6 July, 1832.

With reference to that part of my despatch No. 19 of the 18th Septr., 1831, in which I notified my intention to employ the late Archdeacon of New South Wales in the selection of a proper person to take charge of the Female Orphan School at Paramatta, I am sorry to acquaint you that Mr. Scott has intimated to me that his efforts for this object have been quite unsuccessful, and that he sees no prospect of being able to procure the services of a trustworthy person, properly qualified for the duties of the School. Under these circumstances, I think the preferable course will be to authorise Archdeacon Broughton to select from among the Colonists any person whom he may consider best qualified for the situation, and, by engaging his services for a limited time, there will be less difficulty in removing him, should he prove incompetent or otherwise unfit for the duty.

Inability of Revd. T. H. Scott to nominate superintendent of orphan school.

Appointment to be made in colony.

I have therefore to request that you will make the necessary communication to the Archdeacon upon the subject.

I am, &c.,
GODERICH.

GOVERNOR BOURKE TO VISCOUNT GODERICH.
(Despatch No. 66, per ship Agnes.)

My Lord, Government House, 6th July, 1832.

I have the honor to transmit a Minute of the Executive Council, relating to the Conviction of John Wilde for the Murder of his wife, and a letter from and Notes of the Judge who tried the case, together with Petitions praying for a Mitigation of Wilde's Sentence.

Transmission of papers re respite of sentence on J. Wilde.

It appeared to be the impression of Mr. Justice Stephen that the facts of the case do not warrant a Conviction for Wilful Murder; and therefore he addressed the letter to me, upon which I ordered execution to be Stayed, and Subsequently, with the Advice of the Executive Council, respited it until the King's pleasure shall be made known.

I entertain the hopes that His Majesty may be graciously disposed to take the view of the case, which induced the Judge to recommend and the Council to advise the Respite, and that a lenient Commutation to such punishment as is usually awarded

1832.
6 July.

to Manslaughter may be the result; in which event, I would beg leave to remind Your Lordship, that Wilde will have Suffered more than a Year's imprisonment before the Communication of His Majesty's pleasure can be received here.

I have, &c.,
RICHD. BOURKE.

[Enclosure.]

[*A copy of this minute will be found in a volume in series II.*]

VISCOUNT GODERICH TO GOVERNOR BOURKE.
(Despatch No. 109, per ship *Fanny*.)

10 July.
Relief of 63rd
regiment by
21st regiment.

Sir, Downing Street, 10 July, 1832.

I have the honor to acquaint you that The King has been pleased to approve of the 21st Regiment of Foot proceeding in Detachments to New South Wales, in charge of Convicts, and, on the arrival there of the Service Companies of that Corps, of the 63d Regiment being sent on to Madras to relieve the 48th Foot.

I am, &c.,
GODERICH.

VISCOUNT GODERICH TO GOVERNOR BOURKE.
(Despatch No. 110, per ship *Fanny*.)

11 July.
Transmission of
British statute.

Sir, Downing Street, 11 July, 1832.

I herewith transmit to you, for your information and guidance, a copy of an Act, which has been recently passed by Parliament, "for abolishing the punishment of Death in certain cases and substituting a lesser punishment in lieu thereof"; and I beg particularly to call your attention to the 2d Clause of this Act, by which the powers, vested in the Governors of the Australian Colonies in respect to granting Pardons and other indulgences to Convicts, are placed under certain limitations.

I am, &c.,
GODERICH.

[Enclosure.]

[*This was a copy of the statute, 2d and 3d William IV, cap. 62.*]

VISCOUNT GODERICH TO GOVERNOR BOURKE.
(Despatch marked "Separate," per ship *Fanny*.)

19 July.
Cholera on
ship *Fanny*.

Sir, Downing Street, 19 July, 1832.

In consequence of the appearance of Cholera on board the "Fanny" Convict Ship, it has been deemed advisable to place an Assistant Surgeon on board that Vessel; and, accordingly,

Mr. Marshall, Assistant Surgeon of the Flag Ship in India, has been directed to proceed in the "Fanny." I have to desire that, on Mr. Marshall's being relieved from his charge, you will provide him with a passage to India, if there should be no Ship of War at New South Wales, and charge the expense to the Funds appropriated to the Maintenance of Convicts. I am, &c.,

1832.
19 July.
Passage to be provided for assistant surgeon.

GODERICH.

VISCOUNT GODERICH TO GOVERNOR BOURKE.
(Despatch No. 111, per ship Parmelia.)

Sir,

Downing Street, 24 July, 1832.

24 July.

Since I addressed to you my despatch No. 97 of the 12th May last, the Lords Commissioners of the Treasury have expressed to me their opinion that the Government of Swan River is only chargeable with the expenses attending the removal of the three Prisoners, whom Governor Stirling sent to Sydney under the impression that they were runaway Convicts; but that the Damages and Costs in the Actions, brought by the Men against the Sheriff, should be defrayed either by that Officer or by the Government of New South Wales.

Payment of costs of suits *re* suspected escapees at Swan river.

I apprehend that the measures, taken by the Sheriff for the detention of the Prisoners, were in pursuance of orders issued to him by the Governor; and, as he cannot, therefore, be held responsible for the consequences of them, the charge, amounting to £678 1s., must be repaid to the Colonial Treasury by the Commissariat out of the Funds appropriated for the maintenance of Convicts.

The Damages and Costs awarded against Captn. Sandilands for forcibly conveying the men to Sydney, amounting to £459 14s. 6½d., will be paid out of the money voted by Parliament in aid of the Swan River Settlement; and this sum, when received, will be issued to the Agent for New South Wales in repayment to the Colonial Treasury, from which source you were directed by my above mentioned despatch provisionally to defray the expenses occasioned by this transaction. I am, &c.,

GODERICH.

GOVERNOR BOURKE TO UNDER SECRETARY HAY.

(Despatch per ship Rubicon; acknowledged by right hon. E. G. Stanley, 15th April, 1833.)

Sir,

Government House, 29th July, 1832.

29 July.

I have the honor to acknowledge the receipt of Viscount Howick's Despatch of the 14th August, 1831, directing an enquiry into a Complaint made by a person of the Name of Shairp, who

Despatch acknowledged.

states his father in Law, Mr. James Milson, to have been unfairly deprived of 350 Acres of Land, to which he was entitled on the North Shore of Sydney Cove. A Correspondence upon this Subject, Commenced in 1828 between Mr. Milson and this Government, having been carried on from that time to the present, has now increased to such a size as to make it difficult to represent the case in a Clear and Concise manner; but, after a careful perusal of the Statements and letters on this Subject, the principal facts may be thus Stated.

Upon Application to Sir Thos. Brisbane, in the year 1824, Mr. James Milson received authority to Select 300 Acres of Land near Pennant Hills, An inland Situation distant 14 or 15 Miles from Sydney, and having Notified his Choice to the Surveyor General, was by him informed that, the Land having been previously Charted to another Person, he must make another Selection. In consequence of this, Mr. Milson, on the 11th August, 1828, signified his intention of taking his Land on the North Shore of Sydney Cove, at the same time proposing that 50 Acres Should be given him on the Shore, and 300 further *in Land*. It may be proper here to inform You that Mr. Milson's first application Stated the quantity of Land, to which he was entitled, to be 300 Acres only, and that, in his Subsequent Communications, he declared it to be 350. The Original order of Sir Thomas Brisbane having been destroyed by fire, the truth of this Statement could not be ascertained, and he was therefore allowed to select the larger quantity. In this Stage of the business, Considerable delay arose from Mr. Milson's repeated applications to have Measured and Charted to him a certain Spot on the North Shore, on which he then resided as Lessee to Mr. R. Campbell, although frequently informed that it had been previously granted to that Gentleman; At length when the Survey of the North Shore was Completed, and the different farms were Measured, the Land, which Mr. Milson had applied to have Charted in his name, having been found to belong to Mr. Campbell, he was directed to Select another 50 Acres on the North Shore and 300 *in Land*, according to his application of the 11th August, 1828. Mr. Shairp's Complaint now is that Mr. Milson was not permitted to retain the Land, on which he resided for Some time as Lessee to the proprietor, but of which it would appear, from Shairp's Statement to Mr. Gillon, that he had been in Authorized possession. The fact, however, is that he was informed by the Government, during the time of his residence on it, that it was the property of Another.

1832.
29 July.

Details *re*
claim of
J. Milson for
land at north
shore.

From this Statement, the Secretary of State will, I trust, perceive that no injustice whatever has been done to Mr. Milson, more particularly as the Land he now holds is of much greater Value than his original Selection at Pennant Hills.

1832.
29 July.

I have, &c.,
RICHD. BOURKE.

GOVERNOR BOURKE TO VISCOUNT GODERICH.
(Despatch No. 67, per ship Rubicon; acknowledged by
right hon. E. G. Stanley, 15th April, 1833.)

My Lord, Government House, 1st August, 1832. 1 Aug.

I have the honor to inform Your Lordship that, in an abstract laid before me in the Month of May last Containing Grants of Land for approval, there appeared one for 640 Acres as a Marriage portion to Miss Phillips, the daughter of a Settler on Hunter's River, Married Subsequently to the 1st July, 1831, at which time the Regulations for the Sale of Land were promulgated here. The Order for the Grant is dated the 29th September, 1831.

Reference for approval of land grant to — Phillips as marriage portion.

Having Uniformly refused to complete Grants obtained under Such Circumstances as the foregoing, I informed the applicant that the case Should be referred for Your Lordship's Commands. I have I believe, in cases of a Similar description already brought before Your Lordship, recommended that the dispositions made by my Predecessor Should be carried into effect.

I have, &c.,
RICHD. BOURKE.

GOVERNOR BOURKE TO UNDER SECRETARY HAY.
(Despatch per ship Rubicon; acknowledged by under secretary Hay,
13th April, 1833.)

Sir, Government House, 1st August, 1832.

I have the honor to acknowledge the receipt of Viscount Howick's Despatch, dated 19th November, 1831, enclosing a Memorial to the Secretary of State from a person named Gillyan, in which a Complaint is brought forward against Captain Crotty of the 39th Regiment, formerly Commandant at Port Macquarie. In obedience to his Lordship's Commands, I have called for the Correspondence which formerly passed on this Subject; and, having found from papers in the Military Secretary's office that General Darling had minutely investigated the Same Charges, when formerly brought under his Notice, and had Considered them groundless throughout, I have not thought it necessary to

Despatch acknowledged.

Inquiry by R. Darling re charges by J. Gillyan.

take any further Steps in the Matter. General Darling also States, in a Memorandum written on that Occasion, that it was his intention to suggest the propriety of adopting Some Measure Such as depriving Gillyan of his Pension, or by Some other means to deter persons in his Situation from bringing forward Charges, which they have Carefully abstained from doing whilst under Military Law, they being well aware of the Consequences which would Under those Circumstances attend Such a proceeding.

I have, &c.,
RICHD. BOURKE.

UNDER SECRETARY HAY TO GOVERNOR BOURKE.
(Despatch per ship Mary.)

Downing Street, 2 August, 1832.

Sir,

With reference to the Letters addressed to your predecessor of the dates mentioned in the Margin* relative to certain property belonging to a poor Woman, named Catherine Murphy, Widow of the late Sergeant James Murphy of the 48th Regiment, I am directed by Viscount Goderich to call your attention to this person's case in the hope that through your means the property in question may be recovered or a proper consideration for the same be obtained from the party who appears to be in possession of it.

It seems that the Husband of this female served some years with his Regiment in New South Wales and that, having by his own and his Wife's industry accumulated a little property, he laid it out in the purchase of Cattle with the intention of obtaining his discharge and becoming a settler in the Colony. Before, however, this plan could be realized, his Regiment was ordered on to India, whither he accompanied it and where he afterwards died. Previously to his leaving New South Wales, it would appear that he placed his Cattle and other property under the charge of Mr. George Innes of Bathurst, who, in two letters which he addressed to Mr. McLeay, dated the 15th November, 1830, and the 2d Octr., 1831 (copies of which with other papers accompany this communication) acknowledges to have the charge and furnishes a List of them. Mr. George Innes also informs Mr. McLeay that he had sent to Mrs. Murphy an order to draw for £35 upon his Brother, Mr. Robert Innes, Agent for the Commercial Bank at Wick; but you will perceive by the Letter from Mr. Robt. Innes, also enclosed, dated the 7 May, 1832, that he denies ever having received from his Brother any letter in which the name of Mrs. Murphy is mentioned, or any authority for paying to her the Sum mentioned. Under these circumstances,

* *Marginal note.*—The margin is blank (note 196).

1832.
1 Aug.

Action proposed
by R. Darling.

2 Aug.

Claim of
C. Murphy
to estate of
husband.

Property
acquired by
J. Murphy.

Inability to
obtain property
from G. Innes.

Lord Goderich has been induced to provide Mrs. Murphy with a Passage to New South Wales, and requests that, upon her arrival in the Colony, you will give her such advice as you may think best to enable her to recover the property which she appears to have there, and of which the Secretary of State cannot but apprehend that it is the object of her late husband's agent, Mr. George Innes, to deprive her, having neglected to forward the remittance which, in the Letter to Mr. McLeay above referred to, he promised to do, or to take any of the other steps which he has professed for delivering over to the representatives of the late Serjeant Murphy the Stock of which he has so long had the charge.

1832.
2 Aug.

Passage provided for and assistance to be given to C. Murphy.

I have, &c.,

R. W. HAY.

[Enclosure.]

MR. G. LAMB TO UNDER SECRETARY HAY.

Sir,

Whitehall, 21st July, 1832.

I am directed by Viscount Melbourne to transmit to you the enclosed Petition of the Widow Catherine Murphy, together with the documents which accompany it, soliciting a passage to New South Wales in order that she may be enabled to recover her property there, which, it appears, consists of 118 Head of Cattle.

Recommendation of request by C. Murphy for free passage.

And as it seems to Lord Melbourne to be generally a Case of great hardship and particularly so, since the holder of the Petitioner's Cattle has neglected to comply with his promise of remitting to her the sum of £35 (as appears by his Brother's Letter, No. 5, dated 7th May, 1832) which, had he fulfilled, the Petitioner would have been enabled with her own means to have revisited the Colony, and which Lord Melbourne conceives forms a new and very strong feature in the case, since it was last before the Colonial Department. I am to desire that you will submit the Petition to Lord Goderich for His Lordship's favourable consideration.

I am, &c.,

G. LAMB.

[Sub-enclosure No. 1.]

THE Humble Petition of Catherine, Widow of the late
Sergt. James Murphy, 48th foot.

Petition of C. Murphy.

The Right Honble. Lord Visct. Melbourne, Secretary of State for the Home Department, etc., etc., etc.

Humbly Sheweth

That, having accompanied her husband (aforesaid) to New So. Wales which place the Regt. remained for upwards of seven years, and, her husband having been selected as a most deserving non commissioned Officer to go on Command to Bathurst, Petr. and her husband by their Industry accumulated a sum of money the which they, by the advice of friends, laid out in the purchase of Horned Cattle with an Intention, if fortune favoured him in his discharge, to return as an Emigrant to that Country; but, the Regt. being called on Route to Madras, the Cattle was left in care of Mr. George Innes of Bathurst under regulated terms; her husband

Property acquired by J. Murphy.

1832.
2 Aug.

Death of
J. Murphy.

remained in the East Indies for nearly two years when he was ordered to be sent to England for the purpose of being Invalided, and died on his passage the 18th day of Feby., 1826, leaving Petr. and four Orphans (three of which were born in New So. Wales and the fourth ten days before the death of her father at Sea to lament their heavy loss).

Inability
to obtain
property.

Petr. on her arrival in Ireland wrote several times about her property through the Secretary of State's Office for the Colony, where she was directed by the several heads of Departs., but can't find any remedy but that accts. have been recd. from that Colony about her property. She repeatedly sent for a remittance of money but all to no purpose; she has humbly solicited a passage but her intreaties were not listened to; she is highly of opinion that something contrary to her wishes has happened her property wherein she can't procure any other satisfaction than what she here encloses. She humbly begs that your Lordship will take her and her four Orphans into consideration, and, if necessary, to institute an enquiry into her case, and further begs that your Lordship will place her complaints before our Most Gracious and well beloved Sovereign the King to allow her in person a passage to that country to arrange her affairs and procure a living for her unfortunate suffering children, which are now feeling the want of their parent.

Request for
passage to
colony.

Petr. has no objection to pay her passage out of her property immediately after disembarkation in Sydney (the enclosed return and Letters will point out the necessity Petr. is under of soliciting your Lordship's interference); at the same time observing the many great obligations She is under to the several Secretaries of State of the Colonies for their Lordships' support, she most humbly begs your Lordship's protection and interference and your Petitioner and her four destitute Orphans will ever Pray,

CATHERINE MURPHY, Widow.

Tullamore, 17th May, 1832.

The enclosure is to be returned.

[Sub-enclosure No. 2.]

WIDOW MURPHY IN ACCOUNT WITH GEORGE INNES.

Statement of
account by
G. Innes.

		£	s.	d.			£	s.	d.
June 20th, 1827	One Bullock broken in	7	0	0	Paid for Bay Filly at Richmond Pound where She was when I sent to Mr. Hays for her	2	14	0	
Apl. 24th, 1828	Sold Mr. Merritt of Sydney 6 Bullocks for £6 15s. Curry. or £5 17s. Sterling	35	2	0	Paid for a Bull to Mr. Ranken	20	0	0	
Apl. 29th, 1828	One Bullock broken in	5	18	0	Services of Horse My Lord, 1824	2	10	0	
					Services of Horse My Lord, 1824	2	10	0	
					Services Kennedy's Horse	3	0	0	
					Services Ploughboy Horse, 1825	5	0	0	
					My Charge for their keep for 4 years as per agreement at 30s. each	12	0	0	
		<hr/>					<hr/>		
		£48	0	0			£47	14	0

Capita, September 25th, 1828.

GEO. INNES.

[Sub-enclosure No. 3.]

1832.
2 Aug.

COLONIAL SECRETARY MACLEAY TO MR. E. BARNARD.

New South Wales,

Sir, Colonial Secretary's Office, Sydney, 14th Nov., 1831.

With reference to my letter of the 29th January and 15th December, 1829, respecting the property of the late Sergeant James Murphy of the 48th Regiment, Transmission of letters.

I have the honor by direction of His Excellency acting Governor Lindsay to transmit to you the accompanying copies of Letters from Mr. George Innes with whom the property in question (cattle) was left, in order that the same may be communicated to Mrs. Murphy the applicant in this case.

I have, &c.,

ALEX. MCLEAY.

[Sub-enclosure No. 4.]

MR. G. INNES TO COLONIAL SECRETARY MACLEAY.

Sir, Sydney, 15th Novr., 1830.

In reply to your letter of the 3d Instant about Mrs. Murphy's Cattle, I have the honor to state that I have sent to Capita, where the Cattle are, for a correct Return and that I shall send you it as soon as possible. I have not heard from Mrs. Murphy for a long time but have written her often and sent her an order to draw for £35 Sterling on my brother Mr. Robert Innes, Agent for the Commercial Bank at Wick. I also requested she would as soon as possible get some other person to take her Cattle in charge as my time was up long since. I should be glad to give them up to any one the Government would order me to give them to.

Order sent to
C. Murphy.Desire for
relief as agent.

I have, &c.,

GEO. INNES.

[Sub-enclosure No. 5.]

MR. G. INNES TO COLONIAL SECRETARY MACLEAY.

Sir, Capita, 2d October, 1831.

I have the honor to enclose you a return of the Cattle now in my charge, the property of Mrs. James Murphy, agreeable to the desire of His Excellency the Governor. Return of cattle.

Cows, 44; Heifers, 21; Steers, 25; Calves, 27; Bull, 1; Total, 118.

I would have sent the above sooner but could not get my Cattle collected.

I have, &c.,

GEO. INNES.

[Sub-enclosure No. 6.]

MR. R. INNES TO MRS. MURPHY.

Madam, Thrumster, near Wick, 7th May, 1832.

I have received your letter of the 7th Ultimo, and in answer have to acquaint you that my brother George has never in any letter mentioned your name or asked of me to pay you any money. If he had done so, or if you procure an Order from him on me, I shall be most ready to meet it, but you cannot expect that I am to remit you thirty five pounds because you say such is the case. Absence of instructions for payment.

I am, &c.,

ROBERT INNES.

GOVERNOR BOURKE TO VISCOUNT GODERICH.

(Despatch No. 68, per ship Rubicon; acknowledged by
right hon. E. G. Stanley, 15th April, 1833.)

My Lord, Government House, 2nd August, 1832.

I have the honor to transmit, for Your Lordship's Consideration, the application of Robert Scott for a Grant of Land on the terms in force in this Colony at the beginning of the Year 1831, which I have thought right to deny him, as his application did not Come before me Until last July, being one Year after the Regulations for the Sale of Land had been in operation.

Scott came out to this Country as Bailiff to Mr. James Walker. He applied for Land in 1830, and was told he could not obtain any whilst he remained in employment on Another's Estate, but that, when he was ready to devote his time to Agricultural pursuits on his own account, his claim for Land Should be considered. In March, 1831, he Stated his employment had Ceased and requested to obtain Land in proportion to his Capital, which he estimates at £500. To that application he did not receive the Answer of my Predecessor, owing to some accident or Mistake either on Scott's part or that of the Secretary's Office, until the Month of June last, though dated the 21st October, 1831, and that answer Contained a refusal on the grounds that the Regulations for the Sale of Land, which were promulgated on the 1st July preceding, debarred him from receiving a Grant upon the Ancient terms. Scott on the other hand Claims to be entitled as his Application was made in March, 1831.

I have found it necessary to resist the Many applications for Land which have been urged upon grounds Somewhat similar, and told Scott that, without an Order from the Secretary of State, I could not make him a grant on the Ancient terms. He has requested me in consequence to lay his case before Your Lordship. He is a plain practical farmer, and would I think make a good Settler, and I am therefore inclined to recommend his case to Your Lordship's favorable Consideration.

I have, &c.,

RICHD. BOURKE.

[Enclosure.]

MR. R. SCOTT TO GOVERNOR BOURKE.

May it please Your Excellency, Ultimo, 11th July, 1832.

Having made an Application to General Darling, dated 23rd January, 1830, stating that I came free to this Country with other particulars of my Capital, Views, etc., and requesting that I might have a Grant of Land made to me in proportion to the amount of Capital I was prepared to prove that I was actually possessed of. In reply to which I was informed, by a letter from the Colonial

1832.
2 Aug.

Refusal of
request by
R. Scott for
land.

Applications
by R. Scott
for land.

Recommend-
ation in favour
of R. Scott.

Applications by
R. Scott for
land grant.

Secretary, that the Government could not, in accordance with the regulations, give me a Grant of Land as long as I remained in the service of another person. I being at that time in the employ of Mr. James Walker, the gentleman with whom I came to this country, but directed me to inform them when I was actually ready to devote my time to Agricultural pursuits on my own account, and that my claim should then be considered.

On the 3rd March, 1831, I addressed another letter to the Colonial Secretary stating that I had left the employment I had been in, and requested that the Governor would again consider my claim for a Grant of Land, to which I received no answer until the 30th day of last month, but the letter bore date 21st October, 1831, stating that my request for a Grant of Land could not be complied with, and referring me to the Government Notice of 1st July last. This announcement had I received it in due course, I should have felt bound to have called for the reason for making so great a distinction between me and others, who arrived long subsequent to my application and with less Capital, who had obtained Grants of Land.

I have since been informed that the cause of my not getting a Grant as well as others arose from my application having been by mistake placed with those persons, who came out to this Colony under sentence of transportation, and which I am satisfied if Your Excellency will cause enquiry into the circumstances to be made will find correct.

I will beg leave to refer your Excellency as to my character and conduct before and since my arrival in this country to Thomas Eely, Esq., J.P., and Thomas Walker, Esq., J.P., with both of whom I have lived since my arrival in this Colony. I have, &c.,

ROBERT SCOTT.

GOVERNOR BOURKE TO UNDER SECRETARY HAY.

(Despatch per ship Rubicon; acknowledged by under secretary Hay, 13th April, 1833.)

Sir, Government House, 2nd August, 1832.

With reference to Your letter of the 23d November, 1831, on the Subject of a Complaint made to the Secretary of State by Mr. Charles Young, formerly Chief Clerk in the Post Office at Sydney, I have the honor to inform You that, since I wrote to You in reply on the 5th May last, I was requested by Mr. Young to enquire into his case with a view to his being replaced in his former employment. Having done So, I have Seen no reason for interfering with the decision of General Darling, or for recommending the restoration of Mr. Young, whose Conduct does not appear to have been Marked by that proper Subordination to the head of his Department, which it is necessary for the benefit of the public Service to require and enforce.

I have, &c.,

RICHD. BOURKE.

1832.

2 Aug.

Applications by
R. Scott for
land grant.

Result of
inquiry re
complaint of
C. Young.

1832.
3 Aug.

VISCOUNT GODERICH TO GOVERNOR BOURKE.
(Despatch No. 112, per ship Mary.)

Sir, Downing Street, 3d August, 1832.

Despatch
acknowledged.

I have had under my consideration your Predecessor's despatch No. 67 of the 24th of August last, with the letter, therein enclosed, from the Commissioners for managing the affairs of the Church and School Corporation, relating to the funds, which were formerly set apart for the maintenance of the Orphan Schools in the Colony under your Government.

Approval of
establishment
of parochial
schools.

The revocation of the Charter, under which the Commissioners acted, renders it altogether superfluous to discuss now the particular question which forms the chief subject of that letter; and I have only, therefore, to acquaint you that I sanction the Establishment of the four Parochial Schools, which, upon the recommendation of the Commissioners, have been formed at the following places, viz. :—

One in the Curryjong; One in Appin; One near Manangle Ford; and One at the Veterans' Allotments near Bathurst.

I am, &c.,
GODERICH.

GOVERNOR BOURKE TO VISCOUNT GODERICH.
(Despatch No. 69, per ship Rubicon.)

My Lord, Government House, 3rd August, 1832.

Payment for
maintenance
of Pitcairn
islanders at
Otaheite.

With reference to Your Lordship's despatches of the 4th August, 1831, No. 9, and 23d December last, No. 51, approving of the arrangements made by Captain Sandilands of His Majesty's Ship Comet, when employed in removing the People of Pitcairn's Island to Otaheite, and Sanctioning Certain payments to be made for their Maintenance at the latter place, I have the honor to inform You that the Sum of £125 has been lately paid on this account.

Removal from
Otaheite.

With respect to these people, Your Lordship will perceive, by the enclosed Extract from a letter addressed to me by Acting Commander McMurdo of His Majesty's Ship Zebra, that they were of their own desire reconveyed to Pitcairn's Island in September last.

I have, &c.,
RICHD. BOURKE.

[Enclosure.]

Removal of
Pitcairn
islanders from
Otaheite.

EXTRACT of a Letter from G. H. Macmurdo, Esq., Acting Commander of H.M. Sloop Zebra, to His Excellency Major General Bourke, Governor of New South Wales, dated Port Jackson, 7th July, 1832.

"As no direct Communication can have reached your Excellency respecting the Pitcairns People, I beg to inform you that, although every possible attention and kindness was shewn them by the Queen.

the Chiefs and the Tahitians in general, and although every want was amply provided by the Agent appointed to supply them, they became so wretched and melancholy, and pined so much after their Native Island, that, after five Months' residence here during which period twelve of their Number died, the Missionaries, with that Christian feeling which marks their Character, raised a subscription of Six hundred and fifty Spanish Dollars, and Chartered a Vessel which took them to Pitcairns Island in September last."

1832.
3 Aug.

Removal of
Pitcairn
islanders from
Otaheite.

GOVERNOR BOURKE TO UNDER SECRETARY HAY.

(Despatch per ship Rubicon; acknowledged by right hon.
E. G. Stanley, 15th April, 1833.)

Sir, Government House, 3d August, 1832.

With reference to Your Despatch, dated 22d December, 1831, Communicating to me, by direction of Viscount Goderich, that Mr. Kinchela's application for a Town Allotment could not be Complied with, I have the honor to inform You that, upon the Authority of a Despatch from Secretary Sir George Murray, dated 30th September, 1830, No. 79 Mr. Kinchela was permitted by My Predecessor to Select, and now has possession of an Allotment of the Same description as that applied for in his letter to the Secretary of State.

Allotment given
to J. Kinchela
by R. Darling.

I have, &c.,
RICHD. BOURKE.

VISCOUNT GODERICH TO GOVERNOR BOURKE.

(Despatch No. 113, per ship Mary.)

Sir, Downing Street, 4th August, 1832.

4 Aug.

I have had under my consideration your Predecessor's despatch No. 79 of the 21st of Sept. last, enclosing the Report of the Commissioners, who were appointed to enquire into the statements which had been made by Mr. Moore, the Crown Solicitor, as to the extraordinary number of Civil Suits, in which he was engaged on the part of the Government.

Report *re* legal
business of
government.

Relying, as I naturally did, upon Mr. Moore's statements, I am glad now to learn by the Commissioners' Report that the accumulation of causes of action in the hands of Mr. Moore was in a great degree accidental, and did not exceed the range of duty, for which every Public Officer ought to be prepared. I am also satisfied that, although the present state of society in New South Wales subjects the Government to very extensive transactions with Individuals, the methods, at present adopted in proceeding against Crown Debtors, are so simple and economical as not to require improvement.

1832.
4 Aug.

Commendation
of commis-
sioners of
inquiry.

I have only therefore to desire you to express to the Commissioners my approbation of the manner in which they have executed their instructions, and I trust that this enquiry will have the effect of warning Public Officers of the necessity of not hazarding statements which are not founded on a careful appreciation of facts.

I am, &c.,
GODERICH.

GOVERNOR BOURKE TO UNDER SECRETARY HAY.
(Despatch per ship Rubicon.)

Sir, Government House, 4th August, 1832.

I have the honor to acknowledge the receipt of Your letter of the 24th January last, directing preparations to be made for receiving into the Botanical Garden at Sydney a collection of Vine Cuttings presented by Mr. Busby, and have now to inform You of the Safe arrival of the three Cases of Plants and two Boxes of Seeds, mentioned in your letters of the 26th February and 5th March last, together with descriptive Lists of the Vines Collected by Mr. Busby, particulars of the contents of each Case, and a printed Catalogue of the Royal Nursery of the Luxemburgh. The Cuttings have reached this Colony in a good State of preservation and are now planted in the Botanical Garden.

I have, &c.,
RICHD. BOURKE.

VISCOUNT GODERICH TO GOVERNOR BOURKE.
(Despatch No. 114, per ship Mary.)

5 Aug.

Despatch
acknowledged.

Sir, Downing Street, 5th August, 1832.

I have the honor to acknowledge the receipt of your despatch No. 6 of the 2d of January last, enclosing the copy of a letter, addressed to you by the Archdeacon of New South Wales upon the subject of his Precedence in Council.

Precedence of
archdeacon
in executive
council.

The Archdeacon has assumed that the erection of his office by Patent under the Great Seal was with the intention of securing to him precedence over every other Officer, whose appointment may have been held by a less formal Document. I do not deem it necessary to enter, in this place, upon a discussion of the relative importance which attaches to an Office held by one description of Instrument over that of another. It is sufficient for my present object to observe that consideration of a Public nature guided His Majesty's Government in establishing the order of Rank in the Executive Council fixed by your Instructions, and that the particular authority, by which officers hold

their appointments, no more operates in the selection of persons to occupy seats in the Council than it does to determine their order of precedence when appointed to them. I trust, therefore, that, as the Archdeacon, in the remonstrance which he has made upon this subject, has disclaimed any personal consideration in bringing this matter forward, he will on the other hand rest assured that it is out of no disrespect to him, or to the office which he holds, that I decline to interfere with the order of Precedence in the Executive Council already established, the more especially as it appears to His Majesty's Government that the Senior Officer next in rank to yourself, and upon whom the Government devolves in the case of the absence of the Governor, has a claim to precedence before any other of the present Members of that Board.

I am, &c.,
GODERICH.

1832.
5 Aug.

Precedence of archdeacon in executive council.

GOVERNOR BOURKE TO VISCOUNT GODERICH.

(Despatch No. 71, per ship Rubicon.)

My Lord, Government House, 5th August, 1832.

I have the honor to acknowledge the receipt of Your Lordship's despatch of the 31 Decr. last, enclosing Copies of a Correspondence which took place between the office of the Secretary of State for the Colonies and the Church Missionary Society, relative to a Mission to the Aborigines of New South Wales to be Sent out and Superintended by that Society upon receiving an Annual grant of £500 from the Revenues of the Colony.

Despatch acknowledged.

In obedience to Your Lordship's Instructions contained in the despatch, I have obtained from the Legislative Council a grant of £500 for the use of the Mission for the year 1832, and have Supplied the Agents of the Society with half that Amount to enable them to Commence their Undertaking immediately. I have also given to them the occupation of the Government Buildings at Wellington Valley, where the Agricultural Establishment has been broken up, as being a convenient Station for holding intercourse with the Native Tribes. I will not fail to give the Mission every support in my power.

Grant for mission to natives.

Buildings for mission at Wellington valley.

Mr. Watson arrived in the Month of June last. His coadjutor Mr. Handt had arrived some time previous; but I have not Considered the Mission as Complete, Until the arrival of the former; and accordingly I have directed the Annual payment to Commence from that date.

Arrival of missionaries.

1832.
5 Aug.
Resumption of
former land
grants to
missions.

With respect to grants of Land* formerly ordered for or given to other Societies for the purpose of inducing them to Undertake the task of instructing and Civilizing the Aborigines of this Colony, I have the honor to acquaint Your Lordship that such grants were either not called for, or being taken, have been resumed by Government so that no Land is now in possession of any of those Societies.

I have, &c.,

RICHD. BOURKE.

GOVERNOR BOURKE TO VISCOUNT GODERICH.

(Despatch No. 72, per ship Rubicon; acknowledged by right hon. E. G. Stanley, 14th June, 1833.)

6 Aug.
Transmission of
memorial from
T. Inglis re
bonding of rum.

My Lord,

Government House, 6th August, 1832.

I have the honor to transmit a Memorial addressed to me by Mr. Thomas Inglis, a Merchant at this place and Agent to the Australian Company† of Edinburgh. Mr. Inglis Complains that he has not been allowed to bond his Rum in his own Stores, which are well Suited to the Storage of Liquors, having earthen Floors, but has been compelled to place them in other Stores, which from their Construction the leakage has been considerable, and for which a high rent is Charged, Those Stores being engaged from Individuals at the discretion of the Collector and Comptroller of Customs in Sydney.

Having referred the Memorial to the Collector and Comptroller of Customs, and enquired whether it might not be advantageous to obtain approved Stores at the lowest rate by calling for Tenders, I have received from those Gentlemen a report, of which I have the honor to enclose a copy.

Practise
adopted for
bonded stores.

It is correctly Stated by Mr. Inglis that Stores, in which Goods are allowed to be bonded in Sydney, are Authorized by the officers of Customs to Such extent only as they think Necessary, and are engaged from Such persons as they prefer without any Stipulation as to the Rent to be charged. It follows that the Individuals thus Selected may Charge what they please, and those, who bond, must pay the price demanded, however ill Suited the Stores may be for their purposes. It is Stated on the other hand that the price has been reduced lately, in Consequence of a greater Number of Stores having been Authorised, and that to change the System now in use would cause additional expense to the department of Customs.

New system
proposed for
bonded stores.

It appears to me that, to remove all Cause for Complaint, there being no public Stores here, it might not be improper to revert to what was I believe the practice in London before the opening of the large Docks and Warehouses, Namely, to allow

* Note 191.

† Note 197.

goods to be bonded in all well secured private Stores, approved by the Officers of Customs and under the usual precautions. If this Should occasion any Small additional expense, which I am Sure would be the case, it Should be recollected that the principal Source of Revenue to the Colony arises from the duties of Customs and that the Merchants, through whom these duties are payable, are fairly entitled to all possible accommodation. If to this arrangement there Should be any more Serious objection than that which I have Mentioned, I would as an alternative propose that a Schedule of Warehouses, offered by the proprietors and approved by the Officers for bonding Stores, Should be Made out, and the proprietors invited by advertisement to tender the rates at which they would take in goods, and that a sufficient Number of those offering at the lowest rate Should be licensed for three or five Years; whilst the System now in operation is acted upon, the Officers of Customs can hardly hope to escape the Suspicion of favoritism, and the Merchants will Complain that they are Charged too highly. The trade of this Port is augmenting rapidly, and the matter now brought before Your Lordship is of some importance to it.

I have, &c.,

RICHD. BOURKE.

1832.
6 Aug.

New system
proposed for
bonded stores.

[Enclosures.]

[Copies of these papers are not available.]

GOVERNOR BOURKE TO UNDER SECRETARY HAY.

(Despatch per ship Rubicon; acknowledged by right hon.
E. G. Stanley, 15th April, 1833.)

Sir, Government House, 6th August, 1832.

In reply to Your letter of the 25th March last, enclosing one from Mr. Arthur Kemmis to the Secretary of State, in which a complaint is made that a certain portion of Land near Sydney, formerly refused to him on the plea of its being reserved for public purposes, has Since been granted by the Acting Governor Lindsay to the Colonial Treasurer, and requiring my Report on the case, I have the honor to State as follows:—

Despatch
acknowledged.

In 1828, Messrs. Kemmis and Browne Applied for a Building allotment on Goat Island for a Whaling Establishment, and were informed the Island could not be granted for private Establishments. They then applied for a projecting point between Rush Cutters and Double Bay, which was likewise refused, it being intended to dispose of all that Neighbourhood for Villas. They were however invited to Select in Darling Harbour, as being a Convenient Situation for Mercantile pursuits, but for

Request by
A. Kemmis and
Browne for land
at Goat island
and Darling
point.

1832.
6 Aug.

which there were many applicants of prior date, as well as for all the disposable Spots of ground on the South Side of the Harbour.

Land granted at Neutral bay.

In 1830, Messrs. Kemmis and Browne requested to have an allotment at Neutral Harbour on the North Shore and obtained $2\frac{1}{2}$ Acres in January, 1831, which they are now in possession.

Reserve for C. D. Riddell at Darling point.

Mr. Riddell, the Colonial Treasurer, having applied for an allotment on the point between Rush Cutters and Double Bay, the Acting Governor Lindesay directed Sixteen Acres to be reserved, until the result of Mr. Riddell's application to the Secretary of State for this Land Should be known.

Reserve of Goat island.

I have only to add that Goat Island ought to be reserved, as it may be useful for the defence of the Harbour. The point of Double Bay and the whole ridge is beautifully Situated and adjacent to Woolloomooloo and Rush Cutters Bay, where handsome Villas are built and building, and it is proposed to Sell this Land in Small Allotments. In being driven to the North Shore, Mr. Kemmis has Shared the fate of many others, who are now forming Mercantile Establishments there. Convenient Situations may yet be afforded on the Southern (or more properly Speaking the Eastern Shore) by giving up for Sale part of the Government Garden,* or lots on the ridge I have described may be purchased immediately; but I would not recommend to the Secretary of State to allow free Grants upon either.

Disposal of Darling point.

Allotments proposed in Sydney cove.

I have, &c.,

RICHD. BOURKE.

VISCOUNT GODERICH TO GOVERNOR BOURKE.

(Despatch No. 115, per ship Mary; acknowledged by Governor Bourke, 16th March, 1833.)

7 Aug.

Sir,

Downing Street, 7th August, 1832.

Error by G. Arthur re pay of military officers in civil employment.

Having received from Lieutenant Governor Arthur certain representations relative to a deduction of 2s. per diem, to which the regimental pay of all officers holding Civil Appointments were supposed by him to be liable under His Majesty's Warrant of the 31st December, 1830, I have brought the subject under the consideration of the Secretary at War; but it would appear that the Warrant has not been rightly understood by the Lieutenant Governor of Van Diemen's Land, as the Paragraph which relates to this subject does not apply, as supposed, to Officers who may hold situations, the duties of which are exclusively of a *Civil Nature*, but to those Officers only, who, besides their Commission, may hold Appointments of a *Military Character*, the pay whereof is issued out of the Colonial Funds.

* Note 198.

In order, however, to place this subject upon one uniform and consistent footing, the Secretary at War has requested to be furnished with a list of all Appointments in the Australian Colonies, held by Military Officers, which are considered of a Civil Nature, and not in the nature of a Military Command. You will therefore send home, without loss of time, a List of all Military Officers in the receipt of Colonial pay, in addition to their Military Allowances, distinguishing those whose duties are strictly of a Civil Nature (in which cases their pay would be free from reduction) from those whose duties, although performed in the Service of the Colonial Government, are still of a Military Character. You will further see the necessity of reporting to me on every successive occasion on which a Military Officer may be called upon to render Services to the Colonial Government, whether the duty to be executed by him is of a Civil or Military Character, in order that the necessary communication may be made to the War Office, with a view to his being relieved from the deduction if entitled to that benefit.

I have, &c.,

GODERICH.

1832.
7 Aug.

Return required
of military
officers in
receipt of
colonial pay.

GOVERNOR BOURKE TO VISCOUNT GODERICH.

(Despatch No. 73. per ship Rubicon; acknowledged by
right hon. E. G. Stanley, 15th April, 1833.)

My Lord,

Government House, 7th August, 1832.

The enclosed application for Land is from Mr. Andrew Lang, brother to the Revd. Dr. Lang, Minister of the Scots Church in Sydney, and was presented to me by his Mother Mrs. Mary Lang, a very old and very respectable Settler. Not being able to accede to the application, I have at Mrs. Lang's earnest request engaged to lay the case before Your Lordship.

Request by
A. Lang for
land.

The particulars are briefly these: Mr. George Lang, a brother of the applicant, received on his arrival in the Colony in 1821 an order for four hundred acres of Land from Governor Macquarie. Being employed in the Commissariat, he Neglected to Select the Land and died Suddenly in January, 1825.

Details re claim
of A. Lang.

In April, 1827, Mr. Andrew Lang, as Heir to his brother George Lang, applied for permission to Select the 400 Acres, but was informed "the principle Could not be Admitted. The Land not having been Selected during his Brother's life time, the Authority was void." Mrs. Lang also applied and received a Similar Answer.

No regular Selection has been made of the 400 Acres, as Authority to Select was Never obtained; but Mr. Andrew Lang intimated his desire to receive 400 Acres adjoining other Land which he possesses and occupies on Hunter's River. Those 400

1832.
7 Aug.

Acres have been granted to Another person; but Mr. Lang requests that, if he cannot have those, he may be allowed the Same quantity elsewhere.

Principle involved.

The question however is whether his brother's order has not altogether lapsed. Such I confess is my impression, but I could not refuse to forward for Your Lordship's decision the application of a very respectable family, more especially as I have reason to fear that one of its Members, the Revd. Dr. Lang, has injured his fortune by rendering himself liable for certain Sums expended in buildings for the Australian College. That institution promises to become a Creditable and useful place of Education, and it is to the exertions of Dr. Lang, that the Colony is indebted for its formation.

I have, &c.,

RICHD. BOURKE.

Services of Revd. J. D. Lang to Australian college.

[Enclosure.]

MR. ANDREW LANG TO GOVERNOR BOURKE.

Sir, Dunmore, Hunter's River, 30th April, 1832.

Claim by A. Lang to land grant promised to deceased brother.

I do myself the honor to state for Your Excellency's information the following particulars relative to a case, in which I conceive I have been aggrieved by the Government of this Colony, and in which I look most respectfully to Your Excellency for redress.

My late Brother, Mr. George Lang, arrived in this Colony as a free settler in the year 1821, and immediately thereafter received a grant of Four hundred Acres of Land from His Excellency Governor Macquarie. On the arrival of Sir Thomas Brisbane, to whom he had previously been well known, he received a further grant of One thousand Acres, which he selected in the District of Hunter's River, his original grant of Four hundred Acres remaining unselected, in consequence (as I am given to understand) of his conceiving he might afterwards have it in his power to select it for a homestead much nearer Sydney. From the period in question, however, till the close of the year 1824, Mr. Lang was employed in His Majesty's service as a Storekeeper in the Commissariat Department, and was consequently unable to leave his station to go in search of Land; and, when he finally left that Department on the 24th December, 1824, to settle on his land at Hunter's River, he was seized with an inflammatory fever immediately thereafter, of which he died on the 18th of January, 1825.

In the year 1826, I notified, in the capacity of heir to my brother, my desire to select the Four hundred Acres of Land above mentioned in the immediate vicinity of his grant of One thousand Acres, which had also fallen into my hands, but received for answer from the Honorable the Colonial Secretary that, as the selection had not been made in the life-time of my brother, the grant had reverted to the Crown. But I beg most respectfully to state to your Excellency that, as my brother was employed in the Public Service for nearly three years previous to his death and was incapacitated by that employment from availing himself of his original order for land, I conceive, in accordance with the usual procedure of Government in other departments of the Service, his right to the fulfilment of that order could not have ceased but was transmissible in an equal degree with his other property to his heirs.

I beg also to state to Your Excellency that, an order having been issued by His Excellency Lieutenant General Darling in the year 1826 that notifications of all selections of Land then granted should be made previous to the 1st of January, 1827, a period which was afterwards extended to the month of October of the same year, the notification referred to was made within that period; but, although communications have since been made on the subject to the Colonial Government, the land I had selected was granted in the month of August last to Mr. George Sparke of Hunter's River as a Marriage Portion for his wife. I have notified to that Gentleman, however, that the Land in question is subject to a prior claim on my part and have warned him to desist from improving it in any way till the case should be referred to Your Excellency.

I beg therefore most respectfully to request that Your Excellency will be graciously pleased to authorise me to be put in possession of the land referred to, should Your Excellency find that my claim is just and tenable, or, in the event of the land in question being irrecoverably alienated, that Your Excellency will be graciously pleased to authorise me to select a portion of land of the extent specified in the original order from the unlocated land belonging to the Crown.

I have, &c.,

ANDW. LANG.

1832.
7 Aug.

Claim by
A. Lang to
land grant
promised to
deceased
brother.

VISCOUNT GODERICH TO GOVERNOR BOURKE.

(Despatch No. 116, per ship Mary; acknowledged by
Governor Bourke, 2nd May, 1833.)

Sir,

Downing Street, 8th August, 1832.

8 Aug.

In consequence of the numerous references, which are made to me by the Lords Commissioners of the Treasury on the subject of the alterations in the Departments of New South Wales, connected with the management of the Convicts, I have arranged with their Lordships that, for the future, every new appointment in the Australian Colonies, or any variation either in augmentation or diminution of the pay assigned to existing appointments, the expence whereof is defrayed by the Commissariat out of the Military Chest, should be reported by the Governor directly to their Lordships, so long as the pay of such situations continues to be defrayed in that manner.

Instructions
for reports
to treasury *re*
alterations in
department of
convicts.

I have accordingly to desire that you will report to the Treasury the ground upon which the undermentioned appointments and increased allowances were made by General Darling, as well as of every other alteration, which you may hereafter have occasion to make, furnishing the fullest detail of the several cases with all information necessary to enable their Lordships to form a judgment thereon, and taking care always to transmit to this Department copies of such reports as you may address to their Lordships upon these subjects for the information of the Secretary of State.

1832.

8 Aug.

Instructions for reports to treasury *re* alterations in department of convicts.

It will not be necessary for you to report to the Treasury in respect to the filling up any existing Office, the pay of which is defrayed from the Military Chest, or as to the conduct in the execution of his duty of any Individual in the charge of such office, the sole object of this arrangement being to keep their Lordships fully aware of the charges for which they have to provide out of the funds of this Country.

I am, &c.,

GODERICH.

[Enclosure.]

LIST OF QUERIES.

Report required *re* alterations by R. Darling.

ALTERATIONS made by General Darling, but not reported to the Secretary of State.

Appointment of a Clerk to Mounted Police.

Increase of Salary of Superintendent of Carters' Barracks.

Appointment of Mr. W. K. Ogilvie, Clerk to Bench of Magistrates at Merton, £70 per annum.

Appointment of Mr. John Robinson as Clerk to the Master Attendant at 5s. per diem.

Lodging allowance to Lieut. Macalester, Commanding second Division of Mounted Police.

GOVERNOR BOURKE TO VISCOUNT GODERICH.

(Despatch No. 74, per ship Rubicon.)

My Lord,

Government House, 8th August, 1832.

Transmission of letter from judges.

With reference to Your Lordship's despatch to Lieut. General Darling, dated 14 March, 1831, No. 23, I have now the honor to transmit a letter in reply, which I have received from the Judges of this Colony.

I have, &c.,

RICHD. BOURKE.

[Enclosure.]

THE JUDGES TO GOVERNOR BOURKE.

Sir,

Sydney, 1st May, 1832.

Report by judges *re* procedure required in administration of deceased estates.

We have the honor to acknowledge the receipt of His Excellency the late Governor's letter of the 29th of July last, transmitting for our information a copy of a Despatch from the Right Honble. the Secretary of State, under date 4th of March, 1831.. together with its enclosure on the subject of the transmission of the property of persons dying in this Colony to parties resident in England, who may have a Claim thereto in right of succession.

The pressure of other public duties has hitherto deprived us of leisure to take this Matter under our joint Consideration.

Whenever a party dies possessed of property in this Colony, either intestate or otherwise, having no Executor or personal representative within the jurisdiction of the Supreme Court, the Registrar is empowered, upon proper application to the Court, to collect the Estate and Effects of the deceased, and hold the same pursuant to the directions of the Statute 9th George 4th, C. 83d, S. 12, until some person, duly Authorised, appears before the Court, and claims

probate of the Will or letters of Administration, as the case may require. When a person duly authorized appears, it is the practice of the Court to grant Administration upon sufficient security being given by bond, pursuant to the New South Wales Charter of Justice, 13th October, 4 Geo. 4th. In cases where the party entitled to administration resides out of the Jurisdiction of the Court, a difficulty frequently arises in proving the legal Claim and personal identity of such party. This difficulty, we apprehend, can only be remedied by An Act of Parliament, containing provisions analogous to those in the first Section of the Statute, 54th Geo. 3rd, C. 15, enabling the party to go before some Constituted public Authority within the United Kingdom, and make Oath or affirmation of his identity, and prove his Claim, after the manner therein prescribed; and, upon the Same being duly certified and transmitted to some person authorized, by power of Attorney, to appear in the Supreme Court to Claim Administration, enabling the Court to grant administration to such Attorney, upon his giving the Bond required by the Charter of Justice for the due Administration of the Estate and Effects thus coming to his hands by representation. The Attorney would be then enabled to transmit the Effects of the deceased to the rightful Claimant in England, without resorting to the circuitous course, suggested in the last paragraph of the despatch, of which a copy has been transmitted for our Consideration.

1832.
8 Aug.

Report by
judges *re*
procedure
required in
administration
of deceased
estates.

Inasmuch however as Attorney's so appointed may oftentimes find difficulty in giving the requisite security in New South Wales for the due Administration of the Effects coming to their hands, particularly when such Effects are of small amount, we would suggest that in cases where such difficulty may arise, a power should be given by the same act of Parliament to the Supreme Court to direct the Registrar, or other Ministerial Officer of the Court for the time being, to Administer the Effects, subject to the Orders of the Court, without requiring any further or better Security than that already required of such Officer duly to account for all Monies coming to his hands in his Official capacity; with a declaratory enactment that the receipt of the party or his attorney shall be a sufficient discharge of the Registrar, or other Ministerial Officer, for all Monies and Effects which he shall pay or deliver over to such party or his Attorney, under the Order of the Court.

We have, &c.,

FRANCIS FORBES, C.J.
JOHN STEPHEN, Judge.
JAMES DOWLING, J.

VISCOUNT GODERICH TO GOVERNOR BOURKE.

(Despatch No. 117, per ship Mary.)

Sir,

Downing Street, 9th August, 1832.

9 Aug.

I have received your Dispatch No. 19 of the 7th February last, forwarding an application from Mr. John Coghill for a grant of 4,000 Acres of Land, to which he considers himself entitled on the faith of a letter which he received from this Department dated the 11th July, 1825.

Despatch
acknowledged.

1832.

9 Aug.

Refusal of
land grant for
J. Coghill.

I have given my best consideration to the circumstances brought forward by Mr. Coghill in favor of his claim; but I am sorry to state that I do not observe any grounds for now making to him a grant of Land which, at no time, would he have been warranted in expecting under the Authority of the Letter to which he refers.

Case of
T. Iceley.

Mr. Iceley, to whose case Mr. Coghill adverts, had large pecuniary claims against the Government at the period at which he applied for an augmentation of his grant; and, as it was not found convenient to award to him the full amount of those claims, the Government were desirous of giving Mr. Iceley some Indulgences in Land, which might partly reconcile him to the losses which he had sustained. The Letter* of Instruction, addressed to the Governor in favor of Mr. Iceley, was not, as stated by Mr. Coghill, "similar to that of his own," nor was there any analogy in the circumstances under which those two Letters were written.

I have, &c.,

GODERICH.

VISCOUNT GODERICH TO GOVERNOR BOURKE.

(Despatch No. 118, per ship Mary; acknowledged by Governor Bourke, 19th January, 1833.)

11 Aug.

Denial of
statements
by T. P. and
E. Cassidy.

Sir,

Downing Street, 11th August, 1832.

I have the honor to acknowledge the receipt of your Despatch No. 24 of the 9th February last, stating that a Petition had been addressed to you from Thomas Phillip and Edward Cassidy, in which they complain of their names having been returned in the Indent as sentenced to Transportation for Life instead of the period of their Sentence being for the term only of seven years; and I beg to transmit to you the Copy of a Letter and its Enclosure from the Home Office, by which you will perceive that there is no foundation whatever for the Statements which these Prisoners have made.

I have, &c.,

GODERICH.

[Enclosure.]

MR. S. M. PHILLIPS TO UNDER SECRETARY HAY.

Sir,

Whitehall, 9 August, 1832.

In reference to your letter of the 11 July, I transmit to you the copy of one which has been received from Sir William Gossett, containing the result of Enquiries which have been made into the complaint of Thomas Philip and Edward Cassidy, two Prisoners in New South Wales, of their being returned in the Indent as Sentenced for life instead of for fourteen years, by which you will observe that the return in the Indent is perfectly correct.

I am, &c.,

S. M. PHILLIPS.

[Sub-enclosure.]

1832.
11 Aug.

SIR WILLIAM GOSSET TO MR. G. LAMB.

Sir, Dublin Castle, 4 August, 1832.

I have the Honor to acknowledge the receipt of your letter of the 12th Instant, forwarding, by desire of Viscount Melbourne, a copy of a Letter from Mr. Hay of the Colonial Department, stating that the Governor of New South Wales had reported that two men, named Thomas Philip and Edward Cassidy, had complained that they are returned in the Indent as Sentenced for Life instead of for seven years.

Sentence passed
on T. P. and
E. Cassidy.

I beg to inform you that, on reference to the Books of this Department as also to Official Documents, the sentence of two men alluded to was commuted from Death to transportation for life, and that the return in the Indent is perfectly correct.

I am, &c.,
W. GOSSET.

VISCOUNT GODERICH TO GOVERNOR BOURKE.

(Despatch No. 119, per ship Mary.)

Sir, Downing Street, 12th August, 1832.

12 Aug.

In my Dispatch of the 10th of May last, No. 96, I acquainted you that I had appointed Mr. Richard Cunningham to succeed the late Mr. Fraser as Superintendent of the Botanic Garden at Sydney. Mr. Cunningham is on the point of sailing for his destination, and I take this opportunity of enclosing a Memorandum, which has been drawn up by my desire, containing a few general remarks on what appears to be the proper line of duty of the Superintendent in the management and improvement of the Garden, to render it in every respect a valuable institution to the Colony; and I have to desire that you will furnish Mr. Cunningham with Instructions, framed in accordance therewith.

Appointment of
R. Cunningham.Instructions for
superintendent
of botanic
garden.

As the House of the late Superintendent has been represented to me as being exceedingly small and internally very inconvenient, having been intended originally more as a vegetable or seed room than as a dwelling House, you will understand that I have no objection to your incurring a small expenditure with the view of rendering it more habitable to his Successor, if, for that purpose, it should appear to you to be necessary.

Improvement
to residence of
superintendent.I have, &c.,
GODERICH.

[Enclosure.]

[A copy of this paper is not available.]

1832.
13 Aug.

VISCOUNT GODERICH TO GOVERNOR BOURKE.

(Despatch No. 120, per ship *Mary*.)

Sir,

Downing Street, 13 August, 1832.

Despatch
acknowledged.

I have the honor to acknowledge the receipt of your despatch No. 23 of the 9th of February last, with its Enclosures, in which you suggest that directions should be given to Mr. Barnard to pay over to the Treasury the disposable balance in his hands in liquidation of advances received by him from the Treasury, amounting to Thirteen thousand pounds.

Balance paid
to bank of
England by
E. Barnard.

In answer, I have to acquaint you that the amount of the sum in Mr. Barnard's custody had attracted the attention of the Lords Commissioners of the Treasury, previously to the receipt of your despatch; and, as it appeared from the enclosed copy of a letter from that Gentleman that but a very small portion was required to meet the current Services of his Agency, he was instructed to pay into the Bank of England, to the account of the Paymaster-General the sum of Thirteen thousand pounds, which he did accordingly on the 26th June last.

Limitation of
remittances
through colonial
agent.

I also beg to acquaint you that, in consequence of the very heavy amount of the payments to Mr. Barnard, during last year, on account of persons in Van Diemen's Land, it has been thought advisable to place some limitation to the indulgence thus afforded to persons desirous of remitting money to the Australian Colonies, and instructions have been given to Mr. Barnard not to receive, in any one year a larger sum than one hundred pounds from the same person. This alteration will render it necessary for you, in future, to remit funds for paying for any Stores, etc., which may be required for the Colonial Service.

Adjustment
of accounts
between New
South Wales
and Tasmania.

With reference to that part of my despatch of the 6th March last, No. 71, which relates to the separation of the accounts of New South Wales from those of Van Diemen's Land, and to the adjustment of the debt, due on account of advances to the agent from the Treasury here, Mr. Barnard has stated to me his inability to determine the amount due from each Colony, and has suggested that it can only be done by an arrangement between the respective authorities in the two Colonies. I have, therefore, to desire that you will place yourself in communication with Colonel Arthur, in order that this point may be brought to a settlement.

I am, &c.,
GODERICH.

VISCOUNT GODERICH TO GOVERNOR BOURKE.
(Despatch No. 121, per ship Mary.)

1832.
17 Aug.

Sir, Downing Street, 17th August, 1832.

I have the honor to acknowledge the receipt of your Dispatch No. 26 of the 25th February last. You have been already informed of the arrangements, adopted prior to the receipt of your representations, for obviating the inconvenience of the large amounts of the deposits, made on the part of Emigrants with the Colonial Agent, and for disposing of the Balance remaining in his hands. I will therefore only observe, in reply to the concluding paragraph of your Dispatch, that the Colonial Agents generally have been called upon to give security for the faithful discharge of their respective Trusts, and that the same Regulation of course applies to Mr. Barnard as Agent for New South Wales and Van Diemen's Land. I have, &c.,

Dispatch acknowledged.

Security given by colonial agents.

GODERICH.

GOVERNOR BOURKE TO VISCOUNT GODERICH.

(Despatch No. 75, per ship Rubicon; acknowledged by right hon. E. G. Stanley, 18th April. 1833.)

My Lord, Government House, 17th August, 1832.

In forwarding this Enclosure from the Venble. the Archdeacon of New South Wales, I have Merely to observe to Your Lordship that I consider the Mission to the Aborigines, Undertaken by the Church Missionary Society, to be under the immediate Control of the Agents of the Society in this Colony, and that I am not called upon to interfere further than to ascertain that the funds, placed from time to time at the disposal of those agents, are duly applied, and to require occasional Reports to enable me to judge whether the probability of Success in the object authorizes the continuance of the expense. I have made this observation, lest Your Lordship Should Suppose from the first paragraph of the Archdeacon's letter that I consider the direction of the Mission to be in any way Confided to Me. I shall have great pleasure in promoting the object, but have no reason to desire that the direction should be placed in other hands. I have, &c.,

Policy of R. Bourke in supervision of mission to natives.

RICHD. BOURKE.

[Enclosure.]

ARCHDEACON BROUGHTON TO GOVERNOR BOURKE.

Sir, Sydney, 5th June, 1832.

Your Excellency having declared your opinion, in the interview with which I was recently honored, that, according to instructions which you have received from the Secretary of State, the direction and control of the intended Mission to the Aborigines are

Control of mission to natives.

1832.
17 Aug.

Protest by
Rev. W. G.
Broughton
against
proposed
control.

to be Undertaken by the agents of the Church Missionary Society, and that they are through the Colonial Secretary to communicate and advise with Your Excellency upon all questions pertaining thereto, I feel myself called to remonstrate with the utmost deference against such a regulation. It is, I conceive at variance both with that degree of Superintendence which, in virtue of my office in the Church, I ought to exercise over such an undertaking, and with the privilege of advising Your Excellency, conveyed to me by the following passage in His Majesty's Instructions, which you were pleased to communicate to the Executive Council.

“And it is our Will and Pleasure that you do, to the utmost of your power, promote religion and education among the Native Inhabitants of our Said Colony, and of the Lands and Islands thereto adjoining; and that you do especially take care to protect them in their persons, and in the enjoyment of their possessions; and that you do by all lawful means prevent and restrain all violence and injustice, which may be practised or attempted against them, and that you take such Measures as may appear to You, with the Advice of our said Archdeacon, to be necessary for their conversion to the Christian faith, and for their Advancement in Civilization.”

Objections to
exclusion of
archdeacon
from control.

If the employment of the Church Missionary Society and its Agents had been limited to the Management of the funds necessary for the support of the Missionaries, whom they had recommended for the undertaking, I should not, on that account, have considered myself neglected, or my proper duties invaded. But the Measure now in progress has for its object the conversion of the Natives to the Christian faith, and their advancement in civilization; and, upon that ground, I beg to represent that the Office of advising with Your Excellency upon the Measures necessary for that purpose cannot be transferred to other parties, without deviating from the Instructions of the King, and abridging the rights which it has pleased His Majesty to convey to me. Your Excellency will allow me to remark that I undertook a very laborious and responsible charge, upon the faith and distinct understanding that there were attached to it such privileges, as would enable me, in all except purely episcopal offices, to preside over the established Church of these Colonies; and, for the continuance of those privileges, the Instructions of the King afford the principal guarantee. I must therefore entertain a persuasion that I was entitled to receive some previous intimation of such a contemplated departure from them, and that I ought not to have been left to gather the first intelligence of it from the circumstances of some of my own Clergy entering upon a duty, which my predecessor and myself had considered as rightfully belonging to us, and up to the present time had exercised accordingly. And, if I now express myself with anxiety touching this departure from His Majesty's Will and Pleasure, Your Excellency will be pleased to consider that the paragraph of the Instructions, by which these are declared, having been laid before the House of Commons, and, by the order for printing, become universally known, the conclusion of all, who think upon the Subject, must be that the alteration now directed proceeds from some dissatisfaction entertained respecting the Conduct of the Archdeacon, who is thus superseded in an acknowledged and most important branch of his former duties. I am also perhaps disposed to view the present proceeding with greater jealousy, succeeding as

it does to some other instances, of which it appeared to me and others the tendency was to place my office and calling in a lower degree of estimation than had been heretofore enjoyed. Your Excellency will do me the justice to believe that I am not influenced by any Motives merely personal, in making this representation, which I resort to from a sincere conviction that, to be carried on with any prospect of success, every Christian Mission ought to be conducted in conformity with that discipline which is coeval with Christianity itself. The interests of the Established Church and the preservation of its integrity being thus especially interwoven with the desired Amelioration of the Native inhabitants, and most assuredly with the welfare of the Colony at large, I have no doubt that measures will be taken by the Secretary of State for securing the Archdeacons of New South Wales in all those immunities with which His late Majesty was pleased to invest them; and with this view it is my request that the present representation may be forwarded for His Lordship's consideration. I have, &c.,

1832.
17 Aug.

Denial of personal motives in making protest.

W. G. BROUGHTON.

GOVERNOR BOURKE TO VISCOUNT GODERICH.

(Despatch No. 76, per ship Rubicon; acknowledged by right hon. E. G. Stanley, 15th April, 1833.)

My Lord,

Government House, 18th August, 1832.

18 Aug.

I have the honor to transmit herewith a Memorial from an Individual named Henry Ludwig Miller, a Native of Denmark, who arrived in this Colony in the Year 1813 Under Sentence of Seven Years' transportation for Theft, praying to be allowed to hold Land in his own Name. His Petition is recommended by a large Number of the Most respectable inhabitants of this town, to whom he has long been known, and I have therefore to request Your Lordship's permission to issue to him Letters of Denization, which, from his conduct and good Character, I consider him deserving of. I have, &c.,

Transmission of memorial from H. L. Miller.

Proposed letters of denization.

RICHD. BOURKE.

[Enclosure.]

THE humble Petition of Henry Ludwig Miller, of Castlereagh Street, Sydney.

Memorial from H. L. Miller requesting permission to hold land.

To His Excellency Major General Richard Bourke, Captain General and Governor in Chief of New South Wales and its dependencies, Vice Admiral of the same, etc., etc.

THAT YOUR PETITIONER, who is a Native of Denmark, Served Seven Years as private and Non Commissioned Officer in the German Legion, was at the taken of Copenhagen, and in several other actions during that period, and afterwards served His Majesty three years in the British Navy, where Petitioner's health Suffered greatly in the East Indies, on which station Your Petitioner served in the Navy, and that Your Petitioner has been a resident in this Colony, since the Month of January in the Year 1815.

1832.
18 Aug.

Memorial from
H. L. Miller
requesting
permission
to hold land.

That Your Petitioner has been a Housekeeper in Sydney about ten years, that his Wife is a Native of the Colony, and that Your petitioner has four children, and that he carries on an extensive business as an upholsterer.

That Petitioner about the Month of February, 1831, addressed a Petition to His Excellency Lieutenant General Darling, praying to be allowed the privileges of a British Subject, he having purchased a considerable property in Castlereagh Street, on which he resides, and that this petition was presented to His Excellency by Colonel Allen of the 57th Regiment, and who, with Colonel Shadforth, Major Hartley and Lieut. Nathaniel Norton, R.N. (who was in India at the time petitioner was at the taking of Batavia) jointly recommended Your Petitioner's case to the Consideration of His Excellency.

That Your Petitioner has lately purchased another valuable property situate in York Street, Sydney. Your Petitioner most humbly solicits Your Excellency's kind consideration of the circumstances herein stated, and earnestly hopes from his Circumstances in Life, together with his having Married a free British Subject of this Colony, that Your Excellency will be graciously pleased to direct that the grants of the Lands, of which he is become possessed, be made out in his own name, and that your Excellency will grant to Your Petitioner such further relief, as Your Excellency may deem meet.

And Your Petitioner as in duty bound will ever pray.

HENRY LUDWIG MILLER.

No. 60 Castlereagh Street, Sydney, 19th July, 1832.

Attached were certificates signed by:—W. G. Broughton; J. Norton; R. Therry; T. Mitchell, J.P.; L. MacAllister; John Gurner; Francis Stephen; T. Macquoid; E. Deas Thomson; H. McArthur; Wm. Lithgow; Chs. Windeyer; P. Lindesay, Lt. Col.; John J. Jackson; Jno. McLaren, J.P.; J. A. Edwards, capt., 17 Regt.; F. C. Crotty, Capt., 39 Regt.; Geo. Deedes, Capt., 17 Regt.; J. B. Langa; D. McPherson, Major, 39 Regt.; T. H. Kirby, Lt., 39 Regt.; Hy. Smith, Capt., 39 Regt.; James Laidley, D.C.G.; A. B. Spark; T. Poole, Major, 39 Regt.; A. Lockhart, Lt., 17 Regt.; F. A. Hely; J. E. Manning, J.P.; W. H. Moore; Mrs. Forbes; Wm. Cowper; Thomas Macvitie, J.P.; T. H. Baylis, Lt., 17 Regiment, late 10th Regiment; C. Waldron, Capt., 39 Regt.; F. Rossi, J.P.

GOVERNOR BOURKE TO VISCOUNT GODERICH.

(Despatch No. 77, per ship Rubicon.)

My Lord, Government House, 19th August, 1832.

19 Aug.
Transmission of
return re land
grants to civil
servants.

In reply to Your Lordship's Despatch of the 24th February last, No. 68, requiring me to report under what circumstances Grants of Land and building allotments have been accorded to Civil Servants of this Government, who left England Subsequently to the departure of Mr. Cotton, the Collector of Customs, and, as Your Lordship seems to infer, Subsequently to the adoption of the New Regulations for the disposal of Crown Lands, I have the honor to annex a Statement, Setting forth the Names of the Parties for whom grants have been ordered

Subsequently to the period of Mr. Cotton's departure from England with the dates of the Orders respectively. It will be Seen, however, that none of those Orders are of so late a date as the 14th February, 1831, which is the date of the Despatch directing the adoption of the Regulations now in force for the Sale of Crown Lands. How it happened that Mr. Cotton did not receive the usual indulgence at the usual time, I have not the means of explaining.

I have, &c.,

RICHD. BOURKE.

[Enclosure.]

MR. COTTON ARRIVED 22D JANUARY, 1829.

MR. MANNING, Registrar of the Supreme Court, 6th May, 1829. Under Secretary of State's Despatch ordering him a Maximum Grant and Town Allotment, dated 4 Novr., 1829.

Mr. Perry, Deputy Surveyor General, 3 Augt., 1829. Secretary of State's despatch ordering him a Town Allotment, dated 20th April, 1830, No. 25.

Mr. Therry, Commissioner of the Courts of Requests. Arrived 3d November, 1829. Secretary of State's despatch ordering him a Town allotment, dated 1st October, 1830, No. 83.

Mr. Kinchela, Attorney General, arrived 24th June, 1831. Secretary of State's order for a Town allotment for him dated 30th Sept., 1830, No. 79.

1832.
19 Aug.
Transmission of
return *re* land
grants to civil
servants.

Land grants
ordered for
civil servants.

VISCOUNT GODERICH TO GOVERNOR BOURKE.

(Despatch No. 123, per ship Mary.)

Sir,

Downing Street, 20th August, 1832.

20 Aug.

I herewith transmit for your Information the Copy of a Communication, which has been forwarded to me by the Revd. C. V. Dowling, together with the Address therein alluded to from certain Roman Catholic Inhabitants of New South Wales. I have directed Mr. Dowling to be informed that any further Communications, which he may wish to forward to His Majesty's Government, should be transmitted through the Local Authorities, according to the Regulations,* which you have been required to make public in the Colony upon this subject. At the same time, I beg to acquaint you that, having given my consideration to the application contained in these Documents, I deem it right that you should bring it before the Legislative Council, with an intimation of my readiness to co-operate with them in appointing one or more additional Roman Catholic Chaplains, and for appropriating a Sum of Money for the Education of the Children of Roman Catholic Parents, should it be the opinion of the Council that the existing Expenditure on that account is inadequate to the purposes required, and that the true objects of Religion amongst the Roman Catholic Population of the Colony will be

Transmission
of address from
Roman
Catholics.

Chaplains and
assistance to
education for
Roman
Catholics.

* Note 200.

1832.
20 Aug.

promoted thereby. Mr. McEncroe's arrival in the Colony, and the subsequent appointment of this Clergyman to the Establishment, as announced to you in my Dispatch of the 21st of February last, will in some measure have anticipated the present application.

Instructions
re Revd.
J. J. Therry.

With regard to the Revd. Mr. Therry, whom His Majesty's late Government were compelled to remove from his situation of R.C. Chaplain, in consequence of his conduct towards the late Archdeacon and the Clergy of the Established Church, and who is represented by Mr. Dowling as still retaining forcible possession of the Chapel and Chapel House and to be constantly annoying and insulting him, I have only to express my hope that the Trustees, whom you have appointed, may have been enabled to come to some satisfactory arrangement for terminating the differences between Mr. Dowling and the Clergyman of whose conduct and proceedings he complains. I have, &c.,

GODERICH.

[Enclosure No. 1.]

REVEREND C. V. DOWLING TO UNDER SECRETARY HAY.

Sir, Sydney, New South Wales, 24th January, 1832.

The Revd. C. V. Dowling, Roman Catholic Chaplain of Sidney, conceiving it to be the duty of every individual in the Employment of Government to give such information as shall enable the Directors of the particular Department, to which he may be attached, to form a true and accurate opinion on the affairs of that Department, takes the liberty to transmit such evidence, as a four months' residence here has enabled him to Collect, relative to the affairs of His Majesty's Roman Catholic Subjects of this Colony. A Revd. Mr. Therry (whose turbulence and defiance of all authority obliged the Government to deprive him of the situation which I now hold) retains forcible possession of the Chapel and Chapel House, and has and continues to annoy and insult me in every possible manner depriving me of a suitable residence at the Chapel House, treating me with personal violence, etc., etc., etc., as he did my unfortunate predecessor (the Revd. Mr. Power), whom he and his lay associates, particularly one Sullivan, an obscure Clerk, who lives with him consigned to an early grave by continued persecution. This Revd. Gentleman contrived to excite the Sympathy of the People, when he was dismissed by Government and retained it, and profited of it for some time; but he is deserted by all with the exception of a few insignificant adherents, and I regret to be obliged to add the name of Mr. Roger Therry who is, I am convinced, in every other respect a most excellent young man; I can only account for his conduct in this respect by the fact of his Revd. name-sake and self being from the same place or Province, and by this Revd. Gentleman's continual attention and calculating obsequiousness to Mr. Roger Therry's family, circumstances that create a peculiar and powerful influence in Ireland, and which have produced the same effect here.

Mr. Roger Therry has made every exertion in favor of his Revd. friend with the present Governor; and I am grieved to add

Misconduct
of Revd.
J. J. Therry.

Support given
to Revd.
J. J. Therry
by R. Therry.

with some effect; for the moment His Excellency having declined to protect me in the discharge of my Official Duty at the Roman Catholic Chapel, where I am constantly annoyed and insulted by the Revd. Mr. Therry, or to procure me a suitable residence at the Chapel House, to each of these namely, due protection and a suitable residence at the Chapel House, I did and do consider myself entitled. This refusal of His Excellency arises no doubt from an impression that the Roman Catholic Colonists are with Mr. Therry, through their congratulatory address forwarded to Lord Goderich and other demonstrations from the great Landed proprietors of the Colony, where it might be pursued more than sufficient to remove any such impression. Tho' this is persecution of the most aggravated nature, yet I make no formal complaint against the Governor for the present, convinced, from His Excellency's fine mind and Sense of justice, that my grievances will be promptly redressed when the real state of the case shall have been ascertained, and that a reference to the Revd. Mr. Therry's past conduct and a developement of his present Manovre shall convince His Excellency of the deception that has been, and is in active operation in order to prevent the truth from being known. My object in troubling you is to account for the previous advocacy of Mr. Roger Therry (who, I regret it, is the only respectable Roman Catholic who adheres to the Revd. Mr. Therry), and his subsequent and actual endeavours to have his Revd. namesake appointed one of the additional Roman Catholic Chaplains, and my willingness to continue to suffer until prejudice and misrepresentation shall have ceased to influence the local authorities, and an earnest entreaty that your powerful influence may be added to the recommendation of the local authorities. The representation of His Majesty's Roman Catholic Subjects of this Colony, as I now greatly fear that the arrival of other Roman Catholics Clergymen is the only effectual means of putting an end to the pretensions of Mr. Therry, and the Confusion and Scandal caused thereby.

1832.
20 Aug.

Policy of
R. Bourke.

Object of
statement.

I have, &c.,

C. V. DOWLING, Roman Catholic Chaplain.

[Enclosure No. 2.]

To The Right Honorable Lord Viscount Goderich, His Majesty's
Principal Secy. of State for the Colonies.

WE, the Roman Catholics of New South Wales, avail ourselves of the earliest opportunity to convey to your Lordship the sense of gratitude and of confidence produced by the partial administration of the Laws and by the equal protection afforded to all classes of His Majesty's Subjects by the present Governor of this Colony in every instance (where his fine mind and natural good sense were afforded the opportunity of a fair statement of facts), particularly in directing to be published the names of Trustees* for our Chapel and Chapel House. This Act gave rise to a Congratulatory Address of which the enclosed is a printed copy, signed with perhaps five exceptions by all the influential and Considerable Catholics of Sydney, who thus publicly attest their confidence in and their esteem and approbation of the proposed Trustees, who have been the most munificent contributors to the erection of the Chapel and Chapel House, and who in all probability will, on the said Edifices being placed in the hands of Trustees, and thus legally declared to be

Memorial
by Roman
Catholics
soliciting
appointment
of clergy and
assistance for
education.

* Note 201.

1832.
20 Aug.

Memorial
by Roman
Catholics
soliciting
appointment
of clergy and
assistance for
education.

the property of the Catholic Community, advance the necessary Funds for the completion of the still unfinished Chapel. Hence General Bourke must be convinced of the expediency of immediately placing these Edifices in the hands of the proposed Trustees; but, lest undue influence (more or less prevalent in every Society) might retard this wise and Salutary measure, We earnestly employ the Home Government to add the powerful influence of their opinion to the sense of rectitude which has, and we entertain no doubt will, in every instance where facts are duly stated, actuate our present Excellent Governor. Two other acts, still more recent, have increased our satisfaction and gratitude. First a provision made for the maintenance of the Roman Catholic Chaplain, and for the promotion of Education for the year 1832. Secondly a recommendation* to apply for Two additional Roman Catholic Chaplains, and a further Sum to Educate the Catholics. These measures, tho' partly inadequate to attain the contemplated objects, are however satisfactory, inasmuch as they evince the spirit which actuates the Local Authorities, from whom, with the enlightened approbation and encouragement of the Home Government, We may reasonably expect further assistance and relief. That Government will no doubt unhesitatingly act, when it considers that a third of the population of this Colony are Catholics, at present totally destitute of spiritual instruction save what they occasionally receive from the two Roman Catholic Chaplains (the only ones in the Colony), who permanently reside in the Town of Sydney, where their continued avocations, particularly of our indefatigable Pastor, the Revd. C. V. Dowling, prevent them from attending, as they could wish to do, even in the immediate vicinity of Sydney. And, when it considers that their Children are nearly deprived of all opportunity of Education in consequence of the very limited funds granted for that purpose, and from the want of Spiritual guides to employ these very limited funds efficiently. Two additional Chaplains would be an alleviation, but could not possibly attend to the Spiritual wants of, and to the diffusion of Education amongst all the Roman Catholic Colonists of this Colony. We would respectfully suggest the addition of Five in place of Two Clergymen, who in the present state of the Colony would be found more fit and suitable, if they were men, not of marked or distinguished talents, but of robust Constitution and temperate habits, consequently of less expense to the Government, so that they be able to undertake and perform distant journies to administer to the spiritual wants of the Roman Catholic Settlers scattered over this extensive Country.

It is needless to point out to a mind like unto that of your Lordship's the expediency, the necessity of attending to the spiritual wants of and to the promotion of Education amongst so large and peculiarly circumstanced a Class of His Majesty's Subjects. That the great landed proprietors of New South Wales are not inattentive to that point is proved by public thanks of the Catholics inserted with the enclosed Sydney Gazette to John Macarthur, Esq. We have written to Dignataries of our Church on the State of Religion here; they will no doubt communicate with Your Lordship, who is humbly entreated to accept of their assistance in the promotion of the great and important objects mentioned in this statement.

We beg, &c.,

[not signed.]

GOVERNOR BOURKE TO VISCOUNT GODERICH.

1832.
20 Aug.(Despatch No. 78, per ship Rubicon; acknowledged by
right hon. E. G. Stanley, 13th April, 1833.)

My Lord, Government House, 20th August, 1832.

At the request of Mr. Dun, a respectable Settler on Patterson's Plains, I have the honor to transmit two letters, which I have received from him, and of which the following is a brief outline:—

Transmission
of letters from
W. Dun.

At the latter end of last Year, Mr. Dun's barns were burnt down and he incurred a loss, which he estimates at Eleven hundred pounds. The fire was Malicious, and, of five persons brought to trial for the offence, one was convicted. This person was an assigned Servant, and, as Mr. Dun Seems to imagine that the Strict and Orderly manner, in which from conscientious Motives he keeps the Prisoners of the Crown assigned to him, has led them to commit the Malicious act by which he has incurred So great a loss, he conceived he is entitled to Some Compensation from the Colonial Government, for which he respectfully Applies.

Request for
compensation
for arson by
assigned
servants;

I have not held out any hope to Mr. Dun that Your Lordship will find it possible to comply with his request.

His Second Letter relates that, having, prior to and during the Year 1823, not only paid the greatest attention to his own assigned Servants (as is now his practice), but also brought together on Sundays many other Convicts at a place near his residence, and there read to them the prayers of the Church, which Service he performed for two Years, Sir Thomas Brisbane was pleased to extend his original Grant of 1,200 Acres to 2,000. Having however at the end of three years from possession attempted to dispose by Sale of those 800 Acres, So granted as a reward for his Services, they were resumed by General Darling, who Considered that, being an extension of an original grant, the grantee was bound by Regulation to retain and Cultivate them for five Years. Mr. Dun now Solicits that, in Consideration of his former Services and recent misfortune, these 800 Acres or a Similar quantity elsewhere may be bestowed on him.

and for grant
of land resumed
by R. Darling.

I found myself unable to comply with Mr. Dun's request, nor, when I acceded to his desire to Submit it to Your Lordship, did I venture to encourage an expectation that Your Lordship would be willing to comply.

I have, &c.,

RICHD. BOURKE.

1832.
20 Aug.

[Enclosure No. 1.]

MR. W. DUN TO GOVERNOR BOURKE.

Sir, Paterson's Plains, Hunter's River, 15th Feby., 1832.

Loss to
W. Dun by
incendiarism.

I beg leave to refer Your Excellency to my letter of January, and to the communication I had the honor to make in person, about a fortnight since, on the subject of my late severe loss by fire, the sole act of Incendiaries, by which my barn, many of my farming Implements, the whole produce of my harvest, etc., etc., were entirely consumed, the value of which I cannot estimate as less than eleven hundred pounds.

Request for
submission
of claim to
secretary of
state.

My object in addressing Your Excellency is, should you not feel yourself authorised with the advice of Your Executive Council to grant me such remuneration, as the merits of my claim may deserve, to solicit you to forward a Statement of my loss with all the particulars to His Majesty's Government, with such recommendations from yourself as Your Excellency may consider I deserve.

Position
of W. Dun.

I beg to inform Your Excellency that I have resided upwards of Ten years in the Colony, and have for many years held the situation of Coroner, that I have a family of six children, the education of which in this Colony is fraught with a very heavy expense; and, when Your Excellency looks to the general depreciation of all agricultural produce joined to the circumstances I have already mentioned, I flatter myself of Your Excellency's very favorable view of the hardships into which so great a loss of property has thrown me, and the difficulty of providing for an establishment consisting of forty five persons, including my own family.

Incendiaries
committed for
trial.

I beg to inform your Excellency that five men have been committed, four for being accessaries, and one for setting fire to the barn. I have had cause for a long time to mark these men, as very bad idle characters, who have been bred up to thieving, and consequently most averse to any kind of work or restraint; but, when, amongst the Prisoners of the Crown, such men as these are assigned to me, I feel it as a duty to myself and Government to teach them to work, so that at the end of their sentences they may not be at a loss how to gain an honest livelihood.

Effect of
retention of
assigned
convicts.

I must beg in the strongest manner to point out to your Excellency that, had I given these men their wish and turned them into Government employ, instead of compelling them to perform a fair quantity of work, according to their strength, I should have relieved myself from a most irksome duty, and not now have to lament the destruction of a valuable property, nor be compelled to solicit Your Excellency's kind consideration of my situation.

I beg to refer Your Excellency to the annexed Certificates, the respectability of whose signatures will be a sufficient voucher for the truth of the foregoing Statement.

I have, &c.,
W. DUN.

Certificates
tendered by
W. Dun.

Paterson's Plains, 20th Feb., 1832.

I RESIDE near to Mr. Dun, and beg to certify that the contents of the above letter are correct. As the crime of maliciously burning property has lately increased, I consider it is necessary that some measures should be taken by Government to repress it. I am of opinion that the principal cause is the difficulties thrown in the way of Masters returning their refractory Servants to Government; the Master has no option

but to compel them to work, and idle men resort to these desperate proceedings in order to intimidate their Masters and thus to get into Government Employ. I must not be understood to object to the impediments, which Government have placed in the way of Settlers returning their men, but I consider that to this measure others should be joined, which may have the effect of shewing the Prisoners that their efforts to ruin their Masters will not be attended with success; and this in my opinion will be the only way to put down the Spirit of Incendiarism.

1832.
20 Aug.

Certificates
tendered by
W. Dun.

JAMES P. WEBBER, J.P.

I FULLY concur in what has been stated by Mr. Webber.

GEORGE TOWNSEND, J.P.

I PERFECTLY coincide in the opinion of Mr. Webber as a resident of Nine years.

J. REID, J.P.

THE great respectability of Mr. Dun's character and his acknowledged good treatment to his Government Servants, I consider as peculiarly entitling him to the favorable consideration of His Excellency the Governor; and I beg respectfully to recommend him accordingly.

F. ALLMAN, J.P.

I CERTIFY that Mr. Dun has been known to me since his arrival as a Settler in this District. That I believe the statement he has made is correct; that I have always considered his treatment of his Men exemplary; and should feel happy to learn that His Excellency the Governor had taken his case into consideration.

E. C. CLOSE.

[Enclosure No. 2.]

MR. W. DUN TO GOVERNOR BOURKE.

Sir,

Sydney, 15th March, 1832.

In compliance with your Excellency's directions, I write you on the subject of the conversation I had the honor to have with you this morning.

The copy of Major Goulburn's letter will, I trust, convince His Majesty's Government that the 800 Acres ought to be considered as a reward for services more than an extension of Grant and therefore not coming within the land regulations; at the time the land was given to me Newcastle was a Penal Settlement, and in the District only three or four free settlers, several prisoner Settlers, and many Government Cedar parties, under so little controul on a Sunday that, at the request of Major Morrisett the commandant of Newcastle, I collected the prisoner Settlers and these men, as well as many of the Cedar party on a Sunday about five miles from my residence and performed divine service to them; for this duty, which I continued to perform for upwards of two years. I considered the Land was given to me as a reward; three years after the land was given to me, during my absence from home, my barn containing my Maize Crop was burnt, I believe from the carelessness of the Men smoking their pipes in the barn; the loss of my grain prevented paying debts then overdue; to prevent law expences, I sold the eight hundred Acres of Land, and with the feeling that it did not come under the Land regulations; which coming to the knowledge of General Darling was taken, and I have now at this late date to pay back the money with Int. Could I have conceived, at the time of the sale three years after the land was given to me, that I was acting contrary to the spirit of the land regulations, how easy it would have been for me to have given a nominal Mortgage for two years, when I could have given a legal title, or have a friendly execution and Sheriff's sale, which for ten pounds expence would have given a legal title to the land, taking into consideration for what services the land was given me, and how easy it was to

Statement by
W. Dun *re* sale
of land granted
as reward for
services.

1832.
20 Aug.

have made a legal sale by allowing a friendly execution or a nominal Mortgage for two years, it will prove to His Majesty's Government that in acting as I have done was through ignorance and from no improper motive. I trust that Your Excellency will be pleased to recommend my claim to the Secretary of State for the Colonies.

I have, &c.,
W. DUN.

[Sub-enclosure.]

COLONIAL SECRETARY GOULBURN TO MR. WILLIAM DUN.

Extension of
land grant for
W. Dun.

Sir,
Colonial Secretary's Office, 18th January, 1833.
Having submitted to the Governor your application for an extension of your Grant of Land from 1,200 to 2,000 acres, I am directed to acquaint you that, taking into consideration the improvement you have effected on the ground you now occupy, and having received a favorable report of the manner in which you have taken upon yourself to perform the duties of divine service to the Convicts in your District, His Excellency has great pleasure in acceding to your request.

F. GOULBURN, Col. Secty.

VISCOUNT GODERICH TO GOVERNOR BOURKE.

(Despatch per ship Mary; acknowledged by Governor Bourke.
1 May, 1833.)

21 Aug.
Gratuity for
widow of
W. Balcombe
to enable her
return to
colony.

Dear Sir,
Downing Street, 21st August, 1832.

Having lately had under my consideration the peculiar circumstances connected with the late Mr. Balcombe, whose appointment to the situation of Colonial Treasurer at New South Wales resulted from claims, which he had upon this Department in consequence of certain transactions,* which occurred at St. Helena during the period of Napoleon Buonaparte's detention there, I have been induced to recommend to the Lords Commissioners of the Treasury that the Widow of Mr. Balcombe should receive, in addition to the Sum which the Colonial Agent was authorized to issue to her on the 26th of January last, a gratuity of Two Hundred and fifty Pounds to enable her to return with her family to New South Wales, where two of her sons appear to be at present residing, and with whom she is desirous of passing the remainder of her days.

Recommendation in favour
of W. and
A. Balcombe.

The accompanying Memorandum will explain the further views, which this Lady is desirous of accomplishing connected with the interests and advancement in public employment of Mr. William Balcombe, one of her sons, who resides upon a farm in the Colony, and of Mr. Alexr. Balcombe, another son, who was formerly an extra-Clerk in the Commissariat Department; and as the same considerations, which have influenced me in complying with the first request contained in this paper, disposes me to promote, so far as lies in my power, the further objects which she has mentioned, I have to recommend this Lady and her family to your best protection; and I beg to add that it

* Note 203.

will afford me satisfaction to hear that, after providing for those in favor of whom I have already addressed you, it has been practicable to confer some small appointment or other advantages upon the two young men, whose cases I have now brought under your notice.

I remain, &c.,

GODERICH.

1832.
21 Aug.

[Enclosure.]

MEMORANDUM.

27 July, 1832.

To give a passage out to New South Wales to Mrs. Balcombe, Mrs. Abel and the female child of the latter.

Indulgences
for family of
W. Balcombe.

To write to the Governor directing him to do any thing consistently practicable in aid of Mr. William Balcombe, who resides upon a Farm at Cockburn Plains, Argyleshire, New South Wales, and who will take charge of the above Widow and her Daughter.

To give an Appointment as a permanent Clerk in any of the Government Offices to Alexander Balcombe, who was formerly an extra Clerk in the Commissariat of the Colony and is now at Sidney without any employment.

If the above can be done for Mrs. Balcombe, she will quit England with her Daughter Mrs. Abel for ever, not only perfectly satisfied but full of gratitude to Lord Goderich and the Government for the humane and kind consideration given to her Case.

GOVERNOR BOURKE TO VISCOUNT GODERICH.

(Despatch No. 80, per ship Rubicon: acknowledged by right hon. E. G. Stanley, 14th April, 1833.)

My Lord, Government House, 22d August, 1832.

22 Aug.

I have the honor to transmit a letter from Mr. F. A. Hely, Principal Supt. of Convicts in this Colony, offering the resignation of his present office upon Condition of his being appointed a Stipendiary Magistrate at Brisbane Water, where his landed Property is Situated, at a Salary of £250 a Year. Mr. Hely Sets forth in his letter the circumstances which have led to this proposal.

Conditional
resignation
of F. A. Hely.

I am quite Satisfied that a Stipendiary Magistrate is wanting at Brisbane Water, and that Mr. Hely is fully qualified to discharge the duty. There are however objections to the appointment of this gentleman, which I take the liberty of Submitting for Your Lordship's Consideration.

Stipendiary
magistrate
required at
Brisbane water.

Having lately reduced certain Stipendiary Magistrates in Districts, where Gentlemen of intelligence and property were found to be residing, upon the plea that those persons were expected to discharge the duties of Justices of the Peace gratuitously, I fear it would be considered as a partial departure from that principle to allot to Mr. Hely a Salary upon his quitting office and establishing himself upon his Estate. He is now a Justice of the

Objections to
appointment
of F. A. Hely.

1832.
22 Aug.

Peace, and would doubtless be expected to discharge the duties gratuitously, if he were already fixed at Brisbane Water, where his property is what may be called considerable for this Country.

Regret at
removal of
F. A. Hely.

I should also feel great reluctance at removing Mr. Hely from his present employment, the duties of which he discharges very Satisfactorily. His are duties, which cannot be well performed but by a person of great industry and arrangement, and Such Persons are not commonly met with.

Proposed
increased
salary for
F. A. Hely.

It would in my opinion be More Advantageous to the Public to raise Mr. Hely's Salary from £500 to £600 a year. At the latter rate, he would not be more than Sufficiently paid for the Services he is called on to perform. The Stipendiary Magistrate Can be Supplied at £200 a year.

I have, &c.,

RICHD. BOURKE.

P.S.—I have, Since writing the above despatch, received from Mr. Hely the accompanying letter addressed to him by the Chief Justice of this Colony, which I beg to enclose to Your Lordship, as Corroborative of my opinion of Mr. Hely's qualifications for discharging with advantage the duties of a Justice of the Peace.

[Enclosure No. 1.]

MR. F. A. HELY TO GOVERNOR BOURKE.

Sir, Principal Supt. of Convicts Office, 18th August, 1832.

Application for
appointment
as resident
magistrate at
Brisbane
water.

Having reference to the information conveyed to me, by command of your Excellency, in the Honble. the Colonial Secretary's letter of the 30th April, 1832, touching the arrangements Your Excellency designed for the execution of the Police Duties in the District of Brisbane Water, which has for a considerable time past suffered severely from the insubordination of the Convicts assigned therein, by which the Settler has been greatly harassed and his industry impeded in the absence of any local summary tribunal, to which the Convict Servants and other disorderly characters could be made amenable; having reference also to the interview with which Your Excellency honored me on the same subject, I now respectfully beg leave to offer myself, should Your Excellency deem me qualified, for the appointment of Resident Magistrate therein.

Public services
of F. A. Hely.

My appointment as Principal Superintendent of Convicts for this Colony bears date the 1st day of January, 1823. With the nature and quality of my services in that not unimportant office, Your Excellency is not I trust unacquainted. I have been in the Commission of the Peace since 1825, and have been sundry times since charged with the police duties of Sydney, in conjunction with those of my own department; My Services in public employment Civil and Military now Amount to upwards of twenty Years.

When I received my appointment for this Colony, I was led in common with others similarly circumstanced, to look forward to some retiring allowance, when Age and long Services had given me a claim; but events have since occurred which have caused His Majesty's Government to forbid the hope of any thing of the kind,

and I now find that the increasing Number and requirements of my family will not permit me to maintain myself with becoming respectability in Sydney on the stipend allowed to my Office; and, having some property in the district alluded to, I am willing to relinquish that Office, if Your Excellency will recommend and His Majesty's Government confirm my appointment as Resident or Police Magistrate at Brisbane Water, with a salary of £250, two hundred and fifty pounds per annum.

1832,
22 Aug.

Conditional
resignation as
superintendent
of police.

I respectfully propose to Your Excellency to take charge as Resident of the Settlement comprehended between Wiseman's Road West and the Sea Coast East, and from the Hawkesbury South to Lake Macquarie North; this area will include forty Miles of the left bank of the Hawkesbury River, together Mangrove, Popran, *Moni Moni* and Mill Creeks, which with Brisbane Water includes a Numerous population, (chiefly Small Settlers (a great many of whom are Native born Colonists) and might be designated, should Your Excellency approve, "the Police District of the lower Hawkesbury."

Proposed area
of police
district.

The rising importance of this District will be understood by your Excellency, when I state that, within the last eighteen Months, Six Vessels of from fifteen to twenty tons, and one of one hundred tons have been laid down there; five of which have Since been launched and are now employed in the Coasting trade; and arrangements are now making for laying down there a Ship of three hundred tons for the Whale fishery; I may be permitted also to add that there are reasonable grounds for believing, Should the expected Emigration of small Capitalists and free laborers from the United Kingdom, which His Majesty's Government appear desirous of directing towards the Shores of New South Wales, take place, not a few of them will settle in that district, where considerable Reserves of Land have been made by the Colonial Government.

Shipbuilding
at Hawkesbury
river.

I have, &c.,
F. A. HELY.

[Enclosure No. 2.]

CHIEF JUSTICE FORBES TO MR. F. A. HELY.

Sir, Sydney, N. S. Wales, 14th Sept., 1832.

Understanding from you that you intended to effect an exchange of your present duties as Principal Superintendent of Convicts for those of Resident Magistrate at Brisbane Water, if the Government would Sanction it, and that a Candid Statement of my Opinion of your fitness for the Magistracy of the Colony might be Serviceable to your views. I feel that it is only performing an act of Justice to comply with your wishes and to state that, during the Short time of your filling the Office of Superintendent of Police in Sydney a few years ago, I had many opportunities of forming an opinion of your ability and discretion as a magistrate. I then expressed to the Governor what it now gives me pleasure to repeat that I thought the business of the Sydney police had never been Conducted with more effect, nor with so much ease and temper as during your Short administration of it. If this Statement will be of any Service to you, I readily give you permission to use it in the way most conducive to your advantage; and it will ever be a Source of Satisfaction to me to believe that I have been in any manner instrumental in Serving an effective and zealous Officer of the Government.

Testimony by
F. Forbes to
services of
F. A. Hely as
magistrate.

I beg, &c.,

FRANCIS FORBES, Ch. Justice, N. S. Wales.

1832,
23 Aug.

GOVERNOR BOURKE TO VISCOUNT GODERICH.
Despatch No. 81, per ship Rubicon; acknowledged by
viscount Goderich, 26th March, 1833.)

My Lord, Government House, 23d August, 1832.

Transmission
of memorial
from Roman
Catholics.

I have the honor to transmit the Copy of a Memorial signed by upwards of 2,000 Persons, Subscribers to the Roman Catholic Chapel now building in Sydney, amongst whom appear the Names of Several distinguished by station and Character, praying for an encrease to the Number of Roman Catholic Chaplains, provided for the Colony and paid out of its funds, and that the Revd. J. J. Therry, who formerly held the Office of Roman Catholic Chaplain, may be again Appointed to the Same Situation.

Resolution by
legislative
council re
R.C. chaplains.

Your Lordship is aware that the Legislative Council, by a Resolution* passed in February last, recommended that two additional Chaplains Should be provided, and I am disposed to think that the Council has made an Estimate rather below than above the wants of the Roman Catholic population. By the recent appointment of the Revd. J. McEncroe, there are now two Roman Catholic Chaplains in the Colony. The accession of the Revd. J. J. Therry would raise the Number to that for which the Council is pledged to provide the Necessary funds.

In replying to the Memorial, I stated that the appointment of Chaplains was not within the Scope of my Commission, but that I would forward the Memorial for the Consideration of the Secretary of State.

I have, &c.,

RICHD. BOURKE.

[Enclosure.]

MEMORIAL to His Excellency Major-General Bourke, Captain-General, Governor in Chief, etc., etc.

Memorial
from Roman
Catholics
soliciting
additional
chaplains and
appointment
of Revd.
J. J. Therry.

WE, the undersigned subscribers to the erection of the Roman Catholic Chapel, Hyde Park, beg leave to offer to Your Excellency the assurance of our grateful acknowledgments for the manifestation of a kind and liberal interest in the spiritual welfare and moral improvement of the condition of the Roman Catholics, by which Your Excellency's Administration has been already distinguished.

In the recorded public acts of the Legislative Council, since Your Excellency's arrival, we hail with sentiments of gratitude and delight the prospect of a provision for the religious instruction of the Roman Catholics, suitable to their wants and wishes, consistent with the well-being of the institutions of other religious communities, and accordant with the best interests of the Colony. It is in a Spirit of respectful representation that we would fain impress upon Your Excellency's attention that, whilst various endowments and liberal loans evince the anxiety and munificence by which the education of persons of the Established Church and other denominations of Christians has been consulted and secured, the Roman Catholics constitute not only a majority of the Poor, but

* Note 202.

from want of means a majority of the uneducated poor to a most disproportionate degree; and, in a corresponding spirit of respectful confidence, we trust that this Consideration of the greater need, in which the Roman Catholics stand for the means of religious instruction than any other class in the humble walks of life, will weigh duly with your Excellency and the Legislative Council. That the urgent exigencies of the Condition of the Roman Catholics has not escaped the impartial and discriminating mind of Your Excellency; the acts to which we have adverted, and in the adoption of which we are aware Your Excellency's advice and influence had a principal share, furnish a most gratifying attestation. We are aware, too, that under Your Excellency's Administration we may be permitted to indulge in the pleasing anticipation of having continued towards the Roman Catholics that spirit of generous protection and liberal assistance, by which it has so auspiciously commenced.

In Conclusion, we respectfully request that, as one Roman Catholic Chaplain is utterly incompetent in the present state of the Colony to discharge with efficiency or advantage the duties attached to that office, and as the due performance of these duties both in a moral and political sense is of the most vital importance to the best interests of the whole Community, Your Excellency would be pleased to appoint the Rev. John Joseph Therry to his former situation of Roman Catholic Chaplain of the Territory, and recommend the Confirmation of that appointment to the Right Honourable the Principal Secretary of State for the Colonies.

[No signatures.]

GOVERNOR BOURKE TO VISCOUNT GODERICH.

(Despatch No. 82, per ship Rubicon; acknowledged by right hon. E. G. Stanley, 22nd June, 1833.)

My Lord, Government House, 24th August, 1832.

24 Aug.

At the request of Mr. John Bingle, a Settler on the Hunters Rivers and a Justice of the Peace, I have the honor to transmit a pamphlet* which he has caused to be printed and circulated in this Colony. The avowed object of this publication is the vindicating his Conduct as a Magistrate, upon which I thought it necessary to animadvert in consequence of a case being brought under my Notice, wherein it appeared to me that he and another Magistrate Acted with great indiscretion. The circumstances of this case I will relate with all possible brevity; but it is necessary that I should first State Some preliminary matter, in order that Your Lordship may more clearly comprehend the most bulky though least important part of Mr. Bingle's Book.

Pamphlet by J. Bingle in vindication of character as magistrate.

Soon after my arrival here in December last, the Attorney General laid before me a report upon Certain matters of complaint, preferred by Mr. Bingle against Mr. Sempill, a Justice of the Peace residing a Short distance from Mr. Bingle. The Attorney General, who had been instructed to report on the case

Complaint by J. Bingle against H. C. Sempill.

* Note 204.

1832.
23 Aug.

Memorial from Roman Catholics soliciting additional chaplains and appointment of Revd. J. J. Therry.

1832.
24 Aug.

Complaint by
J. Bingle
against
H. C. Sempill.

by my Predecessor, conceived Mr. Sempill had acted irregularly, and I accordingly desired that opinion to be conveyed to Mr. Sempill with a request that he would be more cautious for the future.

Some time in the Month of January following, both those Gentlemen waited upon me, Mr. Sempill to remonstrate against the view taken by the Attorney General of his proceeding, and Mr. Bingle to ascertain how his complaint had been disposed of. I thought it proper to direct that Mr. Bingle should be informed officially that his complaint had been investigated and that the Attorney General had reported unfavorably of the Conduct of Mr. Sempill. I refused to Mr. Sempill his request for a reconsideration of the case.

Both Gentlemen were dissatisfied; Mr. Bingle requiring with very Unwarrantable pretension that I should dismiss from employment a Constable who had been already punished for a very questionable offence by two Months' Suspension of his Ticket of Leave, in pursuance of the Sentence of a Bench of Magistrates, but who, being protected by Mr. Sempill, was obnoxious to his Adversary; Mr. Sempill, on the other hand, Still urging a rehearing and vituperating in his turn Mr. Bingle's Magisterial conduct. I continued to refuse the applications of both, but subsequently directed the Constable to be removed to another district that he might not afford fresh matter of dispute between the adverse parties. So far indeed was their opposition Carried on this point that the constable was advertized in the Gazette as a fugitive by one party, whilst, as I was informed, actually in the District under the protection of the other.

I come now to the principal matter in this case. In one of the last letters addressed to the Colonial Secretary by Mr. Sempill, inculcating the Conduct of Mr. Bingle, is the following paragraph:—

“I venture also to call His Excellency's attention to the irregularity of Mr. Bingle's conduct in availing himself of the Assistance of his friend and visitor and partaker of his hospitality, a Magistrate from another district, who entertained three cases of complaint by Mr. Bingle against three of Mr. Bingle's assigned Servants, at Mr. Bingle's own farm, in Mr. Bingle's own parlour, and then and there Sentenced those Men to received a punishment of *100 Stripes each*, while recourse might have been had to me or the Merton Bench, hoping that His Excellency will call for a Copy of the Record relative to this Case.”

Allegations by
H. C. Sempill
of improper
conduct of
J. Bingle.

Upon which, I wrote the following Minute:—

“Let the Record be immediately called for. This is a very Serious Complaint, and must be Strictly investigated.”

1832.
24 Aug.

Investigation
of allegations.

Shortly after, at an interview which I accorded to Mr. Bingle, during which he reiterated with great virulence his complaints against Mr. Sempill, I stated my regret at finding So much hostility prevailing between Neighbouring Magistrates, observing to Mr. Bingle that the accusations were not all on one Side, as Mr. Sempill had recriminated and brought forward a Complaint against him of a Serious description, the principal matter of which I then related to him. I informed him also that I had desired to see the Record of the Trials alluded to, in order to ascertain how far the Charge was Supported by facts, before I called upon him (Mr. Bingle) to answer it. Mr. Bingle observed that Such a charge would be easily disposed of. Subsequently however in his letter to the Colonial Secretary of the 21st April, 1832, requiring a copy of Mr. Sempill's Correspondence, he States himself at a loss to form any conjecture of the nature of the Charge brought against him, whilst, with Singular inconsistency, he admits, in his letter to the Colonial Secretary of the 9th July, that the passage in Mr. Sempill's letter, containing that charge, had been read to him by the Colonial Secretary himself at his Office in Sydney, and, as it should appear by Mr. Bingle's own Statement (p. 17), prior to his having written the letter of the 21st April. A Considerable delay, which occurred in procuring the record of the trials, alone prevented an official communication being made to Mr. Bingle on the Subject. I may here add that, had the charge proved unfounded, it was my intention to visit Mr. Sempill with a Sufficient mark of disapprobation.

The Record having been at length procured, I found that the Substance of the Charge brought by Mr. Sempill against Mr. Bingle was correct. I judged it proper to investigate the matter fully and directed the Police Magistrate at Maitland to procure the attendance of the parties concerned, and, taking their respective depositions, to forward them for my consideration.

Proof of charge
against
J. Bingle.

Having Subsequently perused the depositions, I wrote the Minute on the back, which formed the ground work of the Colonial Secretary's letters to Messrs. Pike and Bingle, inserted in the pamphlet. A copy of the depositions and Minute are transmitted herewith.

Censure passed
on magistrates.

On the 9th July last, Mr. Bingle addressed to the Colonial Secretary the remonstrance with the Copies of Letters, and *the declaration of adhesion*, to be found in the pamphlet at pp. 30 to 38.

Remonstrance
by J. Bingle.

1832.
24 Aug.

Reasons for
ignoring
remonstrance.

Upon perusing the declaration and some of the Names Subscribed to it, I saw reason for Suspecting that Mr. Bingle had been made the tool, by which a little plot was got up, in the hope probably that I should take Some hasty Step, which, placing Mr. Bingle in the light of a persecuted Man, might obtain for him the Sympathy of the public and a proportionate degree of ill will towards the measures I had adopted with regard to him. I determined therefore to take no Notice whatever of Mr. Bingle's remonstrance, conceiving I had Sufficiently discharged my duty to the public, when I reprehended the indiscreet use he had made of his guest's Magisterial Authority. This abstinence from remark on my part has induced him to publish the pamphlet now transmitted. To this, I have paid no greater attention than I did to his written communication, and for the Same reason.

Irregular
practice
involved.

I should remark that Mr. Bingle has not given *his* Letter, to which he has printed the replies; and it will be observed that, in one instance excepted, these go to one point only, namely the practice of Magistrates to hold Courts in their own Houses, whilst the act of Mr. Bingle, which I deemed censurable, was the bringing up his servants before his guest, then actually under his roof and partaking of his hospitality, and causing Complaints of Misconduct to be lodged by his Overseer against them, which ended in their being ordered one hundred lashes each. It certainly appeared to me and to persons, with whom I communicated, more skilled in the Law than I can pretend to be, that, between a trial of this kind and that before the Master himself (which is prohibited by Law), there is but a very trifling difference. I am told indeed that, in the early days of the Colony, Magistrates were invited to each other's Houses, not alone for the pleasure of Social intercourse, but to take the opportunity of whipping each other's assigned Servants, a practise of which I confess I am disposed to discourage the renewal by every means in my power.

No reply
received from
J. Pike.

Motives behind
action of
J. Bingle.

Pamphlets sent
to members
of council.

It is further to be observed that Mr. Pike, who was the Acting Magistrate on the occasion, and to whom a letter was addressed in nearly the Same terms as that to Mr. Bingle, has with great propriety and prudence made no reply. It is probable indeed that Mr. Bingle has Acted in this business under the direction of Persons of more talent and worse meaning than himself. Yet I have no doubt he intended to be as disrespectful as he thought he could venture to be without outraging public feeling. Of this I find a proof in the circumstance of his addressing one of his pamphlets to each of the Members of the Legislative Council, and Sending them for delivery whilst I was Sitting with the Members at the Council Table.

In a matter which concerns me personally, it is right that I should not trouble Your Lordship with an opinion; but I may be permitted to observe that to print and circulate in a Colony an appeal to the Secretary of State against the alleged Misconduct of the Governor, not merely before the reply of the Minister has been obtained, but before the Appeal has been transmitted, appears a very indecorous proceeding, and one which, if generally practised, would not only be highly inconvenient, but would lead to great injustice. I may further add that the Governor of this Colony, Situated as it now is, requires the especial Support of His Majesty's Government to enable him to carry on the King's Service. By the late Regulations for the Sale of Land and by the Appointment to all Offices of importance and emolument, as well as to many Minor ones within the Colony, by the Secretary of State, the Governor is almost wholly deprived of those means of influence, which in former times were exerted with effect for the support of authority. His task now consists of little more than the exercise of a succession of ungracious offices, the refusal of applications for employment, the rejection of unreasonable Claims, the resistance of encroachment on Crown property, the Collection of Rents, Debts and Taxes. To discharge these duties, and at the same time to retain a wholesome influence over the minds of the Colonists, Seems at best but a doubtful expectation, but it would be clearly impossible if the Authority of the Governor were not to receive the Steady Support of the King's Ministers.

1832.
24 Aug.

Impropriety of publication of pamphlet.

Necessity for support for governor.

Loss of patronage by governor.

Duties of governor.

I have, &c.,

[Enclosures.] RICHD. BOURKE.

[Copies of the depositions and minute will be found in a volume in series II.]

GOVERNOR BOURKE TO VISCOUNT GODERICH.

(Despatch No. 83. per ship Rubicon.)

My Lord, Government House, 26th August, 1832.

26 Aug.

Having communicated to Mr. Moore, the Crown Solicitor in this Colony, the Substance of Your Lordship's despatch of the 14th October last, No. 31, and called upon him to explain why he had delegated to another the duty of attending at the Master's office to procure the due taxation of Costs in the three Actions, brought by Messrs. Hall and Hayes against Hely and Rossi, I have after much delay received the reply, of which I have the honor to transmit a Copy.

Transmission of explanation from W. H. Moore.

In my despatch of the 11th January last, No. 10, I had the honor to inform Your Lordship that the Attorney General had expressed himself Satisfied with Mr. Moore's conduct for the time that Mr. Moore had acted under his directions, and that in

Approval of W. H. Moore by J. Kinchela.

1832.
26 Aug.

consequence I had not removed Mr. Moore from Office. Since that time, I have Seen nothing of the Crown Solicitor, who continues to act Solely under the directions of the Attorney General; and, as I have not had any complaint from the latter, I presume Mr. Moore may be using more diligence in his office than was formerly the case.

I have, &c.,

RICHD. BOURKE.

[Enclosure.]

MR. W. H. MOORE TO COLONIAL SECRETARY MACLEAY.

Sir,

Crown Solicitor's Office, 9th July, 1832.

Reply by
W. H. Moore
to criticism
re taxation of
costs.

With reference to the first paragraph of your Letters of 3rd of May and 13 June last, respecting the Amounts of the Costs allowed on taxation in the cases of Hall and Hayes against Hely, and Hall against Rossi, I have the honor to state that I am totally ignorant of the data, on which you assume that the Sum of £138 19s. 6d. was improperly allowed in the taxed Bills of Costs in those Actions.

With respect to the subsequent part of your letter, I have the honor to state that I feel great regret that the Right Honorable The Secretary of State should have expressed his displeasure on being informed of the amount of Costs allowed in those Cases, though I am persuaded that his displeasure could not have arisen against me upon a fair and true representation of my conduct or the real circumstances of the case. I further cannot acquiesce in any charge against me of misconduct or negligence on my behalf in any part of the transactions alluded to, or that any part of the loss (if any loss has accrued which I am not aware of) to the Public has originated with me. It was utterly impossible, during the time that I was conducting nearly the whole of the Government Law-Business of the Colony, to perform personally the routine business of attending the different Law Offices. I was at the time out of my small Salary paying high wages to two clerks, and was still occasionally obliged to place myself under the obligation of requesting other professional men to transact portions of the Business for me, as I did in this case, and the Gentleman alluded to in your Letter, Mr. Nichols, who performed that office for me, had great experience in that branch of the profession and is considered fully competent to intrust with any commission of that kind.

I had repeatedly represented to the Governor through you the impossibility of any Man conducting the whole of the duties that were cast upon me without some assistance, and, if I had been allowed it, the Government would not have been put to the very great expense that has been incurred in transferring the conduct of a few cases only (which afforded me but little relief) to the management of other professional Gentlemen, who were paid their Law charges for so doing.

I should have replied to your Letter sooner but that I intended to write a full explanation upon the subject for the consideration of the Right Honorable The Secretary of State. At present I am too much occupied to admit of my doing so. I therefore trust that The Right Honorable The Secretary of State will suspend his judgment of me until I am enabled to do so.

I have, &c.,

W. H. MOORE.

GOVERNOR BOURKE TO VISCOUNT GODERICH.

(Despatch No. 84, per ship Rubicon; acknowledged by right hon. E. G. Stanley, 20th April, 1833.)

1832.
27 Aug.

My Lord, Government House, 27th August, 1832.

I have the honor to transmit the copy of an address, presented by the Merchants established at the Cape of Good Hope, requesting Amongst other things that the Spirits of the Cape may be admitted here at the Same rate of duty as West India Rum. The former is now charged at 8s. 6d., the latter at 6s. 6d. the Gallon old measure. As I am not aware of any good reason for favoring in respect to its admission here the produce of one British Colony, more than the Similar produce of another, I would respectfully recommend the application of the Cape Merchants to Your Lordship's Consideration, and that I may be honored with Your Commands to propose to the Legislative Council the reduction of the duty on Cape Spirits to 6s. 6d. the gallon old measure.

Transmission of memorial from merchants at Cape of Good Hope.

Proposed reduction of duty on Cape spirits.

I have, &c.,

RICHD. BOURKE.

[Enclosure.]

ADDRESS to His Excellency, Major General Richard Bourke, K.C.B., Governor and Commander in Chief of New South Wales and Van Diemen's Land, etc., etc., etc.

Memorial from merchants at Cape of Good Hope re duty on spirits.

May it please Your Excellency,

We, the undersigned Inhabitants of Cape Town, beg to offer our Sincere Congratulations on the appointment of your Excellency to the Supreme Charge of the important and rapidly improving Colonies of New South Wales and Van Diemen's Land, which we hail as a means of improving the intercourse between them and the Cape of Good Hope, being well aware that Your Excellency will be gratified by any opportunity of promoting the Commerce of this Colony, which may be compatible with the Interest of your present Government.

Impressed with this conviction, we beg to draw the attention of your Excellency to the present unexampled depression of our Wine Trade, and to Submit that, while West India Spirits are admitted in New South Wales and Van Diemen's Land at the same rate as Spirits, the produce of Great Britain, our Wines and Spirits are subjected to the same duties as those of Foreigners.

We therefore solicit that Your Excellency will be pleased to take into consideration the propriety of admitting our Wines and Spirits on more favorable terms. At the same time, we beg to bring to the notice of Your Excellency that, by the Wharfage Dues at Van Diemen's Land, a sum of nine pence is paid on every package however small, which bears heavily on the dried fruits and other Merchandize Shipped from hence in small quantities, and to suggest that, in lieu of the existing charge, wharfage should be paid on Imports from this Colony, according to actual Tonnage.

We have, &c.,

Signed by thirty three of the Principal Merchants and Inhabitants of Cape Town.

1832.
30 Aug.

UNDER SECRETARY HAY TO GOVERNOR BOURKE.
(Despatch per ship Camden.)

Dear Sir, Downing Street, 30th August, 1832.

Denial of
intention to
form colony
in south
Australia.

Observing, by the "Tasmanian" Newspaper of the 25th of February last, that the Colonists of Van Diemen's Land are in expectation of the Establishment of a new Colony* in Spencer's Gulf, upon the Southern Coast of New Holland, by means of a Company formed in this Country for the purpose of sending out Settlers to that quarter, Lord Goderich has directed Colonel Arthur to be informed that no such Company has received the sanction of His Majesty's Government, and he thinks it necessary that a similar intimation should be made to yourself.

I have, &c.,
R. W. HAY.

GOVERNOR BOURKE TO VISCOUNT GODERICH.

(Despatch No. 85, per ship Rubicon; acknowledged by
right hon. E. G. Stanley, 13th April. 1833.)

5 Sept.

My Lord, Government House, 5th September, 1832.

Application
by Revd.
J. McEncroe
for half salary
during voyage
from Ireland.

I have the honor to enclose an application, made to me by the Revd. J. McEncroe, Roman Catholic Chaplain, for payment of half Salary from the date of his embarkation from Ireland to the time when the Notification of his Appointment was received in this Colony. I have not considered myself authorised to Comply with his request, the appointment not having been made at the time of Mr. McEncroe's departure from Great Britain; but I have yielded to his wish of obtaining Your Lordship's Commands on the subject. I have, &c.,

RICHD. BOURKE.

[Enclosure.]

REVEREND J. McENCROE TO GOVERNOR BOURKE.

MAY it please your Excellency.

I beg most respectfully to state that I came to the Colony with the Approbation of the Right Honble. Viscount Goderich, and received his Lordship's assurance that he would avail himself of my services, should an opportunity offer. And, as Your Excellency has been authorized by a Despatch,† dated a short time after my departure for New South Wales, to appoint me one of the Roman Catholic Chaplains in this Colony, I wish to submit to Your Excellency's consideration, whether I may not be entitled to an allowance similar to that made to every Roman Catholic Clergyman, who came with the Sanction of Government.

On enquiry I find that the Revd. Messrs. Therry, Power and Dowling were appointed in precisely the same way that I have been, viz., by a Despatch authorising the then Governor to appoint them Chaplains; there was no mention made of the allowance to be made them by way of outfit: Some objection was made in each instance

* Note 205.

† Note 206.

to the Amount to be allowed them; and, in every case, the Governor granted them at the rate of their full Salary from the date of their embarkation, in consequence of the Smallness of the Salary. I could expect this only from the date of the Despatch in my favor. Such an Allowance would be very timely to meet the expences incident to a Clergyman's commencing the arduous duties of this Mission, especially to me whose passage Cost £75 on board the "Southworth."

1832.
5 Sept.

Application
by Revd.
J. McEnroe
for half salary
during voyage
from Ireland.

Humbly Submitting my case to Your Excellency's wise and honorable judgment, I remain, &c.

J. McENROE.

VISCOUNT GODERICH TO GOVERNOR BOURKE.

(Despatch No. 124. per ship Sir Thomas Munro.)

Sir, Downing Street, 7th September, 1832.

7 Sept.

In consequence of the strong representation, which has been made to me by the Revd. Dr. Morris (who is proceeding to the Mauritius as Vicar Apostolic) in favor of the Revd. William Ullathorne, I have deemed it expedient, without waiting for the report which you were directed to transmit to me by my despatch of the 21 of Feby., 1832, to appoint, at once, the Clergyman above named to the Roman Catholic Establishment at New South Wales.

Appointment
of Revd.
W. Ullathorne
as vicar-general
of R.C. church.

Mr. Ullathorne will proceed to the Colony in the character of "Vicar General" upon a salary of two hundred per annum, and I trust that the controul, which he will possess over the other Clergy of his Church, by virtue of the powers with which that title invests him, will be productive of all the benefit which is anticipated. Mr. Ullathorne has received the usual sum of one hundred and fifty Pounds to defray the expences of his passage, and he will be further entitled to half salary from the date of his embarkation from this Country.

I am, &c.,

GODERICH.

GOVERNOR BOURKE TO VISCOUNT GODERICH.

(Despatch No. 86. per ship Rubicon; acknowledged by right hon. E. G. Stanley, 29th April, 1833.)

My Lord, Government House, 8th September, 1832.

8 Sept.

I have the honor to inform Your Lordship that the Ship Red Rover, of which Mr. Robert Charles Chrystie is Master, having arrived here and brought 202 Female Emigrants, the Master Shewed me the Copy of his Charter party, in which it was agreed that one half of the freight Chargeable for these Persons, at the rate of £15 each, Should be paid upon their landing at Sydney in New South Wales. Besides this unattested Copy, the Master produced no document whatever in proof of his having

Arrival of
ship Red Rover.

Claim by
R. C. Chrystie
for freight on
immigrants.

1832.
8 Sept.

Claim by
R. C. Chrystie
for freight on
immigrants.

a claim for freight on the Colonial Government. I should however have had little doubt that his claim was correct, had I not been shewn a letter from the Secretary to the Treasury addressed to the Deputy Commissary General at this Station, desiring him to call upon this Government to pay into the Military Chest one half of the freight due for the passage of these Women. To have made both these payments would have placed upon the Colony the whole expense of the passage of these Emigrants, whilst the arrangements, proposed by Your Lordship for the encouragement of Emigration to the Colony, Contemplated the payment of one half the expense of Bounties, or £8 for each person only. I therefore thought it prudent not to make both payments in this case; but, to Satisfy the Master of the Red Rover, I paid into the Military Chest the Sum of £1,522 10s. being the amount of the Claim for half freight, and procured from the Deputy Commissary General bills on the Treasury for that sum, which I have endorsed to the Master Mr. R. C. Chrystie, with the Special proviso that the Bills are to be paid only in the event of the amount being Still due for freight.

Conditional
bills given to
R. C. Chrystie.

In this way, I hope I shall have obviated any inconvenience that might have arisen from my not having been furnished with any official notice of the amount to be paid in this Colony. In all former cases of Bounties payable on the arrival of Emigrants, I have received a letter from Your Lordship, stating the Names of the Parties and the Amount to be paid. The Bounty has never exceeded the Sum of £8 for each Person, being the rate at which the Legislative Council have provided funds for the encouragement of Emigration to the Colony for the year 1832.

I beg leave to add that the premium, charged on the Bills and paid into the Military Chest, amounts to £22 16s. 9d., which I trust Your Lordship will admit is not properly Chargeable to the Colony, and that You will in Consequence be pleased to move the Lords of the Treasury to direct the Amount to be refunded and paid into the Colonial Treasury. I have, &c.,

RICHD. BOURKE.

GOVERNOR BOURKE TO HON. J. STEWART.

(Despatch per ship Rubicon.)

Sir, Government House, 9th September, 1832.

I have the honor to enclose herewith the Copy of a Despatch, which I have found it necessary to address to the Right Honble. the Secretary of State for the Colonies upon the Subject of the payment of freight for the conveyance to this Colony of the female Emigrants lately Sent out. I have, &c.,

RICHD. BOURKE.

9 Sept.

Transmission
of despatch re
freight on
immigrants.

GOVERNOR BOURKE TO UNDER SECRETARY HAY.

(Despatch per ship Rubicon.)

1832.
11 Sept.

Sir, Government House, 11th September, 1832.

I have the honor to acknowledge Viscount Howick's letter of the 17th November last, recommending a Young Man named MacDonald for employment in the Mission lately Sent out for the Civilization of the Aborigines of this Colony. In Compliance with those Instructions, I mentioned to Messrs. Watson and Handt (the two Gentlemen appointed by the Church Missionary Society) the facilities, which would probably be offered to their Undertaking, by engaging the Services of a person So well acquainted with the Manners and habits of the Natives of this Colony, and So much beloved by those Tribes among whom he had resided. I received a reply from those gentlemen, intimating that their funds would not allow of their making an allowance to Mr. MacDonald, either Suited to his rank in Life or Sufficient to induce him to relinquish any other line of employment which he might have adopted.

Despatch
acknowledged.

Inability
to employ
MacDonald in
mission to
natives.

I have, &c.,
RICHD. BOURKE.

GOVERNOR BOURKE TO UNDER SECRETARY HAY.

(Despatch per ship Rubicon.)

Sir, Government House, 12th September, 1832. 12 Sept.

I have the honor to acknowledge the receipt of Your letter of the 21st December last, informing me that the accounts of the Treasurer of this Colony for the Year 1828 have not been received at the Colonial Audit office. Having directed the Auditor to report the cause of this delay, I beg to enclose his reply, by which it will be perceived that his attention had been previously drawn to the Subject, and that he had in Consequence addressed the accompanying Letter to the Secretary of the Commissioners of Colonial Audit. Under the Circumstances Stated in that Communication, I have not thought it necessary to call upon the Auditor to prepare duplicate accounts for the Year 1828, as there Seems but little doubt that those forwarded in 1829 have been by this time received.

Explanations
re delay in
submission
of accounts.

I have, &c.,
RICHD. BOURKE.

[Enclosures.]

[Copies of these reports will be found in a volume in series II.]

1832.
13 Sept.

GOVERNOR BOURKE TO UNDER SECRETARY HAY.
(Despatch per ship Rubicon.)

Sir, Government House, 13th September, 1832.

Transmission of
statement from
W. Lithgow.

In Obedience to the directions contained in Viscount Howick's Despatch of the 28th October last, I called upon Mr. Lithgow for a statement of the Affairs of the late Major Ovens, to whom he was Executor, and also for an explanation of the delay that has taken place in remitting to the relations of Major Ovens the Amount of property left by that Officer. In answer, I have received from Mr. Lithgow the accompanying Communication, which I trust may appear Satisfactory to the Parties concerned.

I have, &c..

RICHD. BOURKE.

[Enclosure.]

MR. W. LITHGOW TO GOVERNOR BOURKE.

Sir, Sydney, 11th September, 1832.

Statement by
W. Lithgow
re estate of
J. Ovens.

In answer to Your enquiries respecting the Estate of the late Major Ovens, I beg leave to acquaint you that I have paid over to the Attorney of the Legatees the Sum of Five hundred and Seven pounds ten Shillings, and that I expect to be able to bring the Accounts to a final adjustment in the course of a Month.

In explanation of the causes of delay which has taken place in the Settlement, I enclose an Extract of a letter from Mr. Hugh Ovens, Brother of the late Major Ovens, dated 21st August, 1828, interdicting me from remitting any part of the Proceeds to the Heirs, on the ground that he was then paying off a debt of £1,500, due by the late Major Ovens, which exceeded considerably the Amount realized. In consequence of this intimation and of my not having been furnished with any Authentic Document to establish who were the legal Heirs, and Mr. Hugh Ovens having in a previous letter communicated his intention of proceeding to New South Wales, I was induced to postpone remitting the Balance of the Estate till he should have arrived, and, in the mean time, to place at interest a portion of the Balance for the benefit of the Legatees.

The unfortunate circumstances which have so long retarded the repayment of the Money thus lent, I have already explained to His Excellency the Governor and yourself; but, as I have the assurance that the greater portion will be repaid in the course of the present Month, it may be unnecessary to enter into the details. I would only beg leave to remark that the Money was lent with the concurrence of Mr. Ovens, a relative of the late Major Ovens, who was then in the Colony, and on security which satisfied us at the time that it would be repaid, with interest, whenever demanded.

The disappointment in the recovery of this Money for so long a period has been to me the cause of a degree of painful anxiety, which it is impossible to describe and would have been almost insupportable but for the consciousness of my having placed out the Money solely with a view to the benefit of the Estate; for, as to

any personal advantage, I most solemnly aver that I never had one farthing of the Estate four and twenty hours in my possession, having caused all the payments to be made to the account of the Estate in the Bank of New South Wales, kept distinct and separate from my personal account.

I shall of course furnish the accounts with all the Documents therewith connected to the Attorney of the Legatees, who, being on the Spot, will have a full opportunity of examining every Item, and shall at any time be ready to submit them for the inspection of His Excellency the Governor.

I have, &c.,

WM. LITHGOW.

1832.
13 Sept.

Statement by
W. Lithgow
re estate of
J. Ovens.

GOVERNOR BOURKE TO VISCOUNT GODERICH.

(Despatch No. 87, per ship Rubicon; acknowledged by right hon. E. G. Stanley, 13th April, 1833.)

My Lord, Government House, 16th September, 1832.

16 Sept.

I have the honor to transmit a letter addressed to Mr. Hay by the Treasurer of this Colony, complaining that, by an Act* of the Governor and Council passed in the beginning of this Year, certain duties are required of him in respect to the Savings Bank of New South Wales, from which duties he prays to be relieved.

Request by
C. D. Riddell
for relief from
duties in respect
to savings bank.

The duties, which the Act imposes, are briefly these. To receive from time to time Such Sums of Money as the Trustees may collect from depositors, and to pay out Money on the Trustees' order, and further to keep in the Treasury the Securities and papers of the Bank in an Iron Chest, of which he has one Key and the Trustees two.

These duties Your Lordship will perceive are not very burthen-some; and, as this Government is answerable to the depositors for the Security and repayment of the sums deposited under the provisions of the Act, I submit that the Government Officer, the Colonial Treasurer, is the proper person in whose custody to place Such Sums of Money as may occasionally remain unappropriated by the Trustees. These Sums can never be large, as it is the duty of the Trustees to place out on interest, with as little delay as possible, all Monies coming into their hands. The principal depositors are the Convicts, from whom any Money, they may have on arrival, is withdrawn and lodged in the Savings Bank for their future benefit.

Under these circumstances, I cannot recommend to Your Lordship to comply with Mr. Riddell's request. A printed Copy of the Savings Bank Act is herewith transmitted.

I have, &c.,

RICHD. BOURKE.

[Enclosure.]

[A copy of this letter is not available.]

1832.
17 Sept.

GOVERNOR BOURKE TO VISCOUNT GODERICH.

(Despatch No. 88, per ship Rubicon; acknowledged by
Viscount Goderich, 23rd March, 1833.)

My Lord, Government House, 17th September, 1832.

Correspondence
re location
of land of
A.A. company.

I have the honor to transmit Copies of a Correspondence, which has passed between this Government and Sir Edward Parry upon the Subject of certain changes in the location of the Australian Agricultural Company, Authorized by Sir George Murray's Despatch of the 21st April, 1830, No. 23.

Desire of
R. Bourke to
adjust claims of
A.A. company.

I have but little to add to the letter, which the Colonial Secretary has addressed to Sir Edward Parry, Unless to express my readiness to carry into immediate execution the favorable intentions of His Majesty's Government towards the Company, by granting to them Such location as Shall appear to me to be Selected upon equitable principles and in accordance with the Spirit of Sir George Murray's Instructions. For this purpose a Surveyor from this Government and one appointed by Sir Edward Parry are now Surveying the dividing Range on the left bank of Peel's River, with the view of making that Ridge and the River the boundaries of the location in that Quarter. A Cursory inspection of the accompanying Sketch will Satisfy Your Lordship that to have granted a location, in the form proposed by Sir Edward Parry, would have rendered useless for other Settlers and thus left in the Dominion of the Company the whole Space included between the Arbitrary boundary, Selected by Sir Edward Parry, and the natural boundary of the dividing Range. I have offered to Sir Edward Parry the whole course of Peel's River, from its Sources to its confluence with the Muherindai, as far back on each side as the nearest dividing Range, A territory which I have reason to believe is unexampled for fertility in the known parts of the Colony.

Land grant
desired by
Sir E. Parry.

Land grant
proposed by
R. Bourke.

Proposals re
land grant at
Liverpool
plains.

In like manner Your Lordship will perceive that the paralellogram, Selected by Sir Edward Parry on Liverpool Plains, cuts off nearly all the Water from an immense extent of Surface, which would thus have become useless to other Settlers. I offered to the Company a Tract *along the Streams*, instead of *across them*, but this Sir Edward Parry rejected.

Selection
desired by
Sir E. Parry.

Sir Edward Parry, in his zeal to promote the interests of his Company, is desirous to take none but the very best Land, not an acre which does not afford pasture for Sheep; but the Soil and herbage of this Country are extremely diversified, and, in Selecting large tracts, the good and bad must be taken together by Subjecting the parties, who Select, to equitable principles in Making their choice. In choosing Such large tracts as those

required by the Australian Agricultural Company, there can be no doubt that, where Convenient Natural boundaries present themselves, they Should be made use of.

1832.
17 Sept.

I have lately allowed the Company the temporary occupation of forty thousand acres on Liverpool Plains to depasture Sheep and Lambs, for which it is stated by Sir Edward Parry the Company have not room elsewhere. The Situation of the Land is shewn on the Sketch.

Temporary
occupation
granted to
A.A. company.

I should add that I have not objected to these locations for the Company being taken beyond the limits, within which other Settlers are allowed to Select Land. Your Lordship will however perceive that this indulgence affords a great advantage to the Company, and is not Unlikely to cause some jealousy in the Colonists, who may justly consider themselves entitled to equal privileges with the Company.

Concessions to
A.A. company.

I have, &c.,

RICHD. BOURKE.

[Enclosure No. 1.]

SIR EDWARD PARRY TO GOVERNOR BOURKE.

Sir,

Port Stephens, 15th June, 1832.

1. The question relative to the Lands to be granted to the Australian Agricultural Company, which formed the principal subject of the conference with your Excellency on the 4th of the present month, is of such vital importance to their interests that it becomes my duty once more to draw Your Excellency's attention to some of the leading features of this case, and at the same time, in order to obviate the possibility of future misapprehension, to place upon record my own views respecting it. This I shall endeavour to do in the Communication, which I have now the honor of making to your Excellency.

Problem of
land grants to
A.A. company.

2. For this purpose it will be necessary first to recapitulate briefly the circumstances, which have led to my selection of those portions of Land, which most unhappily for the Company's interests your Excellency has declined granting to them.

3. I need not inform your Excellency that, in the original Selection of the Company's Grant, so little pains were taken to Survey the Land that a very slight actual examination rendered it all but certain that it was unfit for the purposes of the Company.

Original
selection
of land.

4. This fact having been represented to His Majesty's Home Government, the latter could not fail to perceive that the intentions and hopes of the Company must be altogether frustrated, unless some relief were afforded to them in this unlooked for dilemma. And accordingly, just before I left England to proceed to this Country in July, 1829, the Secretary of State consented to allow the Company to exchange a portion of their original Selection to a certain specified extent.

Relief granted
by secretary
of state.

5. In accordance with this permission, a demi-official communication to that effect was then made to General Darling, and this was afterwards followed up by Sir George Murray's Despatch (No. 23) dated the 21st April, 1830, conveying to the Governor the final instructions of His Majesty's Government on this subject.

1832.
17 Sept.
Examination
of lands first
selected.

6. Sometime before the receipt of this latter communication, however, I had, in the beginning of June, 1830, personally commenced an examination of the unexplored parts of the original Grant, accompanied by Mr. Armstrong, one of the Company's Surveyors and by the Superintendent of their Flocks.

7. In the same month, Mr. Dangar, another Surveyor (who had lately arrived from England for the express purpose of assisting me in the new Selections) was despatched to survey the Lands to the North of the Manning river, a considerable tract of Country, which was for a short time expressly reserved by the Government for examination by the Company.

8. At the same time, various minor excursions were made upon the original Grant by other Officers of the Company's Establishment to enable me to complete without delay its final examination.

9. The result of these Journies accorded but too well with the previous accounts, and no doubt could any longer exist of the absolute necessity of relinquishing a very large portion of the first Selection.

Surveys by
H. Dangar.

10. Mr. Dangar, having continued his Survey 'til his resources were expended, returned for a fresh supply, and, after thus far finishing his Maps, he again set out, in September, 1830, to complete the examination of the whole tract North of the Manning.

11. Having cherished a sanguine hope that this tract, so advantageous in point of locality, would prove favorable to the Company's purposes, I was greatly disappointed in finding it quite the reverse, the proportion of available land being as small as in the original Grant.

12. Mr. Dangar was next employed, from the Month of November, 1830, 'til April, 1831, in surveying and completing his Maps of the "Clergy and School reserve" adjoining the Company's Estate, with reference to certain conditions relative to the leasing by the Company of a portion of that reserve.

13. In March and April of 1831, I despatched Mr. Nisbet, accompanied by the Superintendent of the Company's Flocks, to penetrate through the Mountainous Country to the Westward of the same reserve, which they did to a considerable distance but without the smallest success in the discovery of available Land.

Memo. re
proposed
exchange
of land.

14. On the 21st of February, 1831, after a personal communication with the Governor on the subject of the Company's Lands, I drew up, by His Excellency's desire, and submitted to the Government a Memorandum stating, among other things, the quantity and situation of the original Grant, which I proposed to relinquish on the part of the Company, reporting that the land to the North of the Manning was unfit for the purposes of the Company, and requesting, with a view to my further Selection, "to be put in possession of all information of this nature in the Surveyor General's Office as related to that portion of the Colony lying to the Westward and North Westward of the Company's present Estate especially Liverpool and Goulburn* plains and the Country situated between these and the Company's Grant."

15. His Majesty's Government having immediately acceded to all these proposals, I applied without delay at the Surveyor General's Office, where, with no small difficulty, I procured from some inferior

* *Marginal note.*—This error was not mine, but occurs in Cross' Map on the very spot I have since selected as the Peel's river location.

person a sight of the only Map (as he told me) which he was authorised to shew. This Map was entirely devoid of information relative to the Country North Westward of the Company's Estate, nor did it even contain the paper on which Liverpool Plains ought to be.

1832.
17 Sept.

16. Subsequent enquiries were attended with no better success, and this was the result of the "Instructions given to the Surveyor General" to put me in possession of all his information relative to the Lands in question.

17. Having thus failed to obtain information where it was usual for Grantees to seek it, I fitted out another exploring party with a view to the discovery of suitable Lands in the interior. Early in July, 1831, I despatched Dr. Nisbet and Mr. Dangar to the North Westward of the Company's present Grant, with instructions to endeavour to penetrate in that direction, notwithstanding the discouraging prospect of Range after Range which there presented itself. With extreme labor and a degree of enterprize which would have done credit to any object, these Gentlemen succeeded in traveling Westward up the Manning River through as rugged a Country as any in the known parts of this Colony, coming out over the great Western dividing range upon the heads of Peel's River.

Expedition of
Nisbet and
H. Dangar to
Peel river.

18. Their resources being almost exhausted by this effort, they could only make a partial discovery of land in the last mentioned locality; and then travelling Southward cross the Liverpool range to "Segenhoe," whence, having obtained fresh supplies, they traversed with great difficulty, the rough and useless Country, immediately Westward of the Company's Estate. Of this latter tract, I laid before Your Excellency a Map by Mr. Dangar at the late Conference.

19. The Maps of this laborious Journey being completed, I again, in November, 1831, despatched Mr. Dangar to examine Liverpool Plains, the still more distant country bordering upon Peel's river, and even beyond the River Mowherindi.

Examination
of Liverpool
plains and
Peel river
watershed.

20. After an absence of ten weeks on this service, Mr. Dangar returned in January of the present Year, reporting to me that he had at length succeeded in discovering some portions of land, which, tho' at a great and inconvenient distance, he considered more likely to suit the Company than any other that could be found.

21. On the 1st March, a party under my own direction, accompanied by Mr. Dangar and the Superintendent of the Company's Flocks, set out from Port Stephens to make a further examination of the Country named by Mr. Dangar, and to enable me to decide for myself without delay whether I should make application for it on account of the Company.

22. In the course of this Journey which occupied me six weeks, besides going over the former ground, our examination was carried a considerable distance higher up the "Mowherindi" 'til it was discovered to divide into two branches. Then following Peel's River to its sources, I crossed the great dividing range, and with the hope of discovering a route, which might serve for conducting Stock from the Company's Estate, returned home by a new line across the Mountainous Country before mentioned.

23. Being now satisfied that the Colony did not contain a Tract of Country so suitable as that which I had just visited, I completed the Map without delay, and, on the 5th of May, by my Letter to the Colonial Secretary, applied to your Excellency for permission to select for the Company the two portions delineated in the Map.

Application
for land.

1832.
17 Sept.

Refusal of
locations
requested.

24. On the 4th of the present month, I had the honor of a conference with Your Excellency on this subject, in the course of which Your Excellency declined granting to the Company that location, which I was the most anxious to obtain, and proposed an enlargement of the other location, which, so far as my present information goes, would entirely render null and void the Selections I have made.

25. It only remains for me to add at present, on this part of the subject, that these Selections were the result of an examination during nearly two years unremittingly of more than three millions and a half of acres, and that the expense to the Company has exceeded Sixteen hundred Pounds.

26. I have been obliged to trouble Your Excellency with all these details in order to shew that, since the consent of His Majesty's Government to an exchange of Lands was obtained, the Company has lost no time and spared no expense in endeavouring to make their Selections.

Reply to
criticism of
R. Bourke.

27. The necessity for my making this clear to your Excellency arises principally from the remark made to me by Your Excellency, that it was the fault of the Company's own agents that the original Selection* was a bad one, and that the Company must abide by the consequences or to that effect.

28. It is quite true that it was the Company's own Agents who committed this error; but I trust, Sir, you will excuse my remarking that I cannot perceive the justice of the inference which your Excellency appeared to draw from this fact, namely, that the Company's claims to a fresh Selection of Land upon the same principles as at first are on that account weakened.

29. If, indeed, this inference were admitted, what would become of the assurance of His Majesty's Secretary of State that he was "Convinced that the Company's just interests required some relaxation of the first arrangement," and that, on this account, he had consented to the exchange of a large portion of the original Grant.

Claim for
freedom in
exchange
of land.

30. For, if these considerations, and the permission founded upon them, mean anything, I humbly conceive they imply that a just and liberal sense of the Company's claims had induced His Majesty's Home Government to overlook with considerate indulgence the important error committed at the outset of this extensive undertaking, and that leave was therefore given to repair this error, by making a fresh selection to a certain limited extent indeed, but unshackled by any conditions except those *directly* specified.

Interpretation
of instructions.

31. I repeat, therefore, that I know not how to admit what I understood to be Your Excellency's inference, which would, in fact amount to this: that His Majesty's Government is no longer disposed to view this matter in the same just and considerate light as when the permission to exchange was granted; that this indulgence is to be contracted within some narrower and undefined limits, and, in short, that this first error is still to be visited upon the Company by a refusal of what would originally have been considered their fair and reasonable Claims.

32. On the Contrary, I think it is obvious that, if His Majesty's Government had determined on putting a nominal value of Five pounds upon every Acre of Land in this Colony, instead of as many shillings, this circumstance could not, upon any principle of Justice, affect the Company's previously admitted claims; provided it could

* Note 208.

be shewn that no time had been lost and no exertion or expense spared by the Company's Agent in making the allowed Selections.

1832.
17 Sept.

33. On these grounds, then, I would now respectfully submit to your Excellency's Sense of justice, whether I am not correct in considering that, in whatever degree the decision of this question is influenced by the *present* views of the Government as to the value and disposal of land in this Colony, instead of the views entertained when the exchange was consented to, precisely in that degree will His Majesty's Government commit a breach of faith in their dealings with the Australian Agricultural Company.

34. If, then, the Company have a just claim to make their Selections on the same principle as at first, that is, in the principle by which all other Grants were then regulated, I must contend that no just reason exists for the decided objection raised against the Company's possessing any portion of one of the locations I had with so much labour and expense selected for their Grant.

Claim to
locations
selected.

35. That your Excellency arrived at an opposite conclusion, in consequence of the representations of the Surveyor General that it would cut off all future Settlers from Liverpool Plains, and occupy almost the only desirable tract of the Country in that neighbourhood, I am well aware. But the Surveyor General entirely failed to prove the correctness of this sweeping assertion, and I may safely defy him to do so. On the contrary it is quite evident to every impartial person, who knows the country (which to be sure Major Mitchell does not) that there would still remain an immense tract of highly desirable country, and that Liverpool Plains, to an extent so that it has never yet been delineated, would be just as much open to future Settlers as it is at this moment.

Objections by
T. L. Mitchell
to locations
selected.

36. If I am not correct in this conclusion, why did not the Surveyor General propose some other Form and Situation for a location for the Company in that neighbourhood, instead of urging Your Excellency to settle the matter by a simple refusal, and thus denying to the Company the right of every ordinary Settler to choose his Grant in a good location, rather than in a bad one.

37. With respect to the claims of those individuals, or, as the Surveyor General feelingly called them those "poor people" whose Cattle are now grazing on a portion of the lands which I selected for the Company, I trust I need scarcely submit to Your Excellency, whether the just claims of a chartered company with a capital of one million Sterling are to be sacrificed to the pretensions (if any) of persons, whether poor or rich, who have no right whatever to the possession of a single acre of that country.

38. The fact, however, is that these persons are by no means disposed to set up any such claim, nor to complain of the Company's expected possession of that Country as any hardship at all. On the contrary, when speaking of the alarm which the Surveyor General had sounded, they uniformly treated it as a matter of trifling inconvenience to remove their Herds to a somewhat greater distance, only observing that they hoped a few months' notice would be given them.

39. The Surveyor General also urged as an objection to my Selection that the Colony was already too extended, and therefore that it was highly inexpedient that the Company's Grant should be made in the manner I proposed. With this objection, Sir, I have of course nothing to do as a question of expediency. It is for your

1832.
17 Sept.

Objections by
T. L. Mitchell
to locations
selected.

Excellency alone to determine this; and it did not form any objection on your part. But I cannot help reminding Your Excellency of the consistency with which this objection was urged by the Surveyor General, when, in the next breath, he used all his logic to drive the Company into one location, *forty miles farther* from the present limits of the Colony than that which, on this very account, he objected to the Company's possessing!

40. In fact, if the objections raised by the Surveyor General to the Company's possession of the Tract shaded green were divested of this obscurity in which he involved it, they would, I am satisfied, amount simply to this, that the Tract in question is a desirable one, and that, if the Company possesses it, nobody else can. These are truisms which cannot be denied, and I declare, Sir, upon my honor, that I think *the fact* is precisely that and no more, and that, if Your Excellency could personally have seen the Land, you would never have objected to my Selection of it for the Company.

Proposal for
one location on
Peel river by
T. L. Mitchell.

41. The nearest and most desirable location of the two being thus refused on the grounds to which I have alluded, the next object of the Surveyor General at the late Conference was to persuade me, as he had unhappily already persuaded Your Excellency, that the *whole quantity of land* required to complete the Company's Grant might, with advantage to the Company, be taken in *one location* on the Peel's River without interfering with Liverpool Plains at all!

42. This object the Surveyor General endeavoured to accomplish in two ways; 1st. by pushing the redshaded location back to a range, which for this express purpose, as it appeared to me, he had opportunely transferred from Mr. Dangar's Map to his own blank paper, and 2ndly. by making up any further deficiency by a few odds and ends of Land, if I may so express myself, on the opposite or right bank of Peel's River.

43. As to the first of these proposals, I must observe that the objection I made to this arrangement, being dependent on a physical fact, cannot be got rid of by any representations, however strenuously urged on the part of the Surveyor General. Whatever arguments he may have adduced on this occasion, Land without water is incapable of Supporting Man, Sheep or Cattle.

44. If therefore the intended Survey should shew (as we have much reason to suppose it will) *that a tract of One Hundred and Sixty Thousand Acres without water* is proposed to be added to this location by making the Range the boundary, I am sure, Sir, that you would consider me wanting either in commonsense or common honesty, if I should accede to such a proposal.

45. I shall not add more on this point at present, since, in order to put beyond doubt the actual fact, I suggested, and your Excellency has been pleased to direct, that an actual Survey of the Range be made by the Surveyor of the Government and the Surveyor of the Company conjointly.

Policy *re*
water frontage
in land grants.

46. I must however say a few words as to the General principle upon which, *as relates to water frontage*, it has hitherto been customary to regulate the Grants of Settlers. And this I am especially anxious to do because, in this respect also, Your Excellency appeared to me to apply to the Company a principle of Selection, which was never before applied to any other Grant in this Colony.

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17 Sept.

Policy *re*
water frontage
in land grants.

47. The Custom has hitherto been to give about one mile of Water frontage in a Grant of 2,500 Acres or four square miles, so that no part of such a Grant is more than about four Miles distant from the Water.

48. The reasonableness and propriety of this arrangement are obvious, if we consider the principle upon which it was adopted, namely that four miles is about the utmost limit of distance which Stock should have to go for water in order to make the whole Grant available for their Support. In this manner, the interest of each Individual proprietor is best consulted on the one hand, and the water frontage of any tract of Country properly economized on the other.

49. But supposing the case of any larger Grant, say for instance 7,680 acres or twelve square miles, it never would have been dreamt of, as a reasonable arrangement, that the Grantee should still only have his one mile of Water frontage, and the rest of his Grant thrust back twelve miles from the water, so as to leave seven or eight square Miles wholly destitute of this indispensable article. Otherwise the possessor of the small Grant would be just as well off as the possessor of the large one; inasmuch as he would have just as much land capable of supporting animal life.

50. Will your Excellency then deem me unreasonable if I claim for the Company that *their* Grant shall be made on the same principle? I do not say that, in so large a Grant, it is *possible* to carry it to the same extent as in a small one; but I must say that it is anything but just to disregard this principle altogether in the case of the Company virtually to say to them, "Whatever care we take to provide for the support of the Stock of all other Settlers, *yours* must do the best they can without water," and to carve out for them, and for them only, a Grant of Land, which, however neat its boundaries may look upon the Map, contains an immense proportion utterly unavailable for any one useful purpose.

Claim *re* water
frontage in
grant to
company.

51. I have offered these remarks, Sir, because Your Excellency appeared to think that, according to the Regulations hitherto in force, the Government would be bestowing a great boon upon the Company in not pushing their Grant back from the water I know not how many more miles than I proposed. I maintain on the contrary that by so doing the Government would be infringing the very principle on which every other Grant in the Colony has been measured out.

52. Nor would there be any difficulty in shewing that, in this undertaking to mark out a Grant for the Company, the Surveyor General has not, in other respects, any more than in the water frontage, attended to the principles recognized in other Grants.

Neglect by
T. L. Mitchell
of principles
re land grants.

53. For instance, the stress, which on this particular occasion he has laid on making Ranges the Boundaries, is entirely without precedent in this Colony, even in the Company's original Grant, the only one which could well furnish a precedent. And, although I have no objection whatever to a Range as a Boundary, preferring of course natural boundaries to any others, yet surely it is too much to expect that I should on this account consent to overlook the more important qualification of land capable of supporting animal life.

54. Nor can I omit to express the sense I entertain of this attempt on the part of the Surveyor General to drive the Company into *One* distant and inferior location, and thus to blot out one of the most striking and important conditions contained in the permission of

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17 Sept.

His Majesty's Home Government to exchange a portion of their lands. If the Surveyor General could point out to me any one location suited to the views of the Company most gladly would I accept it; but I must claim Your Excellency's protection against this or any other endeavour to deprive the Company of the Indulgence of selecting the remainder of their Grant in Two locations, except under circumstances which I, as their Agent, can approve.

Influence of
T. L. Mitchell
on decision by
R. Bourke.

55. In the course of this communication, I have without hesitation assigned the representations of the Surveyor General as the cause of Your Excellency's decision on this subject, because this was obviously the case in the course of the late conference. I should have esteemed it a fortunate circumstance for the Company, had it so happened that my application for these lands had been made at a somewhat later period, when time had been afforded for Your Excellency to put into execution the wise and judicious plan, which it is understood to be your intention to adopt, of seeing everything with your own eyes, and thus being enabled to form your own unbiassed and impartial Judgement. In this case, I am satisfied that I should not now have had to contend against the representations of a prejudiced Individual.

Endeavour by
T. L. Mitchell
to raise
opposition to
company.

56. To prove that I am justified in using this last expression, I have only again to notice the circumstance which I before mentioned to Your Excellency in presence of the Surveyor General that that Officer had in a most unwarrantable manner thought proper to excite an odium against the Company and me as their Agent throughout the line of the Hunter River road, and even at the most distant Stock Station on Peel's River, by giving out that we were coming to turn everybody else out; and by asserting in one instance (as I am ready to prove by the most respectable testimony) that "what Sir Edward Parry was going to ask for was quite inadmissible"!

57. I shall not here stop to remark upon the impossibility of the Surveyor General's knowing *what* I was about to ask for, since I did not at that time know myself. But it is of importance that Your Excellency should be clearly aware, as I have long been, that this conduct on the part of that Officer is the real key to the whole of his objections. Major Mitchell undertook to be the Champion of those "poor people," whose case he seemed to regard with so much sympathy, and the consequence was, as I told him in Your Excellency's hearing, that he was content in this affair to do a popular thing rather than a just one.

Misstatement
by
T. L. Mitchell.

58. But I have still to place on record in this communication one more circumstance, as regards the Surveyor General's objections. He told some of the persons on Peel's river, that I was about to ask for the land *on both sides* of that stream, which was quite contrary to all Regulations in the granting of Land. Whatever I might have done, had I had not heard this, I determined from that moment not to think of asking for both banks; and, as Your Excellency is aware, I made no such proposition. But what was the result? This objection, which the Surveyor General had magnified into importance so long as he had one object to effect, was carefully kept out of sight the moment he had another in view. This latter end, as I have already explained, was to push the Company up into One location. For this purpose, he wanted fifty or a hundred thousand Acres of land on the right bank to throw into

the scale as a convenient make weight, and therefore not a syllable was said of the inadmissibility of the Company's occupying both sides of the River.

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17 Sept.

59. I cannot believe it possible, after this statement of Facts, that, upon the representations of a person so prejudiced, and so pre-determined to object to *anything* I should ask for, Your Excellency will be disposed to confirm a decision which strikes at the very root of the Company's prosperity.

Decision due to prejudice of T. L. Mitchell.

60. Under all these circumstances, I feel, Sir, that I should be unworthy of the trust reposed in me, if I did not protest against that decision; and I do therefore most respectfully but most earnestly entreat Your Excellency to re-consider it. For I now unequivocally repeat the declaration I before made, that this decision, if carried into effect, must not merely cramp the Company's operations, and retard their final success, but in all probability put an end to their continued existence.

Protest against decision.

61. In conclusion, it becomes my duty to request, as a matter of immediate and urgent necessity, that Your Excellency will be pleased to direct that a license of Occupation be granted to me without delay, on account of the Company, for such a portion of the Green shaded location near "Warrah," say Forty thousand Acres, as may suffice to maintain Ten thousand Lambs, which are expected to be added by birth to the Company's Flocks between this time and next October. As regards the immediate urgency of this measure, I beg leave in addition to my own repeated representations on this head to refer your Excellency to the testimony contained in the Affidavit of the Superintendent of the Company's Flocks appended to this communication.

Request for license of occupation at Warrah.

I have, &c.,

E. W. PARRY,

Commissioner for managing the affairs of the Australn. Agricul. Company in New South Wales.

[A copy of the map will be found in the volume of charts and plans.]

[Sub-enclosure.]

AFFIDAVIT BY MR. C. HALL.

NEW SOUTH WALES, { This deponent, Charles Hall, Superintendent
TO WIT. { of Flocks to the Australian Agricultural Com-
pany, maketh Oath and saith, that he expects
in addition by birth of about Ten thousand lambs to the Company's
Flocks by the Month of October next, that none of this number can
in his opinion be supported upon the Company's present Estate, in
addition to the Flocks now grazing upon it; nor does he know of
any suitable unlocated pasture on which so large a number of addi-
tional Sheep can be placed nearer than the lands lately visited by
him, in company with Sir Edward Parry, and Mr. Dangar, in the
neighbourhood of Liverpool Plains.

Affidavit
by C. Hall.

' Deponent is at a loss to know how the Company's Flocks are to be supported unless additional lands be immediately granted, considerable preparation being necessary, in the building of Huts, Sheds, etc., and the making of Hurdles on the spot before Sheep can be depastured on lands hitherto unlocated.

CHAS. HALL.

Sworn before me at Port Stephens, this 19th day of June, one thousand eight hundred and thirty two.

R. G. MOFFATT, J.P.

[Enclosure No. 2.]

1832.

17 Sept.

COLONIAL SECRETARY MACLEAY TO SIR EDWARD PARRY.

Sir,

Colonial Secretary's Office, 27th July, 1832.

Letter
acknowledged.

By the command of the Governor, I have the honor to acknowledge the receipt of your letter of the 15th ultimo addressed to His Excellency on the subject of the proposed change of a portion of the Australian Agricultural Company's lands and in reply to state to you as follows:—

His Excellency trusts he may be excused replying to that part of your letter, which refers to the conversation passed, when he had the pleasure of seeing you at Parramatta, further than to state the result of that conference as far as relates to his decision upon your Application, on which a considerable misapprehension appears to exist.

Objections of
R. Bourke to
locations
proposed by
Sir E. Parry.

The Governor objected to the selection made by you on Liverpool Plains, because to have granted the land in the way proposed would evidently have prevented the profitable occupation of another large tract of country by any other settlers. His Excellency offered however the same quantity of Land, or more, on those plains, if taken upon a manner which should not preclude others, from the enjoyment of the natural advantages of that situation.

In the same way, he offered you the location on Peel's River, and the possession of the whole tract of land along one or both banks, if you took the location back to the Dividing range, which is the natural boundary, instead of cutting off by an Arbitrary and Artificial measurement a large portion of Country from the occupation of others, and thus virtually adding it to the possessions of the Australian Agricultural Company, but without bringing it into account.

In refusing the selection in the exact form proposed by you, His Excellency preserved the Property of the Crown from waste, and upheld the just expectations of Private Settlers whose reasonable claims are not, as the Secretary of State directs, to be interfered with by the selections of the A.A. Company. His Excellency cannot make any change in a decision founded on those principles.

Occupation
license at
Warrah.

With respect to the temporary occupation of forty thousand Acres of Land now applied for by you near Warrah on Liverpool Plains, His Excellency had been pleased to grant your request, at the same time observing that the Affidavit of the Superintendent of the Company's flocks was quite unnecessary.

Regret at
remarks re
T. L. Mitchell.

His Excellency has to add his expressions of regret that you should have indulged in a strain of invective against the conduct of the Surveyor General, and have imputed motives to that Officer for which there appears no reasonable foundation; Major Mitchell positively denied in your presence at the conference at Parramatta having the least intention to excite an odium against the Company or their Agent. The representations made by that Officer were such as it became him as Surveyor General at any time to offer, but more especially when His Excellency sent for him expressly to learn his opinion and receive his professional assistance. His Excellency hopes you will in future be more guarded in your correspondence, and avoid commenting with such uncalled for severity upon the conduct of an Officer, whom it has pleased his Majesty to place in a situation of trust under the Government.

I have, &c.,

[Unsigned.]

GOVERNOR BOURKE TO VISCOUNT GODERICH.

(Despatch No. 89, per ship Rubicon: acknowledged by right hon. E. G. Stanley, 30th April, 1833.)

1832.
18 Sept.

My Lord, Government House, 18th September, 1832.

With reference to my Despatch of the 2d April, 1832, No. 45, in which I stated to Your Lordship the Necessity of revising the Schedule of fixed Contingencies for this Colony, I have now the honor to transmit a new Schedule, which I hope may be approved by Your Lordship and the Lords Commissioners of His Majesty's Treasury, and the approval Notified at Your Lordship's earliest Convenience. Much embarrassment is at present experienced in many of the Colonial Departments from the Constantly recurring necessity of obtaining leave to charge, as an unfixed contingency, an expense which, being constant and unavoidable, ought to have been placed on the Schedule of fixed contingencies.

Revised
schedule
of fixed
contingencies.

I have, &c.,

RICHD. BOURKE.

[Enclosure.]

[A copy of this schedule will be found in a volume in series II.]

GOVERNOR BOURKE TO VISCOUNT GODERICH.

(Despatch marked "Confidential." per ship Rubicon: acknowledged by Viscount Goderich, 25th March, 1833.)

Government House,

My Lord, Sydney, 18 September, 1832.

In reply to your Lordship's letter of the 21st February last, marked "Private and Confidential," in which I am desired to state which of the Roman Catholic Chaplains now in the Colony I think best qualified to be placed at the head of the Clergy of that persuasion in New South Wales, whose number may probably be increased, I have the honor to observe that, though my acquaintance with the Revd. Mr. McEncroe has been too short to enable me to pronounce upon his merits with any great confidence, yet I have no hesitation in saying that I think him better qualified to hold the first place than the Revd. Mr. Dowling. The latter is, I believe, an excellent Clergyman, but his health is indifferent and he has neither animal spirits nor address sufficient to withstand the impetuosity of Mr. Therry, with whom he has had many differences originating as I believe in the latter having kept possession of part of the Chapel House at Sydney to the inconvenience of Mr. Dowling. I have placed Mr. McEncroe at Sydney, and left Mr. Dowling at Windsor whither he had removed for the benefit of his health.

Nomination
of Revd.
J. McEncroe
as senior
R.C. chaplain.

Location of
chaplains.

1832.
18 Sept.
Occupation
of Revd.
J. J. Therry.

Proposed
departure
of Revd.
J. J. Therry.

Reasons for
statement
re Revd.
J. McEncroe.

Mr. McEncroe and Mr. Therry are at present living in the same House apparently upon very good terms. The latter officiates frequently, and is much employed in collecting subscriptions for and superintending the building of the Chapel and Chapel House in Hyde Park. It is said that his influence is on the wain, though the Memorial praying his reappointment renders this opinion doubtful. Mr. Therry not long ago thought of returning to Europe and requested to know whether the sum of Money (three hundred pounds), which Lord Bathurst in his Lordship's despatch of the 21 February, 1826, No. 13, offered to him as an inducement to leave the Colony and which he refused at the time, would still be granted to him. As he expressed no immediate readiness to depart, I did not think it necessary to reply to his question; but, as it may be put again with a determinate purpose, I beg to have your Lordship's commands on the subject. I would clearly advise that he be allowed the money.

As it is probable your Lordship may be disposed to appoint a third Roman Catholic Chaplain without delay, I have thought it right to express my opinion of Mr. McEncroe's superiority in manner and tact, without waiting until longer experience shall have made me better acquainted with his Character.

I have, &c.,

RICHD. BOURKE.

GOVERNOR BOURKE TO VISCOUNT GODERICH.

(Despatch No. 90, per ship Rubicon; acknowledged by right hon. E. G. Stanley, 15th April, 1833.)

19 Sept.

Request by
R. Lethbridge
re quit rent on
land grant.

My Lord, Government House, 19th September, 1832.

I have the honor to transmit a letter, addressed to Mr. Hay by Mr. Robert Lethbridge, requesting that, as a grant of Land now in his possession was promised to him by Earl Bathurst in the year 1822, he may be allowed to hold it at the Annual Quit Rent of two Shillings per hundred Acres, being the rate Authorized to be charged at that date.

But the order of the Secretary of State in Mr. Lethbridge's favor received in this Colony bears date the 2d January, 1825, and Sir Thomas Brisbane's Warrant, Authorizing the grant, 20th May, 1825. The regulations in force in 1825 imposed a Quit Rent of fifteen Shillings per hundred Acres, the rate at which this Government has thought it proper to charge the Land of Mr. Lethbridge.

There is no document here from which to fix with accuracy the time at which Earl Bathurst may have promised Mr. Lethbridge the grant in question, nor was it customary to make grants upon other terms than those in force at the time of Communicating the Order in favor of the grantee. Under the more Ancient Regulations, the Quit Rent Amounts to one pound per Annum; Under the latter to Seven Pounds ten Shillings.

I have, &c.,

RICHD. BOURKE.

[Enclosure.]

[A copy of this letter is not available.]

1832.
19 Sept.

Records
unavailable re
land grant to
R. Lethbridge.

GOVERNOR BOURKE TO VISCOUNT GODERICH.

(Despatch marked "Confidential," per ship Rubicon.)

Government House,

My Lord,

Sydney, 19th September, 1832.

I have to acknowledge the receipt of your Lordship's Letter of the 30th March last, marked "Confidential," upon the subject of the judicial Establishment of this Colony. I am much gratified at finding a Successor to Mr. Stephen has been appointed, as, beyond all doubt, the former gentleman's state of health has rendered him quite unfit for the bench, and the administration of justice has suffered some disparagement in consequence. Shortly after my arrival, Mr. Stephen had intimated to me his purpose of retiring; but, not learning that any measures towards accomplishing the object were actually in progress, I had proposed to represent to Your Lordship by the first opportunity the necessity of his retirement without further delay. By the receipt of some parliamentary papers in the Colony, I find that Mr. Stephen is aware of the terms upon which it is proposed he should quit the Bench, and, though not satisfied with the amount of superannuation, I have no reason to apprehend that he will make any opposition to the completion of the arrangement. Your Lordship's letter informing me of the arrangement being marked "Confidential," I have not myself communicated with Mr. Stephen on the subject.

Appointment
of successor to
J. Stephen.

Retiring
allowance for
J. Stephen.

If Mr. Burton takes his seat along with the Chief Justice Forbes and Mr. Dowling, I shall consider this Bench as remarkably well filled, and I have no doubt the Court will then give general satisfaction in the Colony. Your Lordship need not now apprehend the revival of any differences between this Government and the Bench. I have every reason not merely to be satisfied with the conduct of the Chief Justice, but to be thankful

Approval of
appointment of
W. W. Burton.

1832.
19 Sept.
Services of
F. Forbes and
J. Dowling.

for the assistance he has afforded the Government in transacting their business in the Legislative Council, where, for reasons I shall shortly explain, his aid is frequently desirable. Mr. Dowling has in consequence of Mr. Stephen's inability taken a larger share of the judicial duties than ought in fairness to be laid upon him, and by his industry has remedied in great measure the inconvenience which would otherwise have resulted from the repeated absences of his Colleague.

Physical
inefficiency of
J. Kinchela.

With respect to the law officers of the Crown in this Colony, I regret to say that these appointments are not filled up so efficiently as your Lordship seems to suppose. The Attorney General is indeed a very respectable man of high principle, and evinces great anxiety to discharge his duty to the satisfaction of the Government. I may add that I have no reason to doubt the soundness of his opinions upon the legal matters referred to him. But he labors under an infirmity, which both in Court and in Council renders him nearly incapable of getting through the business required of him. He is so extremely deaf as to be unable at the Council Table to follow the business as it proceeds or to take any useful part in discussion, so that in truth, notwithstanding his many estimable qualities, I cannot with justice designate him an efficient Atty. General. Public report has given him the office of Puisne Judge in Van Dieman's Land, and restored Mr. McDowell to his former Office here, Arrangements which I confess it would give me great pleasure to find accomplished.

Reported
transfer of
E. McDowell.

Capacity of
J. H. Plunket.

The Solicitor General has been in the Colony so short a time, I cannot with propriety offer your Lordship any opinion upon the probability of his success. He appears very well disposed, and, having more talent for public speaking than Mr. Kinchela, he would I think fill the post of Atty. General (which the same public report has allotted to him) with more advantage to the Government.

I have, &c.,

RICHD. BOURKE.

GOVERNOR BOURKE TO VISCOUNT GODERICH.

(Despatch No. 91, per ship Rubicon; acknowledged by right hon. E. G. Stanley, 13th April, 1833.)

20 Sept.
Transmission
of letter from
C. Nye.

My Lord, Government House, 20th September, 1832.

I have the honor to transmit for Your Lordship's Consideration a letter addressed to me by Mr. Charles Nye, a Clerk in the office of the Colonial Secretary of this Colony, whose application for an encrease of Salary I have promised to bring Under Your Lordship's favorable Notice.

Mr. Charles Nye arrived here in 1820 Under Sentence of transportation for Seven Years, and in 1825 obtained a Conditional Pardon. From the time of his arrival to the present, he has been employed in the Colonial Secretary's Office, principally in Charge of the Voluminous Correspondence, in the Classification and arrangement of which he has acquired great skill; but, from an opinion held by General Darling (in which I fully concur) of the impropriety of employing Convicts as Clerks in public Offices, he has not been permitted to enjoy the Same privileges as the free Clerks by obtaining a Yearly increase of £10 to his Salary, and thus rising gradually to the first Class.

1832.
20 Sept.

Colonial
career of
C. Nye.

Your Lordship will perceive, from the accompanying letters of Major Goulburn and Mr. McLeay, the opinion which those Gentlemen entertain of Mr. Nye's Usefulness as a Clerk; and, Considering the length of time he has been employed in the public Service, and the benefit which will be Secured to the Colonial Secretary's Department by retaining him in it, I trust Your Lordship will not refuse to encrease his Salary from the 1st January next to £200 per Annum. It is proposed to establish him in a permanent employment in the Office as Clerk of the Records, and, from the date of his Appointment, to make a reduction in the establishment of two Junior Clerks now borne upon it.

Recommendation of increase of salary.

I have, &c.,

RICHD. BOURKE.

[Enclosure.]

THE RESPECTFUL MEMORIAL OF CHARLES NYE.

To His Excellency Major General Bourke, Captain General,
Governor in Chief, etc., etc., etc.

States :

That Memorialist has been a Clerk in the Colonial Secretary's Office for *Twelve Years!*

That Memorialist, a short time after Your Excellency's arrival, submitted through the Colonial and Private Secretaries a statement of grievances* under which Memorialist conceives he labours.

That Memorialist was informed by the Private Secretary "that he had been recommended by Mr. McLeay, and that Memorialist's representation would be attended to, should an opportunity offer."

That Memorialist very respectfully concludes it to be not only the province but the disposition of Your Excellency to redress legitimate complaints of unfair, unjust and oppressive treatment, and therefore disappointed in the equivocal nature of the reply alluded to.

That Memorialist has since waited patiently, hoping that the repeated assurances of the Colonial Secretary that the circumstances of Memorialist's case were before Your Excellency, and in all probability would receive a speedy and favorable decision.

That the nature of Memorialist's complaint is, as Your Excellency is already possessed, his degradation from *Senior* in the Office to

Memorial of C. Nye soliciting increase of salary or permission to retire on gratuity.

* Note 209.

1832.
20 Sept.

Memorial of
C. Nye
soliciting
increase of
salary or
permission
to retire on
gratuity.

last on the Establishment, his being shut out from either *promotion* or *encrease* of Salary, and his being *Five Years* without any such increase, which would have amounted to upwards of £60.

That Memorialist, on learning that a reduction was contemplated in the Office, submitted through the Colonial Secretary a proposition that, in the event of Your Excellency being empowered to award the same scale of Gratuity for length of service as to those persons lately reduced in the Department of Public Works, that Memorialist would willingly avail himself of the opportunity and retire.

That Memorialist has on many occasions urged the Colonial Secretary to obtain Your Excellency's decision regarding Memorialist, and has depended upon Promises up to this moment unfulfilled.

That Memorialist is now constrained to be importunate to Your Excellency. Disappointment might have been borne a little longer, but the difficulties, in which Memorialist is at present involved and the fear of a legal process now in operation against him for Debt, render this appeal to Your Excellency imperative, as attendance to his duty is thereby prevented.

That the Colonial Secretary has been aware of this these ten days, and has pledged himself both in writing and verbally to "obtain Your Excellency's command in a day or two."

That Memorialist forbears to intrude on Your Excellency's notice many other matters of grievance; he complains of the unfairness and injustice experienced by him in the Colonial Secretary's Office for a series of Years, and of the means adopted to degrade him in as well as out of that office.

That Memorialist has never received any favors from the Government in Land, Allotment or otherwise; that his services, if they are worth retaining, are surely entitled to equivalent reward; that the duties, Memorialist has performed, and the confidence, he has enjoyed, entitle him to a Salary equal to *any* Clerk in the Office, and yet he is in receipt only of that of the *lowest* denomination.

For the manner Memorialist has acquitted himself in the Office, from September, 1820, to the present time, he submissively refers Your Excellency to the Head of that Establishment, to every old standing Public Officer in the Colony, and indeed to the Public at large; and, if at the eleventh hour Memorialist is compelled to obtrude on Your Excellency the mention of private difficulties in an Application for justice in other matters, Memorialist would take leave to observe that his poverty is the guarantee of his integrity, and calculated to enhance him in Your Excellency's estimation.

Memorialist therefore most earnestly prays Your Excellency:

To encrease his Salary in the ratio it would have been, had he retained his original position as eldest Clerk in the Office.

The Clerk in the second class being £250, those in the third £190 maximum, and Memorialists £160 only;

To grant Memorialist the arrears, i.e., the encrease Memorialist ought to have had for Five Years, amounting to upwards of £60; or

To allow Memorialist to retire on the same Gratuity as lately allowed to Officers in the Public Works, namely Two years' Salary, which Ten years' service entitles him to.

And Memorialist as in duty bound will ever pray,
George Street, Sydney, September, 1832.

CHAS. NYE.

[Sub-enclosure No. 1.]

1832.
20 Sept.

COLONIAL SECRETARY GOULBURN TO SIR THOMAS BRISBANE.

Sir, Colonial Secretary's Office, 26th August, 1824.

Letters re
services of
C. Nye.

In returning to you the accompanying private communication from Mr. Wilmot Horton, soliciting some indulgence to be extended to Charles Nye, in case he has merited your favorable consideration by his good conduct, and transmitted to me by Your Excellency for my remarks thereupon, I am pleased to be able to observe, that the above mentioned Individual has been in this Office since my arrival in the Colony, and richly deserves the character of being a most excellent Clerk.

I have, &c.,
F. GOULBURN.

[Sub-enclosure No. 2.]

COLONIAL SECRETARY GOULBURN TO SIR THOMAS BRISBANE.

Sir, Colonial Secretary's Office, 2nd September, 1824.

Referring to the Memorandum that enveloped the accompanying enclosure received yesterday, I beg leave to acquaint Your Excellency that I had the honor to address you on the 26th ult. a special letter upon the subject of Charles Nye a Clerk in this Office.

I have, &c.,
F. GOULBURN.

[Sub-enclosure No. 3.]

SIR THOMAS BRISBANE TO COLONIAL SECRETARY GOULBURN.

Sir, Government House, Parramatta, 24th September, 1824.

Referring to your letters of the 26th Ult. and 2nd Inst. in the case of Charles Nye a Clerk in your Office, I am induced to write you again respecting him, as I am apprehensive you have misunderstood my object in regard to him, which was to be informed whether, from his moral character and conduct, he had a claim to a greater indulgence than he now enjoys, whereas, by the tenor of your communications alluded to, you seem to have considered my only object was to ascertain if he was a good Clerk, which was not my intention.

I have, &c.,
THOS. BRISBANE.

[Sub-enclosure No. 4.]

COLONIAL SECRETARY GOULBURN TO SIR THOMAS BRISBANE.

Sir, Colonial Secretary's Office, 25th September, 1824.

In answer to your letter of yesterday, I do myself the honor to acquaint you, that no instance of immoral conduct on the part of Charles Nye, since I arrived in the Colony, has come to my knowledge.

I have, &c.,
F. GOULBURN.

[Sub-enclosure No. 5.]

COLONIAL SECRETARY MACLEAY TO GOVERNOR BOURKE.

Sir, Colonial Secretary's Office, Sydney, 1st September, 1832.

I beg leave to submit to Your Excellency the case of Mr. Charles Nye, who has been employed as a Clerk in this Office since September, 1820, when he arrived in the Colony under Sentence of Seven Years' Transportation for Embezzlement.

When I assumed the duties of the Office, in January, 1826, the business of it was chiefly carried on with Convict Clerks, but General Darling disapproved of Convicts being so employed, and, as opportunities occurred, they were all removed excepting Mr. Nye, whose great Usefulness in the Office induced me to recommend his being continued.

By a Minute of the Governor, dated 6th July, 1826, Mr. Nye was allowed a salary of £110, and on the 10th of October, 1827, when the Salaries of all the Clerks on the Establishment of the Office were regulated as they now stand, his Salary was fixed at £150; but he was then designated as an extra Clerk, and was consequently deprived of the advantage enjoyed by all the others of having a yearly increase of £10 to the Salary of each. In October, 1829, however, his Salary was raised to £160, at which rate it now remains; but, if it had advanced at the same rate as the Salaries of the other Clerks, it would have been now £190 per Annum, and, according to this calculation, he considers that he has lost £70 in the whole.

1832.
20 Sept.

Proposed
appointment
as clerk of
records.

He is certainly a valuable Clerk in the Situation he now fills in my Office, which is Keeper of the Register of Correspondence, and of the immense Mass of Papers that daily accumulate there; and I beg leave strongly to recommend that he may be continued under the denomination of "*Clerk of the Records*," with such additional rate of Salary as Your Excellency may think proper to allow.

I have, &c.,
ALEX. MCLEAY.

GOVERNOR BOURKE TO VISCOUNT GODERICH.

(Despatch No. 92, per ship Rubicon; acknowledged by
right hon. E. G. Stanley, 13th April, 1833.)

22 Sept.

Allowances
proposed
for Revd.
C. Dickenson.

My Lord, Government House, 22d September, 1832.

The Archdeacon of New South Wales having submitted for my Consideration an application for Authority to issue certain allowances to the Revd. Charles Dickenson, Chaplain of the Field of Mars, I have not thought it right to accede to the Archdeacon's recommendation, but, at his request, beg leave to take Your Lordship's orders on the Subject.

Mr. Dickenson has not a parsonage House, None being yet built in his parish. The allowance in lieu of a House, as fixed by Archdeacon Scott, is Sixty Pounds a Year; as Your Lordship will perceive by Enclosure No. 2, Mr. Dickenson has not been able to obtain a House large enough for his family under eighty pounds, and application is made to allow him that Sum, upon the plea that the possession of a Parsonage House, free from all Charge, was assured to him on his accepting the Office of Chaplain.

The Archdeacon further proposes that Mr. Dickenson shall be allowed fifty Pounds a year for performing Divine Service at the Female Orphan School on Sundays in the afternoon, admitting that at present he performs but one Service on Sundays, to which I should add that his actual residence in Parramatta is not two Miles distant from the Orphan School.

A Copy of the letter of the Archdeacon is transmitted herewith.

Proposed
erection of
parsonages.

I take this opportunity of observing that it would be very beneficial to the Colony and the Church to build Moderate Parsonages in each of the Parishes or Districts for which Chaplains are appointed. With Your Lordship's permission to propose the Measure to the Legislative Council, I have little doubt that the necessary funds would be provided.

I have, &c.,
RICHD. BOURKE.

[Enclosures.]

[Copies of these two letters are not available.]

GOVERNOR BOURKE TO VISCOUNT GODERICH.

1832.
22 Sept.

(Despatch No. 96, per ship Rubicon; acknowledged by
right hon. E. G. Stanley, 15th April, 1833.)

My Lord, Government House, 22d September, 1832.

At the request of the Solicitor General of this Colony, I have the honor to transmit the accompanying letter addressed by that Officer to Your Lordship, Soliciting a Grant of Land and building allotment near Sydney.

Request by
J. H. Plunket
for land grant
and building
allotment.

I have, &c.,

RICHD. BOURKE.

[Enclosure.]

[A copy of this letter is not available.]

GOVERNOR BOURKE TO VISCOUNT GODERICH.

(Despatch No. 97, per ship Rubicon; acknowledged by
right hon. E. G. Stanley, 13th April, 1833.)

My Lord, Government House, 22nd September, 1832.

I have the honor to transmit an application from the Surveyor General, requesting to be allowed Forage for four Horses instead of for two only as is now the case.

Request by
T. L. Mitchell
for additional
forage
allowance.

The Superintendence of the Construction and repairs of Roads being now entrusted to the Surveyor General, in conformity to Your Lordship's Instructions, and in deference to the Surveyor General's urgent and repeated Claim, it is certain that his general duties out of Sydney and his travelling expences, for which he makes no charge, are much increased. I have reason also to hope that his skill and exertions will hasten the completion of the New, and Materially improve the old Lines of Road in the Colony. But, Considering the heavy expense now incurred by the Colony for the Support of the Surveyor General's Department, I cannot recommend to Your Lordship to augment it.

I have, &c.,

RICHD. BOURKE.

[Enclosure.]

[A copy of this letter is not available.]

GOVERNOR BOURKE TO VISCOUNT GODERICH.

(Despatch No. 99, per ship Rubicon; acknowledged by
right hon. E. G. Stanley, 13th April, 1833.)

My Lord, Government House, 22d September, 1832.

In transmitting the accompanying Application from the Solicitor General of this Colony to be allowed the Services of a Clerk in his Office to be paid by the Public, I believe I am correct in stating that the employment of a Clerk is indispensable, and

Request by
J. H. Plunket
for clerk.

1832.
22 Sept.

Temporary
clerk appointed.

that, if he be not paid from the Colonial Treasury, the expense will fall upon the Solicitor General. I have found it necessary, in order to bring up arrears, to allow him to employ a competent Person for three Months at the same rate of Pay as is allowed to the Clerk of the Attorney General, "Vizt.," £150 per Annum: but, if your Lordship thinks proper to allow a Clerk permanently to this Office, I think a good Copyist can be obtained at £120.

I have, &c.,

RICHD. BOURKE.

[Enclosure.]

[A copy of this letter is not available.]

GOVERNOR BOURKE TO VISCOUNT GODERICH.

(Despatch No. 100, per ship Rubicon; acknowledged by right hon. E. G. Stanley, 13th April, 1833.)

My Lord,

Government House, 22d September, 1832.

Occupation
of official
residence by
A. Macleay.

In reply to that part of Your Lordship's Despatch of the 29th September, 1831, No. 27, which relates to the occupation of Official Residences, I have the honor to transmit an application from the Colonial Secretary for permission to retain possession of his House, until one he is erecting at Woolloomoolloo Shall be in a state to receive his family. I have acceded to his desire to have this Application forwarded, informing him that, if Your Lordship Should think fit to refuse his request, he must be prepared to vacate the Official Residence immediately.

Residence of
superintendent
of police.

The House, now occupied by the Principal Supt. of Police, will be given up on the 1st of March Next, and sold as Your Lordship desires.

Delay in
resumption
of official
residence of
F. Forbes.

The House of the Chief Justice, though not perhaps *secured* to him by Charter, is Yet So plainly pointed out in that Instrument* As an Emolument of his Office, that I have ventured to Suspend giving him Notice to leave his Residence, until I shall be again honored with Your Lordship's Commands on the Subject. I would very respectfully represent that the Salary of the Chief Justice is not more than the dignity of his Office requires for its Support; and, if deprived of his Residence and Compelled to Rent a House in this place, where House Rent is So extravagant, he must adopt a Style of living altogether Unbecoming his rank.

I hope in a few days to be enabled to Send Your Lordship a detailed Report upon the Condition of this House, and the proposed arrangement by which part of the Water frontage of these

* Note 210.

1832.
22 Sept.

Proposed new
government
house.

Gardens may be given up and Sold in lots, and a New Govern-
ment House built on a better site with the proceeds of the Sale.
Circumstances of a Personal Nature, with which I will not
trouble Your Lordship, have prevented my attending to this
Matter at an earlier period.

I have, &c.,

RICHD. BOURKE.

[Enclosure.]

COLONIAL SECRETARY MACLEAY TO GOVERNOR BOURKE.

Sir, Sydney, 19th September, 1832.

Permissive
occupancy
of official
residence.

Your Excellency having been pleased to permit me to con-
tinue in the occupation of my official Residence, Until I shall have
a house ready for my family at Elizabeth Bay, provided such per-
mission be not objected to by the Secretary of State, I beg to return
to Your Excellency my best thanks for this indulgence, and to
assure you that, if the Secretary of State should not approve of the
arrangement, I shall quit the house within two Months after His
Lordship's Decision shall have been communicated to me.

Official
residence
included in
cmolments
of office.

I trust, however, that Your Excellency will pardon my requesting
of you to represent to the Secretary of State that, when Earl
Bathurst did me the honor to propose to me to come to this Colony,
His Lordship informed me that I was to have an Official Residence.
In consequence of which, I have always considered myself as much
entitled to this as to any part of my Salary, and have reckoned
upon my requiring no other dwelling during the period of my hold-
ing my present situation, which, at my advanced Age, cannot in the
common course of Nature be of very long duration.

If, nevertheless, the Right Honble. the Secretary of State, upon a
review of these circumstances, shall judge it expedient to revoke
the permission which Your Excellency has granted, and direct me
to remove before my own house is prepared, I shall most readily
comply with His Lordship's Commands. And in the meantime I
shall make the most rapid progress in my power in the erection
of a House at Elizabeth Bay, where Your Excellency is aware I
have already expended considerable Sums of Money in preparations
for this purpose.

Erection
of private
residence.

After the instructions already given by the Secretary of State, it
may not be becoming in me to express an opinion on the advantage
to be derived to the Public Service from having the Residence of the
Colonial Secretary adjoining his Office; but I beg leave to submit
this as a Matter worthy of some consideration.

I have, &c.,

ALEX. MCLEAY.

GOVERNOR BOURKE TO VISCOUNT GODERICH.

(Despatch No. 101, per ship Rubicon; acknowledged by
Viscount Goderich, 28th March, 1833.)

My Lord, Government House, 22d September, 1832.

In conformity with the directions contained in the 54th
Article of the Instructions issued by the Lords Commissioners
of His Majesty's Treasury, dated the 13th June, 1826, I have the

Transmission
of accounts.

1832.
22 Sept.

honor to transmit a Statement of the Revenue and Expenditure of the Colony for the Year 1831, together with a letter on the subject addressed by the Auditor General of the Colony to the Colonial Secretary.

I have, &c.,

RICHD. BOURKE.

[Enclosure No. 1.]

[A copy of this statement will be found in a volume in series II.]

[Enclosure No. 2.]

MR. W. LITHGOW TO COLONIAL SECRETARY MACLEAY.

Sir,

Audit Office, Sydney, 22nd June, 1832.

Transmission
of statements
of revenue and
expenditure by
W. Lithgow.

I do myself the honor of herewith forwarding for the purpose of transmission, by His Excellency the Governor, to the Right Honorable the Secretary of State for the Colonies, a Book containing Statements of the Revenue and Expenditure of the Colony for the year 1831, placed in comparison with those for the preceding year 1830; the whole arranged under distinct Heads.

The Book comprises Eight Separate Statements.

No. 1 Shews the Amount of each Head of Revenue in those years, as well as the Increase and Decrease in 1831, and assigns the probable causes thereof.

No. 5 Presents the same information, but in nearer juxtaposition, and in a more generalised and condensed Form, to facilitate the comparison of the total amount of each Head of Revenue and Expenditure in each of the years referred to.

No. 3 Details the arrears paid in 1831, subsequently to the Account for 1830 being closed.

No. 4 Shews the State of the Account of *Advances* at the termination of the year 1831.

No. 6 is intended to shew the accordance of Nos. 1 and 2, with the Treasurer's Accounts, and to prove their Accuracy, by accounting for the differences in the results.

No. 7 Exhibits the State of Debts to the Government at the close of the year 1831; and

No. 8 A comparison of Minor appointments held in 1830 and 1831 respectively; as required by Minute No. 122, of 31st August, 1830.

In compiling these Statements, every means has been employed to ensure accuracy and clearness of arrangement; and, while the modeling of the Accounts, under the new Form given in the Statements, and checking the results by comparing them with those of the Treasurer, leave no doubt as to the Arithmetical accuracy of both, it is hoped that the information, which the Statements are adapted to afford, and the Form under which it is given, will be considered complete and Satisfactory.

It has been considered unnecessary to introduce into these Statements the technical Divisions of "Fixed" and "Supplementary Establishment," and "Fixed" and "Unfixed Contingent Charges." Both of these divisions are clearly given in the Treasurer's Accounts; and their Introduction in the Statements would have rendered them more complex, without adding any information which cannot be readily obtained from the accounts of the Colonial Treasurer.

The Remarks, subjoined to the printed Statements of Revenue and Expenditure for the five Years ended 30th Dec., 1830, having

anticipated many of the observations which would have been applicable, supersede the necessity of any detailed report on the accounts of the two years under review.

1832.
22 Sept.

The two points connected with the public accounts of the Colony, which seem to me at present most deserving of Consideration, are: the Settlement of the Claims of the Commissariat Department for Supplies and Articles furnished to Colonial Departments from the Commissariat Stores since the 1st January, 1828; and the providing for the regulating the Revenue derivable from Quit Rents by ascertaining the exact amount of the arrears due, and taking measures to open and keep up distinct Books for the purpose of duly accounting for and checking the Collection.

Special
points for
consideration.

The first of these points has already been in a great measure provided for by the arrangements, recently ordered by His Excellency the Governor, for effecting the adjustment of the Claims alluded to.

Claims by
commissariat.

With regard to the Quit Rents, however, I beg leave to point out that there are no Documents or Registers in this Office from which the arrears can be ascertained; the Estimate of such arrears, as given in the Statement of Debts, having been framed from Books in the Office of the Collector of Internal Revenue, and even these are by no means of such a description, as to afford the necessary information in a satisfactory Form.

Want of proper
registers for
quit rents.

It is, however, obviously of importance that measures should be adopted for readily and correctly ascertaining the Amount of Quit Rents, chargeable to the Parties by whom they are payable; the Amount paid; and the arrears outstanding; as, till this is done, it will be impracticable to exercise any proper Control over this Branch of Revenue.

Necessity
for detailed
registers.

Since the Year 1825, regular Accounts have been kept of the Quit Rents Collected, which have been examined in this Office; but the means, which exist of obtaining information on all the other points connected with Quit Rents, are, I have reason to believe, exceedingly defective.

The natural consequence is that an approximative Estimate even of the Sums due cannot be framed without much more loss of time and labour, than ought under proper arrangements to be requisite for furnishing a perfect Account; and all the operations connected with this Branch of Administration are not only embarrassed and impeded in no ordinary degree, but extremely laborious and unsatisfactory.

It will readily suggest itself that these impediments to the due Collection and Controul of this Branch of Revenue can only be removed by instituting and keeping up sets of Convenient Registers, in which should be recorded and arranged the names of every Party liable to Quit Rent, the Annual Amount with which he is chargeable, the date from which it commenced, the payments in discharge thereof, and such other particulars and references as practice might point out to be necessary or convenient.

It would, perhaps, be found advisable, that, in respect of Grants of Land, a Separate Register should be appropriated for each County; and, in respect of Town Allotments, for each Town; and that the first sets should be confined to Stating the Quit Rents chargeable, the amount paid, and the arrears due up to the end of last year; keeping these open, till all the arrears to that date shall have been collected or accounted for.

System
proposed for
registers of
quit rents.

1832.
22 Sept.

System
proposed for
registers of
quit rents.

A new set of Registers for recording the Quit Rents, chargeable for the Current and three or four additional years in advance, might also be opened, in which the necessary entries for such years could, with convenience, be posted and recorded.

It would be premature, however, to Submit any detailed suggestion as to the Plan which would most likely be best adapted to meet the object in view, without a full knowledge of the "data" which can be obtained from the Offices of the Colonial Secretary and Surveyor General; the Co-operation of which Offices would be indispensable in the formation of the proposed Registers; and it may, therefore, be sufficient for the present to bring the matter under his Excellency's Notice.

It is almost unnecessary to remark that the compilation of Registers, which should exhibit, in a Convenient Form, a Complete Rent Roll of the Colony, containing not fewer than Five Thousand names, by the Manual labour and research, which would be required, more especially in compiling the first sets, must necessarily require considerable time, and the services of at least two Competent Clerks to be exclusively directed to the duty; but it must be equally obvious that sooner or later the expense of some extra Establishment for the purpose must be incurred, and that delay, by rendering the undertaking more difficult of execution, must not only proportionably add to the expense which it will occasion, but also probably be the occasion of a loss of Revenue.

A set of these proposed Registers, when completed, should either be lodged in this Office, or convenient access allowed to them in some other, as a means of checking the Accounts of Quit Rents collected.

Proposed
separation of
doubtful debts.

With reference to the Statement No. 7, in the Book herewith forwarded, as it includes Debts to a considerable amount which there is reason to believe can never be recovered, I would further suggest that the Collector of Internal Revenue be instructed to report the particulars and the means ineffectually taken for the recovery of such Debts; and that he should be authorised to transfer such of those, as on his report shall appear to be desperate, to a distinct Head, to be opened for Debts of this description, so as to distinguish them from those which may be calculated upon as available for the Public Services.

I have, &c.,

WM. LITHGOW, Audr.

GOVERNOR BOURKE TO VISCOUNT GODERICH.

(Despatch No. 102, per ship Rubicon; acknowledged by
Viscount Goderich, 27th March, 1833.)

My Lord, Government House, 22d September, 1832.

Colonial Patrick Lindesay of the 39th Regiment having left the Colony with his Corps, which proceeds to India, a Vacancy has occurred in the Legislative Council, which I have filled by the Nomination of Mr. Archibald Bell of Belmont in the County of Cook.

Departure of
P. Lindesay.

Nomination
of A. Bell as
member of
council.

Mr. Bell is an ancient and respectable Colonist, of large property in Land, connected with many of the most opulent families,

who have Settled in this Country. He has discharged the duties of Magistrate for a Considerable length of time, and is recommended by the character he bears for integrity and intelligence. I therefore respectfully Submit his Name for His Majesty's gracious Approval.

1832.
22 Sept.
Character
of A. Bell.

I have, &c.,

RICHD. BOURKE.

VISCOUNT GODERICH TO GOVERNOR BOURKE.

(Despatch No. 126. per ship Andromeda.)

Sir, Downing Street, 23d Sepr., 1832.

23 Sept.

I have the honor to acknowledge the receipt of your despatches of the 14th and 26th of March last, relative to Mr. McDowell, whose removal from Office was notified to you in my despatch No. 22 of the 24 of Sepr. last. The testimonials, which you have transmitted of that Gentleman's qualifications, are very satisfactory, and I am happy that I should have anticipated your recommendation of him for a Judicial appointment by that which you were directed by my despatch of the 2d May last, No. 91, to offer to Mr. McDowell at Van Diemen's Land. I am, &c.,

Despatches
acknowledged
re E. McDonald.

GODERICH.

GOVERNOR BOURKE TO VISCOUNT GODERICH.

(Despatch No. 103. per ship Rubicon.)

My Lord, Government House, 24th September, 1832.

24 Sept.

I have the honor to transmit two Quarterly Schedules, Shewing what alterations have been Made during the Specified periods in the Expenditure defrayed out of the Military Chest in this Command, as desired by Mr. Hay's letter of the 12th August, 1831.

Alterations in
expenditure
from military
chest;

To these I have added, for Your Lordship's information, An Abstract of appointments, Alterations and Reductions in the Colonial Departments of this Government, from the date of my arrival to the 30th June last.

and in
colonial
departments.

I have, &c.,

RICHD. BOURKE.

[Enclosure.]

[A copy of this abstract will be found in a volume in series II.]

GOVERNOR BOURKE TO VISCOUNT GODERICH.

(Despatch No. 104. per ship Rubicon.)

My Lord, Government House, 24th September, 1832.

With reference to Your Lordship's Despatch of the 9th March last, No. 74, I have the honor to report the arrival of the Red Rover from Ireland with 202 Female Emigrants. These Women were placed under proper care in the old Lumber Yard,

Arrival of ship
Red Rover with
female
inmigrants.

1832.
24 Sept.
Engagement
of women.

Wages of
house servants.

Arrival and
employment
of mechanics.

Wages of
labourers and
mechanics.

Demand
for labour.

and, with the advice and Assistance of Some of the Ladies of Sydney, they engaged themselves as Servants as opportunities offered. They landed on the 13th August last and their number was at first very rapidly reduced; but the demand in Sydney became slack, and the disinclination of the Women to go far into the Country occasioned Some delay in disposing of the least promising among them. There are, however, but fourteen in the Lumber Yard this day, and these will probably go off in the course of the Week. These Women obtained as House Servants a rate of Wages varying from nine to eleven pounds a Year, with board and Lodging.

The other Women to the Number of 70 arriving in Small parties on Bounty, have all disposed of themselves without any further expense to Government.

The Mechanics, who have arrived by the Assistance of twenty pounds paid as part of their passage Money, in all 97 heads of families as per Margin,* will probably do well, though Some are yet unemployed, and they have not found by any means So high a rate of Wages as they were led to expect. It is probable the Wages Stated by the Colonial Agent in the year 1827 and by the Sydney Gazette in 1830, are taken too high. At all events, Labourers in and near Sydney do not receive above 2s. 6d. a day, without food or Lodging, or in the Country more than from £12 to £14 per Annum, with their Board and Lodging. Mechanics Such as Carpenters and Masons about five shillings, and Blacksmiths and Wheelwrights about Seven Shillings per day in Sydney, without food or Lodging. In the Country, the Wages for these Persons are I understand about the Same. Bailiffs or Overseers upon Farms may be Said to obtain from £30 to £50 per Annum, with Board and Lodging.

In the enclosures† to my Despatch of the 30 April last, No. 53, Your Lordship may have observed the rate of Wages, offered by many respectable Settlers, to be paid to Emigrants according to their Several Trades and Callings; but I have thought it right to add the foregoing detail, for the information of the Commissioners of Emigration, that there may be No Complaints of Misrepresentation made by the Emigrants who have Yet to arrive. They need not be discouraged by the apprehension of want of work, or of Such Wages as will afford them and their families, if soberly and industriously inclined, a full Supply of the Necessaries of life. The demand for labor of almost every Kind is Still urgent, and Articles of the first necessity and Some luxuries are to be had very Cheap.

* Marginal note.—97 men; 92 Women; 72 Male Children; 56 Female Children; 317 Total.

† Note 211.

1832.
24 Sept.

The rate of the Markets given in the Sydney Papers, of which So many are regularly transmitted to Your Lordship, is usually very Correct.

The Emigrants, who have fared worst in this Year, are the discharged Soldiers, who commuted their Pensions in London. These Men, generally without a Trade, are Yet unwilling to labor; and many of them, Spending in debauchery what money they had to receive on Arrival, experienced Some distress before they could be persuaded to leave Sydney and take moderate Wages on Country farms. Some of the best have been employed as Constables and Overseers, and the whole Number arrived, Amounting to three hundred, are with the exception of a very few earning a livelihood by Some kind of employment. From the time of their arrival, they were in constant communication with my Military Secretary, but his advice was not often attended to. They are not of a description of Persons whom it is desirable to see here.

Report *re*
discharged
soldiers as
immigrants.

I propose to send to the Country a large portion of the Women who shall next arrive. I have little doubt that another Expedition of the Same Number as the last will be soon disposed of. But they go off with less expense when they arrive in Small detachments. I should think that from four to five hundred might be taken off Annually.

Female
immigrants
to be sent to
country.

I beg leave further to state that some difficulty is experienced in procuring from the parties, to whom an advance of £20 is made for their passage, a Valid obligation for the payment of that sum. The Masters of the Ships do not always bring them to the proper Officer on their arrival here, and many of the Emigrants Neglect to enter into a New Security; and, as their promissory Notes cannot be proved here, I fear some loss will be experienced on account of those Persons. To prevent this in future, I beg to submit to Your Lordship's Consideration the following Extracts from a letter of the Collector of Internal Revenue in this Colony addressed to the Colonial Secretary:

Proposed
annual limit for
immigration.

Difficulty in
collection of
advances from
immigrants.

“With respect to the promissory Notes, which have been taken from the Parties, to whom Advances have been Made in Security for their repayment, I beg leave to remark on the inefficiency of those Instruments in their present State for the purpose intended, as, having no Means of proving the hand writing of the Parties, it would be to no purpose my attempting any legal compulsory Measures against them, if they refuse their voluntary Acknowledgment.

“It would be proper I think to Suggest to the Home Government the expediency of in future causing the Signature of the Parties, giving Such promissory Notes, to be witnessed by the

1832.
24 Sept.

Difficulty in
collection of
advances from
immigrants.

Master and Chief Officer of the Vessel, by which they are to Sail, or by Some one or two Persons coming out to the Colony by the same Ship, whose evidence in Court might be obtained if required.

"I fear No Stipulations have been made at home with the Captains of the Vessels bringing them out that they shall not be entitled to payment, Until they produce the parties at Your Office, or some other appointed place, and consequently that you cannot make them in any ways responsible for the production of them, or with hold payment of any passage Money or freight that may be due to them."

I have, &c.,

RICHD. BOURKE.

GOVERNOR BOURKE TO VISCOUNT GODERICH.

(Despatch marked "Separate," per ship Rubicon; acknowledged by Viscount Goderich, 27th March, 1833.)

My Lord, Government House, 24th September, 1832.

In my despatch of the 23d inst. No. 102, I informed your Lordship that I had filled up a vacancy in the Legislative Council by the appointment of Mr. Archibald Bell. There is still another vacancy occasioned by the incapacity of Mr. John Macarthur, who has been pronounced a Lunatic. The physical temperament of this gentleman and the present state of his mind are such as to afford but little hope of his restoration, and I should have proceeded to fill up the vacancy, which his Malady has occasioned but for the following reason:—

I am doubtful whether it is the desire of His Majesty's Government that the vacancy should be filled by a Colonist or by a Person Connected with the Government. Judging from the tenor of His Majesty's Warrant* of the 30 January, 1829, under which Colonel Lindesay was appointed, it would seem that the nomination of eight Colonists would not be objectionable, as in the event of Colonel Lindesay's having been prevented taking his seat, the vacancy was by the terms of the Warrant to be filled by a Colonist. On the other hand, in Your Lordship's Circular despatch of the 4th March last, it is stated, with reference to the constitution of these Councils, that it is necessary the powers of His Majesty's Government in this branch of the administration of the affairs of the Colonies should continue unimpaired. Under these circumstances of doubt, I propose (unless unforeseen occurrences should render it necessary to complete the Council to the full number of fourteen) to defer the second nomination, until I shall be honored with His Majesty's Commands.

From what I have seen of the proceedings in Council, I am inclined to recommend that the vacancy be filled by a Colonist.

Vacancy in
council caused
by insanity of
J. Macarthur.

Reasons
for delay in
nomination to
fill vacancy.

* Note 212.

The appointment of a Military officer or another Civil Servant would add but little to the real strength of the Government at the Board, whilst it would diminish the influence of the Council with the Public. I would, therefore, propose to name a Colonist of property and of as much weight as property has as yet been able to confer upon its Possessors in this new Country, where party runs so high. If former occurrences* do not still oppose a bar to his pretensions, I would beg leave to recommend Sir John Jamison for His Majesty's nomination. His Possessions are ample, and the lead he has taken in the agricultural concerns of this country give him a fair claim for distinction. The occurrences to which I have alluded are of ancient date, and may I think be forgotten with advantage. I would therefore earnestly recommend Sir J. Jamieson's nomination. He was restored to the Magistracy by my predecessor in the last year.

1832.
24 Sept.

Opinion in favour of nomination of colonist.

Recommendation of Sir J. Jamison for vacancy.

I might have brought forward the name of a native of the Colony, distinguished by his professional skill and general information, Captain Philip Parker King of the Royal Navy, who has lately returned here and who was appointed a Counsellor in the list of original Members. But his absence having prevented the first appointment from taking place, and his seat having been filled by his Brother-in-law Mr. Hannibal Macarthur, I do not propose Captain King, as, in a close Council of fourteen, it might be inconvenient and unseemly to nominate two such near Relations. There are others named in the warrant, but some are certainly not of sufficient influence, and perhaps Mr. William Ogilvie is the only Person in that List, whom I could venture to recommend, if it should be thought inexpedient to appoint Sir John Jamison. I should mention that, on the occurrence of the first vacancy, I named Mr. George Wyndham of Denton to fill it, but this gentleman declined the appointment representing that the state of his affairs would not allow of his absence from home.

Objections to nomination of P. P. King.

W. Ogilvie proposed vice Sir J. Jamison.

Refusal of vacancy by G. Wyndham.

I have, &c.,

RICHD. BOURKE.

GOVERNOR BOURKE TO VISCOUNT GODERICH.

(Despatch No. 105. per ship Rubicon; acknowledged by right hon. E. G. Stanley, 17th April, 1833.)

My Lord, Government House, 25th September, 1832.

25 Sept.

I have the honor to transmit herewith a Memorial from the Trustees of the Wesleyan Chapel in this Town, praying to be relieved from a debt to Government, contracted under the following Circumstances:—

Request by trustees of Wesleyan chapel for relief from loan.

In the year 1824, Sir Thomas Brisbane advanced on Loan to the Trustees of the Wesleyan Chapel the Sum of £433 6s. 8d. at an interest of eight per Cent. for the term of four Years. At the

Particulars of debt.

* Note 213.

1832.
25 Sept.
Particulars
of debt.

expiration of that term, the Trustees, finding their funds inadequate to the payment of the debt, applied for an extension of time to General Darling, by whom they were permitted to defer payment for two years, on condition of adding to the principal the interest due for the first four Years, amounting to £138 13s. 4d., thus Making their debt amount to £572, with a promise that, if the principal Sum were paid up, Application would be made to the Secretary of State to remit the interest. For this Sum of £572, Bond was given on the 24th May, 1828, by the Revd. Ralph Mansfield and Mr. Robert Howe. It has been due more than two Years and is Still unpaid. I offered to the Trustees to forego the interest, if the original Sum of £433 6s. 8d. were promptly paid. They have made attempts to raise it by Mortgage of their Chapel, but have failed, and have applied to me for further time to enable them to represent their case to the Parent Society in London, from which they hope for assistance. I have accordingly given them to understand that the Bond will not be put in Suit before the 1st of August, 1833, at which time, if it should not be paid, it will not be in my power to afford them any further indulgence. They have in reply requested me to forward to Your Lordship the accompanying Memorial, praying for an entire remission of their obligation for the reasons Stated by them.

Concession
granted by
R. Bourke.

Opinion against
remission of
loan.

I cannot venture to recommend this proposition to Your Lordship, although I am very willing to admit the Services, which the Wesleyans have performed, and the readiness they Shew at all times to Supply the want of a Sufficient Number of Clergymen of the Established Church, by engaging in any Missions or duties proposed to them. If this loan were to be altogether remitted, I fear it would offer a very inconvenient precedent in the case of other Bodies, to whom Loans have been made from the Colonial Funds; but, if the Sum originally lent be repaid, I submit to Your Lordship that the interest be remitted.

I have, &c.,

RICHD. BOURKE.

[Enclosure.]

[A copy of this memorial is not available.]

UNDER SECRETARY HAY TO GOVERNOR BOURKE.
(Despatch per ship Andromeda; acknowledged by
Governor Bourke, 3rd July, 1833.)

2 Oct.

Sir,

Downing Street, 2d October, 1832.

I am directed by Viscount Goderich to transmit to you, for your consideration, a copy of a Letter from Messrs. Buckles, Bagster and Buckle, enclosing an application from Mr. James

King for a Grant of Land, as a reward for the discovery near Sydney of a Tract of sand belonging to the Crown, which is better adapted than any found in this Country for the Manufacture of the finest Flint Glass. Lord Goderich has deferred the consideration of the case, until he shall have received a report from you; but, as the discovery appears calculated to benefit materially the Trade of the Colony, his Lordship would not be unwilling to sanction the grant of a small sum of money, to be taken in land, if Mr. King should prove to be the original discoverer of the valuable properties of this Sand, and also to be worthy in other respects the consideration of the Government. I am therefore to request that you will bring the subject under the consideration of your Council, and communicate to his Lordship your own and their opinion of the value of the discovery, and of the extent of the reward, which ought to be granted to Mr. King, together with any other information which may enable Lord Goderich to form a decision upon the subject.

1832.

2 Oct.

Request for land grant for J. King for discovery of sand for flint glass.

Reference to council.

I am also directed to call your attention to that part of Mr. King's Letter, which relates to the state of the Domain near Sydney, as it appears advisable to take measures for depriving the runaway Convicts of the Retreat which it at present affords them.

Condition of domain at Sydney.

I am, &c.,

R. W. HAY.

[Enclosure.]

MESSRS. BUCCLES, BAGSTER AND BUCCLE TO VISCOUNT GODERICH.

My Lord,

Mark Lane, 6th Septr., 1832.

Herewith we have the honor to transmit to your Lordship a Memorial forwarded to us by Mr. James King, a resident at Sydney in the Colony of New South Wales, praying a renunciation from His Majesty's Government in consideration of his having discovered in the immediate vicinity of that Town a large tract of Sand which he conceived to be better adapted than any found in this Country for the Manufacture of the finest description of Flint Glass, and of which we recently received from him 11 Bags as a Sample for the purpose of putting its qualifications to the test. These were placed in the hands of Messrs. Pellatt and Co., eminent Glass manufacturers of this City, a Copy of whose report we have also the honor to lay before your Lordship, the favorable nature of which, coupled with the advantage which British Ship Owners engaged in that Trade will derive from the Discovery in being enabled to ballast their vessels with an article worth 30s. per ton in place of taking on Board useless shingle, which must be again got rid of at an expence upon their arrivals here, will we trust induce Your Lordship to give your favourable consideration to the prayer of the Memorial.

Transmission of memorial from J. King.

Sample of sand submitted for test.

Advantage of discovery to shipping.

We have, &c.,

BUCCLES, BAXTER AND BUCCLE.

1832.
2 Oct.

[Sub-enclosure No. 1.]

MR. JAMES KING TO VISCOUNT GODERICII.

My Lord,

Sydney, 10th Janry., 1832.

Seeing that His Majesty's Government are at all times willing to encourage by adequate rewards the exertions of individuals, whose efforts have been successfully directed to promote the Commerce or manufactures of the Country, I have been induced therefore at considerable expence and trouble to bring under the notice of the Glass manufacturers of Great Britain, through my Agents Messrs. Buccles, Baxter and Buccle, Merchants and extensive Shipowners in London, a fine white sand, which is found near Sydney, of a description better suited for the manufacture of fine plate and flint Glass than any found in England; I have forwarded some of it by the "Stirling Castle," and I have requested these gentlemen to transmit to Your Lordship such documents as will enable you to judge of the utility of this discovery; but permit me also to state to Your Lordship, what I have pointed out to Messrs. B.B.B. regarding it, that the sand can be had here in any quantity, put on board Ship here at almost no expence, carried to London as Ballast in the same manner as flint is carried to Caenon, and sold in London at such a price as will pay freight to the Ships; it, being heavier than the common ballast here, will enable the vessels to carry large cargoes of Wool and Flax, they being almost the only commodities exported from this Colony. In proportion as the exports of New South Wales are increased so as to furnish return Cargoes, so will the Ship owners be enabled to tender their vessels to H.M. Government at a lower rate for the transport of paupers or Convicts to this Colony; for it is well known that Vessels from England even in ballast alone, bound for the Isle of France, depending entirely on the return freight, my discovery of the value of this sand is that much an advantage to the Glass Makers in England, who will make with it a superior article to any in Europe to other manufacturers who use glass in their particular arts and manufactures, and to the Ship owners whose Vessels visit this Port either with Convicts or merchandise; but no pecuniary remuneration whatever can accrue to me from this important discovery, for, where the sand is found to the amount of many hundred thousand tons near the Harbour of Port Jackson, the land is the property of the Government, nor do I possess a single acre in the Colony on which it is found.

As a mark of Your Lordship's approbation of my single efforts to promote the interest of the manufacturers, and of that equally important class the Ship owners of England, which has been attended with considerable expence to me in experiments, etc., may I solicit your Lordship for a premium or compensation in the shape of a Grant of Land in this Colony (a plentiful commodity here in the hands of the Crown) of such a quantity and in such a situation as will please your Lordship to order; it may perhaps be within the knowledge of Your Lordship that special Grants* have been from time to time granted by the Home Government to a number of persons resident here (namely) to one individual ten thousand (10,000) acres, for having imported a quantity of improved Sheep to a

Discovery of
sand suitable
for flint glass.

Prospects
of discovery.

Request for
land grant as
reward for
discovery.

* Note 214.

favorable Market; to another an equal quantity of land, for having devoted his attention to the breeding of fine woolled Sheep, with a view of selling their increase (and that successfully too) at high prices to emigrants on their arrival; to a third the same quantity for having suggested the manufacture of Mimosa extract for tanning; besides similar grants to a number of others who have equally rendered services to the Colony; but it will be readily perceived that the claims of the majority of these grants rested on different grounds from mine, for they entered into these speculations purely with the view of profit to themselves, in which they were successful; but mine is unattended by any remuneration except that which it may please Your Lordship to Grant me; should you be pleased therefore to confer on me the reward I respectfully solicit, even though it were of a comparatively limited extent, instead of land in the interior I would prefer the matter of 50 Acres on Goose Farm* which consists of 500 acres; it is ground free of timber on the Parramatta Road, lately abandoned by the Government as unprofitable in its hands, and is employed now only to graze a few Government working cattle which are daily getting fewer by the reduction of the expensive Government Establishments in Sydney, or a similar quantity on the extensive uncultivated Domain near Sydney, which, by its laying in many places in a state of nature covered with the trees and bushes, has become the lurking place of runaway thieves and robbers (see Sydney Herald 21 and Sydney Gazette 24 Nov. last), who secrete themselves until opportunities offer of escape from the Colony by the Shipping in the Harbour, which lay at Anchor within a stone throw of the domain, thus evading the utmost vigilance of the Police. I afterwards knew of the escape of a Robber for whose apprehension the Government had offered considerable reward, that was sheltered in the Domain; this might be prevented if the Domain was apportioned out to a few individuals, who would build houses and reside in them; it is for the purpose of building a respectable house, etc., that I would prefer a Grant near Sydney to a more extensive one in the Interior, which I can buy at any time from private persons at from one shilling to four per acre according to local situation; allotments adjoining the town from 10 to 50 acres have been granted to persons on the condition of building a house so as to improve the appearance of the ground near Sydney; but ground in the town itself is infinitely more valuable and many patches are retained in the hands of the Government unimproved and unproductive that would sell for a considerable sum if brought gradually into the Market. There is also another useless farm at long bottom in the hands of the Government; it is situated nearly half way between Sydney and Parramatta; nevertheless I leave the quantity and situation of the Grant which your Lordship may probably be pleased to grant me entirely to your Lordship, who I would not have troubled was it not that the Local Government have now no power to give land away. I arrived in this Colony in the year 1827 as a Merchant, continues to carry on business in Sydney; I in common with other free emigrants on my arrival got a Grant on the River Hunter of about 2,000 acres, on which I grow grain and graze cattle, and I am also making on it an extensive vineyard, grain being a very uncertain crop; and

1832.

2 Oct.

Lands granted as rewards for services.

Request for land at Grose farm or in domain.

Condition of domain at Sydney.

Desire for allotment near Sydney.

Farm at Longbottom.

Land granted at Hunter river.

* Note 215.

1832.
2 Oct.

my Grant will graze only a limited number of sheep; the Grass of this country being thin on the ground, a very extensive tract of country is required to feed any considerable quantity of stock, please address to me at Sydney, N. S. Wales. I have, &c.,

JAMES KING.

[Sub-enclosure No. 2.]

Mr. J. G. CHILDREN TO VISCOUNT GODERICH.

My Lord,

British Museum, 6 Novr., 1832.

Report on
analysis of
sand.

I have the honor to report to your Lordship that, by the desire of His Royal Highness The Duke of Sussex, and with the assistance of Mr. Gordon of Oxford Street, I have analysed the white Sand, sent to me by Messrs. Buckle, Bagster and Co. and purporting to have been discovered near Sydney, New South Wales, by a Mr. James King. The result of our analysis fully corroborated the statement of Mr. Pellatt, the glass manufacturer, as to the excellence of the sand. We find it to consist almost wholly of pure silicious earth, with a minute portion of sulphate of lime. The only substance capable of imparting colour to glass, contained in this Sand, is a little oxide of Iron scarcely amounting to one half per cent. The exact results are as follows:—

Silica	95
Sulphate of Lime	2.2
Oxide of Iron .....	.4
a slight trace of alumena, organic matter, water and dross	2.4
	<hr/>
	100.0

I have, &c.,

JOHN GEORGE CHILDREN.

[Sub-enclosure No. 3.]

REPORT BY MESSRS. PELLATT AND CO.

Gentlemen,

Falcon Glass Works, 17th August, 1832.

Report on sand
by glass
manufacturers.

We have much pleasure in acquainting you that, having used the quantity of sand furnished by your house from Sydney, we find it decidedly superior to any we have previously employed.

Altho' from its being combined with earthy matter in considerable quantities its first appearance is not in its favor, yet, after having been well washed, it becomes perfectly pure and white. The most esteemed property of this sand, and which makes it of the greatest importance to Glass makers, is derived from the absence of oxyde of iron, and every other combination that would affect the colour of the Glass when made.

It is also free from insoluble matter. Glass made from this sand is more brilliant than that made from any other. We consider it very fortunate at this period that this sand has been discovered, as the sand from Lynn Regis, with which most glass makers were supplied, is now very bad in quality and has in consequence been given up by many.

We shall be happy soon to hear of the arrival of a quantity.

We are, &c.,

PELLATT AND CO.

GOVERNOR BOURKE TO VISCOUNT GODERICH.

(Despatch No. 106, per ship Rubicon; acknowledged by
right hon. E. G. Stanley, 22nd June, 1833.)1832.
2 Oct.

My Lord, Government House, 2d October, 1832.

At the request of Mr. H. C. Sempill, I have the honor to
transmit herewith a Letter, which that Gentleman has addressed
to Your Lordship upon the Subject of Mr. John Bingle's
pamphlet, forwarded in my Despatch No. 82 of the 24th August
last.

Transmission
of letter from
H. C. Sempill.

I have, &c.,

RICHD. BOURKE.

[Enclosure.]

[A copy of this letter is not available.]

VISCOUNT GODERICH TO GOVERNOR BOURKE.

(Despatch No. 129, per ship Andromeda.)

Sir, Downing Street, 3d Oct., 1832.

3 Oct.

I have received your despatch of the 9th of April last,
No. 49, and I have to convey to you my approval of the course,
which you have adopted with the view of calling in the arrears
of Quit Rent, due to the Crown upon Land granted in New
South Wales, and more especially of your intention to maintain,
as much as possible, the Regulations promulgated upon this sub-
ject by General Darling.

Approval of
policy re
collection of
quit rents.

With regard to the observation contained in the latter Para-
graph of your despatch, as to the propriety of remitting, as an
Act of Grace, the Quit Rent payable by those Persons to whom
Lands have been sold under the Regulations of the 5th of Nov.,
1823, I am certainly of opinion that it may form a fair subject
for consideration hereafter, but that it would not be expedient,
at the present moment, to hold out such an indulgence until the
effect of the new system may be ascertained.

Remission of
quit rents on
certain grants
to be postponed.

I am, &c.,

GODERICH.

VISCOUNT GODERICH TO GOVERNOR BOURKE.

(Despatch No. 130, per ship Andromeda.)

Sir, Downing Street, 4 Oct., 1832.

4 Oct.

I have to acknowledge the receipt of your despatch No. 55
of the 2d of May last, requesting my sanction to the payment of a
Bill, therein enclosed, amounting to £91 5s. 4d., incurred for
copying and other Clerical Services in the Offices of the Execu-
tive and Legislative Councils during the year 1831, and, under
the circumstances mentioned in your despatch, I have to convey
to you my authority for charging the Revenue with the payment
of the sum in question.

Approval of
payment for
clerical
services.

I am, &c.,

GODERICH.

1832.
5 Oct.

UNDER SECRETARY HAY TO GOVERNOR BOURKE.
(Despatch per ship *Andromeda*; acknowledged by Governor Bourke,
25th May, 1833.)

Sir,

Downing Street, 5 October, 1832.

Precedency of
T. Macquoid
as sheriff.

I am directed by Viscount Goderich to transmit to you a copy of a letter, which he has received from Mr. Macquoid on the subject of the Rank which, as Sheriff, he holds in the Colony. From Mr. Macquoid's statement, it would appear that the Secretary of State's decision on the subject of the Precedency of the Colonial Officers has had the effect of placing the Sheriff lower in the Scale than when filled by his Predecessors; and Mr. Macquoid seems to consider this as casting an imputation on his character, an inference from which there is not the slightest foundation. As Mr. Macquoid attaches some importance to the question, Lord Goderich has directed me to request that you will ascertain whether Sir George Murray's orders* have really had the effect described, and, if such should be the case, that you will rectify the error, if it can be done without exciting dissatisfaction among the persons who will be affected by it.

I am, &c.,

R. W. HAY.

[Enclosure.]

MR. T. MACQUOID TO VISCOUNT GODERICH.

My Lord,

Goderich Lodge, Sydney, 11th April, 1832.

Letter
acknowledged.

I trust I shall not be deemed intrusive in replying to your Lordship's communication, made to me through Lord Howick's letter of the 22nd October last, which I had the honor to on the ultimo. But, as this communication leads me to apprehend that my letter to your Lordship was not sufficiently clear, and had, in some degree, been mistaken on the point of rank, for your Lordship observes that any alteration in the Table of Precedence with a view of bestowing on the Sheriff higher rank would naturally dissatisfy those to whom that Table gives present rank in the Colony. I would respectfully urge that what your Lordship is anxious to avoid doing towards others is exactly what I may with some justice be permitted to complain of. I did not mean to ask, nor did I suspect that the Sheriff's would be *raised*, but that it *should not be lowered*. The Sheriff's name was not even mentioned in the Table of Precedence fixed by Sir George Murray, and, by the rank subsequently given, after an appeal from me, my station in society was placed very much lower than I found it when I arrived in the Colony, and far beneath what my predecessors in office had held. This is the point upon which I cannot but feel aggrieved, as I would fain hope, My Lord, that my conduct either in public or private life has not given cause for sinking rank of the Sheriff, since I have held that office.

Protest *re*
lowering of
rank of sheriff.

I feel deeply flattered and obliged by the manner which your Lordship has been pleased to express your opinion, that, for the reasons assigned, it was not considered expedient to place me in

* Note 216.

the Executive Council of the Colony, to which I must bow with submission, in the hope that at some future period the good opinion, which your Lordship has, with so much kindness, placed upon record, will not be lost sight of.

I have, &c.,

T. MACQUOID.

1832.
5 Oct.

P.S.—I have the honor and gratification of being the first person to affix your Lordship's name to territory in this quarter of the world. On the building allotment granted to me by order of Sir George Murray, I have erected a most comfortable House in which we are now residing, and have called it Goderich Lodge.*

House named
after viscount
Goderich.

UNDER SECRETARY HAY TO GOVERNOR BOURKE.

(Despatch per ship *Andromeda*; acknowledged by Governor Bourke, 16th May, 1833.)

Sir,

Downing Street, 6 October, 1832.

6 Oct.

I am directed by Viscount Goderich to transmit to you a Copy of a letter which has been received from Mr. Smeathman, the Coroner for Sydney, together with a copy of the answer which I have been instructed to return; and I am to request that you will report to his Lordship on the points in Mr. Smeathman's letter which require to be noticed.

Transmission
of letter from
C. T.
Smeathman.

I am, &c.,

R. W. HAY.

[Enclosure No. 1.]

MR. C. T. SMEATHMAN TO VISCOUNT GODERICH.

My Lord, Sydney, New South Wales, 30th April, 1832.

At the suggestion of my friend Mr. Kinchela, Attorney General of this Colony, and for the purposes as detailed to your Lordship by that Gentleman, I do myself the honor of addressing your Lordship with a view to obtaining an allotment of unlocated land at Woolloomooloo in the immediate neighbourhood of this place and which hitherto has been uniformly allotted to officers of the Crown.

Request for
building
allotment.

It is essential I should be permitted to state, for Your Lordship's information, I now hold the situation of Coroner for this place with a circumscribed Salary of £100 per Annum, and have, I presume, satisfactorily executed the functions of that Office nearly four years; that, previous to my arrival in this Colony, I held the appointment of Inspector and ultimately paymaster of de Watteville's Regiment, which Corps I joined, after traversing the continent from Cuahaven to Triest in Istria in the year 1800, embarked with it at the latter place for Egypt, and remained there until the evacuation under the late Sir John Stewart in 1803; served throughout the Mediterranean and the Canadas; was placed upon half pay of that Corps in 1816, when it was Disbanded; that I availed myself of the General orders of June, 1826, and was permitted to dispose of my half pay, and received in lieu thereof £1,200 only, £600 being retained by Government, and for which I had been led to suppose an equivalent of four sections of Land would be granted to me on my arrival in this Colony, as the Capital

Services of C. T.
Smeathman.

1832.
6 Oct.
Land granted
by R. Darling.

of £800 I brought to this Colony entitled me to cherish such hopes. His late Excellency Lieutenant General Darling was pleased to accord to me only 1,280 Acres, which is all the equivalent hitherto received for my former services and the evident sacrifice of my half pay.

I had contemplated transmitting these circumstances, for your Lordship's kind consideration through the medium of Adjutant General Macdonal, to whom I have had the honor of being known upwards of 30 years, or Sir Robert Gardiner, Aid de camp to his Majesty, who has also known me 25 years; but, judging from Your Lordship's known zeal to promote on all occasions the welfare of these Colonies and advance Australia, I feel sanguine your Lordship will pardon my temerity and grant the request of, my Lord,

Your Lordship's most, &c.,

CHARLES THOMAS SMEATHMAN,
Coroner for Sydney, New South Wales.

[Enclosure No. 2.]

UNDER SECRETARY HAY TO MR. C. T. SMEATHMAN.

Refusal of
request for
town allotment.

Sir, Downing Street, 22nd Septr., 1832.
I am directed by Viscount Goderich to acknowledge the receipt of Your Letter of the 30th of April last, requesting, as an Officer of the Crown, an additional allotment of Land at Woolloomooloo, and I am, in reply, to transmit, for your information, a printed copy of the Terms* under which all land is now disposed of in the Australian Colonies, and by which you will perceive that his Lordship is precluded from complying with your request.

I am further to acquaint you that your request should have been transmitted through the Governor of New South Wales according to the Regulations which have been promulgated in the Colony.

Report ordered
re salary.

With regard to that part of your letter, wherein you state the inadequacy of your Salary of £100 per annum as compared with your duties as Coroner for Sydney, I am to acquaint you that a communication will be made to Major General Bourke directing him to report upon the subject.

I am, &c.,
R. W. HAY.

UNDER SECRETARY HAY TO GOVERNOR BOURKE.
(Despatch per ship Andromeda.)

9 Oct.
Applications
by M. C. Cotton
for land.

Sir, Downing Street, 9th October, 1832.
Since the return to this Country of Mr. Cotton, the Collector of Customs at Sydney, he has made several applications to Lord Goderich for a Grant of Land and Town allotment upon the old Terms, but which his Lordship has felt himself compelled to refuse. In consideration, however, of the favorable testimony borne to his merits and services in the accompanying letter from General Darling, Lord Goderich has much pleasure in authorising you to give him the benefit of the remission of the Purchase money of a Town Allotment to the extent of fifty pounds.

Purchase money
to be remitted.

I am, &c.,
R. W. HAY.

[Enclosure.]

1832.
9 Oct.

GENERAL DARLING TO UNDER SECRETARY HAY.

Dear Sir, Boulogne Sur Mer, 24th September, 1832.

Understanding from Mr. Cotton, the Collector of Customs of New South Wales, that it is his intention to request Lord Goderich to reconsider his application for an allotment of Ground in the Town of Sydney or its neighbourhood to erect a House thereupon for his residence, I feel it due to Mr. Cotton to repeat the Sense I entertain of his services and that his claim to the indulgence is inferior to none of his Contemporaries, who received not only a Town Allotment, but a Grant of Land for Agricultural purposes by order of the late Secretary of State. Mr. Cotton having explained the reason of his not having joined in an application which was made by some of the Officers above alluded to, and pointed out the circumstance of others who were subsequently appointed having also received Land, it is unnecessary for me to say more than that the Zeal, with which he performed his duty, and the information he possessed on all matters connected with his department, rendered his services very beneficial to the Government and the Mercantile interests of the Colony. I remain, &c.,

Recommendation by
R. Darling in
favour of
M. C. Cotton.

RA. DARLING.

VISCOUNT GODERICH TO GOVERNOR BOURKE.

(Despatch No. 132, per ship Andromeda.)

Sir,

Downing Street, 10th October, 1832.

10 Oct.

I have the honor to acknowledge the receipt of your despatch No. 38 of the 17th of March last, relative to Major Mitchell, the Surveyor General, whose complaints against the Colonial Government you were directed, by my despatch No. 5 of the 8th of July, 1831, to investigate. Subsequently to the date of those Instructions, General Darling's despatch, containing charges against Major Mitchell, was received at this Department. To this despatch, I did not deem it necessary to reply, conceiving that the enquiry which you were about to make into the matters, to which the representations of Major Mitchell referred, would extend to the allegations brought against that Officer by General Darling. I cannot but regret the tone, which Major Mitchell adopted in his correspondence with the Local Authorities, which forms so considerable a part of the voluminous papers sent home by General Darling in his despatch of the 28th of March, 1831. But in the hope that I may not have again to advert to the transactions out of which this correspondence arose, I shall abstain from any further notice of the subject than to desire that you will inform Major Mitchell that, whilst I am disposed to acknowledge the zeal with which he has discharged the duties of his Department, I cannot approve of the Line of conduct which he has pursued towards the Local Government under the administration

Despatch
acknowledged.

Disapproval of
tone of letters of
T. L. Mitchell.

1832.
10 Oct.
Censure on
T. L. Mitchell.

of your Predecessor, whose views, however different from those entertained by Major Mitchell himself, or contrary to what he conceived to be the spirit of the King's Instructions, it was, nevertheless, his duty to carry into effect. I am, &c.,
GODERICH.

—
VISCOUNT GODERICH TO GOVERNOR BOURKE.
(Despatch No. 133, per ship Andromeda.)

11 Oct.
Despatch
acknowledged.

Sir, Downing Street, 11th October, 1832.

I have received your despatch No. 46 of the 3d April last, reporting the reductions which you have made in the Department of Public Works amounting to £1,137 per annum.

Approval of
reductions in
and disapproval
of separation of
department of
public works.

In conveying to you my approval of these reductions and of the manner in which you have disposed of the Convicts and Stores belonging to the Department, I am sorry that I do not feel myself at liberty to sanction the separation of that Department from that of the Surveyor General, nor the increase of Salary which you have granted to the Architect. You will, accordingly, upon the receipt of this despatch, transfer to the Department of the Surveyor General the Establishment you proposed for the execution of the Public Works, and call upon Mr. Hallen to refund any sum which may have been issued to him on account of the premature augmentation of his Salary. Although I have been under the necessity of disallowing the separation of these Departments, there is no reason why you should not still select such persons for the exclusive duties of the Public Works as may be best fitted to perform them.

Custody of
stores at
Bathurst.

I observe that you propose employing a Convict in the situation of Clerk and Storekeeper at Bathurst. I should prefer the custody of the Stores being entrusted to the Clerk of the Works, as I consider it highly objectionable to allow Prisoners to have access to the Public Stores.

Approval of
gratuities.

The gratuities, which you have issued to the holders of the places which have been abolished, are approved, as well as the Passage money granted to Capt'n. Wilson. I am, &c.,
GODERICH.

—
VISCOUNT GODERICH TO GOVERNOR BOURKE.
(Despatch No. 134, per ship Andromeda.)

13 Oct.
Despatches
acknowledged.

Sir, Downing Street, 13th October, 1832.

I have the honor to acknowledge the receipt of your Despatches, Nos. 47 and 48, dated the 4th and 5th April last, with which you have transmitted to me an application from Major

General Stewart for an extension of the time within which he has been required to pay for certain lands, rented by him with a view to purchase; and also an application from Captain Maxwell of the Madras Army for a Grant of Land under the Regulations lately rescinded.

1832.
13 Oct.

With respect to General Stewart's request, I am sorry to say that I do not feel myself at liberty to accede to it. The same arguments, which he has used, might, with equal justice, be urged by other persons similarly situated, and I could not, without extending it to them, grant the indulgence General Stewart solicits. The purchasers of land, during Sir Thomas Brisbane's administration, have had ample time allowed for completing their engagements, and, if they are still unable to do so, they cannot complain of being compelled to give up part of their land.

Refusal of
request of
W. Stewart.

Captain Maxwell, having proceeded to the Colony in ignorance of the change in the Regulations, appears to me fairly entitled to an exception in his favor, and you will accordingly make to him a Grant upon the old Terms. As it was impossible for him to have known of the alteration, it will not be necessary to call upon him for the declaration, which you were directed by Mr. Hay's letter of the 1st of July last to obtain from persons alleging to have proceeded to the Colony under similar circumstances.

Land to be
granted to
G. Maxwell
on old terms.

I am, &c.,
GODERICH.

VISCOUNT GODERICH TO GOVERNOR BOURKE.

(Despatch No. 135, per ship Andromeda.)

Sir, Downing Street, 14th October, 1832.

14 Oct.

I have received your despatch No. 52 of the 28th April last, reporting the cases of those Public Officers who had been declared Insolvent.

Despatch
acknowledged.

The only cases which require my notice are those of Mr. Simpson and Mr. Bate. As it appears that, before the date of my Instructions on the subject, Mr. Simpson had satisfied in full the claims of his Creditors, I have much pleasure in directing his reappointment to the situation from which he was removed. The statement of Mr. Bate affords no satisfactory reason why he should be exempted from the Rule; and I have, therefore, to confirm his dismissal; but, in consideration of his age and infirmities, I approve of the gratuity of a year's pay being issued to him. Under the circumstances of the case, I do not object to your having retained Mr. Bate's son in the situation filled by his

P. Simpson to
be reappointed.

Dismissal
of S. Bate.

Gratuity
granted.

1832.
14 Oct.
Abolition
of office of
surveyor of
distilleries.

father, nor to the allowance you have granted to him; but, as it appears that the Department of Surveyor of Distilleries is no longer required, I have to desire that, upon the receipt of this despatch, you will abolish it, and adopt some more economical arrangement for the performance of the duties.

I am, &c.,
GODERICH.

GOVERNOR BOURKE TO VISCOUNT GODERICH.

(Despatch No. 107, per ship Waterloo; acknowledged by right hon. E. G. Stanley, 13th April, 1833.)

27 Oct.
Error in
statement *re*
forage
allowance for
T. L. Mitchell.

My Lord,

Bathurst, 27th October, 1832.

Referring to my Despatch of the 22d Sept. No. 97, transmitting an Application from the Surveyor General for an allowance of Forage for four Horses, in which Despatch I stated that Officer to receive an allowance for two, I have now the honor to inform Your Lordship I made that Statement in error, as the Surveyor General does not receive any allowance or Emolument of any Kind beyond his Salary of one thousand Pounds a year.

Allowance
recommended.

Such being the case and Considering that the Superintendent of the Roads, with which the Surveyor General has been lately charged, imposes upon him the necessity of frequent excursions to various parts of the Colony, and considering also that the Officer of his Department, heretofore engaged in this duty, received an allowance of five shillings a day in lieu of Forage for two Horses, I feel myself justified in recommending the Surveyor General for a similar allowance for two Horses.

I have, &c.,
RICHD. BOURKE.

GOVERNOR BOURKE TO VISCOUNT GODERICH.

(Despatch No. 108, per ship Waterloo; acknowledged by right hon. E. G. Stanley, 13th April, 1833.)

28 Oct.

My Lord,

Bathurst, 28th October, 1832.

Financial
estimates laid
before council.

Your Lordship's Circular Despatch of the 4th March last, directing Estimates of Revenue and Expenditure to be laid before the Legislative Council in the Month of June of each Year, did not reach this Colony until the latter end of August. As Soon as possible after its receipt, I laid the necessary Estimates for the year 1833 before the Council, and an appropriation Act has been passed. I have the honor to transmit a printed Copy of both.

Visit of
R. Bourke to
western
districts.

A few days after the passing of this act, I left Sydney on a tour through the Western parts of the Colony, in the belief that

there would not be any opportunity of sending Despatches to England until the middle of the next month, before which time I propose returning to Sydney. Since my arrival here, I have learnt that a Ship is likely to sail sooner than was expected, and I have therefore thought it right to forward a Copy of the appropriation Act, though I am unable at this Place, from the want of official documents, to give Such full explanation upon the Several Matters of expenditure which it embraces, as Your Lordship may probably desire to see, and as it is my duty to lay before you. I can however briefly state that the Estimated Revenue of the Colony for the year 1833, exclusive of Receipts from the property of the Crown, amounts according to the Paper herewith transmitted to £119,515 5s. 8d., deducting from which the Sum of £6,600, the estimated Amount of Spirit Licenses, which by a local ordinance is directed to be paid into the Military Chest in aid of Police Charges, there remains the sum of £112,915 5s. 8d. to meet the expenditure, which as fixed by the Act Amounts to £93,561 2s. 9d., to which is to be added the Sum of £10,000, being the fixed Salaries of the Governor and Judges, making a total expenditure of £103,561 2s. 9d., and leaving a surplus of £9,354 2s. 11d., without taking into account the balance in favor of Revenue, likely to accrue at the close of the present Year.

1832.
28 Oct.

Inability
to explain
expenditure.

Estimates of
revenue and
expenditure.

In further explanation, I beg leave to transmit a printed Copy of a Minute, which I laid before the Council. There is a slight difference between the Amount of the Surplus, as Specified in the last paragraph of the Minute, and that which I have just Stated, arising from the omission of a Pension, which has ceased to be paid in consequence of the death of the Holder. In the totals, both of Revenue and Expenditure, Your Lordship will also perceive that the Sum of £6,600 for Spirit Licenses is included. It has been omitted in the appropriation Act for the reason I have already stated.

A protest was entered by one Member of Council, Mr. John Blaxland, against the grant of £750 to the Colonial Secretary in addition to his Salary of £2,000 a year, and against the Salary of £500 a year proposed to be paid to the Resident at New Zealand. I have the honor to transmit a copy of these Protests extracted from the Minutes of Council. I have, &c.,

Protest by
J. Blaxland
re votes for
A. Macleay and
J. Busby.

RICHD. BOURKE.

[Enclosures.]

[These were printed copies of the estimates for the year 1833, the act of council 4 Geo. IV, No. 4, and the votes and proceedings of the legislative council for the 9th of October, 1832.]

1832.
29 Oct.

GOVERNOR BOURKE TO VISCOUNT GODERICH.
(Despatch No. 109, per ship *Florentia*; acknowledged by
right hon. E. G. Stanley, 12th June, 1833.)

My Lord, Bathurst, 29th October, 1832.

Reimbursement
of T. Evernden
for damages
and costs.

Having found it necessary to sign a Warrant on the Military Chest for the Sum of £304 14s. 5d. to reimburse Thomas Evernden, Esqr., a Police Magistrate at Bathurst, in the amount of damages and Costs to which he became Subject by reason of a verdict had against him at the suit of John Morrison for false imprisonment, I think it right to acquaint Your Lordship with the Circumstances of the case.

Details *re*
imprisonment of
J. Morrison.

A Notorious Robber, who became approver, of the name of Walmsley having Stated in an unsworn examination that an accomplice of his, named Donohoe, had given a Watch, which he believed was Stolen from one Wood a Tinman to a free Settler, overseer to Mr. Cox, of the name of John Morrison, by whom they (Walmsley and Donohoe) had been supplied with Flour and Provisions, the Colonial Secretary was directed by my Predecessor to order the Police Magistrate at Bathurst to arrest Morrison, and keep him with all his Property or alleged property in custody until further orders. Morrison was accordingly apprehended, but, stolen property not having been found on him, he was ordered by the Colonial Secretary to be released after an imprisonment of several days. Morrison Shortly after gave Notice of action against the Police Magistrate Evernden, and the Crown Lawyers were directed to defend him by a letter addressed to the Crown Solicitor on the 11th June, 1831, a copy of which is herewith transmitted. In the month of June last, the action was tried and Evernden cast in £200 damages. A Motion for a new trial was made by Evernden and refused by the Court. The damages and taxed Costs amounted to £304 14s. 5d., for which Sum Mr. Moore the Crown Solicitor requested in July last that I would issue a Warrant, as Evernden was threatened with Execution.

Action brought
by J. Morrison
against
T. Evernden.

Inquiry by
R. Bourke.

Your Lordship is now to be informed that the application from Mr. Moore for payment of Damages and Costs was the first intimation made to me that this Government was in any way concerned in the issue tried between Morrison and Evernden. In consequence of the application, I called for information on the Subject; and, having read the letter of the Colonial Secretary requiring Evernden to apprehend Morrison and further finding that the former had been defended by the Colonial Crown Lawyers, I felt it impossible to resist the application to indemnify

the Magistrate in the full amount of damages and Costs; and, having laid the case before the Executive Council, they concurred with me in this opinion. I directed therefore payment to be made on account of Mr. Evernden from the Military Chest, the expense being chargeable to the Police Establishment of the Colony.

1832.
29 Oct.

Order for
payment.

I regret extremely that I remained in total ignorance of these proceedings, until it was too late to save expense by a prudent concession such as the case demanded. I beg leave to transmit an Extract of Walmsley's Examination and a Copy of the Colonial Secretary's letter to Evernden. No official communication Seems to have passed between this Government and the Law Officers from the 11th June, 1831, to the time of Trial in June, 1832. The enclosed Extract from a letter of the Attorney General States his belief that he held Some conversation with the Colonial Secretary on the Subject, to which he paid little attention as not being official.

Papers
transmitted.

I have, &c.,

RICHD. BOURKE.

[Enclosure No. 1.]

COLONIAL SECRETARY MACLEAY TO MR. W. H. MOORE.

(No. 31/157.)

Sir, Colonial Secretary's Office, 11th June, 1831.

In transmitting to you the accompanying Letters from the Superintendent of Police at Bathurst, the latter reporting that he has been served with a notice by Mr. Poignand of an intention to commence an Action against him at the Suit of the Individual named in the margin* for false imprisonment,

Instructions
for defence of
T. Evernden.

I am directed by His Excellency the Governor to request that, as this man was taken into Custody in consequence of information of his having received from Webber and Walmsley, or at least from one of them, a part of their Spoil and particularly a Watch, you will defend Mr. Evernden in any Action that may be brought against him in this case, it being considered that he is fully indemnified by the 20 Section of the Act of the Governor and Council, No. 12 of the 11 Year of George IV.

ALEXR. MCLEAY.

[Enclosure No. 2.]

THE DEPOSITION OF JOHN WALMSLEY ALIAS WALMERSLY.

In the Supreme Court of New South Wales.

JOHN WALMSLEY, alias Walmersly, saith that he, this Deponent, hath been harboured by Mr. Michael O'Brien of the Seven Hills and John O'Hara and James O'Hara, called his two sons, and who usually reside in his house, and two females, who also reside in his house are also acquainted of the same fact; this Deponent further saith that the said Mr. O'Brien has in his possession Mr. Mowatt's Gold Watch and some India Prints stolen from Mr. McCabe; there is also a quantity of the same description of Prints

Deposition by
J. Walmsley re
stolen property.

* Marginal note.—John Morrison.

1832.
29 Oct.

Deposition by
J. Walmsley *re*
stolen property.

planted in Doctor Harris's bush. The Watches stolen from Messrs. Crawford and Airds are in the possession of the two Mr. O'Hara's; and this deponent further saith that he was in the house of the said Mr. O'Brien for days and nights and received every Information from them to forward his views. This Deponent further says that the two O'Hara's have a farm at little Doole between Wiseman's and Castle Hill where a great deal of Stolen property is planted; there is a remarkable bag belonging to Mr. Hart in this house. The father of these two young men lives there, and it is very probable that some of the stolen property will be found in the house, as he was acquainted of the fact, and it was up there that I was apprised by the two O'Hara's of Mrs. Rogan having Money; and this Deponent further maketh Oath and saith that the whole of the Chalkers, except William, harboured us and received Stolen property from us, and furnished us with flour, etc., for our use; the Names are Daniel and Edward Chalker, and Mrs. Chalker, the Mother, and a man free by servitude called Henry who lives in the family; they have the Watch stolen from Mr. Bowman of Richmond, and also the one stolen from James Turner, who lives at the Cross Keys, Parramatta; they have also some of Mr. Lowe's Prints, stolen from Mr. Windfield's Cart, and also some prints stolen from McCabe; and this Deponent further saith that O'Brien has a quantity of Canvas and also some Calico made up into Shirts, and a Black Coat belonging to Mr. Mowatt, and Mr. O'Brien is wearing Mr. Crawford's Hat; and this Deponent further saith that the McGlynn's of the South Creek, that is to say the old man, his Wife and Daughter and three Sons harboured us for a long time; it was Webber that brought us there. They have a Watch, which was given to them by Webber; and this Deponent further saith that he was harboured by Daniel Cains, an Overseer to Captain Cox, who lives on a farm belonging to him situated at the South Creek; the farm formerly belonged to Captain Piper; there were several persons there who knew of the fact; Thomas Baldwin, a prisoner, and Samuel Jones a Ticket of Leave, and Thomas Chapman, they have frequently seen us there; some of the Prints stolen from McCabe are there. A man of the name of James Burns, who lives at Clarendon with Mr. Cox, and who occasionally comes over to the farm at the South Creek, has frequently seen us there, and has the Watch stolen from Major Innes, and was the first man with John Toole, now a Ticket of Leave man at Newcastle, that harboured Donoghue on his coming from the Mountains. We got Flour, and Tea, and Sugar from Burn' for the Watch, and never got Money from any of them. A Man of the name of John Ling and John Scantlin also harboured Donohue. Scantlin is a Tanner and lives at Clarendon; and this Deponent further saith that a free Settler, Overseer to Mr. Cox, and was formerly Overseer to Dr. West, his name is John Morrison, used to supply us with flour and provisions. Donohue gave him a Watch which Deponent believes was stolen from Wood the Tinman.

Dated this thirteenth day of January, 1831.

Taken in the presence of—

T. MACQUOID.
JOHN GURNER.

[Enclosure No. 3.]

1832.
29 Oct.

COLONIAL SECRETARY MACLEAY TO SUPERINTENDENT OF POLICE AT
BATHURST.

(No. 31/47.)

Sir, Colonial Secretary's Office, Sydney, 17th January, 1831.

I am directed by His Excellency the Governor to request that you will cause a Man of the Name of Morrison in the Service of Mr. Cox to be immediately apprehended, and keep him and all his property, or alleged Property, in safe Custody until further orders.

Order for arrest
of J. Morrison.

I have, &c.,

ALEXR. McLEAY.

[Enclosure No. 4.]

EXTRACT from the Attorney General's Letter Addressed to His
Excellency the Governor, dated 23rd November, 1832.

"In the case of Morrison v. Evernden, which was commenced before I arrived in the Colony, I never had any written communication from the Government; but, when the case was ready for Trial, a Brief was handed to me by Mr. Moore, who informed me that he had received Instructions to defend the case on behalf of the Government. After my arrival here in September, 1831, the case was set down for Trial, but did not then come on (I believe) in consequence of the non attendance of the Special Jury, and other causes prevented its trial until last May or June; during that time I believe there was some conversation on the Subject between Mr. McLeay and me; but, as the matter was not officially Communicated to me, I paid little attention to what was only casually mentioned; on the trial a point was Saved, and though I did not think there was any thing in it, I yielded to the opinion of Mr. McDowell (who received a fee to argue it), and the case was again brought before the Court, when the point was ruled in favor of the Plaintiff."

Statement by
J. Kinchela
re Morrison
v. Evernden.

GOVERNOR BOURKE TO VISCOUNT GODERICH.

(Despatch No. 110, per ship *Florentia*; acknowledged by
right hon. E. G. Stanley, 21st July, 1833.)

My Lord,

Bathurst, 30th October, 1832.

30 Oct.

I have the honor to transmit for His Majesty's gracious allowance Seven ordinances, passed by the Governor and Legislative Council of this Colony at the Session lately brought to a close. It may be proper that I should Submit for Your Lordship's information a brief explanation of the provisions of each of these ordinances, with the reasons which induced me to propose their enactment to the Legislative Council.

Transmission of
acts of council.

3d Wm. 4, No. 1.—The first of these is an Act for Subjecting Vessels coming to New South Wales from certain Places "to the performance of Quarantine." No Quarantine restrictions of any Sort could be legally required previously to the passing of this Law; and, at the time of its introduction, the accounts from Great Britain and information that the Cholera had appeared

Quarantine act.

1832.
30 Oct.

Quarantine act.

on board of one of the Ships conveying Convicts to the Colony had caused considerable alarm in the public mind. The provisions of the Law are similar in principle to those of the Quarantine Act now in force in the United Kingdom. The act passed the Council just as Your Lordship's Circular Despatch of the 31st March, 1832, on the Subject of Quarantine Regulations, reached me; and I was happy to find that the Measures, which had been adopted by this Government, were in accordance with Your Lordship's Instructions.

Act for
regulating
courts of
requests.

3 Wm. 4, No. 2.—This is an Act for better regulating Courts of Requests in New South Wales. This Court was represented to me as answering but imperfectly the objects of its institution, Chiefly because its Sittings were confined to a few Places in the County of Cumberland and to the Town of Maitland, whilst other Places with a considerable population were either wholly deprived of the benefit of such a Court, or felt its operation injuriously by reason of Defendants being frequently Summoned for a trifling or fraudulent demand to attend a Court of Requests held at the distance of perhaps one hundred Miles from their usual places of abode. These and Some other imperfections of the former Act have been remedied by the present; but the expense will be increased by the opening of New Courts and by the augmented travelling charges of the Commissioner, which the fees of the New Courts will hardly Cover. The fact is, the appointment of one Commissioner for the whole Colony, with a Salary of £800 a year, has not proved a convenient arrangement. For a sum considerably less than the Salary and travelling Charges of the Commissioner, a greater Number of Courts presided by Competent Persons with or without the aid of assessors, might be constituted, and the business conducted in a simple and Satisfactory form. If at any future time an opportunity should offer of appointing Commissioner Therry to another Law Office in the Colony, I would earnestly recommend to Your Lordship to establish Courts of Requests here upon the Moderate and Useful Scale adopted for such Institutions in England. The saving of Expense will be considerable and the Convenience of the Public better consulted than at present.

Reforms
proposed.

Act for
amending
criminal law
relating to
convicts.

3d Wm. 4, No. 3.—This is "an Act to consolidate and amend the Laws for the Transportation and Punishment of offenders in New South Wales, and for defining the respective powers and Authorities of General Quarter Sessions, and of Petty Sessions, and for determining the Places at which the Same Shall be holden; and for better regulating the Summary Jurisdiction of Justices of the Peace, and for repealing certain Laws and Ordinances relating thereto." The necessity for some act, which

Should place that portion of the Criminal Law of the Colony, which chiefly affects Convicts, upon a clear and intelligible footing, was forced upon my attention by the illegal Sentences, which Magistrates were daily passing upon Convicts brought before them, arising in a great degree from the confused State of the Law they were required to administer. The Subject Matter was contained in four ordinances, and it Certainly required Considerable care and application to make out the exact meaning of the Legislature in many cases. The Chief Justice concurred with me in the expediency of Consolidating in one act the matter dispersed in four, of adopting a clearer arrangement, and at the same time of making a few alterations in Some of the provisions of the Law. These Consist chiefly in diminishing transportation to Penal Settlements, and substituting in place Labor in Irons on the Roads and public Works of the Colony. The power, formerly possessed by any two Justices of sending a Convict to a penal Settlement for three Years, is now withdrawn. It is now Confined to the Justices in Quarter Sessions, who under the English act, 9 Geo. 4, Cap. 83, exercise a Summary jurisdiction over Convicts. Any two Justices in Petty Sessions may, on the other hand, Sentence a Convict to two Years' labor in Irons. The expense and loss of useful labor, attendant upon transportation to Penal Settlements (to which Magistrates were too apt to Sentence Convicts for trifling offences), induced the Chief Justice to concur with me in the propriety of this alteration in the policy of the law.

1832.
30 Oct.
Necessity
for act.

Alterations in
provisions of
previous laws.

Another change has been introduced by enacting that Persons, having been born or arrived free in the Colony, shall not for a first transportable offence be transported to a Penal Settlement. It was thought right to make this distinction between Settlers and Convicts. It would not have been convenient to have kept the former in Servitude within the Colony. I have therefore named Van Diemen's Land, under the provisions of the 6 Geo. 4, Cap. 96, as the place to which Criminals of this Class are to be transported. The Lieut. Governor of that Colony will assign to Settlers in remote Stations the very few Persons who may be sent there under this Law, and their banishment and Servitude will thus be complete.

In other respects, if I except some Mitigation in the Severity of Corporal punishment, this Law is little more than a clearer arrangement of the former Statutes, with such corrections and Emendments of expression, as will I trust prevent the recurrence of the many errors into which those, who are charged with the administration of the Law, were formerly led. It has been chiefly drawn by the Chief Justice, to whom I am under much

1832.
30 Oct.

Act re standard
weights and
measures.

obligation for the great attention he gave to the Subject, both before its introduction into the Council Chamber and during its progress through it.

3 Wm. 4, No. 4.—This is “an act for establishing Standard Weights and Measures, and for preventing the use of such as are false and deficient.” The gross Frauds, which were hourly committing by the use of false weights and measures, called for the correction of the Law; but, until Some Standard Should be established, it was deemed impossible to remedy the evil. It then became a question whether the old or New English Weights and Measures Should be declared the Standard in New South Wales, which question was decided by its being found upon enquiry that no Authorised Set of weights and Measures of the Old Standard could be procured; but, from the Commissariat, a standard Set of Imperial Weights and Measures, Sent out by the Lords Commissioners of the Treasury, has been obtained, which, being lodged in the office of the Colonial Treasurer, are declared the Standards of New South Wales, by which all Copies and Models are to be compared and verified. A Standard Yard has been obtained from the Office of the Surveyor General.

The Weights and Measures heretofore used by the Customs and Excise in the Collection of the Revenue are continued; but, by a clause in the act, The Governor is empowered, upon receiving His Majesty’s Commands to such effect, to direct by proclamation the use of the Imperial Weights and Measures in those Departments, and to regulate the duties accordingly. As it will be found convenient not only in the Commercial transactions of the Colony but with reference to the intercourse with England, to adopt one Uniform Scale of Weights and Measures, I shall hope to be authorised to issue the proclamation without delay.

Act for
preventing
extension of
scab in sheep.

3 Wm. 4, No. 5.—“An act for preventing the extension of the infectious disease, commonly called the Scab in Sheep or Lambs in the Colony of New South Wales.”

The principal Graziers of the Colony, whose Flocks became infected as they assert by the negligence or malice of those Small Settlers depasturing Sheep near them, called loudly for the enactment of a Law, which Should protect their property and the great Staple of the Colony from the destruction with which it is threatened. The Scab is here a More Serious disease than in Europe and renders unsaleable, or reduces greatly in value, the wool of those animals that are infected. Several meetings of the Principal Wool growers and Sheep Breeders in the Colony were held and their opinions collected upon the Subject, before the Law was passed in the Council. It was found difficult to introduce any Measure, which appeared likely to prevent the spread of the

disease, without at the same time interfering oppressively with the right of private property. The act now presented for allowance is avowedly but an experiment; but it is hoped it may induce those, whose Sheep are diseased, to pay more attention to the Cure. The Subject is certainly one of great importance to the Colony.

1832.
30 Oct.

3 Wm. 4, No. 6.—“An Act for the better preservation of the Ports, Harbours, Havens, Roadsteads, Channels, Navigable Creeks and Rivers in New South Wales, and the better regulation of Shipping in the Same.” It is hardly necessary to observe that a Law of the description Set forth in the Title of this Act is required in every Country possessing Ports and Harbours. Some public injury has been Sustained by the quantity of Ballast thrown into the Harbour at Newcastle, and by other Nuisances Committed in Sydney Cove and elsewhere. It has been thought right to legalize by this Act the Several Port Charges which were before demanded upon rather a doubtful title. The charge for Wharfage, against which well grounded complaints existed, has been placed upon an equitable footing. The amount to be Collected will be more than sufficient to cover all expense attendant upon the Construction and repair of the Wharf, and will probably fall but little short of the Collections of former Years.

Act for preservation of ports, harbours and waterways.

3 Wm. 4, No. 7, Is the appropriation act for the Year 1833, which I have had the honor to transmit to Your Lordship with my Despatch of the 28th of October last, No. 108.

Appropriation act.

In addition to the Seven Acts now enumerated, the Council passed three private Bills, of which I need only give the Titles to enable Your Lordship to judge of their objects. I should add, however, that they contain Clauses in Conformity to Instructions by which their operation is suspended, until His Majesty's allowance shall be made known in the Colony. I shall hope therefore to receive His Majesty's Commands for their Confirmation by the earliest opportunity, as the Parties interested are desirous they should become Law as Speedily as possible. The Crown has also an interest in the allowance of the Act, enabling the Trustees of the Scots Church to Mortgage their Property, as it is by this Mortgage the payment of a Loan, lately made from the Colonial Treasury in furtherance of the erection of the Australian College, is to be Secured.

Private bills.

The three Private Bills are entituled as follows:—

“An act to enable the Members of a Certain Society in the Colony of New South Wales, denominated ‘the Benevolent Society,’ to Sue and be Sued in the Name of their Treasurer for the time being, and for other purposes therein mentioned.”

Benevolent society act.

1832.
30 Oct.

Australian
Marine
Assurance
company act.

“An Act to enable the proprietors of a certain Joint Stock Company, carried on in the Town of Sydney, in the Colony of New South Wales, under the Name, Style or firm of the ‘Australian Marine Assurance Company,’ to Sue and be Sued in the Name of the Chairman of the Said Company for the time being, and for other purposes therein mentioned.”

Act to enable
trustees of
Scots church to
mortgage lands.

“An Act to enable the Trustees of the Scots Church in Sydney in the Colony of New South Wales to grant a Mortgage to Government on the Buildings now erecting on their allotments, for the Amount of a Loan advanced by Government, to enable the Said Trustees to erect the Said Church, and also for the Amount of a further Loan advanced by Government, in Aid of the Establishment of the Australian College.” I have, &c.,

RICHD. BOURKE.

GOVERNOR BOURKE TO VISCOUNT GODERICH.

(Despatch No. 111, per ship Florentia.)

31 Oct.

Payment
of claim by
military chest
on treasury.

My Lord,

Bathurst, 31st October, 1832.

In reply to Your Lordship's Despatch of the 23d October, 1831, No. 37, forwarding a Claim on the Treasury of this Colony amounting to £5,389 10s. 6d., alleged to be due to the Military Chest on account of the Military Expenditure of this Station for the Year 1826 and 1827, I have the honor to inform You that, having referred the claim to the Assistant Commissary of Accounts and Colonial Auditor, the Sum of £1,118 9s. 5¼d. appeared to be due for Provisions, Fuel and Light furnished to the New South Wales Royal Veteran Companies for the half year ended the 24th December, 1827, which Sum was voted by Council on the 2d Ultimo, and has been paid into the Military Chest accordingly.

I have, &c.,

RICHD. BOURKE.

GOVERNOR BOURKE TO VISCOUNT GODERICH.

(Despatch No. 112, per ship Florentia.)

1 Nov.

Explanation
of accounts.

My Lord,

Bathurst, 1st November, 1832.

In reply to Your Lordship's despatch of the 22d October, 1831, No. 36, enclosing a letter from the Commissioners of Colonial Audit, requiring information upon certain Items Contained in the Accounts of the Treasurer of New South Wales for the Year 1826, I have the honor to transmit, in the enclosed Paper,* Such information as I have been able to obtain upon the matters referred.

I have, &c.,

RICHD. BOURKE.

* Note 219.

GOVERNOR BOURKE TO VISCOUNT GODERICH.

(Despatch No. 113, per ship Florentia.)

1832.
2 Nov.

My Lord, Government House, 2d November, 1832.

Many circumstances, public and private, which I will not take up Your Lordship's time in enumerating, have prevented Until now the fulfilment of Your Lordship's to transmit a Report upon the State of the Government House in Sydney. I now proceed to obey those commands by reporting on the condition of the building as it now Stands, Upon the expediency of erecting a New House on a different Site, and of giving up to the Public, for the purposes of Quays, Wharfs, and Store Houses, a portion of the ground on the Eastern Side of Sydney Cove, now enclosed within the Government Gardens.

Report on
government
house at
Sydney.

In the first place, I have to observe that the present Government House* in Sydney is a collection of Rooms built at different times by Successive Governors, and is in consequence not only extremely inconvenient and unsightly, but in Such a bad state of repair, as to demand the immediate expenditure of a large Sum of Money to render it habitable and decent. The Roof and flooring are in many parts decayed and the bad Smells, which prevail in the principal Sitting Room, are not only Unpleasant but unwholesome. So bad indeed was the condition of this house Considered to be upon the close of Sir Thomas Brisbane's Government, that Lord Bathurst authorized General Darling to commence building a New one immediately on his arrival here in 1826. This permission, as Your Lordship is aware, was not acted upon; and, Since that period, nothing has been done for the improvement, and but little towards the repair of the old House, and it has now reached that state of deterioration, in which it would be a waste of Money to expend any large Sum for its preservation.

Having then ascertained the inexpediency of attempting to make the present Government House a suitable habitation for a Governor, who is to have but one official residence,† I considered in what way a New House might be built with least expense to the public. I directed the Surveyor General, on returning from his expedition to the North West, to consider and report upon the Subject, and after Several Conferences and frequent examination of the Ground, he has prepared the accompanying Report, in the main points of which I entirely concur. I approve of the Site‡ he has chosen for the New House, and of the Surrender of the ground required for the New Quay and Buildings; Perhaps that part of his Plan‡ which contemplates the improvement of the Town, by the sacrifice of such good Houses as those of the Chief Justice and Colonial Secretary, may be for the present abandoned.

Arrangements
proposed for
erection of
new house.

* Note 151.

† Note 220.

‡ Note 198.

1832.
2 Nov.

Value of
allotments in
Sydney cove.

General plan
for new house.

Proposed
preparation
of plans,
specifications
and estimates
in London.

Expected vote
by council.

Area of land
to be enclosed.

The Sum, which the Surveyor General calculates the Sale of the Water Side allotments in the Government Gardens would produce, is not taken too high at £15,400, if the allotments be sold at such intervals of time as the apparent demand for such Situations shall seem to require. For this Sum, it is presumed the construction of a Moderate House and the enclosure by a brick Wall of the Garden and Grounds (an indispensable protection to a residence situated almost in the heart of such a Town as Sydney) may be accomplished. Rooms in the present Stables* (which Your Lordship may be aware were built by Governor Macquarie on a handsome Scale) will accommodate Several Servants; and the principal building, though it must necessarily contain some large Rooms for Company, need not have many Sleeping apartments. I could have wished to have transmitted a plan and Estimate of such a Building as appeared to me suitable, but I am obliged to confess that there is no person here, in whose professional experience as an Architect I can place any reliance with reference to a Work of the Kind. I have therefore stated the number of Rooms of which I think the House should consist, and transmit a drawing of the Stables near which it is proposed to place the new House, in order that the professional Person in London, from whom I would propose to obtain a Plan and Elevation, may judge of the Style of building, which will harmonize with that of the Stables, and with the Scenery of the Site upon which the House is to be Situated.

If Your Lordship shall approve of a New House being built in the manner now proposed, I have to request that You will instruct the Agent to procure, without delay from some Eminent Architect in London, Plans and Elevations of the principal Building and Entrance Lodges, with Specifications, Working Plans and drawings, and an Estimate of the expense of each Building at London Prices. The probable Cost of the building at Sydney may afterwards be worked out by means of a Schedule of Sydney Prices, which I transmit herewith. I forward also an Estimate of the expense of the enclosing Wall. Your Lordship may thus form an opinion of the whole expense of the Governor's Residence upon the proposed Plan. The Council are fully aware of the propriety of providing a suitable one, and will I have no doubt readily Vote Such a sum as Shall appear necessary for its completion on a moderate Scale. Notwithstanding the extravagant Estimate of the enclosing wall, I should hope the whole might be completed for the sum at which the Water Side allotments are valued, namely about £15,000.

Your Lordship should be informed that, exclusive of a small Kitchen Garden, the Land about 47 Acres to be enclosed as the

* Note 151.

Government Grounds contains nothing that can be turned to any profitable use, being almost wholly rock and scrubby under-wood. It scarcely affords the Maintenance of three Cows. It will therefore be indispensable to allot Grose Farm,* containing 200 Acres, for the use of The Governor. This Farm is just without Sydney, the Soil of but Moderate fertility and badly watered. The whole farm will do little more than keep the Number of Cows required for the House, and provide Hay for Horses. The expense of Labor and Implements for the Management of this Farm should be borne by The Governor; that of supporting the few Farm buildings now upon it Should be Charged to the Public.

1832.
2 Nov.

Proposed use
of Grose farm
for governor.

I have made this proposal Under the Supposition that Your Lordship may not Choose to depart from an intention† lately expressed of depriving the Governor of the Country House at Parramatta. Were Your Lordship fully acquainted with the endless labor and detail, and the personal importunity attending the administration of this Government, and with the expense consequent upon a constant residence in Sydney, I am convinced You would not hesitate to allow the Governor the partial rest from fatigue and Needful economy of Money, which an occasional retirement to the Country affords him. I believe I am correct in stating that neither the Council nor the Public Seem to call for the Surrender of the Parramatta House.

Desire for
maintenance of
government
house at
Parramatta.

I have, &c.,

RICHD. BOURKE.

[Enclosures.]

[Copies of these papers are not available.]

GOVERNOR BOURKE TO VISCOUNT GODERICH.

(Despatch No. 114, per ship Florentia; acknowledged by right hon. E. G. Stanley, 23rd May, 1833.)

My Lord, Government House, 3d November, 1832.

3 Nov.

I beg leave to acknowledge the receipt of Your Lordship's despatch of the 25th January last, No. 62, in the last paragraph of which You have been pleased to sanction the addition of two Stipendiary Magistrates to the Number of those employed in the Colony at that time amounting to Nine, exclusive of two Police Magistrates in Sydney. I have not hitherto found it necessary to avail myself of Your Lordship's permission, having on the contrary thought it possible to reduce three of the Nine, who, being Military Officers and belonging to the 39th Regiment, were necessarily to be displaced on the embarkation of their Corps for India. In the vicinity of two of the Stations where

Authority for
increase of
stipendiary
magistrates.

Reduction
in number.

* Note 215.

† Note 220.

1832.
3 Nov.

Bench of
magistrates at
Campbelltown
and Emu plains.

Magisterial
duties at Bong
Bong.

Requests for
appointment
of magistrates.

Proposed
itinerant
magistrate.

Alteration in
system for
control of iron
gangs.

those officers were placed, Campbelltown and Emu Plains, I found so many Resident Proprietors of reputation and intelligence, most of them holding Commissions of the Peace, that I thought it right to call upon them to exercise the functions, for which they are so well qualified, and at once to augment the respectability of their Character, and render a valuable Service to the Colony. They have answered to this call and Benches are established at both the places I have mentioned, where the duties of the Magistracy are very satisfactorily performed. At Bong Bong, where the third Military Officer was Stationed, the duty of Magistrate is as yet discharged by one Person only, but he is active and intelligent, and I hope to procure him a colleague shortly. It is possible, however, I may be obliged to renew the appointment of a Stipendiary at that place.

On the other hand, I have had pressing applications for Magistrates at other Places, to which it will be necessary to send Stipendiaries, if the applications are to be acceded to. I have not yet decided on the point, having it in contemplation to appoint an Itinerant Justice, to hear periodically at certain places the complaints of Masters against their assigned Servants, and Vice versa. Complaints of this nature being the Subject Matter of nine tenths of the Magisterial business of the Colony, and any difficulty or delay in hearing Such Complaints, more especially those of the Master, furnish the Motive for the pressing applications I have received for the appointment of New Magistrates.

Having endeavoured as much as possible to diminish expense in the appointment of magistrates, I have however found it unavoidable to add to the charge for Convicts in another way. It has been necessary to place Ironed Gangs under a Stricter control than they have hitherto experienced. It was a general and a well founded complaint that little labor was performed by these Convicts, and that the frequent escapes from the Gangs filled the roads with Robbers. This imperfect Management, I attributed in a great degree to the Gangs having been placed under overseers of the Convict Class, appointed by the Surveyors of Roads. I have thought it right therefore to remodel the Gangs entirely, and to place the whole under the charge of the Principal Superintendent of Convicts. Under him are Superintendents and Constables at each of the Stockades, who have the legal custody of the prisoners, and discharge, in Conformity to a code of Regulations, duties Similar to those of Gaolers and Turnkeys in permanent Prisons. To aid these Persons in providing for the Safe Custody of the Convicts, a Military Guard is Stationed at each Stockade. The direction of the work to be performed by the Convicts remains as before with the assistant Surveyor, who

is moreover empowered by the late Act of Council, 3d Wm. 4, No. 3, to punish by whipping, not exceeding 50 Lashes, any disobedience, neglect of Work, or other Misconduct of the Convicts.

The Short time that this system has been in operation will not allow me to say more of its efficacy than that as yet there has certainly been more work done, with fewer escapes than formerly.

The Superintendents are paid at 4s. per day each, the Constables at the usual rate for free Men of 2s. 3d. One of the former is placed at each Stockade, and one Constable to every 75 Convicts. Not more than two Superintendents and Seven Constables are as Yet appointed, but it will be necessary to augment the Numbers, if the Convicts encrease, as will probably be the fact, the late Act of Council* having in many cases Substituted a Sentence to labor in Irons on the Roads for transportation to a Penal Settlement; A measure, which I am in hopes may enable me at no distant period to propose to Your Lordship to do away with the expensive establishment at Moreton Bay. These appointments being all under £100 per Annum, and being in my opinion absolutely necessary for the better ordering of the Convicts and the Security of the Settlers, I hope Your Lordship will approve of my having availed myself of the Authority given by the Secretary of State's Despatch of _____ to carry it

into immediate effect. I should indeed observe that, with respect to expense, the System which I have now adopted will effect a saving, as I have been enabled to reduce the Number of Road Parties and Convict overseers, appointed by the Surveyors of Roads, to an extent that will produce a saving fully counter-voiding the charge for Superintendents and Constables. But the Saving being effected in that part of the Establishment which is paid by the Colony, whilst the additional charge for Superintendents (being to provide for the Safe Custody of the Convicts) is properly defrayed by the Military Chest, without this explanation, the arrangement I have detailed might appear to create an expense without any compensating reduction.

With respect to the reductions in the Constabulary Force made by my Predecessor a Short time before his departure, to which Your Lordship alludes, I am sorry I cannot recommend to Your Lordship to place much reliance upon it as a measure of economy. There has been a constant inconvenient and discreditable change of Peace Officers to be Noticed in almost every Gazette that has been published since I came into the Colony. The low paid Convicts are not to be trusted. They are gradually displaced by the Justices, and free Men at 2s. 3d. a day are

1832.
3 Nov.

Alteration in
system for
control of iron
gangs.

Criticism of
reductions in
constabulary
force.

* Note 221.

1832.
3 Nov.

Difficulties
in providing
police force.

recommended. It is indeed difficult under any arrangement to procure good Constables in the Colony; and, though I have lately addressed a Circular to the Magistrates on the Subject, I have little hopes of seeing for many years a decent Constabulary Force in New South Wales. Again, as to the Number, I have been compelled by the reiterated clamour of the Magistrates to appoint additional Constables in many of the Districts. When Your Lordship considers the constant accession of Convicts from Europe, You can neither wonder that this demand should be made, nor that I should be obliged to comply with it.

I have, &c.,

RICHD. BOURKE.

GOVERNOR BOURKE TO VISCOUNT GODERICH.

(Despatch No. 115, per ship Florentia; acknowledged by right hon. E. G. Stanley, 30th April, 1833.)

My Lord,

Government House, 3d November, 1832.

Request
by Revd.
J. McEneroe for
increased vote
for schools.

I have the honor to transmit a letter to Your Lordship from the Revd. J. McEneroe, one of the Roman Catholic Chaplains in this Colony. The sums, voted by the Legislative Council for the Roman Catholic Clergy and Schools for the year 1833, are £450 for Chaplains, and £350 for School expenses. I certainly concur in opinion with Mr. McEneroe that a larger Sum Should be appropriated for the instruction of His Majesty's Roman Catholic Subjects in this Colony. At least four Chaplains are required, and an Annual Sum of £800 for Schools.

I have, &c.,

RICHD. BOURKE.

[Enclosure.]

[A copy of this letter is not available.]

GOVERNOR BOURKE TO VISCOUNT GODERICH.

(Despatch No. 116, per ship Florentia; acknowledged by right hon. E. G. Stanley, 24th June, 1833.)

My Lord,

Government House, 3d November, 1832.

The accompanying application from the Archdeacon of New South Wales has been put into my hands for transmission to Your Lordship. Mr. Broughton requests permission to proceed to England to lay before Your Lordship his views of the present State of the Church and of general Education in this Colony. I am disposed to think that much benefit may result from the Archdeacon's explanations upon Several important points.

Request by
Revd. W. G.
Broughton for
leave to visit
England.

connected with those Subjects; and, as I do not apprehend any great inconvenience from his absence for a limited time during the period he mentions, I beg leave to recommend a compliance with his request. I enclose by the Archdeacon's desire a letter he addressed to me some short time ago upon the Same Subject. I did not think I could with propriety accede to his application to leave the Colony at the time he proposed, as the proper instrument for dissolving the Corporation may be immediately expected to arrive, and the presence of the Archdeacon will be necessary in making the arrangements consequent upon so material a change in the constitution of Church affairs. At a future opportunity, I shall have the honor of Submitting to Your Lordship's Consideration Some observations upon the State of this Church, more especially upon the necessity of building Glebe Houses for the Chaplains and placing them permanently in Convenient Situations as required by the growing population of the Colony.

I have, &c.,

RICHD. BOURKE.

[Enclosure.]

[A copy of this letter is not available.]

GOVERNOR BOURKE TO VISCOUNT GODERICH.

(Despatch No. 117, per ship Florentia; acknowledged by right hon. E. G. Stanley, 2nd September, 1833.)

My Lord,

Government House, 3d November, 1832.

At the repeated request of Mr. Assistant Surveyor Kentish, I transmit a letter addressed to Your Lordship complaining of the Conduct of the Surveyor General towards him. I regret to say that the letter is not couched in those terms which Should alone be used in communications of this nature, and that Mr. Kentish has adopted a very dangerous and indecorous measure in prefixing an affidavit of the truth of the assertions and Statements Contained in his long and desultory letter. I represented in vain to Mr. Kentish the imprudence of his proceeding; and, though I required him to make some change in the language he employed, when Speaking of the Surveyor General, he has still left too much evidence of the angry feelings under which he has written and sworn to his declarations. With regard to the Complaints of Mr. Kentish, I had previously examined them, and found nothing to justify the step he has taken. He had acted very hastily and imprudently, and laid himself open to the censure of the Head of his Department; and his general conduct

1832.
3 Nov.

Request by
Revd. W. G.
Broughton for
leave to visit
England.

Complaint of
N. L. Kentish
against
T. L. Mitchell.

Inquiry re
complaint.

1832.
3 Nov.
Conduct of
N. L. Kentish.

since has been so eccentric, irregular and insubordinate, as to render it impossible for the Surveyor General to Sign the Certificate required for the Annual Augmentation of Salary to officers of his Department.

Proposed
dismissal of
N. L. Kentish.

Mr. Kentish is now holding an appointment of very little labor, as compared with that which others in his line are called on to exert; and, by patience and good Conduct in this Situation for a year, he might have entitled himself to the Augmented Salary. I fear however that he is quite impracticable, and it is my intention, when an opportunity occurs of reducing the Surveyor General's Department to displace Mr. Kentish, allowing him the gratuity authorized by Your Lordship's despatch of the 29 September, 1831, No. 27. I have announced this intention to Mr. Kentish.

I have, &c.,
RICHD. BOURKE.

[Enclosure.]

[A copy of this letter is not available.]

VISCOUNT GODERICH TO GOVERNOR BOURKE.
(Despatch No. 137, per ship Andromeda.)

5 Nov.
Despatch
acknowledged
re Revd.
F. Wilkinson.

Sir,

Downing Street, 5 November, 1832.

I have received your despatch No. 36 of the 16 March last, relative to the Revd. Frederick Wilkinson. I have the honor to acquaint you, in reply, that I have called the attention of the Bishop of Calcutta to the proceedings forwarded to his predecessor, connected with this case, and I trust that an early communication will reach the Colony upon the subject of it, in order that the Services of Mr. Wilkinson may be restored to the Colony, should his Lordship be of opinion that this Clergyman's Offences are not of that serious nature as to render it expedient to deprive him of his situation, or that the Salary of which he is at present in the receipt may be withdrawn in the event of his Lordship's decision being unfavorable to him.

I am, &c.,
GODERICH.

VISCOUNT GODERICH TO GOVERNOR BOURKE.
(Despatch No. 138, per ship Andromeda.)

6 Nov.
Despatch
acknowledged.

Sir,

Downing Street, 6 November, 1832.

I have the honor to acknowledge the receipt of your despatch No. 35 of the 15th of March last, submitting for my consideration the application of the Revd. J. Cross for leave to select four sections of land, as portions for his two Daughters, in

conformity with the Instructions of Secretary Sir George Murray, dated the 25th of May, 1829; and I have to acquaint you, in reply, that, as the Regulations lately established for the disposal of Crown Lands have abrogated all others even those upon which the present application is founded, I have only to express my regret that I do not feel at liberty to grant the permission solicited by Mr. Cross to select four sections of land for the object in question. General Darling, on the abolition of the former system, very properly discontinued the practice of granting land as marriage portions to the children of the Colonists generally, and the same course should be immediately adopted in respect to the children of the Clergy to whom Grants of land upon the same principle were allowed, on their arriving at the age specified. It is not, however, my intention to withdraw from the families of deceased Clergymen the provision set apart for them according to the principle notified in my despatch No. 26 of the 22d of March, 1831.

1832.
6 Nov.

Refusal of request by Revd. J. Cross for land.

Abolition of land grants as marriage portions.

I am, &c.,

GODERICH.

VISCOUNT GODERICH TO GOVERNOR BOURKE.

(A circular despatch per ship Andromeda.)

Sir,

Downing Street, 7th Novr., 1832.

7 Nov.

I have the honor to enclose to you a copy of certain Instructions, which, by His Majesty's Commands, have been addressed to the Lords Commissioners of the Admiralty for the purpose of being conveyed to the Officers Commanding His Majesty's Naval Forces in the East and West Indian Stations; and I am to signify to you His Majesty's Commands that, as far as depends upon yourself, you are to conform to those Instructions, and to act in concert with His Majesty's Naval Forces.

Transmission of naval instructions.

I am, &c.,

GODERICH.

[Enclosure.]

VISCOUNT PALMERSTON TO LORDS COMMISSIONERS OF ADMIRALTY.

My Lords,

Foreign Office, 6 Nov., 1832.

With reference to my letter of this day signifying to your Lordships the pleasure of His Majesty with respect to the Instructions to be given to the Commanders of His Majesty's Ships of War, in pursuance of the order in Council for imposing a general Embargo on all Ships and vessels whatsoever belonging to the King of the Netherlands,

Instructions re embargo on ships of the Netherlands.

I am commanded by His Majesty to inform you that it is His Majesty's pleasure that the above mentioned Instructions shall not,

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7 Nov.

Instructions
re embargo on
ships of the
Netherlands.

for the present, be given to the Naval Officers in the East and West India Stations. Considering the remoteness of those stations, and the possibility at least of a change of circumstances in Europe at no distant period, it is His Majesty's Pleasure that the Naval Officers, commanding His Majesty's Ships on the East and West India Stations, should be instructed not to commence operations in execution of the Embargo till they receive further orders from your Lordships.

In the meantime, they should narrowly watch Java on the one Station and Surinam on the other, and if any Privateers should be fitted out in those settlements, or if any Captures of British Vessels should be made or attempted by Armed Ships under Dutch Colors, then, but not till then, those Naval Officers should proceed to give effect to the Embargo, and they should detain all vessels they may meet with bearing the flag of the King of the Netherlands.

I have, &c.,

PALMERSTON.

[*The London Gazette extraordinary, dated 7th November, 1832, was also enclosed.*]

VISCOUNT GODERICH TO GOVERNOR BOURKE.
(Despatch No. 139, per ship Andromeda.)

Sir,

Downing Street, 7 November, 1832.

Despatch
acknowledged.

I have the honor to acknowledge the receipt of your despatch No. 56 of the 3d May last, enclosing a letter from Lt. Colonel Parker of the East India Company's Service, complaining of the Exclusion of the Company's Officers from a participation in the benefits enjoyed by His Majesty's Officers in regard to land in the Australian Colonies.

Limitation of
concessions to
officers on
purchase of
land.

Since the adoption of the system of selling the Crown Lands, it has been thought expedient strictly to confine the participation in the benefits, enjoyed by Officers of the Regular Army, to those Classes who had previously been allowed to benefit by them, and in consequence, several applications from Commissariat and other Officers have been rejected. Independently, therefore, of the objections entertained by the Court of Directors to the extension of the privileges in question to the Officers in their service, I do not feel myself at liberty to sanction the measure for the reason I have stated, especially as I do not imagine that many officers would be induced, by a remission of the purchase money, to select a retreat in New South Wales in preference to their Native Country. It should be borne in mind, also, that these advantages were intended as an Encouragement to Officers to undertake the risk and expence of a long Voyage from this Country,

considerations which do not operate in the case of the Indian Army because the Voyage must be encountered, should they propose to return to England; and, if they decide upon spending their days in Australia, they have a less distant and consequently less expensive voyage before them.

I am, &c.,
GODERICH.

1832.
7 Nov.

Special
conditions of
officers of
E.I. company.

UNDER SECRETARY HAY TO GOVERNOR BOURKE.

(Despatch per ship *Andromeda*: acknowledged by Governor Bourke.
20th March, 1833.)

Sir, Downing Street, 8 Nov., 1832.

8 Nov.

I am directed by Viscount Goderich to transmit to you a copy of a letter from Joanna Bate, enclosing an account (extracted from a Sydney paper) of a person, who has been forcibly detained in one of the South Sea Islands, and whom she imagines to be her Brother. I am to request that you will send home, for her information, any particulars you can collect respecting John Matthews, and, if you should have an opportunity of procuring his escape by means of Vessels trading to those Islands, Lord Goderich would not be unwilling to sanction a *small* outlay for this humane object.

Instructions for
report *re* and
assistance for
J. Matthews.

I am, &c.,
R. W. HAY.

[Enclosure.]

JOANNA BATE TO VISCOUNT GODERICH.

My Lord, Upper Batter Street, Plymouth. 18th Octr., 1832.

Herewith I humbly beg leave to enclose a part of the Sydney Herald of January last, as from many circumstances I have reason to suppose the therein mentioned John Mathews is my Brother.

Request for
report *re*
J. Matthews.

He left Plymouth about 5 years ago in a very mysterious manner, and all our exertions to trace him further than London were unavailing. As the time of his reported Capture agrees with that of his disappearance, I am induced most respectfully to beg your Lordship will be pleased to inform me if any account of this, my supposed Brother, has been received at your office and whether any means have been used to obtain his release.

I, as also his unhappy wife, will ever be most grateful for any information your Lordship may be enabled to afford us.

I have, &c.,
JOANNA BATE.

[Sub-enclosure.]

EXTRACT FROM SYDNEY HERALD,* DATED JANUARY, 1832.

Curious Discovery.—From the Sydney Herald.—Information has reached Sydney the existence of a young man named Mathews, who was captured about three years ago by the natives of an island called Malanta, near the New Hebrides in the South Seas. It may be recollected that, about the time mentioned, the Alfred whaler was off that island fishing; and, in a dispute between the Natives and the crew, the Captain and several hands were murdered, and a mate (the person now discovered)

Reported
capture and
detention of
J. Matthews
in South Sea
islands.

* Note 222.

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Reported
capture and
detention of
J. Matthews
in South Sea
islands.

was carried off a prisoner and never since heard of. The manner, in which the unfortunate young man has at last made himself known, was by cutting his name, the particulars of his capture, and his present situation (which he represents as miserable) on a piece of bamboo, and then giving it to the natives to trade with. Not understanding the characters, and supposing the bamboo to be an original piece of tatto work, they bartered it away amongst other things to one of our Colonial whaling Captains (Captain Harwood of the Hashmy) who retains it in his possession. We are informed that a humane attempt will be made to purchase this unhappy fellow from the savages.

Since the above was written, the schooner New Zealand has arrived in Sydney from Malanta and other places, and brings up more particulars of the fate of Mathews. Captain Hedges has in his possession a letter, and a carved cocconut which were brought on board by a native from the prisoner, the subject of this narrative. The following is a literal copy of the letter. Sir. Be kind to the natives, as my life is in their hands. I am alive, after a long illness from the wounds I received. Write me the particulars if a ship killed any of the natives on the other side of the Island. They say our ship killed 3 men. They keep me close, and will not let me come near the ship. Make him a present of something showy; his name is Bolowwa. If you will send me a shirt and a pair of trowsers, I will be much obliged to you. I am in state of nature. A ship may get a good supply on this Island by making friends with them. Give the men something to eat, as it is a great friendship with them. Write to me the particulars what ships are cruising off this Island. I live on the north side of this Island. Be careful of the natives. They are forming a plan to take a ship. Do not come without fire arms. They are cannibals. If I can once get a note from you, I can form a plan to get away.

I am, &c.,

JOHN MATTHEWS.

VISCOUNT GODERICH TO GOVERNOR BOURKE.

(Despatch No. 140, per ship Andromeda.)

9 Nov.

Sir,

Downing Street, 9th November, 1832.

Objections
to imposts on
shipping and
merchandise.

My attention has lately been called to certain Charges and Fees levied on Merchandise imported into Sydney, which, while they produce an insignificant Revenue, are represented to operate very vexatiously to the Merchants and injuriously to the Trade of the Colony.

The Imposts,* I allude to, are the following:—

- 1st. The Wharfage Dues levied on Goods, landed at the "King's Wharf" under a Regulation issued by Governor Bligh in 1807.
- 2d. The Entrance and Clearance Fees on Vessels arriving at, or departing from the Port, established at the same time.
- 3d. The Fee on Registering Vessels levied under the Order issued by Governor Macquarrie in 1811.

From these sources, it appears that, in 1831, a Revenue of £1,795 only was derived.

The objections entertained to these Charges arise not from their amount but from the delay they occasion, and the imperfect Scale on which some of them are levied. For instance, the charge of 9d. per Package on all Articles imported, with a few exceptions, is stated to be made without reference to the size or the value of the Package, and the consequence has been, lately, that

* Note 223.

as many Articles as practicable have been put into one Package and the duty thereby evaded. Another grievance complained is that, while the Merchants have incurred the inconvenience of expense of landing their goods at the "King's Wharf," they have received no assistance in doing so, neither have they been secured from loss in case of Robbery or Damage while in the Custody of the Government.

1832.
9 Nov.
Objections to system in practise.

It has been suggested that, by letting or farming to some respectable person on proper security the "King's Wharf," the Merchants would be greatly benefitted at but a trifling loss to the Revenue; the abolition or revision of the other Charges would also be attended with much advantage to the Trade, which has of late years extended itself to an important amount.

I have, therefore, to desire that you, in conjunction with your Council, will devote your attention without delay to this subject, and adopt such measures as may appear to you advisable for promoting the Commercial interests of the Colony, reporting to me any course which you may pursue in the matter.

Objections to be considered by council.

I take this opportunity to remark that any sums levied from this source should not be appropriated to the General Service of the Colony, but should rather be considered as Municipal Revenue, and devoted to developing the particular resources of the Colony from which they are raised.

Appropriation of revenue.

I am, &c.,

GODERICH.

VISCOUNT GODERICH TO GOVERNOR BOURKE.

(Despatch No. 141, per ship *Andromeda*.)

Sir, Downing Street, 14th November, 1832.

14 Nov.

With reference to the correspondence,* which has passed between this Department and your Predecessor upon the subject of a Grant of Land to the late Mr. Thomas and other Gentlemen, who associated themselves with him in 1825 for the purpose of forming an extensive Agricultural Establishment both in New South Wales and Van Diemen's Land, I have the honor to transmit to you copies of a letter from the Gentlemen, named in the margin,† upon whom the surviving interest of this Association has devolved, and of the answer which by my direction has been returned thereto.

Correspondence from syndicate for stock breeding.

You will perceive, by these papers, that this Association have already obtained an extensive Grant of Land in Van Diemen's Land, and that they now apply, upon the faith of a promise made to them by Lord Bathurst in 1825 (by which they conceive the Government to be bound, notwithstanding the recent alteration,

Request for land grant in N.S.W.

* Note 223.

† *Marginal note.*—Colonel Gibbs; Colonel Elphinstone; Robert Keate, Esq.; and S. Marjoribanks, Esq.

1832.
14 Nov.

Refusal
of request.

which has been made in the system of disposing of Crown Lands in Australia) for a corresponding Grant of Land for the like purpose in New South Wales. You will also perceive, by Mr. Hay's letter to these Gentlemen, the reasons upon which I have deemed myself called upon to refuse their application, and which decision you will consider as your guide in replying to the application, which they have thought proper to address to you, and which forms the enclosure in their letter to Mr. Hay.

I am, &c.,
GODERICH.

[Enclosure No. 1.]

COLONEL GIBBS AND OTHERS TO UNDER SECRETARY HAY.

Sir, 18 King's Arms Yard, 30 Augt., 1832.

Claim of
E. Gibbs and
others to land
grant in N.S.W.

We have the honor to request that you will be pleased to lay before His Majesty's Secretary of State for the Colonial Department the enclosed Copy of a Letter addressed to the Governor of New South Wales, praying him to put us in possession of the Grant of Land, which was directed by His Lordship's Predecessors to be assigned to us in addition to the Grant in Van Diemen's Land.

We are aware that Land is hereafter to be granted only on purchases; but, as there is an exception in favor of those to whom Grants had been *promised* previously to the last Orders for the sale of Lands, and as we consider ourselves to come within that exception, We respectfully entreat that his Lordship will be pleased to authorize the assignment to Us of the Land in question in confirmation of the promise formerly made to Us as referred to in the enclosure: and we may perhaps venture to assure His Lordship in proof of our having performed the stipulations originally entered into on our parts, that, in the Fencings, the Buildings, the Stockings and the cultivation of Our Grant in Van Diemen's Land, We have expended nearly 40,000, which expenditure now enables us to claim and to commence our operations on the promised Grant in New South Wales.

We have, &c.,

E. GIBBS.
JAS. BULLER ELPHINSTONE.
ROBERT KEATE.
S. MARJORIBANKS.

[Sub-enclosure.]

COLONEL GIBBS AND OTHERS TO GOVERNOR BOURKE.

Sir, 18 King's Arms Yard, London, 12 April, 1832.

We have the honor to address ourselves to your Excellency on a subject, in which Your Excellency's Predecessor was pleased to take considerable Interest. On the eve of his departure for New South Wales in the latter end of the Year 1825, when, in consequence of the very great outlay made by us for the purposes originally suggested by His Excellency of importing some of the most valuable breeds of Horses, Cattle and Sheep into the Colonies of New South Wales and Van Diemen's Land, The Secretary of State for the Colonies, Earl Bathurst, directed that 20,000 Acres of Land or more in each Colony should be assigned to us according to the extent of our operations.

Land grant
authorised by
Earl Bathurst.

Although we were informed by our then Manager Mr. Thomas, soon after his arrival in Van Diemen's Land, that he had reported to General Darling the circumstances, which had induced him to land his stock and to remain in that Colony, yet we think it our duty to restate to Your Excellency that, on account of the severe loss of stock sustained by us during a lengthened and tempestuous Voyage, and the consequent debility and exhaustion of the valuable animals which survived, he had found it necessary to restrict his operations in the first instance to Van Diemen's Land, where a Grant has been selected, and which is now secured to us by orders from His Majesty's Secretary of State for the Colonies; and we have at length the pleasure of being able to announce to your Excellency that, having surmounted the numerous difficulties and obstacles which have been opposed to the success of our undertaking, we are now in a condition respectfully to solicit your Excellency's favourable aid and authority in enabling us to assume the Grant directed by His Majesty's Colonial Department to be assigned to us in New South Wales.

1832.
14 Nov.

Restriction
of operations
to Tasmania.

Request for
land grant
in N.S.W.

We take leave also to state to your Excellency that, since the first arrangement of our Establishment, as registered in the proper Office at Sydney, certain changes have taken place by retirements and the deaths of Individuals originally or subsequently associated with us.

Mr. B. B. Thomas our first Manager has retired, under a Dissolution of the Partnership, and his share merged among the five surviving Partners.

Resignation of
B. B. Thomas.

On the death of Mr. William Kershaw, an original Partner, his share became the property of Mr. Archibald Marjoribanks, and by the death of this Gentleman, it has devolved to Stewart Marjoribanks, Esq., M.P., and, by the unfortunate Bankruptcy of Colonel Lautour, he has ceased to be a Member of our Association. The Property therefore is now divided among the Four undersigned Members, and we have directed our accredited Agent and Attorney Mr. Lewis Beauvais to seek Your Excellency's Commands on the subject of our promised Grant of 20,000 Acres in New South Wales, of which he is prepared to take possession.

Transfer of
shares in
syndicate.

L. Beauvais
empowered
to act for
syndicate.

Presuming that, as in other cases Mr. Beauvais will be allowed by your Excellency to select a Location, it may be unnecessary for us to add anything on this subject, but we respectfully desire to impress upon Your Excellency that it would be attended with great convenience to us if he were allowed to make his selection of 20,000 acres in the vicinity of Western Port from its comparative contiguity to our Property near Launceston on the other side of Bass's Strait.

Proposed
location at
Western port.

We persuade ourselves that your Excellency will take into your favorable consideration the circumstances, under which we have embarked so large an outlay, and that any reference by us to Official Documents may be unnecessary if not improper; but we have furnished Mr. Beauvais with copies of some Letters, which may bring the subject more immediately before Your Excellency, and we particularly have directed his attention to Mr. Hay's letter to Mr. Thomas of 22 Oct., 1825, in which he states that a Letter will be addressed to General Darling, directing that he and his Associates in the undertaking may be put on the most favorable footing both in New South Wales and Van Diemen's Land.

Reference to
official letters.

1832.
14 Nov.

We forbear to trespass further on your Excellency's valuable time, and with many apologies for this long intrusion respectfully soliciting at the same time an early and favourable attention to our request.

I am, &c.,

E. GIBBS.

R. KEATE.

J. B. ELPHINSTONE.

S. MARJORIBANKS.

[Enclosure No. 2.]

UNDER SECRETARY HAY TO COLONEL GIBBS AND OTHERS.

Gentlemen,

Downing Street, 7th November, 1832.

Refusal to
fulfil promise
of land grant.

Having submitted to Viscount Goderich your letter of the 30th of August last, in which you prefer a claim to a Grant of Land in New South Wales of corresponding extent to that which you now hold in Van Diemen's Land, I am directed by his Lordship to acquaint you that the promise, which was made upon this subject in 1825, cannot be now fulfilled, in consequence of the total changes which have taken place in the disposal of Crown Lands in the Australian Colonies. In conformity with these Regulations, His Majesty's Government have deemed it expedient to adhere to the Principle that all Crown Lands should in future be disposed of by Public Sale, and any deviation that may have been made from this Rule has been the result of circumstances which do not appear in your case.

Reasons
for refusal.

If you had made any preparations in the Colony for availing yourself of the Grant of Land in New South Wales at the time, when the instructions to the Governor were issued upon the subject, or even at any period prior to the change of system above referred to, you would have been considered as coming under that class of Persons, in whose favor alone any exemption from the recent Regulations is made. But Lord Goderich desires me to state that it was never in the contemplation of Government to admit any claims, but those of Persons who had made arrangements for quitting this Country previous to the promulgation of the new system, or to those, who might have arrived in the Colony prior to the publication of it, or who might not have had sufficient time for accomplishing their views. His Lordship therefore, regrets that he can only regard your application in the light of a Settler, who had neglected to shew any disposition to obtain a location until after the Regulations, which are now in force, had been made known to the Public and whose claim would consequently not be admitted.

I have, &c.,

R. W. HAY.

UNDER SECRETARY HAY TO GOVERNOR BOURKE.

(Despatch per ship Andromeda.)

Sir,

Downing Street, 14th November, 1832.

Stores to be
purchased by
contract.

I am directed by Viscount Goderich to transmit to you the accompanying extract of a letter from the Treasury, in which the Lords Commissioners suggest that the Stores, required for the Public Service in New South Wales, should be purchased on the spot by Contract; and I am to desire that you will, as far as practicable, give effect to their Lordships' recommendations upon the subject.

I am, &c.,

R. W. HAY.

[Enclosure.]

1832.
14 Nov.

EXTRACT of a letter from the Treasury to R. W. Hay, Esq.,
dated the 13th June, 1832.

I AM at the same time to request that you will again call Lord Goderich's attention to the suggestions of the Commissioners of Colonial Enquiry in regard to the mode of obtaining Supplies of Stores for the use of the Colonies, and that you will state to his Lordship that it appears to this Board, that it would conduce materially to the advancement of the Trading Interests in the Colonies, and would at the same time prevent any unnecessary accumulation of Stores, many of which unavoidably become unserviceable, and be in other respects beneficial to the Public Service, if Stores of the ordinary descriptions, required for the purposes of the Civil Government, were purchased or contracted for on the spot and as they may be immediately wanted for Services properly chargeable to the Public; and that this course might be safely adopted in such cases as that of Van Dieman's Land, where the knowledge that most of the Articles are in the Convict and Military Stores, and could if necessary be obtained from those Stores by the Colonial Government, would check any undue exaction or combination on the part of the Merchants, while the Government could always have recourse to those Stores in the event of a failure of a Supply on reasonable Terms by other means. I am further to observe to you that this mode of providing Stores for the Colonial Departments at Van Diemen's Land is in conformity with the Regulations for that Branch of the general Store Department, which were submitted to the Secretary of State in Lieut. Govr. Arthur's despatch of 2d May, 1832, and were communicated to this Board by Lord Howick's letter of 31st August last; and I am to request, unless Lord Goderich should see reason for recommending a contrary course, that he will instruct the Lieutenant Governor to abstain in future from forming any distinct Depot of Stores for the Civil Government, and, unless on very special occasions, to continue to procure the Articles required for the Colonial Service by contract, a Purchase on the Spot, or to cause such, as cannot be obtained at reasonable prices, to be supplied from the convict and Military Stores.

Proposal for
purchase of
stores by
contract.

MR. HENRY SHORT TO GOVERNOR BOURKE.

(Despatch marked "Private," per ship Andromeda; acknowledged by Governor Bourke, 18th March, 1833.)

My dear Sir, Downing Street, 14th November, 1832.

You will have received by the "Mary" Convict Ship (which sailed from this Country about the 22d of August last) a despatch* from Lord Goderich, dated the 18th of August, 1832, No. 122.

Error in
transmission
of despatch.

You will at once perceive that the subject of this despatch, respecting property left in Ceylon by Frans. Philip Fretz, a Native of Bavaria, does not relate to your Government, but, from an oversight in my Department and in the hurry of making

1832.
14 Nov.

Despatch to
be forwarded
to Ceylon.

up the Mail for New South Wales, was unfortunately sent to you instead of to Sir Robert Wilmot Horton; and I now avail myself of your kindness to request that you will have the goodness to forward this despatch to Ceylon with as little delay as possible in order that the mistake may be rectified. I remain, &c.,

HY. SHORT.

GOVERNOR BOURKE TO VISCOUNT GODERICH.

(Despatch No. 118, per ship Florentia; acknowledged by right hon. E. G. Stanley, 4th September, 1833.)

20 Nov.

Act for
amendment of
criminal law.

My Lord, Government House, 20th November, 1832.

With my Despatch of the 30th October last, No. 110, I had the honor to transmit for His Majesty's gracious allowance An Act of the Governor and Council 3d Wm. 4, No. 3, "for Consolidating and Amending the Laws for the Transportation and punishment of Offenders in New South Wales," and for other purposes chiefly affecting the Convict population of this Colony. Since I wrote that Despatch, I have received through the Agent the Act of the Imperial Parliament, 2d and 3d Wm. 4, Cap. 62, "for abolishing the punishment of death in certain cases, and Substituting a lesser punishment in lieu thereof." The Second Section of this act being at variance with the last (36) Section of the act of the Governor and Council, and being calculated to produce a considerable change in the treatment hitherto experienced by the transported Felons in the Colony, it becomes my duty to offer to Your Lordship some observations on the Subject.

Provisions at
variance with
British statute.

The Second Section of the act of the Imperial Parliament embraces two points; first, it restrains the power of the Governors of Colonies to grant Tickets of Leave or Exemption to Convicts, until after certain Specified periods of Servitude; Secondly, it disables Convicts from acquiring property or Maintaining Suits in Courts of Justice, previously to pardon.

Enactments
in British
statute.

With regard to the first point, from the periods of servitude named in the act being those which are Specified in the Regulations* now in force in the Colony, it might seem that the latter were within the purview of the Imperial Legislature in passing the act now under consideration. But the provision in the act forms but one part of the Regulations, and the exceptions to the Rule, which are allowed in the Regulations, are wholly omitted in the Act. By the 9th Geo. 4, Cap. 83, Sec. 9, the Governor of New South Wales is empowered to grant such temporary or partial remission of sentence as to him may seem best adapted for the reformation of Offenders, and Such temporary or partial remissions from time to time to revoke or renew as occasion may

Limitation
of power of
governor to
grant tickets
of leave.

* Note 225.

require. Previously to the passing of this Law, the Governor's power appears strictly to have been limited to granting Absolute or Conditional Pardons under the 31 Geo. 3d; but it had been the early practice of the Colonial Governments to grant Tickets of Leave and Exemptions from forced labor to well conducted Convicts.

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20 Nov.

Rules for the general use of these remissions were published by Sir Thomas Brisbane in 1822, and republished by General Darling in 1827. By the last named Regulations, certain services rendered to the Government, such as the apprehension of Runaways and Bush rangers, and the bringing to Justice Receivers of Stolen Property, entitled the meritorious individual to a Ticket of Leave upon a shorter period of Service than that set forth in the act; and, by an order of General Darling issued in 1831, Convicts employed as Constables were entitled at the end of three years' service to a Ticket of Leave. Again as a Reward for good Conduct, and with the view of augmenting the population of the Colony and relieving the Mother Country, well behaved Convicts were authorized after two Years' Service to apply to the Home Government for the removal of their Wives and families to New South Wales, and upon their arrival to receive Tickets of Leave or Exemption to enable them to labor for the support of the families thus placed in dependance upon their exertions. In other cases when the Wives and families of Convicts have come out at their own expense, the Husband or Father, if a well behaved person, has usually been permitted, even on a shorter period of Servitude than two Years, to labor for the Maintenance of himself and his relatives. This last indulgence and some others of the Same kind were exercised more at the discretion of the Governor than by any fixed Rule; but, being made in the Colony, they have no doubt had the Salutary effect contemplated by the provision of the 9th Geo. 4, Cap. 83, a provision which is now in a great measure repealed by the late Act.

Regulations
re granting of
tickets of leave.

The prudent use of the indulgence authorized by the former Statute has operated very favorably upon the Conduct of the Convict population, and has been generally and as it would seem justly considered one of the Most powerful and efficient means of preserving the peace and good order of the Colony. It was also a safe measure of indulgence, being immediately revocable in case of Misconduct, and not exempting the possessor from the Summary jurisdiction of Magistrates created by the Same act.

Advantage of
indulgences.

I should in this place further observe that the present Regulations allow Tickets of Leave to Female Convicts under sentence for Seven Years, after two years' service in a family or the

Tickets of leave
for female
convicts.

1832.
20 Nov.

Tickets of leave
for female
convicts.

Factory, or after two years' good conduct in the Married State; for fourteen years, after three, and for Life, after four. A remission from forced labor has almost always been allowed to Women on their Marriage. I need hardly represent to Your Lordship the impediment to Marriage, which is imposed by the present Act, requiring from Females four years as the Shortest period of Servitude.

Section of act
disabling
convicts from
holding
property or
sustaining
lawsuits.

Necessity
for local
modification
of law.

The latter part of the Second section may be regarded as declaratory only, as it has I believe always been considered that Persons, sentenced to Transportation and Servitude either by immediate judgment of a Court or by the Commutation of the Crown, were incapable of holding property, or of sustaining a right to it in a court of Justice, previously to a pardon, absolute or Conditional; the latter class by the effect of attain, and both classes by the condition of the Law, namely assignment to servitude and labor. But the experience to be derived from having to deal with these classes in the Colony has proved the necessity for a Colonial Enactment, without which the laws of England as respects those disabilities would be wholly inoperative. It had been found impossible under a plea of Convict attain to produce in the Colony the Record of Conviction or proof of the identity of the Person, which I understand would be required in such cases in English Courts. It has therefore been found necessary to relax the law of evidence, as Your Lordship will perceive by the 35th Section of the Colonial act, 3d Wm. 4, No. 3, and to make the fact of coming to the Colony as a Transport Sufficient *prima facie* proof of being a convicted Felon sentenced to Transportation. But, while the Colonial Legislature thought it proper to introduce an easy mode of enforcing the disabilities of the Law of England against Convicts in the first stage of their Punishment, it was deemed just to extend protection to those whose good conduct in the Colony had procured for them a partial remission of their sentence by a grant of a Ticket of Leave or Exemption. Accordingly by the 36 Section Convicts So qualified are allowed to maintain actions for the recovery of any property acquired during the remission and for any damage or injury sustained since that period. It is in this particular that the Colonial Law is at variance with the 2d and 3d Wm. 4, Cap. 62. If on this account the 36 Section must necessarily be disallowed, I submit to Your Lordship whether the 35th Should not be rejected also, and the Person pleading Convict attain to elude a demand be put to his proof as required in an English Court.

But, omitting altogether the Law of the question, I would observe that it is difficult to conceive the object of remitting the Servitude of an Offender and throwing him upon his own resources, if at the same time he is kept subject to a disability which deprives him of any certainty of obtaining the fruits of his labor.

1832.
20 Nov.

The condition of the holder of a Ticket of Leave or Exemption is usually this: He is first of all *taken off the Stores*, as it is technically called, or relieved from the power of a Master by whom he was clothed and fed, and is authorized within a certain specified district to pursue any honest avocation for his livelihood. He becomes either a Tenant to a small Farm, or a little shop keeper, or a Menial Servant, or he works as a Laborer or Mechanic, if he possesses a trade. In the first of these situations, he covenants to clear the Land or to pay Rent, and must in consequence possess property, and according to the extent of his Land be engaged in buying and selling. In any of the other situations, he becomes the Creditor of his Employer or Customer. If he is to have no means of calling in his debts or recovering his Wages, it is difficult to say what will become of him. Assuredly he can hardly escape connexion in this Colony with persons, who will readily avail themselves of his disability to get rid of his demands. He will be exposed to rapine, Violence and fraud, and, if a reformed character and a well disposed person, will probably resume his state of servitude in order to live. If of a depraved disposition, he will have recourse to swindling or take to the Bush and become a robber. If the Man has a family, his case will be one of more aggravated distress.

Status of
convict holding
ticket of leave.

In this way, I fear the operation of the late act will go to break up a very numerous class of Persons, amongst whom there are many reformed characters, Sober, honest and industrious Persons to be found.

Objections to
provisions of
new statute.

I may further observe that any longer to employ these Persons as Constables with Salaries will, I apprehend, be to violate the Spirit of the enactment, and the idea of taxing holders of Tickets of leave must surely be abandoned as long as they are pronounced incapable of acquiring or obtaining Property.

I have thought it right to submit these observations upon an Enactment which, I am much afraid, will operate very injuriously in the Colony, and which it would therefore give me great pleasure to find repealed. I transmit a printed Copy of the Regulations* of this Colony relating to Tickets of Leave.

I have, &c.,

RICHD. BOURKE.

* Note 225.

1832.
22 Nov.

GOVERNOR BOURKE TO VISCOUNT GODERICH.

(Despatch No. 119, per ship *Florentia*; acknowledged by
right hon. E. G. Stanley, 5th June, 1833.)

Return of fees
charged on
instruments.

My Lord, Government House, 22nd November, 1832.

In obedience to the commands contained in Your Lordship's circular Despatch of the 15th March last, I have now the honor to enclose a Return of all Fees chargeable on the different Instruments described in an address of the House of Commons enclosed to me in Your Lordship's Despatch.

I have, &c.,

RICHD. BOURKE.

[Enclosure.]

[*A copy of this return will be found in a volume in series II.*]

GOVERNOR BOURKE TO VISCOUNT GODERICH.

(Despatch No. 120, per ship *Florentia*; acknowledged by
right hon. E. G. Stanley, 25th June, 1833.)

23 Nov.

My Lord, Government House, 23rd Novr., 1832.

Death of
Revd. G. Innes.

It is with regret that I inform Your Lordship of the death of the Revd. George Innes, Master of the King's School at Sydney. Mr. Innes died on the 5th of September last.

Failure of
King's school
at Sydney.

The School, of which Mr. Innes was Master, had been open from the beginning of the Year, but had not been well attended. I believe the number of Scholars never exceeded eight. Some doubt may be entertained of the Success of the King's School in Sydney. There are several Institutions in the Town; this, being directed by the Church and School Corporation and reputed to be exclusively intended for Members of the Established Church, is certainly not popular. The Australian College,* in the promotion of which Dr. Lang the Presbyterian Minister has taken so active a part, promises more favorably; it is in fact a combination of schools under Separate Masters for English, Classics and Mathematics. It has been some time open and has a considerable number of Day Scholars. There is also a private School in Sydney for Pupils of the better Classes, which is respectably attended. The Sydney College,† which is meant to be a Grammer and Classical School, tho' like the Australian designated College, is in progress; but, from failure of funds, some time may elapse before the building can be completed and the School opened. When established, I think it will receive a considerable number of Day Scholars.

Progress of
Australian
college;

and of
Sydney college.

Success of
King's school
at Parramatta.

Under the Revd. R. Forest at Parramatta, the King's School has taken extremely well. It was opened in this year, and there

* Note 182.

† Note 226.

are now about 41 Boarders including the Children of Military Officers and Civil Servants and twelve day Scholars on the Books. The number of Boarders has been limited by the accommodation the present house affords; and several applications for admission have been necessarily refused. It is therefore proposed to build a School House as sanctioned by Your Lordship for which the Council have voted £1,200. Notwithstanding the apparent want of success attending the introduction of the King's School at Sydney, The Archdeacon of N. S. Wales is desirous of persevering in the plan of Education recommended to be followed in those Semenaries. He is of opinion that, if a gentleman of good talents and judgment and not deficient in activity and resolution were placed at the head of the Sydney Establishment, it might still prosper. I am rather inclined to recommend that no further attempt should be made in Sydney until the system of Education has had a longer trial at Parramatta. If it succeeds there, as well as there seems reason to expect, the prejudice now operating against it in Sydney will probably be removed in a great degree, and the Institution have a fairer prospect of success.

I have, &c.,

RICHD. BOURKE.

1832.
23 Nov.

Success of
King's school
at Parramatta.

Proposals re
King's school
at Sydney.

VISCOUNT GODERICH TO GOVERNOR BOURKE.

(Despatch No. 142, per ship Diana; acknowledged by
Governor Bourke, 1st August, 1833.)

Sir,

Downing Street, 30 November, 1832.

30 Nov.

I have received your despatch, dated 2d June last, No. 64, enclosing a letter addressed to yourself by Mr. Justice Dowling, in vindication of himself from certain charges preferred against him in a public Newspaper, called "The Sydney Monitor," dated 30th May last, for his conduct on the trial of three Soldiers for Rape on the 7th of the same month. It is impossible to read the Report of the Trial, transmitted by Mr. Dowling, and published under his authority in another journal called "The Sydney Gazette" of the 2d June, without the fullest persuasion that the Judge was bound to direct the acquittal of the Prisoners. The unhappy Sufferer, after stating that she was knocked down, distinctly added "what occurred afterwards I don't know." "I became insensible, I don't know what happened after"; and again, "as long as I had my senses, they did not injure me, and, after that, I don't know what happened." Now it is incontestible (assuming the accuracy of this report) that the Woman herself did not prove the Commission of the Capital Offence; and the defect of her evidence is not supplied by the only other Witnesses

Trial of soldiers
for rape by
J. Dowling.

1832.
30 Nov.

Approval
of action of
J. Dowling.

Criticism of
circumstances
of trial.

adduced in support of the Prosecution. The Public Prosecutor, as it further appears, distinctly and repeatedly abandoned the case, and declined to call any more Witnesses. I therefore cannot perceive any plausible objection to the course adopted by the Judge in directing an acquittal of the Prisoners.

The indictment is not before me; but I presume that it did not charge the Prisoners with the Minor Offence of an Assault with intent to commit a Rape. I apprehend, however, that the two offences, being of the same nature, might after the general principle of Law have been joined in the same Indictment by the Introduction of separate Counts; and I confess myself at a loss distinctly to understand why that course was not taken. The Evidence it must be confessed raises a very unfavorable impression of the conduct of the Prosecutrix. Yet it is impossible to doubt that she was the subject of a disgusting and brutal Outrage, and I must desire you to call upon the Attorney General to explain why he did not take the ordinary Precaution of securing a conviction for the minor Offence, in the event of the failure of the Capital Charge. Important as the punishment of such crimes is in every part of the World, the circumstances of Society in New South Wales create a peculiar necessity for vindicating, with the most studious care, in that Colony the Laws for the protection of females against conduct so infamous as that of which the Prosecutrix in this case appears to have been the unwilling victim.

Opinion *re*
J. Dowling.

Mr. Dowling may be assured that I have too much respect for the character of the King's Judges in every part of His Majesty's Dominions to permit myself to entertain even a momentary impression to his Prejudice, without some better foundation than the Censures of an anonymous Writer, actuated by such a spirit as it exhibited in the paragraphs which he has brought under my Notice.

Prosecution
of journalist.

I have no doubt that the prudence of protecting the Character of the Judge by the prosecution of the Journalist for defamation is a question, which has already engaged your own Notice; and I am perfectly prepared to believe that you had sufficient grounds for not adopting that measure, being aware that the expediency of embarking in such Prosecution is, at all times, a matter of great doubt; and that to form a correct judgement on any such occasion, it is necessary to be in possession of that full and minute knowledge of local circumstances to which, at this distance from the Colony, I can of course lay no claim.

I am, &c.,
GODERICH.

UNDER SECRETARY HAY TO GOVERNOR BOURKE.

(Despatch per ship Mangles; acknowledged by Governor Bourke,
19th August, 1833.)1832.
7 Dec.

Dear Sir,

Downing Street, 7th Decr., 1832.

Lord Goderich has received a long letter from Mr. E. S. Hall, the Editor of the "Sydney Monitor," a copy of which I was instructed by His Lordship to forward to you; but, as I perceive that this letter is published by Mr. Hall in his Journal* of the 2d of May, 1832, it is only necessary that I should refer you to the printed copy of it. There is only one point, to which this letter of Mr. Hall relates, which is of sufficient importance to require observation, viz., the treatment of the Convicts who may be assigned as Servants to the Settlers, and this is of so much consequence, as regards the general wellbeing and the peace of the Colony, that Lord Goderich deems it right to call your attention to the subject.

Letter received
from E. S. Hall.Allegations re
treatment of
assigned
convicts.

In the case of Messrs. Berry and Woolstonecraft, Lord Goderich is sorry to perceive that there are grounds for the complaints urged against them by their assigned Servants for neglect, which his Lordship is now the more anxious to notice on account of the station which these Gentlemen hold in the Community; and, as a single act of this description gives a formidable advantage to those persons who are always ready to animadvert upon the proceedings of the Local Authorities, Lord Goderich deems it right to call upon you for a report upon the circumstances of the particular cases, referred to in Mr. Hall's letter to Lord Goderich, of which you will find a copy in the "Sydney Monitor" of the date before mentioned.

Treatment of
convicts by
A. Berry and E.
Wollstonecraft.I remain, &c.,
R. W. HAY.

VISCOUNT GODERICH TO GOVERNOR BOURKE.

(Despatch No. 143, per ship Asia.)

Sir,

Downing Street, 10 December, 1832.

10 Dec.

I have to acknowledge the receipt of your despatch No. 50 of the 10 April last, in which you have brought under my consideration the claims of Mr. Hannibal Macarthur to certain lands promised to him by Earl Bathurst.

Despatch
acknowledged.

On referring to the correspondence in this Office, I find the following to be the principal facts of the case:—

Summary of
facts re claims
of H. Macarthur
to land grants.

In the month of May, 1825, Messrs. Charles and Hannibal Macarthur applied to Earl Bathurst for a large allotment of

* Note 227.

1832.
10 Dec.

Summary of
facts *re* claims
of H. Macarthur
to land grants.

Land, in addition to the Tract which they already possessed, but which was too limited to admit of their numerous Flocks being depastured upon it. Messrs. Macarthur stated in their application (at least so the Secretary of State interpreted the terms of their letter) that, with the concurrence of the Colonial Government, they already occupied a Grant of 15,000 acres, and that the only remaining form required was the Secretary of State's confirmation of it. Upon this understanding of the case, Lord Bathurst consented to their application, with this Proviso, however, that no objection of a local nature should exist, and that the Governor should see no reasons for withholding the land in question.

Nothing further occurred in reference to this subject, so far as came under the cognisance of this Department, until May, 1828, when Messrs. Donaldson and Wilkinson, the Agents of Messrs. Macarthur, preferred a complaint against the local authorities for not bestowing upon their clients the land authorized in their favor by Lord Bathurst. They were informed in a letter, of which the enclosed is a Copy, that, as it appeared from the papers, which they had themselves produced, that Messrs. Macarthur had not correctly represented the terms upon which they held temporary possession of the land in Eden Forest, of which they desired the confirmation (their Cattle having been merely permitted to graze upon it, instead of its having been virtually given to them), Mr. Secretary Huskisson did not feel himself warranted in fulfilling any promise made to the parties under such circumstances.

I further gather from the papers you have sent home that General Darling, when called upon to give effect to Lord Bathurst's Instructions (as they were to be inferred from his Lordship's despatch of the 11th October, 1825, and from the original application, enclosed therein of Messrs. Macarthur) contended that it was not meant by Lord Bathurst nor asked by Messrs. Macarthur that a free Grant should be made to them of the 15,000 acres in question, but simply to allow them to benefit, to the full extent, by the Regulation of November, 1824, which Regulations limited the largest quantity of Land, which any person could obtain from the Crown, to 12,160 Acres, viz.:

By Grant, 2,560; By Purchase, 9,600; Total, 12,160 acres.

In addition to the lands previously assigned to these gentlemen, other allotments were accordingly made over to them for

the purpose of augmenting their respective properties to the above extent of 12,160 acres consisting as follows:—

1832.
10 Dec.

Summary of facts re claims of H. Macarthur to land grants.

Mr. Hannibal Macarthur—	Acres.	Acres.
Former Grants	4,020	
Purchases authorized by Sir Thos. Brisbane	5,000	
	—	9,020
Do. by Genl. Darling		3,140
		<u>12,160</u>

Mr. Charles Macarthur (since dead)—		
Former Grants	2,800	
Purchases authorized by General Darling	9,360	
	—	12,160

With this arrangement, Mr. Hannibal Macarthur expressed himself entirely satisfied in a letter* to the Colonial Secretary, dated the 3d March, 1829, and added that the kind condescension, with which “he (the Governor) was pleased to take the whole of his case into consideration, would ever be gratefully remembered by himself and family.”

I have already shewn that Messrs. Macarthurs’ claim to the 15,000 acres, for which they had applied as a Grant without purchase, was considered, under the circumstances in which their application was made, by Mr. Huskisson to be inadmissible; it therefore only remains for me to consider the terms on which the lands, allotted to them for purchase by Sir Thomas Brisbane and General Darling, are to be paid for. The claim of the Government is for the following number of acres:—

Terms of payment for lands purchased by H. and C. Macarthur.

	Acres.	Acres.
Land sold to Mr. H. Macarthur by Sir T. Brisbane	5,000	
Do. do. by Genl. Darling	3,140	
	—	8,140
Land sold to Mr. C. Macarthur by Genl. Darling ..		9,360
		<u>17,500</u>

With respect to the 5,000 acres, there cannot be a question. It was purchased under the authority of Sir Thomas Brisbane, and, as the value of all land so purchased was fixed at 5s. per acre, Mr. Macarthur must be called upon to pay that amount by Instalments as provided for by the Regulations contained in the Government Notice of the 25th August, 1831, subject to the modifications submitted in your despatch of the 9th of August, 1832.

In regard to the remaining 12,500 acres, the Council appear to have taken a very proper view of the case, for, having accepted

* Note 228.

1832.
10 Dec.

Alternative
terms offered to
H. Macarthur.

the land upon the Regulations of the 23d of October, 1828, the parties were bound to abide by them. But, in holding Mr. Macarthur responsible for the fulfillment of his engagements, the Government cannot avoid the execution of theirs. And I am therefore disposed to allow Mr. Macarthur one of the two following alternatives, viz. :—

To complete his purchase of the above number of acres to be valued at 3s. 4d. per acre, by Instalments, according to the modified principle recommended in your before cited despatch, or

To continue the payment of the Quit Rent of 2d. per acre, as agreed to by him when he accepted the land, paying into the Colonial Treasury the difference between the two rates of 3s. 4d. and 5s. per acre.

Decision not
to be accepted
as precedent.

In carrying this decision into effect, care must be taken that it be not made a ground for applications from other parties, who may have accepted lands upon the terms of the Government order of the 31st August, 1828, and whose cases were provided for, after the promulgation of the new Regulations, by General Darling's notice of the 25th of August, 1831, as it is in consideration alone of the peculiar circumstances of this case, and the misapprehension which has arisen on all sides with respect to the intentions of Lord Bathurst in favor of Messrs. Macarthur, that I am induced now to deviate so far from the principle, which has been laid down for the completion of similar purchases, as to remit the difference between the two prices of 3s. 4d. and 5s. the acre in the Land purchased by them under the authority of General Darling, and for which they continued to be indebted to the Colonial Government.

Error in
transcription
of postscript.

The mistake, which is pointed out by Mr. Hannibal Macarthur to have occurred in the Copy of the Postscript of the letter of the 27th Sept., 1825, which accompanied Lord Bathurst's despatch of the 11th Octr., 1825, is truly represented by him; but, for the reasons stated in Lord Francis Gower's letter of the 20th May, 1828, to Messrs. Donaldson and Wilkinson, the omission of the particular passage in question of that Postscript will make no difference in the view which I have taken of Mr. Macarthur's case.

I am, &c.,
GODERICH.

[Enclosure.]

LORD FRANCIS LEVESON GOWER TO MESSRS. DONALDSON,
WILKINSON AND Co.

Gentlemen, Downing Street, 20 May, 1828.

Letter
acknowledged.

I have laid before Mr. Secretary Huskisson your letter of the 6th Instant, relative to two Grants of Land, one of 15,000 Acres, the other of 5,000 Acres, claimed by Mr. Hannibal Macarthur upon the faith of an arrangement made with him on the part of

the late Secretary of State in the year 1825, and with respect to which it appears difficulties have since occurred. Upon reference to Mr. Hay's Letter of the 7th of October, 1825, upon which this claim is founded, permission seems to have been given to Mr. Macarthur to purchase 5,000 Acres contiguous to the land, which he was understood already to occupy, *provided* the Governor should see no objection to Mr. Macarthur's proposition. The 15,000 Acres, alluded to in the Postscript of Mr. Macarthur's letter of the 27th September to which Mr. Hay's letter of the 7th of October was a reply, was considered to have been at that time in the actual and exclusive possession of Mr. Macarthur; but, as it appears from the correspondence which has taken place on the subject between the Local authorities and Mr. Macarthur (copies of which you have enclosed) that Mr. Macarthur had only temporary possession of the land in Eden Forest, his Cattle having been merely permitted to graze upon it, Mr. Secretary Huskisson does not consider that the parties have any claim to the fulfillment of a promise with respect to that Land, which was held out to them under an erroneous impression as to the circumstances attending their possession of it, and which promise further appears to have been made on the understanding that the Colonial Government should see no particular objection to its being thus confirmed.

I am, &c.

F. LEVESON GOWER.

1832.
10 Dec.

Refusal to
grant land at
Eden forest.

VISCOUNT GODERICH TO GOVERNOR BOURKE.

(Despatch No. 144, per ship Asia; acknowledged by
Governor Bourke, 16th February, 1834.)

Sir, Downing Street, 11 December, 1832.

11 Dec.

Since I addressed to you my despatch of the 6th of July last on the subject of the Mastership of the Female Orphan School at Paramatta, I have been so fortunate as to obtain the services of a Gentleman, who, from his experience in the education of youth and his literary acquirements, will prove, I trust, well fitted for the charge of that Institution. The Reverend Henry Stiles, the Person in question, has long been preparing for Holy Orders, in the hope of obtaining employment as a Missionary under the Church Missionary Society; but, as his constitution is not considered calculated to withstand the effects of a Tropical Climate, he has been compelled to turn his views to some other employment. The Archdeacon, having proposed in his last Report an arrangement for discontinuing the situation of Master of the Orphan Schools, I am induced to hope that my despatch, above referred to, has not been acted upon, and that the appointment is still open for Mr. Stiles, who has lately been ordained for this office by the Bishop of London.

Nomination of
Revd. H. Stiles
as master of
female orphan
school.

Mr. Stiles will receive the same salary and advantages as were enjoyed by his Predecessor.

1832.
11 Dec.
—
Promise of
appointment
as chaplain.

As an additional inducement to Mr. Stiles to undertake this duty, I have promised to appoint him either an additional Chaplain, if the Council will sanction the expence, or else to the first Chaplaincy which may become vacant; I have therefore to desire that you will submit to the Council the question of the appointment of an additional Chaplain; and, if they should not admit its necessity, you will consider yourself authorized without further instructions from Home to appoint Mr. Stiles to the next vacancy. You will take care to apprise me, when this appointment takes place, in order that I may transmit to you the Warrant under the sign Manual usually issued on occasions of this nature.

Advance to
Rev. H. Stiles.

The Colonial Agent has been directed to issue to Mr. Stiles the customary allowance of one hundred and fifty Pounds in aid of the outfit and Passage of a Chaplain. I am, &c.,

GODERICH.

Instructions
re salary.

P.S.—Mr. Stiles has been informed, in the event of the Archdeacon considering it advisable to continue him in the charge of the Orphan School after he shall have been appointed to a Chaplaincy, that he will not be entitled to receive any Salary or emolument on account of his services in the School, beyond the stipend of two Hundred and fifty Pounds per annum attached to a Chaplaincy.

VISCOUNT GODERICH TO GOVERNOR BOURKE.

(Despatch No. 145, per ship Asia; acknowledged by Governor Bourke, 29th June, 1833.)

12 Dec.

Sir,

Downing Street, 12 December, 1832.

I have had the honor to receive your despatch No. 45 of the 2d of April last.

Approval of
appropriation
of revenue.

The manner, in which the Legislative Council have appropriated the Revenue of this year, seems to require no particular observation, as they appear to have been guided by the Establishments, which had already received His Majesty's approval. I cannot, however, omit to express my satisfaction at the manner, in which you have brought the subject under their consideration, and in which this first approach to a regular and formal application of the Resources of the Colony to the necessary expences of its Government has been accomplished.

It is very gratifying to His Majesty to receive the account, which your despatch affords, of the flourishing state of the Colonial Finances, more especially as it has enabled you to relieve the Commissariat from many charges, hitherto defrayed from the

Military Chest, which more properly ought to have been provided for out of the Colonial Revenue, and which, consequently, has been thrown upon the Colonial Treasury, now that it has the means of bearing them.

1832.
12 Dec.

With reference to your observations on the reductions, contemplated by my Despatch No. 27 of the 29th of September, 1831, I have to acquaint you that, without wishing to interfere unnecessarily with your discretion in carrying those Reductions into effect, you must understand that His Majesty's Government expected that the amount of saving, proposed by the Commissioners of Enquiry, will be effected, although you may find it expedient to deviate in many respects from the course which they have pointed out.

Expectations
of economy.

As you state that the several items of fixed Establishment and contingent charges, enumerated in the Tables you have sent Home, cannot for the present be cancelled without prejudice to the Public Service, it is not my intention to disallow them; but I confidently hope that the result of the examination, which you were about to make into the state of the Public Departments, will have enabled you to dispense with the whole or part of these supernumerary appointments.

There are one or two Offices which call for special observation.

By the substitution of the sale of Lands for the former system of granting them, a very important part of the duties of the Land Board was suppressed, and in consequence the Commissioners of Enquiry, as well as His Majesty's Government, were of opinion that its reduction was immediately practicable. I regret now to find that it still exists, although under a different name, with no diminution of its expence. I am ready to admit that the duty of assigning convict Servants is of a very arduous and invidious nature, and that it may not from that circumstance be desirable to entrust the performance and responsibility of it to one Individual. You are the best qualified to decide, whether the Colonial Treasurer and the Superintendent of Convicts are, from the nature of their other employments, the fittest Persons to have this further duty imposed upon them. But, with the exception of the Clerk, I see no reason for granting any separate remuneration on that account; and you will, therefore, discontinue, from the date at which you may receive this despatch, the payment of any separate allowance to the Officers, who are at present charged with it.

Board for
assignment
of convicts.

Adverting to the sum of £1,415, charged for the rations and clothing of 100 Convicts employed on the Aqueduct,* and for the

Expenditure
on aqueduct.

* Note 229.

1832.
12 Dec.

Report required
re aqueduct.

Office of
mineral
surveyor.

Tools and other stores required for their use, I have to desire that I may be furnished with a Report as to the progress which has been made in this work, and as to the period when it will probably be completed. I am not at present prepared to give you any Instructions on the Office of the Mineral Surveyor; but I should wish to know whether the services of this Officer are of such indispensable necessity as to render it inexpedient or impracticable to reduce this appointment. Mr. Busby's services were originally engaged for a period only of three years, and, at the expiration of that term, it became necessary either to remunerate him separately for such work, which he superintended, or to enter into a fresh engagement with him. The latter alternative was adopted as the most economical of the two; but at that particular moment there were many works of a public nature to be undertaken, and his services, therefore, either as a contractor or as a Government Officer, could not conveniently be dispensed with. As the Colony however must now be better provided in this respect than at the time to which I allude, the same necessity does not appear to exist for his constant employment in the Public Service, or, at all events, the system of contract generally, to which you have been instructed to resort, must materially alter the position in which the Government stands in reference to the services of that Gentleman.

Salary voted
for second
crown solicitor.

Observing by the printed Estimate for 1832, which you have sent home, that, in addition to the services of a Crown Solicitor to whom £500 a year is allowed, there is a charge for a second Crown Solicitor at £300, I deem it proper to call your attention to a correspondence* between my Predecessor and General Darling on the subject of this appointment, presuming it to be the one held by Mr. Garling, which was at that time objected to. I am aware that this person claimed the continuance of this allowance on the ground that it was granted to him originally as an inducement to proceed to the Colony, when, at that time, a scarcity of respectable Persons of the Legal Profession existed. It does not, however, appear that this claim was admitted, and it becomes necessary that I should call upon you for an explanation of the circumstances, which have led to his being continued upon the Establishment as Crown Solicitor.

Expenditure
on department
of collector of
internal
revenue.

It appears from the same Estimate that the Establishment of the Collector of Internal Revenue is fixed at three Clerks, with other minor charges, and that the aggregate expence of this Department amounts to £1,056 12s. per annum. I am sensible of the judicious manner in which Mr. McPherson has performed the

* Note 230.

very irksome and important duty of his Office, and of the difficulties which he must have experienced in collecting the Quit-Rents; but, as those difficulties must have been much diminished by the very exertions, which he has made, I should have been glad to have received a report of the necessity of exceeding the scale of assistance to the Collector authorized by my direction in Lord Howick's letter of 24 Augt., 1831; and, without wishing to disapprove of the Establishment allowed to Mr. McPherson, I now request that you will furnish me with a report upon the subject. In the meantime, I must remind you that this Department was to be continued so long only as the arrears of Quit-Rent remained outstanding; and, as the Regulations framed by General Darling for expediting their settlement will simplify very considerably the duty of the Collector, I hope that it will be in your power, without unduly throwing any additional labour upon Mr. McPherson, to reduce the number of his Clerks.

Report
required.

1832.
12 Dec.

I have already apprized you that a third of Mr. Barnard's Salary, as Agent for New South Wales and Van Diemen's Land, has been charged to the Revenues of the latter Colony.

Salary of
E. Barnard.

I am happy to have already anticipated the recommendation of the Council that two Roman Catholic Clergymen should be sent out to the Colony, by the appointment of the Revd. Messrs. Ullathorne and McEncroe. It only remains for me to repeat my willingness to second any proposal, which the Council may originate for extending the means of Education to the Roman Catholic Population.

Appointment of
R.C. chaplains.

I am, &c.,
GODERICH.

UNDER SECRETARY HAY TO GOVERNOR BOURKE.

(Despatch per ship Asia.)

Sir, Downing Street, 13th December, 1832.

13 Dec.

I am directed by Viscount Goderich to transmit to you the accompanying copy of a letter from the Secretary to the Master General and Board of Ordnance, respecting certain arms and accoutrements which they propose, for the reasons stated in Mr. Byham's letter, to dispose of to the Colonial Authorities. Lord Goderich requests to be favoured with your opinion upon this subject, and desires me to add that, if the arms and accoutrements in question are required for Local services, it will be proper that you should remit to the Colonial Agent the sum, at which they have been valued, in order that the amount may be paid to the Treasurer of the Ordnance.

Proposed sale
of arms and
accoutrements
to colonial
government.

I am, &c.,
R. W. HAY.

1832.
13 Dec.

[Enclosure.]

MR. R. BYHAM TO VISCOUNT GODERICH.

My Lord, Office of Ordnance, 30 Novr., 1832.

Proposed sale
of arms and
accoutrements
to colonial
government.

The undermentioned arms and accoutrements having been delivered into the Colonial Stores at New South Wales by Detachments, which had proceeded from this Country as Guards on board Convict Ships, viz.:

New South Wales—Received into Store at Dawes' Battery, 29 Musquets and sets of accoutrements and 1 Serjt.'s Halbert, 14 July, 1829.	} Value.	£60 8 7
New South Wales—received into the Colonial Stores, 58 Musquets and Sets of Accoutrements, 28 July, 1831, and 1 Augt., 1831.			} £119 7 8

I have the honor, by desire of the Board, to communicate the same to your Lordship for Viscount Goderich's information, and, the Board not having an Officer at New South Wales authorised to take charge of Stores on behalf of this Department, the Board consider that it would be advisable to dispose of the whole of the Arms and Accoutrements above mentioned to the Colonial Authority for local Services. The Board therefore beg to submit this proposition for his Lordship's consideration and approval, and, in the latter event, they request that they may be favored with His Lordship's opinion as to the mode it might be most advisable to adopt for effecting the object proposed.

I have, &c.,

R. BYHAM.

GOVERNOR BOURKE TO VISCOUNT GODERICH.

(Despatch No. 121, per ship Arundel.)

20 Dec.

My Lord, Government House, 20th December, 1832.

Protest by
W. Jaques
re refusal of
certificate of
service.

At the desire of Mr. William Jaques, an assistant Surveyor, I have the honor to transmit a Memorial addressed to Your Lordship, in which he complains that the Surveyor General refused to sign the Certificate of Meritorious Service, under which Mr. Jaques would have been entitled to receive an augmentation to his Salary of £20 per annum from the 1st July, 1831. The matter being referred to the Surveyor General, he has written a memorandum accounting (as I think sufficiently) for his having refused to sign the certificate in question.

Claim by
surveyors
to annual
increments.

It has been asserted by some of the officers in the Surveyor General's Department that the annual augmentation of Salary, Sanctioned by the Secretary of State, is matter of strict right, and not depending on the favorable report of their conduct in the past year. This claim I have combated, holding it absolutely necessary that the Head of the Department should certify the general good Conduct of the Officer during the Year preceding that for which the augmentation is Solicited. I have not

required the Certificate to be drawn up in any certain form of Words, leaving it to the Head of the Department to make Such report as he shall think just in every case; but, unless it is asserted in the Certificate that the Officer is thought to be deserving of the augmentation, I do not feel authorized to grant it.

1832.
20 Dec.
Reports by
surveyor-
general.

I have, &c.,

RICHD. BOURKE.

[Enclosure.]

[Copies of the memorial and memorandum, dated 3rd and 22nd November, 1832, are not available.]

UNDER SECRETARY HAY TO GOVERNOR BOURKE.

(Despatch per ship Asia.)

Sir,

Downing Street, 22d Decemr., 1832.

22 Dec.

I am directed by Viscount Goderich to transmit to you Copies of two Letters, which have been received at this Department from Mr. James Atkinson respecting a Grant of Land claimed by him in New South Wales, upon the terms in operation prior to the adoption of the new Regulations. By the replies which have been returned to these Letters, and which are also enclosed, you will perceive that Lord Goderich is of opinion that Mr. Atkinson has forfeited all claim to a Grant, founded upon the order of selection which he possessed, by his not having fixed upon an unobjectionable Location previously to the substitution of the new system, but that, under the circumstances of the case, his Lordship has allowed Mr. Atkinson the chance of his application being more favorably viewed in the Colony; and you will therefore have the goodness to enter upon the consideration of the subject in the manner and with the qualifications prescribed by the Secretary of State in the Letter addressed by me to Mr. Atkinson of the . . . Instant

Claim by
J. Atkinson
for land grant.

I have, &c.,

R. W. HAY.

[Enclosure No. 1.]

MR. J. ATKINSON TO VISCOUNT HOWICK.

My Lord,

Armagh, 2 Octr., 1832.

I respectfully beg leave to lay before your Lordship copies of my several applications for a grant of land in the Colony of New South Wales together with Copies of the communications received from the Colonial Secretary's Office in answer. If your Lordship will be pleased to peruse them, and His Excellency Lieut. Genl. Darling's order of 22d December, 1830, which accompanies them, your Lordship will be informed that the land mentioned in it was unlocated, and open to my selection, and that the Gentleman, Major Stuart, to whom it was intended to be given, by means of his Agent, was not a resident in it, or at the time in any way

Applications
by J. Atkinson
for land.

1832.
22 Dec.

Expenses
incurred.

connected with the Colony. I also enclose to your Lordship the original communications received from the Colonial Secretary's Office, as your Lordship may desire to refer to them.

My Lord, I left this Country for New South Wales in September, 1829, and I have been necessarily obliged to incur the expenses attendant on the removal of a family to so great distance, and their maintenance there, whilst I remained unemployed. I have left my family in the Colony with the intention of returning to it, and I respectfully hope that your Lordship will give my Case your favourable consideration.

Allow me to express to your Lordship my most grateful sense of your Lordship's introduction of me, at the request of the Marquis of Clanricarde, to the protection and good offices of His Excellency Major General Bourke, contained in your Lordship's communication to His Excellency of 31st Decr. ultimo, and which, I regret, I have not been able to avail myself of, as I left New South Wales for this Country the 12th April ultimo, being previous to its arrival to His Excellency.

I have, &c.,

JAMES ATKINSON.

[The enclosures are not available.]

[Enclosure No. 2.]

MR. J. ATKINSON TO VISCOUNT GODERICH.

My Lord,

Crow Hill, Armagh, 26th Novr., 1832.

I beg leave to acknowledge your Lordship's reply of the 10th instant to my letter of the 2d ultimo, relative to my application for a portion of land at Warragamba in New South Wales, under the sanction of an Order for the Selection of land held by me since 2d July, 1830. As your Lordship is pleased to say that it is to be regretted that I did not make my application for land open to selection, as the land in question was erroneously stated to be so. I would respectfully beg leave to observe that this land, when applied for by me in Conformity with the Government Order of 22d Decr., 1830, was refused, as stated in the Surveyor Genl.'s Communication of 4th January, 1831, already laid before your Lordship, on account of its *being rented for purchase* to a gentleman, not residing in the Colony; And this I was again informed in the Colonial Secretary's communication of 19th January, 1831, also before your Lordship, to be the reason of this refusal. On my explaining to His Excellency General Darling, thro' the Colonial Secretary, that to rent this land for purchase would be contrary to certain orders of His Excellency respecting the granting of land then in force, and that I had made the first selection of this land, I was informed, in answer, by a letter from the Colonial Secretary of 14th June, 1831, also before your Lordship, that the gentleman to whom it had been given *had been ordered to abandon it*, and that it was denied to me because of its being a Government Reserve. Being made aware, afterwards, that this land was not reserved for Government purposes, I stated this fact to His Excellency General Darling through the Colonial Secretary, and it was admitted by the Colonial Secretary's communication of 8th August, 1831, that this land was not a Government reserve but it was stated to be reserved for the purposes of the Church.

I would beg leave of your Lordship to observe the lapse of time between these several communications, and that the two first, of

Reasons for
refusal of
land selected.

the 4th and 13 January, 1831, make no mention of this land being reserved for either Government or Church purposes; merely stating that it *was not open to my selection* on account of its being rented for purchase. Afterwards I am informed, by the Communications of 14th June and 8th August, 1831, that the only cause of the objection of my selection was that the land was discovered to be reserved for Government, and Church purposes, and that the gentleman, whose Agent was in possession of it, was ordered to abandon it; yet, my Lord, that gentleman *continued in possession of it, and was in possession of it so late as 8th March, 1832*, as your Lordship will observe by the Colonial Secretary's letter to me of that date before your Lordship; and, as I left the Colony immediately after this period, I cannot say if any thing has yet been done with this land.

1832.
22 Dec.

I respectfully trust that your Lordship will be aware by these original communications before your Lordship that, if there has been error, it did not originate with me; although I have been visited with its consequences in the lapse of much time, it being two years since I made my first application, and the incurring very considerable expense by taking my family to New South Wales, their maintenance there, and my return to this Country; and this expense will be added to, whether I return to join my family or they come to this Country.

Denial of delay
by J. Atkinson.

I beg to express my grateful sense of His Excellency Major General Bourke's kindness, expressed in his opinion on this subject to me; and I would respectfully beg your Lordship to observe that His Excellency directs the Colonial Secretary to state that the existing Regulations respecting land (long previous to the promulgation of which I had arrived in that Colony, and obtained an order for land) prevented him giving me this land.

Reasons for
refusal by
R. Bourke.

My Lord, I left this Country in September, 1829, for New South Wales. I have since that period incurred much expense, and, previous to my obtaining the Order authorising my selection of land I had forwarded home, in conformity with the then existing Regulations, my papers for the disposal of my Commission in His Majesty's Service, and had executed a bond for £500, binding myself to reside in that Colony for three years. Respectfully trusting that your Lordship will give these facts your consideration.

Arrangements
to become
settler.

I have, &c.,

JAMES ATKINSON.

[Enclosure No. 3.]

UNDER SECRETARY HAY TO MR. J. ATKINSON.

Sir, Downing Street, 10th Novr., 1832.

I have laid before Viscount Goderich your letter of the 2nd ultimo addressed to Lord Howick, upon the subject of an allotment of Land, which you were desirous of having granted to you in the District of Warragamba, but which it appears you were prevented from obtaining for the reasons stated in certain communications which you had received from the Colonial Secretary.

Letter
acknowledged.

As it appears from these letters, which were written to you, not only by the direction of General Darling but by his Successor General Bourke, that the particular land for which you had applied could not be alienated (although erroneously included amongst other lands which by a Government Advertisement were declared

Inability to
grant land
selected.

1832.
22 Dec.

open to selection), it is to be regretted that you did not adopt means for fixing upon a location, which there was not the same objection to your obtaining, as the Secretary of State does not consider your case to be one in which under the circumstances it would be proper for him to interfere.

I am, &c.,
R. W. HAY.

[Enclosure No. 4.]

UNDER SECRETARY HAY TO MR. J. ATKINSON.

Sir,

Downing Street, 12 Decr., 1832.

Letter
acknowledged.

I am directed by Viscount Goderich to acknowledge the receipt of your Letter of the 26th of November, in reply to one addressed to you by his Lordship's direction on the 10th of that month, relative to a grant of Land to which you consider yourself entitled in New South Wales under the old Regulations. Lord Goderich did not, as you imagine, misapprehend the facts upon which you rest your claim, those facts being first, you having from the Colonial Government an order for selecting Land, and secondly, your having applied for a particular Location prior to the promulgation of the new terms; His Lordship considered then, as he does now, that having been informed by the Colonial Government that the land which you had applied for could not be granted, you should have lost no time in making another selection, instead of persisting in obtaining that which had been more than once refused, by which proceeding you lost the opportunity altogether of benefitting by your order of selection. Under these circumstances, Lord Goderich is sorry that he does not feel at liberty to convey to the Governor any specific Instruction by which you were led may be remedied; but, as there appear to be points in your case different from any other which has been as yet brought under the notice of his Lordship, he will forward the original Application addressed by you to this Department to General Bourke, desiring him to bring the subject under the consideration of his Council, with an intimation that, if it should be their opinion that your being permitted to make another selection of Land to be assigned to you *without purchase* will lead to no inconvenient precedent, nor interfere with the principle which has been applied to other cases, there will be no objection, on his part, to your obtaining such a favour; but his Lordship must be distinctly understood as not holding out to you any expectation in this matter, which may not be realized by the decision of the Local Authorities, guided by the consideration above stated.

I am, &c.,
R. W. HAY.

VISCOUNT GODERICH TO GOVERNOR BOURKE.

(Despatch No. 146, per ship Asia.)

Sir,

Downing Street, 23d December, 1832.

23 Dec.
Successor to
J. Stephen.

In my despatch of the 30th March, 1832, I communicated to you the arrangements, which I had in contemplation for supplying the place of Mr. Justice Stephen on the Bench at New South Wales. From a communication which was shortly afterwards received from Mr. Justice Burton, I had every reason to suppose that he intended to proceed to England before he finally embarked for New South Wales; but, in a letter dated

the 28 September last, he has announced to me his intention of at once embarking for that Colony in a Ship, which was appointed to sail from the Cape on the 11th October, and consequently he will have arrived at Sydney long before this despatch can reach you.

1832.
23 Dec.

Departure of
W. W. Burton
for colony.

Upon considering more fully the provisions of the New South Wales Act of 1828, it has appeared to me necessary to issue a new Charter of Justice* for that Colony, the one at present in operation there having contemplated the appointment of two Judges only. Circumstances, which it is unnecessary for me to detail, have hitherto prevented the issuing of the amended Charter, and I fear a further short delay will occur before it will be ready to be forwarded to the Colony, although it is now in course of preparation. As, however, no question has been raised as to the validity of the Appointment of a third Judge in consequence of the informality to which I have alluded, I trust no difficulty may have been felt on the arrival of Mr. Burton at Sydney in placing him in the situation, to which you were informed His Majesty had been graciously pleased to appoint him, and that, when you may receive this despatch, he will be in the full exercise of his functions. As it appears that the arrangement, by which Mr. Burton's services as a Judge have been transferred from the Cape to New South Wales, has been attended with considerable inconvenience, as well as with pecuniary losses to him, and, as I have been influenced in recommending to His Majesty the removal of Mr. Burton to Sydney, as much by a consideration for the interests of the Public at New South Wales as by the desire of meeting the wishes which you had expressed for his appointment prior to your leaving this country, I think it but just and reasonable towards Mr. Burton that he should be relieved from all unnecessary expence arising from his change of Station; and you will therefore bring under the consideration of the Council the propriety of defraying the sum, which Mr. Burton may have expended in the conveyance of himself and family from the Cape to Sydney. Looking, also, to his interests in regard to Salary, you will also propose to the Council that half salary, as a Puisne Judge at New South Wales, should be issued to him from the date of his embarkation at the Cape, it being my intention to charge the Revenues of the latter place with the other half of the salary until his arrival in New South Wales; so that he may receive a sum equal to his full Salary from the date at which he ceased to discharge his functions at the Cape, until that at which he may have entered upon his duties at New S. Wales.

New charter
of justice to
be issued.

Appointment of
W. W. Burton
as third judge.

Proposed
payment of
travelling
expenses for
W. W. Burton.

Payment
of salary.

I am, &c.,
GODERICH.

* Note 231.

1832.
24 Dec.

VISCOUNT GODERICH TO GOVERNOR BOURKE.
(Despatch No. 147, per ship Asia.)

Sir,

Downing Street, 24th Decr., 1832.

Inquiry
ordered for
J. Stephen, jr.,
at his request.

I have the honor to enclose to you the copy of a letter from Mr. John Stephen, dated 14th instant, and of the answer which I directed to be returned to him dated the 17th instant, from which you will perceive that I have acquainted him that I have no objection to his being allowed the same opportunity of vindicating himself, as was offered to him before he quitted the Colony. I am sensible of the improbability that Mr. John Stephen should be able at this distance of time to collect evidence bearing on the point of identity, between the Woman named Frances Dixon and the Woman named Jane New; but, unwilling to deny to any Person, who thinks he can exculpate himself from a very grave charge, the means of attempting to do so, I have informed him that the same mode of investigation will be open to him in the Colony, as open when he left it to return to this Country. You will therefore have the goodness, should Mr. John Stephen offer to bring forward evidence in disproof of the alleged identity of "Jane New" and "Frances Dixon," to convene the Council and request them to receive the Evidence he shall produce, taking such steps, as may seem to them proper, for bringing the matter to a definite issue before the Council.

For your more complete information, in case such an investigation should take place, I enclose copies of the correspondence which has passed with Mr. Stephen since the date of the despatch from General Darling dated 27th April, 1831, No. 41.

I am, &c.,
GODERICH.

[Enclosures.]

[Copies of these letters are not available.]

GOVERNOR BOURKE TO VISCOUNT GODERICH.
(Despatch No. 122, per ship Arundel; acknowledged by
right hon. E. G. Stanley, 20th September, 1833.)

My Lord, Government House, 24th December, 1832.

At the request of Mr. William Dumaresq, a retired Captain of the Royal Staff Corps, now settled in this Colony, I have the honor to transmit a statement of his claim to an allotment of Land in Hyde Park, Sydney, which he prays Your Lordship to direct the Governor of the Colony to put him in possession of, or to remunerate him by a Grant elsewhere of a value to be fixed by arbitration.

Claim by
W. Dumaresq
to allotment
in Hyde park,
Sydney.

Upon the Subject of this Claim, it is my duty to Submit to Your Lordship a few remarks, premising that I have already offered to Mr. Dumaresq that Compensation which other Persons, having more Solid Claims, have been contented to receive.

1832.
24 Dec.

Mr. Dumaresq States that, having been in expectation of an appointment to a permanent Employment in the Colony, he was also in expectation of receiving a Town allotment on which to erect a dwelling. And, Under these joint expectations, he Seems to have cast his eyes on a spot of Land at Woolloomooloo, and to have had an intention of asking for it; but, as he informed Dr. Douglas, he subsequently abandoned that idea in consequence as it appears of his having seen and given the preference to Land on Hyde Park, as the Situation best adapted to his views on receiving the expected appointment. Mr. Dumaresq therefore states that "he waived his claim to the Land at Woolloomooloo in favor of Dr. Douglas, then Clerk of the Councils," who, being in actual possession of Office, had whatever title to consideration that circumstances could give him, and received the Land accordingly. But Mr. Dumaresq did not obtain the appointment he expected, and, failing in the expectation of Office, the expectation of the Grant, which he States was dependent on the Appointment to Office, must have been a failure also, and "the Claim which he waived in favor of Dr. Douglas," was a mere nullity.

Statement
of claim by
W. Dumaresq.

I have been the more particular in stating this Claim to Land at Woolloomooloo, as Mr. Dumaresq insists upon it with some pertinacity, calling it in one place, "an implied promise," in another, "a tacit understanding," and again that the Claim was *admitted* by this Government, of which however I find no trace in the Papers laid before me, or in those now forwarded by Captain Dumaresq to Your Lordship. Further, he actually places a Money value upon this idea, or claim in expectancy, rating it in one place at £800, and in another upon better information at £350 only.

Having thus shewn that Mr. Dumaresq has not a shadow of claim to Land at Woolloomooloo or elsewhere in virtue of office, I proceed to consider his pretensions founded on the gratuitous favor of my Predecessor.

In reply to Mr. Dumaresq's application, dated 2d June, 1830, for a Grant at Hyde Park, the late Governor wrote this Minute on the back of the letter. "Inform him that his application shall be noted, in order to its being considered with those of other applicants, *whenever* arrangements may be making for the location of Hyde Park." This clear and unequivocal reply, Mr. Dumaresq,

Application
for allotment
at Hyde park.

1832.
24 Dec.

Interpretation
of decision on
application.

in his letter to the Colonial Secretary of the 13 April, 1831, describes as announcing to him, "that his selection of that portion of Hyde Park Garden nearest the Roman Catholic Chapel would be noted." Upon this curious construction of an official letter, he sets up a claim to that particular Allotment, and perseveres in demanding it from Your Lordship. General Darling however thought proper at once to reject the assumption by instructing the Colonial Secretary to write the letter of the 18th May following.

Proposed
allotments at
Hyde park.

Decision
against
division of
park.

In a Minute written upon a letter of the Surveyor General, dated the 23d March, 1831, General Darling further observes that, "He is not aware of any one having obtained permission to select allotments in Hyde Park." I may add that I am not aware of any appropriation of Hyde Park to building allotments having been approved by any of my Predecessors in this Government. The project has been spoken of, Reports written, and Plans drawn and Submitted, *but nothing fixed or approved* has come to my knowledge. From what I observed upon riding through the Town shortly after my arrival, I determined to give no Countenance to the project. The appropriation of the Park to private Houses would have deprived the Inhabitants of Sydney of the benefit of fresh air, and of a space for needful exercise and recreation. I therefore decided at once against the proposed division of the Park into Building allotments. Mr. Dumaresq's application might therefore appear to be negatived, as the consideration of that application was declared by General Darling to be contingent upon the location of the Park.

Minute by
R. Darling *re*
allotments at
Hyde park.

I have however the honor to transmit the Copy of a document, upon which I have Considered an equitable claim to allotments on the part of Mr. Dumaresq and others to be founded. It is a Minute by General Darling, dated the 15th October, 1831 (appendix No. 3), A Week before he embarked for England. It records the Names of some of those Persons for whom Sir Thomas Brisbane had destined allotments in the Park, as well as of those for whom General Darling proposed a similar gratification. In referring to this Minute, Mr. Dumaresq is pleased to state it was issued conjointly with the Colonial Secretary's letter to him of the 21st October, which he Copies; Whereas I presume the letter was written upon the Authority of the Minute, being dated Six days later. The letter however goes far beyond the Minute, as it calls upon Mr. Dumaresq to select an allotment and to report it to the Surveyor General, which would imply that a division of the Park had been actually approved by the Governor, an inference which the Minute contradicts and the subsequent

Instructions
for selection of
allotment by
W. Dumaresq.

correspondence shews to have had no foundation. Mr. Dumaresq further states that he stands second in the order of applicants upon the Minute, which Your Lordship on inspection will perceive is not the case. Considering, however, that the Persons named in the Minute as well as others not named therein, who had received promises of allotments contingent on the breaking up of the Park, had some equitable claim for Land elsewhere, if the Park continued to be reserved, I sought to make some arrangement for satisfying their expectations. Upon enquiry, I found that the Surveyor General had a short time before divided into allotments of from 3 to 4 Acres each the vacant Land in Rush Cutters Bay, distant about one Mile from Hyde Park, and half a Mile from Woolloomooloo. Of this Land as being inferior in Situation to either of the last mentioned Places, I agreed to give a double allotment, or from 6 to 8 acres, in lieu of the expected allotments at Hyde Park. Here also I placed all those Civil Servants, who, coming out with late orders from the Secretary of State, could not obtain allotments in Sydney, imposing the same conditions upon these Grantees as General Darling had done on dividing Woolloomooloo Hill, conditions which have had the effect of erecting a beautiful suburb at that Place. No opposition was made to this arrangement by any Person but Mr. Dumaresq, whose claim, notwithstanding his attempt to support it by implied promises, "tacit understandings" and forced constructions, I consider amongst the lowest on the List.

1832.
24 Dec.

Grant of
allotments at
Rushcutters bay
in lieu of
allotments at
Hyde park.

I had indeed some doubts whether, with reference to the present regulations for the disposal of the Crown Lands, I was fairly authorized to make Grants to these Expectants. But, finding that some old Servants of Government had refused Land in Sydney, when it could have been had, in the hope of getting more agreeable allotments in Hyde Park, and that all the Claimants had received a *contingent promise* from former Governors, I trusted Your Lordship would not disapprove of the arrangement I have effected. It has preserved Hyde Park for the People of Sydney, and will procure the erection of Villas in a beautiful Situation near the Bay. I annex a List of all Persons to whom allotments have been granted at Rush Cutters Bay, in virtue of an ancient promise or order of the Secretary of State.

Reasons for
making grants.

I should add that Mr. Dumaresq has received 2,560 Acres of Land free of Quit Rent as a retired Officer, Nine Months having been specially allowed him in his period of service to make up twenty years; and, having married Miss McLeay, Daughter of the Colonial Secretary, he has received additionally 1,280 Acres as her Marriage portion, all on Hunter's River.

Land granted
to W. Dumaresq
at Hunter river.

1832.
24 Dec.

On the last paragraph but one of Mr. Dumaresq's letter to Your Lordship, I abstain from making any other observation than that I agree with him in considering it *unfitting*; and, on that account, I could have wished he had been able to see the propriety of omitting it.

I have, &c.,
RICHD. BOURKE.

[Enclosure No. 1.]

[A copy of the memorial is not available.]

[Enclosure No. 2.]

MINUTE NO. 99.

Government House, 15th October, 1831.

Minute *re*
proposed
allotments at
Hyde park.

As the arrangements have not yet permitted of the persons, who were promised Building Allotments in Hyde Park by Sir Thomas Brisbane, taking possession of those set apart for them and of others, who have been since authorised to receive Allotments at that place, to make the necessary Selection; It appears necessary, in order to prevent any misunderstanding with respect to their claims, to place them on record, so that the former may be able to take possession of the ground intended for them, and the latter to select their Allotments as soon as the Arrangements shall be completed, viz.:

The *First* Class consists as follows:—

The Reverend Richard Hill. See accompanying Letter of Private Secretary, dated 6th July, 1824.

Willm. Lithgow, Esq., Auditor General. See his Letter to the Colonial Secretary, dated the 11th October, 1831.

F. N. Rossi, Esqr., Princ. Supt. of Police. See Surveyor General's report on his Application dated 7th October, 1831.

James Bowman, Esqr., Inspector of Hospitals. The Allotment which has been pointed out by him.

The *Second* Class consists of—

William Dumaresq, Esq., Promised by me some considerable time back that he should receive an Allotment as soon as the ground was measured and he should have retired from the Service.

Lieut. Colonel Dumaresq. See Minute referring to the Secretary of State's Order.

Roger Therry, Esqr., Commissioner of the Court of Requests. See Minute referring to the Secty. of State's Order.

M. C. Cotton, Esqr., Collector of Customs. To select as a *reserve* until the Secretary of State's decision shall be received on his appeal lately sent home.

Australian Subscription Library and Museum.—As this is a Public Institution of great importance to the Colony, and, as a site for the necessary Buildings is of consequence, it appears to me, though the Grant was only lately ordered, that the selection should take precedence of all private claimants.

RA. DARLING.

[Enclosure No. 3.]

STATEMENT of the Grants made of the Land at Rushcutter's Bay,
Divided into Allotments of about Four Acres Each.1832.
24 Dec.Return of
land grants at
Rushcutters
bay.

No.	Name of Grantee.	Number of Allotments Granted.	The Surveyor General's Abstract containing the Selection.	Particulars.
			1831.	
1	Cape, W. T. . . .	1	15/31 August . .	Granted by General Darling, in lieu of an allotment promised in Parramatta.
2	Kinchela, John . .	2	1/15 October .	Given in pursuance of an order from the Secretary of State, that Mr. Kinchela should receive a Building Allotment, near Sydney.
3	Manning, J. E. . .	2	1/15 November	Given in lieu of an Allotment on Woolloomoolloo Hill, authorised for Mr. Manning, in pursuance of the Secretary of State's Instructions that he should have a Building Allotment.
			1832.	
4	Dumaresq, Colonel	2	15/31 August . .	In lieu of an Allotment on Hyde Park, authorised for Colonel Dumaresq, in pursuance of the Secretary of State's order for his obtaining a Building Allotment.
5	Gurner, John . . .	2	1/15 September	In lieu of a Sydney Allotment promised by Sir Thomas Brisbane.
6	Therry, Roger . . .	2	15/30 September	In lieu of an Allotment on Hyde Park authorised for Mr. Therry, in consequence of the Secretary of State's Instructions that he should have a Building Allotment.
7	Rossi, F. N.	2	15/30 September	Granted in lieu of an Allotment on Hyde Park, originally promised by Sir Thomas Brisbane and confirmed by General Darling.
8	Hill, Rev. R.	2	1/15 October .	The same as the foregoing.
9	Lithgow, Wm. . . .	2	1/15 October .	The same as the foregoing.

VISCOUNT GODERICH TO GOVERNOR BOURKE.

(Despatch No. 148, per ship Asia.)

Sir,

Downing Street, 25th Dec., 1832.

25 Dec.

I have lately had under my consideration the Report of Archdeacon Broughton on the state of the Church and School Establishments in New South Wales, which accompanied your despatch No. 30 of the 28 February last.

Report by
Rev. W. G.
Broughton.

You will communicate to the Archdeacon my perfect concurrence in the observations, which he has made, as to the advantage and necessity of procuring Ministers of Education and character for the service of the Colony, and you will assure him that it has been my endeavour in concert with the Bishop of London to select, from amongst the Candidates for Colonial Chaplaincies, those only whose learning and morals appeared calculated to produce a beneficial effect upon the parties, whose spiritual welfare would be committed to them.

Selection
of chaplains.

1832.
25 Dec.

Selection
of chaplains.

The Archdeacon's suggestion of resorting to the Colleges of St. Rees and Lampeter for persons properly qualified for the spiritual office will not be lost sight of. My acquiescence in the Archdeacon's remarks upon the subject must not, however, render him too sanguine as to the practicability of selecting in every case, in which the appointment of a Colonial Chaplain may become necessary, persons who may be calculated for the arduous duties of that office, or who may possess minds and tempers adapted to contend successfully with the vitiated feelings and unruly passions of a community like that existing in New South Wales. With a view to convey to them an adequate idea of the state of Society there, and of the privations which they will have to undergo in the course of their Ministry, care will be taken to impart to each Chaplain, desirous of undertaking this office, the information communicated by the Archdeacon relative to their prospects in the above respects.

The next point, to which the Archdeacon adverts, is the mode in which the Clergy and Schools are supported.

In my despatch of the 3d April last, I have already conveyed to you my full satisfaction at the manner in which the Trustees of the Corporation had discharged the important duties committed to them, although it appears to have been the opinion of my Predecessor that the attention, which such of the Clergy as were Members of it were obliged to give to this service, interfered unnecessarily with other duties to which it was more important that they should devote themselves.

The resumption of the Church Reserves was, as I stated in my Despatch No. 21 of the 14th February, 1831, the result of the observations in the Report of the Commissioners of Colonial Enquiry, appointed by His Majesty's late Government, and one of the main considerations, which influenced their decision, was the conviction that the objects, for which the Clergy Corporation was formed, would be more effectually and satisfactorily attained by throwing open to the Public the Lands set apart for the maintenance of the Church and School Establishments, and transferring the expence of supporting them to the Colonial Revenue, which already and for a long time to come would have to provide the Funds for the purpose.

An Order of the King in Council will be immediately passed for abolishing, in the manner prescribed by the Charter, the above Corporation, and for obviating any inconvenience or difficulty which may have been occasioned by the irregular mode in which, though an oversight, this measure was intended in the first instance to be accomplished.

System for
support of
clergy and
schools.

With respect to the distribution of the Clergy, as contemplated by the Archdeacon, I beg to observe that this is a point which can only be satisfactorily arranged in the Colony; and it is, therefore, my wish to leave it to the discretion of the Archdeacon, in conjunction with the Governor, who are alone possessed of the information necessary for disposing of the Services of the Clergy with benefit to, and in proportion to the wants of the respective Parishes. At the same time, I should desire any alteration of this nature to be noticed in the periodical Reports of the Archdeacon, in order that I may be at all times aware of the manner in which the services of the Chaplains are appropriated.

1832.
25 Dec.
Distribution
of clergy.

I informed you, in my despatch of 5th Novr. last, that I had again brought under the notice of the Bishop of Calcutta the misconduct of the Revd. F. Wilkinson, and I trust that, long before this despatch can reach you, his Lordship's decision will have arrived in the Colony. Until, however, that decision is communicated to me, I am of course unable to take any steps for supplying a successor to Mr. Wilkinson.

Misconduct
of Revd.
F. Wilkinson.

The Archdeacon next recommends that the two Lay Catechists, at present employed, and who receive a stipend of £182 10s. each with an allowance for House Rent and Forage, should be replaced by Clergymen of the Established Church.

Proposal
to replace
catechists by
ordained clergy.

To this proposal, I cannot have the slightest objection, nor to holding out to the Clergymen, as an additional inducement to them to accept the situation, the prospect of promotion to Chaplaincies whenever they may become vacant. The difficulty, however, which is found in obtaining Clergymen of character and ability to accept Chaplaincies upon the higher scale of salaries, will I apprehend be still greater in endeavouring to supply the more subordinate situations of Catechists upon the lower rate of remuneration assigned to them; and I do not, therefore, expect that it will be in my power, at once, and fully, to realise the Archdeacon's views in this particular, although I shall not lose sight of any means which may be likely to accomplish them.

I fully concur in opinion with the Archdeacon that Chaplains ought to be stationed at Norfolk Island and Moreton Bay, so long as a large Convict Population may be collected there destitute of Religious Instruction; and I trust that the arrival of the two Masters, who were appointed to the King's Schools at Sydney and Paramatta, and who were selected from persons in Holy Orders expressly for the purpose of officiating as Chaplains, will have enabled the Archdeacon, long ere this, to withdraw one of the Chaplains at present employed at each of these

Chaplains
required at
Norfolk island
and Moreton
bay.

1832.
25 Dec.

places, and to dispose of their services in such a way as may admit of his supplying the deficiency referred to at the two Penal Settlements above mentioned.

Proposed
abolition of
establishment
at Moreton
bay.

While on this subject, I beg to recommend to your serious consideration the practicability of breaking up the expensive Establishment at Moreton Bay, where it appears, from the Archdeacon's Report, a considerable number of Convicts are employed in a manner comparatively unproductive. In the despatches from General Darling received in 1827, he represented this Settlement not to be dreaded by the Convicts as a place of punishment, and, in consequence, he recommended that they should be worked in Irons. By assigning to the Settlers such of these Prisoners as may be more tractable, and by employing upon the Roads, or in any equally severe labour, those desperate and incorrigible characters, the Colony would receive much benefit from their Labour, and the Mother Country would be relieved from the heavy expence entailed by the Settlement in question.

Superintendence
of female
orphan school.

In regard to the arrangement proposed for the future superintendence of the Female Orphan School at Paramatta, I have only to refer you to my despatch of the 11th Instant, in which I announced to you the appointment of the Revd. H. Stiles to the charge of that Institution. In determining to continue this situation for the present, I was influenced by the very high testimony borne to the peculiar fitness of this Gentleman for the education and superintendance of Youth, and also by the advantage of having a person to manage this Establishment, in whom confidence could be placed in respect to its pecuniary concerns, which I have always understood as forming a very important part of his duties. Whenever Mr. Stiles shall be promoted to a Chaplaincy, the Archdeacon's arrangement can be adopted, if he should still think it more advantageous than to continue Mr. Stiles in that employment.

Problems
of education.

The remainder of the Archdeacon's report principally relates to the present state of education in the Colony, and to the want of School-masters and Mistresses Competent to their duty. I cannot but admit the weight of the arguments, adduced by Mr. Broughton, to shew the importance of extending the means of Instruction and improvement to the rising generation; and I shall be ready to give my sanction to any proposal for this object, whenever the Council will originate, and the Finances of the Colony will admit of, a larger sum being devoted towards it. In future, I have to desire that any additional expence, which may be deemed necessary for the improvement of the existing Colonial Institutions connected with Religion or Education, may be submitted to the consideration of the Council before it is

brought under my notice, so that, by being informed of the sentiments of the Council upon the proposal as well as your own, I shall be better able to arrive at a satisfactory decision.

The Evils, which the Archdeacon attributes to the uncertainty prevailing as to the Law respecting the Celebration of Marriages, are of a very serious nature, and appear to demand your careful attention. Since the Enactment of the 9 Stat. Geo. 4, ch. 83, Sec. 24, ample provision has been made for setting at rest, within the Colony itself, every question of this Nature. I will not undertake to determine whether the Marriage act of George 2d does or does not extend to New South Wales, for it is unnecessary for me to express or to form an opinion on the subject. If that question has never been judicially decided by the Supreme Court, or if any doubt has arisen respecting it, the Section of the Statute to which I have referred authorizes you, with the advice of the Legislative Council, to pass a declaratory law for setting any such doubts at rest. It is far more convenient that measures of this nature, involving so many Local considerations, should originate in the Colony than in this kingdom; and, to yourself and the Legislative Council, I must therefore, in the first instance, refer the Enquiry whether the English Marriage Act is adapted to the circumstances of New South Wales, or admits or requires any modification in that Settlement.

I am, &c.,
GODERICH.

VISCOUNT GODERICH TO GOVERNOR BOURKE.
(Despatch No. 149, per ship Asia.)

Sir, Downing Street, 26 Decr., 1832.

I have delayed answering till now the various despatches from General Darling mentioned in the margin,* and approving the manner in which he proposed to carry into effect my Instructions respecting the payment of Quit-Rents, and the alteration of the Land Regulations, as I was desirous of giving you an opportunity of ascertaining whether the several Regulations framed by that Officer were in their practical operation in any degree defective, before I proceed to confirm them. But, as you have not recommended any alteration of those Regulations with the exception of the modification of the one mentioned in your despatch No. 49 of the 9th of April last, and particularly as you have stated your opinion that the principle of the present mode of disposing of the Crown Lands should be maintained, I see no longer any occasion to withhold my sanction of the Regulations in question, and they are accordingly approved. I take

1832.
25 Dec.

Necessity for
legislation *re*
celebration of
marriages.

26 Dec.

Despatches
acknowledged.

Approval of
regulations *re*
quit rents and
land.

* Marginal note.—No. 70, 1 Sep., 1831; No. 78, 19 Sep., 1831; No. 81, 28 Sep., 1831.

1832.
26 Dec.

Commendation
of services of
R. Darling and
council.

this opportunity of acknowledging the very able manner, in which the numerous and complicated cases affected by the new system, have been provided for by General Darling with the assistance of his Council, and of expressing my sense of the care and attention which has been shewn to the interests of the Parties concerned, as well as to those of the Public.

Extension
of time for
payments
on land.

With reference to the Petitions of the Landholders, who are indebted to the Government for Lands, purchased during the administration of Sir Thomas Brisbane and of General Darling, transmitted in the despatch No. 81, I have only to express my hope that the further time, which you have granted and which I have sanctioned for completing their payments, will enable them to fulfil their engagements without the sacrifice of any portion of their property. Considering the time, which has elapsed since those engagements were entered into by the Parties, and the delays which have from time to time been granted upon their urgent remonstrances, I think it right that they should most fully understand that the Government will not consent, under any circumstances, to extend the periods at which the respective Instalments, fixed by you, will become due; and you will, therefore, take care that the payment of each Instalment be enforced, or that a surrender of land, proportioned to the amount, be obtained in default thereof.

Payment of
instalments to
be enforced on
due dates.

Abolition
of church
corporation.

The question respecting the proper mode of abolishing the Church Corporation has been set at rest by the order in Council, which has been passed for that purpose, and which accompanied my despatch No. 148 of the 25th Instant.*

Reply to
petition *re*
quit rents.

The Petition, enclosed in No. 70, from the Landholders on the subject of the arrears of Quit Rent appears to me to require but little notice, after the ample manner in which this question has already been discussed; the causes, assigned by the Parties of the distress under which they labour, afford the best proof of the wisdom of the system against which they have appealed. They allege that, from the disproportion of the demand for Agricultural Produce to the supply, a remunerating price is not obtained for such produce. The Memorialists overlook the fact that the direct tendency of the new Regulations is to remove in a great measure the evils of which they complain. From the facility with which Land could, hitherto, be obtained, the majority of the Settlers have been induced to embark in Agriculture. The natural consequence has been that the markets have been glutted, and the price has been excessively depreciated. The obvious remedy for this state of things is to endeavour to diminish the number of Growers of the same articles, and to divert their attention to other productions and sources of wealth and property to

* Note 232.

the Colony. The new system will have that effect. Those Persons, who are unable to pay off the sums due to the Government for Lands purchased by them and for arrears of Quit-Rent, will be compelled to abandon their land and to seek out a more profitable mode of investing their Capital; while those, who are able to fulfil their obligations, and consequently to retain their Estates, will ultimately remunerate themselves by selling or leasing a part to those Settlers whom its localities might better suit than the Lands at the disposal of the Government. I do not agree with the Memorialists that the sale of lands will deter Capitalists from settling in the Colony; indeed the very fact of their not being liable to the competition of Persons of nominal Capital only will be an additional incentive to the emigration of Capitalists.

1832.
26 Dec.
Effects of
new system.

The Colony will be further benefitted by the longer period, which must elapse under the new system, before the Labourer can become a Proprietor, an advantage which, combined with the emigration of Labouring Persons from this Country, will effect a material reduction to the Settler in the charge for Labour.

The case of Major Lockyer, whose Memorial is enclosed in No. 78, I must leave to be dealt with in the same manner as those of other Persons similarly situated, as I see no good reason for making an exception from the Regulations in his favour.

Claims of
E. Lockyer.

I am, &c.,
GODERICH.

GOVERNOR BOURKE TO VISCOUNT GODERICH.

(Despatch No. 123, per ship Arundel; acknowledged by right hon. E. G. Stanley, 6th September, 1833.)

My Lord, Government House, 31 December, 1832.

31 Dec.

I have the honor to inform Your Lordship that Mr. Burton arrived here on the 5th instant from the Cape of Good Hope, and immediately after his landing informed me that he had left the Cape in consequence of its having been intimated to him by the Governor that His Majesty had been pleased to appoint him to be a Puisne Judge in this Colony. Having no doubt of the fact (although without any official information of Mr. Burton's nomination), and with reference to Your Lordship's Despatch of the 30th March last, Marked Confidential, I thought it right to Communicate immediately with Mr. Justice Stephen upon the Subject of his retirement from the Bench. Mr. Stephen in consequence sent me his written resignation on the 15th instant, and on the 22d Mr. Burton received my Commission to succeed and was sworn into office. This appointment on my part was made

Arrival of
W. W. Burton.

Resignation
of J. Stephen.

1832.
31 Dec.

under the Provisions of the 9th Geo. 4, Cap. 89, Sect. . . . , and rendered necessary in consequence of Mr. Burton not having received a Commission from the King.

Pension for
J. Stephen.

Mr. Stephen has been paid his Salary as Judge to the 31 December, 1832, and has been informed that an allowance of Five hundred Pounds per annum has been granted to him for Life, to commence from the 1st January, 1833. He has objected to the amount, as being less than that upon which he proposed to retire, and has intimated his intention of addressing Your Lordship on the Subject.

Proposed
payment of
salary to
W. W. Burton
during voyage.

I find that, by the Charter under which the Supreme Court of this Colony is established, the Chief Justice was allowed Salary from the day of his embarking in England to proceed to his destination. A similar allowance was made to Mr. Justice Dowling. I presume that Mr. Burton will not be denied an advantage granted to his colleagues, and that Your Lordship will be pleased to direct his full Salary to be paid to the 31 December, 1832, from the Revenues of the Cape, in consideration of that Colony having been relieved from the charge of part of its Judicial Establishment, without the burden of Allowance or Pension to the retiring Judge. But, however Your Lordship may please to decide this part of the arrangement, I trust you will acquiesce in the propriety of allowing Mr. Burton his full Salary, to which he has a Substantial claim, founded as well on the precedents I have referred to, as upon a due Consideration of the heavy pecuniary loss to which he has been exposed by his removal from the Cape to this Colony.

Leave of
absence for
W. W. Burton
at Cape.

I think it right to add, at the request of Mr. Burton, that, when He left the Cape on the 14th October last, he obtained two Months' Leave of absence from the Governor, not thinking it right to surrender his Seat on the Bench before the publication of the new Charter for that Colony, and being at the same time unwilling to lose an opportunity which then offered of proceeding here. If, in consequence of his leave, the Governor shall have thought proper to issue half Salary to his agent at the Cape, Mr. Burton is ready to refund the Amount on being allowed the full Salary, to which I conceive him to be entitled.

I have, &c.,

RICHD. BOURKE.

APPENDIX.

COMMISSION* OF GOVERNOR BOURKE.

WILLIAM THE FOURTH, by the Grace of God, of the United Kingdom of Great Britain and Ireland, King, Defender of the Faith. To Our Trusty and well beloved RICHARD BOURKE, Esquire, Major General of Our Forces, Greeting. WHEREAS We did, by our Letters Patent† under Our Great Seal of Our United Kingdom of Great Britain and Ireland, bearing date at Westminster the thirteenth day of December in the first year of Our Reign, constitute and appoint Our Trusty and well beloved Ralph Darling, Esquire, Lieutenant General of Our Forces, to be Captain General and Governor in Chief in and over the Territory called New South Wales, and all Islands and Territories within the Limits therein mentioned during Our will and pleasure, as by the said recited Letters Patent, relation being thereunto had, may more fully and at large appear. Now KNOW YOU that we have revoked and determined, And by these presents do revoke and determine the said Letters Patent, and every Clause, Article and Thing therein contained. AND FURTHER KNOW YOU that we, reposing especial trust and confidence in the prudence, courage and loyalty of You, the said Richard Bourke, of Our especial Grace, certain Knowledge and mere motion, have thought fit to constitute and appoint, And by these presents Do constitute and appoint you, the said Richard Bourke, to be Our Captain General and Governor in Chief in and over Our Territory called New South Wales, extending from the Northern Cape or extremity of the Coast called Cape York, in the Latitude of ten degrees, thirty seven Minutes South, to the southern extremity of the said territory of New South Wales, Wilson Promontory, in the Latitude of Thirty nine Degrees, twelve Minutes south, and of all the Country inland to the Westward as far as the Hundred and twenty ninth degree of East Longitude, reckoning from the Meridian of Greenwich, including all the Islands adjacent in the Pacific Ocean within the Latitude aforesaid of ten Degrees thirty seven Minutes South and thirty nine Degrees twelve Minutes South, and also including Norfolk Island, lying in or about Latitude twenty nine Degrees three Minutes South and One hundred and sixty eight Degrees of East Longitude from the said Meridian of Greenwich, and of all Forts and Garrisons, erected and established or which shall be erected and established within the said Territory or any of the said Islands. AND WE DO hereby require and command you to do and execute all things

Recital of
Darling's
commission.

Revocation of
letters patent.

R. Bourke to
be governor-
in-chief.

Territorial
jurisdiction.

* Note 233.

† Note 234.

General
instructions.

in the manner that shall belong to your said Command and the Trust we have reposed in you, according to the several powers and directions, granted or appointed you by the present Commission and the Instructions herewith given to you, or according to such further powers or Instructions and Authorities as shall at any time hereafter be granted or appointed you under Our Signet and Sign Manual, or by Our Order in Our Privy Council, or by Us through one of Our Principal Secretaries of State, and according to such Laws and Ordinances as are now in force, or as hereafter shall be made under and by virtue of a certain Act of Parliament, made in the ninth year of the Reign of His late Majesty King George the Fourth, intituled, "An Act to provide for the Administration of Justice in New South Wales and Van Diemen's Land, and for the more effectual Government thereof, and for other purposes relating thereto." AND Our Will and pleasure is that you, the said Richard Bourke, as soon as may be after the Publication of these Our Letters Patent, do take the Oaths appointed to be taken by an Act, passed in the first year of the Reign of King George the First, intituled "An Act for the further Security of His Majesty's Person and Government and the Succession of the Crown in the Heirs of the late Princess Sophia being Protestants and for extinguishing the Hopes of the pretended Prince of Wales and his open and secret Abettors as altered and explained by an Act passed in the sixth year of the Reign of Our late Royal Father intituled 'An Act for altering the Oath of Abjuration and the Assurance and for amending so much of an Act of the seventh year of Her late Majesty Queen Anne, intituled 'An Act for the improvement of the Union of the two Kingdoms,' as after the time therein limited required the delivery of certain Lists and Copies therein mentioned to persons indicted of High Treason or Misprison of Treason,' " or in lieu thereof, the Oath required to be taken by an Act passed in the tenth year of the Reign of his late Majesty intituled "An Act for the Relief of His Majesty's Roman Catholic Subjects," according as the said former Acts or as the said last mentioned Act shall be applicable to your Case. And likewise that you take the usual Oath for the due execution of the Office and Trust of Our Captain General in the Plantations to do their utmost that the several Laws relating to Trade and the Plantations be duly observed, which said Oaths the Senior or any other Member of the Executive Council is hereby authorized and required to Tender and Administer unto you (and in your Absence to Our Lieutenant Governor if there be any present), which being duly performed you shall administer to oath of the Members of Our said Council such of the said Oaths,

Oaths of office
to be taken.

mentioned in, the said several Acts, as shall be applicable to the Case of the Individual Member of Our said Council, taking the same, and also the usual Oath for the due execution of their Places and Trusts respectively; all which Oaths shall also be Administered by the Governor or Person administering the Government of Our said Territory and its Dependencies for the time being to all such persons as shall hereafter be appointed to be Members of Our said Executive Council, before they respectively enter upon the Execution of the Duties of such their Office. AND WE DO hereby authorize and empower you to keep and use the Public Seal, appointed for the Sealing of all things whatsoever that shall pass the Seal of Our said Territory. AND WHEREAS it has been deemed expedient that a Council should be appointed to consist of the persons, nominated in your Instructions, or who shall be hereafter nominated and appointed by Us, any two of whom (together with yourself or in your Absence together with the Member presiding) shall constitute a Quorum, to advise and assist in the Administration of the Government in our said Territory; WE DO hereby give and grant unto you full power and authority to suspend any of the Members of Our said Council from sitting, voting or assisting therein, if you shall find cause for so doing. AND if it shall at any time happen that, by the Death, Resignation or Departure from Our said Territory and its Dependencies of any of Our said Councilors, there shall be a Vacancy or Vacancies in Our said Council, You are hereby Authorized and Required by Warrant or Commission under the Seal of Our said Territory and its Dependencies, to appoint to be Members of Our said Council so many fit and proper persons as shall make up the number present to be FOUR and no more. IT BEING NEVERTHELESS Our Will and Pleasure that You do signify to us by the first opportunity every such Vacancy with the occasion thereof, as also the Names and Qualifications of the Persons appointed by you, to the intent that such appointments may be either disallowed or confirmed by Us; and, until such disallowance or confirmation by Us shall be signified and made known to you, the persons so appointed by You shall be to all intents and purposes Executive Councillors within Our said Territory and its Dependencies. And if, in consequence of the suspension of any of the Members of Our said Council or their inability to attend from any temporary Cause, there should not be a sufficient number of Councillors to form a Quorum, you are hereby authorized, provided the nature of the case shall in your Judgment render it necessary, to nominate from time to time, under the Seal of Our said Territory and its dependencies as aforesaid, such Persons as you shall deem best qualified to act

Oaths to be taken by executive councillors.

Custodian of public seal.

Appointment of executive council.

Power to suspend and appoint members of executive council.

during the temporary incapacity of said Councillors, so that the number present may be two and no more. And the persons so nominated by you shall be deemed Executive Councillors, until the Members originally appointed are enabled to resume their Seats, or until others are appointed in their stead. AND WHEREAS it has been deemed expedient, in pursuance of the provisions of the before mentioned Act of Parliament, made in the ninth year of the Reign of His said late Majesty King George the Fourth, to constitute and appoint a Legislative Council, consisting of the Persons mentioned in a warrant* under the Royal Sign Manual and Signet, bearing date the thirtieth day of January, One thousand eight hundred and twenty nine, with whose advice you are empowered and authorized to make Laws and Ordinances for the Peace, Welfare and good Government of Our said Territory and its Dependencies, WE DO hereby require and Command that you do take especial Care that, in making and passing such Laws and Ordinances, the Provisions, Regulations, Instructions and Directions contained in the said last mentioned Act of Parliament and the Instructions, which have been given to you in that behalf, be strictly complied with. WE DO further give and grant unto you, the said Richard Bourke, full power and authority from time to time and at any time hereafter by yourself, or by any other to be authorized by You in that behalf, to administer and give such of the said Oaths in the several Acts before mentioned contained, as shall be applicable to the Case of the Individual, to whom the same shall be Administered, to all and every such person or persons as You shall think fit, who shall hold any Office or Place of Trust or Profit, or who shall at any time or times pass into Our said Territory and its Dependencies or shall be resident and abiding therein. AND WE DO hereby authorize and empower you to constitute and appoint Justices of the Peace, Coroners, Constables and other necessary Officers and Ministers in Our said Territory and its Dependencies for the better Administration of Justice and putting the Law in Execution, and to administer or cause to be administered unto them such Oath or Oaths as are usually given for the due performance and execution of their Offices and Places. AND WE DO hereby give and grant unto you full power and authority, where you shall see cause, or shall judge any Offender or Offenders in any Criminal Matters, or for any Fines or Forfeitures due unto Us, fit Objects of Our Mercy, to pardon all such Offenders, and to remit all such Offences, Fines and Forfeitures, Treason and Wilful Murder only excepted, in which cases you shall likewise have power, upon extraordinary occasions, to grant Reprieves to the Offenders until and to the Intent Our Royal Pleasure may be known therein.

Appointment
of legislative
council.

Instructions
re legislation.

Power to
administer
oaths of
allegiance ;

to appoint
justices and
officers of the
law ;

and to pardon
and reprieve.

* Note 235.

AND WE DO hereby give and grant unto You, the said Richard Bourke, by yourself or by your Captains or Commanders by You to be authorized, full power and authority to levy, arm, muster, command and employ all Persons whatsoever, residing within Our said Territory and its Dependencies under your Government, and, as occasion shall serve, to march them from one Place to another, or to embark them for the resisting or withstanding all Enemies, Pirates and Rebels, both at Sea and Land, and such Enemies, Pirates and Rebels, if there shall be occasion, to pursue and prosecute in or out of the Limits of Our said Territory and its Dependencies, and, if it shall so please God, them to vanquish, apprehend and take, and to execute Martial Law in time of Invasion or at other times when by Law it may be executed, and to do and execute all and every other thing or things, which to Our Captain General and Governor in Chief doth or ought of Right to belong. AND WE DO hereby give and grant unto You, the said Richard Bourke, full power and authority, with the advice and consent of Our said Executive Council, to divide Our said Territory of New South Wales and its Dependencies into Districts, Counties, Hundreds, Towns, Townships and Parishes, and to appoint the Limits thereof respectively. AND WE DO hereby give and grant unto you full power and authority, with the advice and consent of Our said Executive Council, to erect, raise and build in Our said Territory and its Dependencies such and so many Forts, Platforms, Castles, Cities, Boroughs, Towns and Fortifications, as you, by the Advice aforesaid, shall judge necessary, and the same or any of them to fortify and furnish with Ordnance and Ammunition and all Sorts of Arms, fit and necessary for the Security and Defence of the same, and the same again or any of them to demolish or dismantle as may be most convenient. AND forasmuch as divers Mutinies and Disorders may happen by persons, Shipped and Employed at Sea during the time of War, And to the end that such Persons, as shall be shipped and employed at Sea during the time of War, may be better governed and ordered, WE DO hereby give and grant unto you, the said Richard Bourke, full power and authority to constitute and appoint Captains, Lieutenants, Masters of Ships and other Commanders and Officers, and to grant to such Captains, Lieutenants, Masters of Ships and other Commanders and Officers, Commissions to execute the Law Martial during the time of War according to the directions of an Act passed in the twenty second year of the Reign of King George the Second, intituled "An Act for amending, explaining and reducing into one Act of Parliament the Laws relating to the Government of His Majesty's Ships, Vessels

Power to levy
armed forces ;

to proclaim
martial law ;

to divide
territory into
counties, etc. ;

to erect
fortifications ;

and to exercise
sovereign naval
powers.

and Forces by Sea," as the same is altered by an Act, passed in the nineteenth year of the Reign of Our late Royal Father, intituled, "An Act to explain and amend an Act passed in the twenty second year of the Reign of His late Majesty King George the Second, intituled, 'An Act for amending, explaining and reducing into one Act of Parliament the Laws relating to the Government of His Majesty's Ships, Vessels and Forces by Sea,' " and to use such Proceedings, Authorities, Punishments, Corrections and Executions upon any Offender or Offenders, who shall be Mutinous, Seditious, Disorderly or any way unruly, either at Sea or during the time of their Abode or Residence in any of the Ports, Harbours or Bays of Our said Territory and its Dependencies, as the Case shall be found to require according to Martial Law and the said Directions during the time of War as aforesaid. PROVIDED that nothing herein contained shall be construed to the enabling You or any by your Authority to hold plea or have any Jurisdiction of any Offence, Cause, Matter or Thing, committed or done upon the High Seas or within any of the Harbours, Rivers or Creeks of Our said Territory and its Dependencies under your Government, by any Captain, Commander, Lieutenant, Master, Officer, Seaman, Soldier or other Person whatsoever, who shall be in actual Service and Pay in or on Board any of Our Ships of War or other Vessels, acting by immediate Commission or Warrant from our Commissioners for executing the Office of Our High Admiral of Our United Kingdom of Great Britain and Ireland, or from Our High Admiral of Our said United Kingdom of Great Britain and Ireland for the time being, under the Seal of Our Admiralty; but that such Captain, Commander, Lieutenant, Master, Officer, Seaman, Soldier or other Person, so offending, shall be left to be proceeded against and tried, as their Offences shall require, either by Our Supreme Court of New South Wales in pursuance of the provisions in that behalf contained in the said Act of Parliament, made and passed in the ninth year of Reign of His said late Majesty, or by Commission under Our Great Seal of this Kingdom, as the Statute of the twenty eighth of King Henry the Eighth directs, or by Commission from Our Commissioners for executing the Office of Our High Admiral of Our United Kingdom of Great Britain and Ireland, or from Our High Admiral of Our United Kingdom of Great Britain and Ireland for the time being, according to the aforesaid Act passed in the twenty second year of the Reign of King George the Second, as altered by the said Act passed in the nineteenth year of the Reign of Our late Royal Father. PROVIDED NEVERTHELESS that all Disorders and Misdemeanors committed on Shore by any Captain,

Limitation on
sovereign naval
powers.

The trial of
officers and
seamen of navy.

Commander, Lieutenant, Master, Officer, Seaman, Soldier or any other Person whatsoever belonging to any of Our Ships of War or other Vessels, acting by immediate Commission or Warrant from Our Commissioners for executing the Office of Our High Admiral of Our United Kingdom of Great Britain and Ireland or from Our High Admiral of Our United Kingdom of Great Britain and Ireland for the time being, under the Seal of Our Admiralty, may be Tried and Punished according to the Laws of the Place, where any such Disorders, Offences and Misdemeanors shall be Committed on Shore, notwithstanding such Offender be in Our actual Service and borne in Our pay on Board any such Our Ships of War or other Vessels, acting by immediate Commission or Warrant from Our Commissioners for Executing the Office of Our High Admiral of Our United Kingdom of Great Britain and Ireland, or from Our High Admiral of Our United Kingdom of Great Britain and Ireland for the time being as aforesaid. So as he shall not receive any protection for the avoiding of Justice for such Offences committed on Shore from any pretence of his being employed in Our Service at Sea. OUR WILL AND PLEASURE is that all Public Monies, which shall be raised, be issued out by Warrant from you for the support of the Government, or for such other purposes as shall be particularly directed and not otherwise. AND WE do hereby give and grant unto you full power and authority, with the Advice of Our Executive Council of Our said Territory and its Dependencies, to agree for such Lands, Tenements and Hereditaments as shall be in Our Power to dispose of, and them to grant to any Person or Persons upon such Terms and under such Services and acknowledgments to be thereupon reserved unto Us, according to such Instructions as shall be given to you under Our Sign Manual, which said Grants are to pass and be Sealed with the Seal of Our said Territory and its Dependencies, and, being entered upon Record by such Officer or Officers as shall be appointed thereunto, shall be good and effectual in Law against Us, Our Heirs and Successors. AND WE do hereby give you, the said Richard Bourke, full power to appoint Fairs, Marts and Markets, and also such and so many Ports, Harbours, Bays, Havens and other Places for the convenience and Security of Shipping and for the better loading and unloading of Goods and Merchandize within Our said Territory and its Dependencies, as by you, with the Advice of Our Executive Council, shall be thought fit and necessary. AND WE do hereby require and command all Officers, Civil and Military, and all other Inhabitants of Our said Territory and its Dependencies to be obedient, aiding and assisting to you, the said Richard Bourke, in the execution

The trial of offences committed by officers and seamen on shore.

Power to control finances ;

to grant land ;

and to control commerce.

Provision for
vacancy in
office.

of this Our Commission, and of the Powers and Authorities therein contained; And, in case of your death or absence out of Our said Territory and its Dependencies, or in case from any especial Circumstances We shall judge it expedient by Warrant under the Royal Sign Manual or otherwise to provide for the Civil Administration of the Government, notwithstanding your actual presence in Our said Territory and its Dependencies, to be obedient, aiding and assisting unto such Person as shall be appointed by Us to be Our Lieutenant Governor or Commander in Chief or to Administer the Government of Our said Territory and its Dependencies; to whom WE DO therefore, by these Presents in either of such Cases, give and grant all and singular the Powers and Authorities herein granted, to be by him executed and enjoyed during Our pleasure. And if, upon your death or absence out of Our said Territory and its Dependencies, there be no Person upon the Place Commissioned or appointed by Us to be Our Lieutenant Governor of Our said Territory and its Dependencies or especially appointed by Us to administer the Government, OUR WILL AND PLEASURE IS that the Senior Military Officer in Command of Our Forces within Our said Territory and its Dependencies shall take upon him the Administration of the Government, And that he or such other Military Officer as may from time to time succeed to the Command of Our said Forces shall also execute this Our Commission and the aforesaid Instructions, and the several Powers and Authorities herein contained, in the same manner and to all intents and purposes as other our Governor or Commander in Chief should or ought to do in case of your Absence or until your return, or in all Cases until Our further Pleasure be known therein. AND WE DO hereby declare, ordain and appoint that you, the said Richard Bourke, shall and may hold, execute and enjoy the Office and Place of Our Captain General and Governor in Chief in and over Our said Territory and its Dependencies, together with all and singular the powers and authorities hereby granted unto you, for and during Our Will and Pleasure.

IN WITNESS whereof we have caused these Our Letters to be made Patent.

WITNESS Ourselves at Westminster, the twenty fifth day of June in the first year of Our Reign.

By Writ of Privy Seal.

BATHURST.

[A copy of the instructions to Governor Bourke will be found in an appendix to a later volume.]

COMMENTARY.

COMMENTARY

ON

DESPATCHES

TO AND FROM GOVERNORS DARLING AND BOURKE,

JANUARY, 1831—DECEMBER, 1832.

Note 1, pages 1, 2, 497, 498 and 499.

The following despatches.

These despatches were principally covering letters to the enclosures. Those enclosures, which are available, will be found in volumes of the series to which they belong.

Note 2, page 2.

The order for his removal.

This order was given by colonial secretary Macleay and dated 9th January, 1829 (*see* page 847, volume XV).

Note 3, page 5.

The "Insolvent Act."

This was the act of council, 11 Geo. IV, No. 7, entitled "An Act for the relief of Debtors and for an equal distribution of their Estates and Effects amongst Creditors," passed on the 2nd of April, 1830.

Note 4, page 6.

The 9th Section.

The ninth section of the charter of justice will be found on page 511, volume I, series IV. By this section, authority was given for the appointment of such officers of the supreme court as the chief justice might consider necessary, provided that no new office should be created without the consent of the governor or acting governor for the time being.

Note 5, page 10.

The Establishment.

The government establishment at Wellington valley was formed by orders of Sir Thomas Brisbane in the year 1822, in consequence of the recommendation for the development of agricultural establishments made by J. T. Bigge on page 39 *et seq.* of the first report on his commission of inquiry. The settlement at Bathurst had been used as a depot for educated convicts, but, as settlement advanced, they were removed to the more isolated establishment at Wellington valley.

Note 6, page 10.

The proceedings in the House of Commons.

Governor Darling commented on these proceedings in a despatch, dated 17th December, 1830 (*see* page 832, volume XV).

Note 7, page 13.

A prosecution for libel.

In the year 1830, the Reverend Ralph Mansfield was prosecuted for libel by W. C. Wentworth. The libel was based on the publication in the *Sydney Gazette* of Governor Darling's reply to an address presented to him on his impeachment by W. C. Wentworth (*see* pages 653 *et seq.* and 659 *et seq.*, volume XV).

Note 8, page 31.

Also pages 48 and 259.

The People from Pitcairn's Island.

These people were the descendants of the mutineers from H.M. ship *Bounty* (*see* note 210, volume XIV).

Note 9, page 34.

Also pages 119, 246, 273, 300, 382 and 385.

The Report.

On the 21st of June, 1830, a commission was issued to James, earl of Rosslyn, Henry Goulburn, Maurice FitzGerald, Edward Granville Eliot known as lord Eliot, and Sir James Willoughby Gordon, to inquire into the revenue and expenditure of the colonies and foreign possessions. Their third report, dated 1st November, 1830, was on the Australian colonies. It was submitted to, and ordered to be printed by the house of commons on the 8th of December, 1830.

Note 10, page 37.

Also page 349.

An arrangement.

In a letter dated 23rd May, 1827, under secretary Hay informed the directors of the Van Diemen's Land company that the sum of £16 for each male immigrant and £20 for each female, introduced by the company to the colony, would be allowed in deduction of the quit rent hereafter payable by the company (*see* page 94, volume VI, series III).

Note 11, pages 41, 43 and 46.

Printed Treatise.—Manual of Plain Directions.—Appendix.

These works were:

A Treatise on the Culture of the Vine and the Art of Making Wine compiled from the works of Chaptal and other French Writers and from the notes of the Compiler during a residence in some of the Wine Provinces of France, 12 mo. Australia, printed by R. Howe, 1825.

A Manual of Plain Directions for Planting and Cultivating Vineyards and for Making Wine in New South Wales, 12 mo. Sydney, 1830.

The "Appendix" was on pages 254 to 271 of the almanac and was entitled "Advice to Emigrants newly arrived in New South Wales."

Note 12, page 42.

Commissioner of Enquiry.

The report on this inquiry will be found on page 482 *et seq.*, volume XV.

Note 13, page 48.

The statement.

This statement was in reply to charges made by archdeacon Scott in a letter dated 1st September, 1829 (*see* page 216, volume XV).

Note 14, page 53.

Also page 68.

Government Notice.

By this notice, the reward of an absolute pardon and a passage to England, or, if the individual was free, of a grant of land was promised to "the Person, who shall first apprehend, or give Information leading to the Apprehension and Delivery into safe Custody," of John Donahoe, William Underwood or John Macnamara. A personal description of each bushranger was included in the notice.

A note on John Donahoe will be found numbered 183 in volume XV.

Note 15, page 55.

Four or five Vessels.

In May, 1829, the cutter *Mermaid* was sent from Sydney on a voyage to King George's sound *via* Torres strait with provisions. In the following month, she was wrecked in Torres strait at the same time as the ships *Governor Ready* and *Swiftsure* and the brig *Comet*, which had sailed in company.

Note 16, page 56.

The Detachment of the 63rd Regiment employed in Western Australia.

The detachment of the 63rd regiment was quartered at Swan river, and had been detailed as the guard for the settlement formed by lieut.-governor Stirling in 1829 (*see* pages 597 and 615 *et seq.*, volume VI, series III).

Note 17, page 56.

The communication.

In a despatch dated 24th February, 1830, Sir George Murray enunciated a rule prohibiting the granting of pensions to the families of deceased civil servants (*see* page 381, volume XV).

Note 18, page 59.

Also page 629.

Five Commissioners.

The five commissioners were William Grant Broughton, archdeacon; Alexander Macleay, colonial secretary; William Lithgow, auditor-general; Michael Cullen Cotton, collector of customs; and Thomas Macquoid, sheriff.

Note 19, page 61.

This Government has just now been cast in Damages.

Governor Darling submitted reports on these actions in despatches to under secretary Hay, dated 28th March, 1831 (*see* page 221), and to viscount Goderich, dated 10th October, 1831 (*see* pages 403, 404 and 406).

Note 20, page 73.

My Despatch No. 7.

This despatch was dated 29th January, 1831 (*see* page 39 *et seq.*).

Note 21, page 75.

A Report of the Trial.

This action was brought in connection with the lengthy dispute, which arose from the ejection of E. S. Hall from a pew in St. James church, Sydney. A summary of the details of the lawsuits will be found in note 118, volume XIV.

Note 22, page 78.

A letter.

This letter was by G. R. Nichols. It had been submitted to the *Sydney Gazette* and refused publication. It referred to the proceedings at a dinner on the 26th of January of the Australian society for the promotion of Australian commerce and agriculture, and it indicated that Nichols had strong sympathy with the emancipist party.

Note 23, page 78.

Despatch No. 25.—The Archdeacon's report.

The despatch No. 25 will be found on page 91 *et seq.* The archdeacon's report was enclosed in despatch No. 21 (*see* page 79) and will be found in a volume in series VII.

Note 24, page 81.

Your former instructions.—The report.

The instructions were contained in the royal instructions to Governor Darling, dated 17th July, 1825 (*see* page 118, volume XII).

On page 74 of their report (*see* note 9), in commenting on the grant of one-seventh part in extent and value of all the lands in every county and hundred to the clergy and school estates, the commissioners of inquiry stated that this plan for providing for the clergy and schools had failed, and the estates were neglected and uncultivated, whereby settlement was extended over larger areas at an increased cost in the general administration of the colony.

Note 25, page 84.

These instructions.

The instructions were "terms upon which the Crown Lands will be disposed of in New South Wales and Van Diemen's Land," and were published in a government notice, dated 1st July, 1831, as follows:—

"It has been determined by His Majesty's Government that no land shall, in future, be disposed of in New South Wales or Van Diemen's Land, otherwise than by public sale; and it has therefore been deemed expedient to prepare, for the information of settlers, the following summary of the Rules which it has been thought fit to lay down for regulating the sale of land in those Colonies:—

"(1) A division of the whole Territory into Counties, Hundreds and Parishes, is in progress. When that Division shall be completed, each parish will comprise an area of about twenty-five square miles.

"(2) All the lands in the Colony, not hitherto granted and not appropriated for public purposes, will be put up for sale. The price will, of course, depend upon the quality of the land, and its local situation; but no land will be sold below the rate of five shillings per acre.

"(3) All persons proposing to purchase lands, not advertised for sale, must transmit a written application to the Governor, in a certain prescribed form, which will be delivered at the Surveyor-General's Office to all persons applying, on payment of the requisite fee of 2s. 6d.

"(4) Those persons, who are desirous of purchasing, will be allowed to select, within certain defined limits, such portions of land as they may wish to acquire in that manner. These portions of land will be advertised for sale for three calendar months, and will then be sold to the highest bidder, provided that such bidding shall at least amount to the price fixed by Article (2).

"(5) A deposit of 10 per cent. upon the whole of the purchase must be paid down at the time of sale, and the remainder must be paid within one calendar month from the day of sale, previous to which the purchaser will not be put in possession of the land; and in case of payment not being made within the prescribed period, the sale will be considered void and the deposit forfeited.

"(6) On payment of the money, a grant will be made in fee-simple to the purchaser, at the nominal quit-rent of a pepper-corn. Previous to the delivery of such grant, a fee of forty shillings will be payable to the Colonial Secretary for preparing the Grant, and another fee of five shillings to the Registrar of the Supreme Court for enrolling it.

"(7) The land will generally be put up to sale in lots of one square mile, or 640 acres; but smaller lots than 640 acres may, under particular circumstances, be purchased, on making application to the Governor in writing, with full explanations of the reasons for which the parties wish to purchase a smaller quantity.

"(8) The Crown reserves to itself all Lands within one hundred feet of high water mark on the Sea Coast, Creeks, Harbours, and Inlets, all Mines of Gold, Silver and Coals, the right of constructing all Roads and Bridges which may be necessary for public purposes, and the right of taking and removing such Stone, indigenous Timber, and other Materials, the produce of the Land, as may be required at any time for the Construction and Repair of Roads and Bridges, for Naval purposes and for other Public Works."

The enclosure No. 2 on page 84 was added to this notice.

Note 26, page 84.

The General Orders.

These orders will be found on pages 595 and 596, volume XII, and on pages 485, 486 and 596, volume XIII.

Note 27, page 86.

93, 1828.

This despatch will be found on page 284 *et seq.*, volume XIV.

Note 28, page 87.

Also page 305.

The Banishment of the Parties on a second conviction.

By the ninth section of the act of council, 11 Geo. IV, No. 1, it was enacted, "That, if any person shall be legally convicted of having, after the passing of this Act, printed or published any blasphemous or seditious Libel, or any Libel tending to bring into hatred or contempt the Government

of the said Colony as by law established, or the Governor or Acting Governor of the Colony for the time being, or to excite any of His Majesty's subjects to attempt the alteration of any matter in Church or State, as by law established, otherwise than by lawful means, or to adopt any illegal proceedings, and shall, after being so convicted offend a second time and be legally convicted of such second offence before the Supreme Court, such person shall on such second conviction be adjudged to be banished from New South Wales and its Dependencies for such term of years, not being less than two years nor more than seven, as the said Court shall order."

Note 29, page 88.

Also pages 305 and 306.

An Act of Parliament.

This was the statute, 11 Geo. IV and 1 Wm. IV, No. lxxiii, passed on the 23rd of July, 1830, by which the clauses relating to banishment in the statute, 60 Geo. III, c. viii, were repealed.

Note 30, page 88.

Also page 307.

To release Mr. Hall from Jail.—He has avowed.

On the 10th of April, 1829, E. S. Hall was found guilty of a seditious libel on Governor Darling, and, five days later, of a criminal libel on F. C. Crotty, the commandant at Port Macquarie. For these two libels, he was sentenced to imprisonment for twelve and three months, the sentences to be cumulative. In December, 1829, Hall was again found guilty of criminal libels on Governor Darling, J. Laidley, A. Macleay and F. A. Hely, and was sentenced to terms of imprisonment of nine, six, six and one month respectively, the sentences also to be cumulative. When released, he was serving these sentences.

In a letter dated 17th October, 1829 (*see* page 442, volume XV), E. S. Hall requested Sir George Murray to direct that the printing of the government notices, orders, acts of council, commissariat advertisements, and those of the church and school corporation should be given to the printing office of the *Monitor* newspaper equally with that of the *Sydney Gazette*.

Note 31, pages 89 and 242.

A Govt. Order.

In this order, the receipt of despatches from Charles Sturt detailing his second expedition was announced (*see* note 67, volume XV).

Note 32, page 92.

The newly-appointed Attorney and Solicitor General.

The reference was to John Kinchela and Edward McDowell (*see* pages 600 and 601, volume XV).

Note 33, page 92.

The 9th Section.

This section was as follows:—

"And Whereas by a certain Act passed in the Fifth Year of the Reign of His present Majesty intitled *An Act for the Transportation of Offenders from Great Britain*, Provision is made for vesting in the Governor of the Colony to which Offenders may be transported, or to such other Person as therein mentioned, the Property in the Service of such Offenders, and it is

expedient to make further Provision in that Behalf, so far as respects the said Colonies of *New South Wales* and *Van Diemen's Land*; Be it further enacted, That any Offender, who hath heretofore been or shall hereafter be assigned to any Person or Persons within the said Colonies respectively, under and in pursuance of the said Act, shall not, by any such Assignee or Assignees, be assigned over to any other Person or Persons, except with the written Consent and Licence of the Governors of such Colonies respectively; and that it shall and may be lawful for the Governors of the said Colonies respectively from time to time, as to them shall seem meet, to revoke any such Assignments of Offenders as may have been or shall hereafter be made in pursuance of the said Act, and to grant to any Offender or Offenders transported to the said Colonies such temporary or partial Remissions of their Sentences as to such Governors may seem best adapted for the Reformation of such Offenders, and such temporary or partial Remissions from time to time to revoke or renew, as Occasion may require; any thing in the said Act, or in any other Act of Parliament, to the contrary in anywise notwithstanding."

Note 34, page 92.

The Case.

The details of the costs in these cases will be found on page 418, volume XV.

Note 35, page 104.

The Salary of the Attorney-General.

The salary of Saxe Bannister as attorney-general was £1,200 *per annum*. When A. M. Baxter was appointed to succeed Bannister in 1826, the salary was increased to £1,400 *per annum*; but when John Kinchela was appointed to succeed Baxter in 1830, the salary was reduced again to £1,200.

Note 36, page 114.

As you have already been informed.

The instructions for the construction of all public works by contract were contained in a despatch from under secretary Hay, dated 14th December, 1830 (*see* page 829, volume XV).

Note 37, page 114.

A Letter.

A copy of this letter will be found in a volume in series IV. It dealt with the trial of the Reverend Ralph Mansfield for libel on the prosecution of W. C. Wentworth, at which trial Mr. Justice Stephen had made indiscreet remarks. Governor Darling submitted a report on these remarks in a despatch, dated 7th August, 1830 (*see* page 654 *et seq.*, volume XV). Stephen was strongly censured by Viscount Goderich (*see* page 287).

Note 38, page 116.

The last Report of its President.

Sir John Jamison was the president of the agricultural society.

Note 39, page 120.

Page 16.—Page 17.—Pages 35, 6 and 7.

Pages 16 and 17 contained the minutes dated 8th and 9th March (*see* page 196); "par. 3, pages 35, 6 and 7" will be found on page 198.

Note 40, page 121.

Page 40.—Page 58.—Pages 42 and 43.

Pages 40, 42 and 43 will be found on page 199, and page 58 of the appendix on page 203.

Note 41, page 122.

Pages 46, 47 and 48.—Page 49.

Pages 46–49 will be found on pages 200 and 201.

Note 42, page 123.

Page 132.—Page 89.

The letter on page 132 was dated 12th March, 1831 (*see* page 216); the letter on page 89 will be found on page 208.

Note 43, page 124.

20th and 22d Paragraphs of the King's Instructions.—The Notes.—Page 11.

The instructions will be found on page 117, volume XII; the notes and page 11 on pages 156 and 154 respectively in this volume.

Note 44, page 125.

Page 4.—Page 6.

Pages 4 and 6 will be found on pages 187 and 188.

Note 45, pages 126 and 127.

Pages 42 and 43.—One of his Letters.

Pages 42 and 43 will be found on page 199, and the letter on page 148 *et seq.*

Note 46, pages 128 and 129.

Their first Expedition.—The Despatch.—A second expedition.—The last discovery.

Notes on the expedition of Allan Cunningham and the first and second expeditions of Charles Sturt will be found numbered 132 and 172 in volume XIV, and 67 in volume XV. The despatch was dated 16th October, 1829 (*see* page 211, volume XV). The "last discovery" was that of the outlet of the Murray river at Lake Alexandrina.

Note 47, page 128.

A proposition of a Mr. Ballantyne.

This proposition was contained in a letter dated 20th October, 1827 (*see* page 555 *et seq.*, volume XIII).

Note 48, page 129.

The 32nd and 33rd Pages.

The reference will be found on page 198.

Note 49, pages 131 and 142.

It was notified.—A Notice.

Governor Darling's minute ordering the abolition of the department of roads and bridges will be found on pages 329 and 330, volume XV. A printed notice repeating the substance of this minute was attached to T. L. Mitchell's letter.

Note 50, pages 132 and 135.

Mr. Collits.—Collett's Inn.

The first road descending Mount York was constructed by William Cox, and was opened for traffic in the year 1815. This road was excessively steep. Pierce Collitt marked a new line, which, by deviating to the north-east and descending a valley, improved the gradient, though in places it was still one in four. This new line joined the first road at the foot of Mount York. Near the junction of the roads Collitt erected an inn. As the ascent of either road to the top of Mount York usually occupied a bullock team a whole day, the inn became a great resting-place, and was the best known locality in the early history of the western road.

Note 51, page 138.

Also page 137.

I defy any man to point out any material improvement.

The subsequent history of the western road proved the accuracy of T. L. Mitchell's survey. The descent *via* Mount Victoria was opened by Governor Bourke on his way to Bathurst in October, 1832, and this line of road remained the main artery of access to the western districts of New South Wales until the construction of the railway in the sixties, and it remained the main road until the construction of the Berghofer pass about twelve years ago.

Note 52, page 139.

Two roads.

The road *via* Mount Blaxland was constructed by William Cox and opened in the year 1815. After descending Mount Blaxland, it crossed Jock's bridge. After crossing two steep hills each about 500 feet high, it then crossed Antonio's creek, ascended another steep hill, crossed the Fish river at a difficult ford, and continued by Emu valley, Lowe's swamp, Sidmouth valley and Rainville. The Fish river was recrossed at O'Connell plains, and the road continued to the Bathurst bridge on the river Lett.

The second road lay a few miles to the north of this road, and thereby avoided some steep hills and difficult fords.

Note 53, page 139.

The rough sketch.

A copy of this sketch will be found in the volume of charts and plans.

Note 54, page 140.

A half-removed rock.

Mount Victoria, in its natural state, consisted of two twin rocks at its summit. One of these rocks was removed to provide space for the road.

Note 55, page 142.

Notes.

The letters in these notes refer to the following paragraphs:—A to the second paragraph and B to the fourth on page 131; C to the last paragraph on page 132; and D to the first paragraph on page 133.

Note 56, page 147.

A letter.

This letter will be found on page 131 *et seq.*

Note 57, page 150.

Possession has been obtained.

Besides duly executed grants of land, Governor Macquarie gave a large number of permissive occupancies and promises of land grants. In consequence of these, many persons occupied and improved lands to which they had no legal title, and in some cases the lands were sold and transferred. These lands subsequently became the subject of suits in the court of claims. When this court admitted the rights of the applicant, a special form of grant was issued, which recited in the preamble that the lands were granted in consequence of a promise by major-general Lachlan Macquarie on some particular date. A striking case is the grant of seventy-one acres to Thomas West at Barcom-glen, Rusheutters' bay, Sydney. This grant was dated 30th May, 1844, and was given by Sir George Gipps in consequence of a promise made by Governor Macquarie on the 1st of December, 1811.

Note 58, page 153.

A copy.

This letter will be found on page 177.

Note 59, page 154.

A copy.—Their report.

The copy referred to the letter dated 23rd August, 1830 (*see* page 140) from A. Macleay; the report will be found on page 172 *et seq.*

Note 60, page 156.

The foundation has been laid many Years.

Governor Macquarie laid the foundation-stone of an intended church at the corner of George and Bathurst streets. After his arrival in September, 1819, J. T. Bigge, the commissioner of inquiry, advised that building operations should be discontinued. The foundation-stone was within the alignment of the modern George-street, and was removed at a later date. On the allotment proposed for the church by Governor Macquarie, the cathedral of St. Andrews was erected subsequently.

Note 61, page 157.

The Government Order.

By this order, a system was established for the despatch of public business. All persons, desirous of making application upon subjects relating to any particular department, were ordered to address themselves to the head of the department. If the application concerned regulations only, the head of the department would make a prompt decision; in other cases, the application would be referred to the governor. Applications were henceforth to be directed as follows:—Respecting *land*, "to the colonial secretary, where the object is to obtain a grant or permission to purchase or rent, and to the surveyor-general in all other cases"; respecting *roads*, to the surveyor of roads

and bridges; respecting *provisions*, to the deputy commissary-general; respecting the *revenue*, to the collector of customs or to the collector of internal revenue; respecting the *marine*, to the superintendent of government vessels; respecting the *police*, to the police magistrates or benches; respecting *convicts*, to the principal superintendent of convicts; on *legal matters*, to the crown lawyers; and relative to *accounts*, to the auditor-general.

Note 62, page 164.

His Majesty's instructions.

The clauses, to which reference was made, will be found on page 119 *et seq.*, volume XII.

Note 63, page 168.

An act of Council.

This was the act of council, 10 Geo. IV, No. 6, entitled, "An Act for the more effectual resumption of Lands permitted to be occupied under the Crown as well as under the Corporation for Church and School Lands." It was passed on the 29th of September, 1829.

Note 64, page 173.

The only persons.—The Cross road.

J. B. L. D'Arrietta had a grant of three thousand acres known as Moreton park on the banks of the Nepean river; Arthur Douglass had a grant of eight hundred acres known as Douglass park; P. Cavenagh had a grant of one thousand acres on the eastern boundary of H. C. Antill's Jervisfield grant near Pieton; and William Cowper had a grant of six hundred acres adjoining Cavenagh's eastern boundary. Access to these four grants was by a line of road from the ford at Menangle to Stonequarry creek (at the site of the modern Pieton).

Between the ford at Camden and the boundary of Moreton park, all the land was held by members of the Macarthur family; and, through these lands, the cross road passed.

Note 65, page 173.

Lupton's.

This inn was situated in Bargo brush, five and a half miles south of the ford on the Bargo river. The road proposed by the commissioners follows the line of the modern road from Appin *via* Wilton.

Note 66, page 175.

A new line.

The new line was proposed to the south of the Parramatta-road. Instead of the Liverpool-road commencing at Ashfield, five and a quarter miles from Sydney on the Parramatta-road, it was proposed to run one road as far as Haslem's bridge or Hacking's creek (*i.e.*, Homebush) at eleven and a quarter miles on the existing Parramatta-road and there to commence the Liverpool-road.

Note 67, page 180.

The lower part of the Government Domain.

In the year 1831, the government domain included the areas now known as the domain, the botanic gardens, the palace gardens and the gardens of government house, and in addition all the land, lying to the west of the

modern Macquarie-street and to the north of the modern Bent-street, and extending to the waters of Sydney cove on its eastern side. Macquarie fort was a square structure, separated from Bennelong point by a moat, over which a bridge was erected.

Note 68, page 182.

The bathing-house.

The bathing-house was erected on the water frontage of Farm cove, close to the north-western point, and about two hundred and fifty yards from Port Lachlan, now known as Man-of-war steps. The building is still extant, but is now situated some yards from the water frontage owing to reclamation of the foreshore. A report on its erection will be found on page 47, volume XIV.

Note 69, page 183.

A Council House.

The site for this proposed building is now partly occupied by the Mitchell wing of the proposed public library. It is an historical coincidence that, fifty-seven years later, Sir Henry Parkes proposed to erect houses of parliament on this site, and the foundation-stone was laid during the centenary celebrations in the year 1888.

Note 70, page 183.

The house occupied by the Chief Justice.—The Government House.

The official residence of the chief justice was built on the south side of Bridge-street on the site now occupied by the Lands department. The government house was erected on the modern south-western corner of Bridge and Phillip streets.

Note 71, page 183.

The road.

T. L. Mitchell, in the year 1831, proposed to continue Macquarie-street due south through Hyde park. The proposed alignment coincided with that of the north and south avenue through the modern park.

Note 72, pages 185 and 190.

A Government Order.

This order, dated 19th January, 1831, was as follows:—

His Excellency the Governor directs it to be notified that, Assistant Surveyor Nicholson having been appointed to conduct the duties of the Road Department, all reports and communications connected with that branch of the service are to be addressed to him at Parramatta, and that he is to be styled "*Surveyor of Roads.*"

The services of the Surveyor-General, in this branch, will be confined to laying down the lines of Road. The making and repairing of the Roads and the details connected therewith will be carried on by Mr. Nicholson.

The Assistant Surveyors attached to the Road Department are as follows, viz.:—

Mr. John Lipscomb Kentish at Parramatta, Mr. Francis Townsend Rusden at Bong Bong, Mr. Percy Simpson at Wiseman's, Mr. John Lambie at Mount Victoria, and Mr. Lawrence Venour Dulhunty on the Wollombi.

Note 73, page 197.

The 20th and 22nd Paragraphs of the King's Instructions.

These paragraphs will be found on page 114 *et seq.*, volume XII.

Note 74, page 220.

An Address.

The address was as follows:—

Sir, Sydney, New South Wales, 7th February, 1831.

We, the undersigned, learn with extreme regret that you are about to leave this Country, tho' not unmixed with pleasure at the cause of your departure to fill the office of Puisne Judge of the sister Colony, an elevation in rank as flattering to your own feelings as to those of those of your professional friends, who alone can duly appreciate the irksome and multifarious duties of your late office, that of Attorney General of New South Wales, and which we have the greatest pleasure in attesting you have filled during an arduous period of three years and a half with credit to yourself.

Allow us to express our best wishes for your future welfare and prosperity, together with the hope that you will continue to adhere in your new appointment to the same line of scrupulous integrity in furtherance of the ends of justice as a British Judge, which you have hitherto undeviatingly observed in your late very difficult and delicate situation, combining with itself the complicated and frequently conflicting office of Public Prosecutor, Representative of a Grand Jury of the Colony, a Legislative Functionary, and Legal Adviser to the Colonial Government.

We have, &c.,

R. WARDELL, LL.D.

W. C. WENTWORTH.

F. W. UNWIN.

D. POOLE.

W. H. MOORE, Crown Solicitor.

SYDNEY STEPHEN.

GEO. LOUIS POIGNARD.

E. J. KEITH.

JOHN PLAISTOWE.

FRANCIS STEPHEN.

T. D. ROWE.

W. WILLIAMS.

NICOL ALLAN.

W. H. KERR.

The reply by A. M. Baxter was also published; it contained no remarks worthy of note.

Note 75, page 221.

Girard's Representation.

The memorial of complaint from F. Girard will be found on page 606 *et seq.*, volume XV.

Note 76, page 222.

A common Map.

This was probably "a chart of part of the interior of New South Wales by John Oxley, surveyor-general," published by A. Arrowsmith, 30th January, 1822. On it were marked the routes taken by Oxley in his explorations and the counties of Cumberland, Camden and Argyle.

Note 77, page 240.

An unfortunate occurrence.

The reference was to an encounter between the military and natives near Fort Wellington, Raffles bay, in December, 1827. Full accounts of the episode were transmitted by the commandant, H. Smyth (*see* pages 781 *et seq.* and 808 *et seq.*, volume VI, series III).

Note 78, page 241.

Also pages 512 and 663.

The Heads of their relatives.

The preservation of the heads of deceased relatives by a process of drying was a common practise amongst the Maoris. As many of the faces had been elaborately tattooed during lifetime, there arose a large demand for these heads as curios. The demand soon exceeded the supply, and it was reported that the captains of trading vessels actually selected the heads of living Maoris, who were submitted for inspection by the chiefs, and on a subsequent voyage these heads, prepared and dried, were exchanged for trade.

Note 79, page 242.

He named the "Murray."

This river had been discovered in its upper reaches by Hamilton Hume and W. H. Hovell on the 16th of November, 1824, close to the modern city of Albury. It was then named the Hume river.

Note 80, page 243.

His first Expedition.

This was the expedition which was undertaken to trace the course of the Macquarie river, and to test the theory of an inland sea (*see* note 172, volume XIV).

Note 81, page 247.

Page 9 of the Enclosure.

The reference will be found in the last paragraph on page 250.

Note 82, page 247.

My former Report.

The report was contained in a despatch dated 29th June, 1829, and numbered 81 (*see* page 28 *et seq.*, volume XV).

Note 83, page 248.

The Report.

This report will be found on page 119 *et seq.*

Note 84, page 249.

Mr. John Stephen's Answer.

The answer will be found on page 679 *et seq.*, volume XV.

Note 85, page 254.

Despatches . . . in the margin.

These despatches were probably as follows:—No. 185, 28th December, 1829; No. 5, 20th January, 1830; No. 44, 7th June, 1830; and No. 49, 19th June, 1830 (*see* pages 307, 338, 540 and 560, volume XV).

Note 86, page 262.

The Government of Western Australia.

The colony of West Australia was founded by James Stirling as lieutenant-governor in June, 1829 (*see* page xiv *et seq.*, volume VI, series III).

Note 87, page 263.

Government Order.—Logan.

This was a lengthy order, in which great praise was given to the services of C. Barker as commandant at Fort Wellington (Raffles bay) and King George's sound. On his return from King George's sound, Barker was instructed to ascertain whether there was any communication between lake Alexandrina and gulf St. Vincent. Having ascertained that there was no passage from the lake to the gulf, Barker was "anxious to discover whether there was not a more practicable communication with the sea on the southern coast than the outlet to Encounter Bay, found by Captain Sturt; and, being desirous of examining the shore to the Eastward of the outlet for this purpose, he proposed to some of the party, being himself unwell at the time, to swim to the opposite side, which being declined, as they could not take any arms with them, he secured his compass on his head and swam across. He was observed after this until he gained the summit of a sand hill, which he descended and was not afterwards seen. The party then returned to the rendezvous, which had been fixed at a short distance, to wait his return. Having remained twenty-five hours in anxious expectation, and, being unable to obtain materials to form a raft, they were prevented from crossing the outlet and proceeded to their vessel, which had continued in the Gulf." The body of C. Barker was never discovered, but a friendly native reported that Barker was speared by three natives and his body thrown into the sea.

The details of the death of Patrick Logan will be found on page 56 *et seq.*

Note 88, page 264.

The Act of Council.

This was the act of council, 11 Geo. IV, No. 11, entitled, "An Act to amend and consolidate the Laws now in force, relative to the licensing and regulating public-houses, and for the better regulating the granting of licenses for the sale of ale, beer, wine, spirits and other liquors in New South Wales." It was passed on the 12th of May, 1830. Section 50 provided for the appropriation of all sums received under the act.

Note 89, page 265.

As reported.

A copy of the despatch to the lords commissioners of the treasury is not available.

Note 90, page 266.

Despatches No. 47/1829 and 38 of the present Year.

These despatches were dated 24th April, 1829, and 14th April, 1830 (*see* page 721 *et seq.*, volume XIV, and page 242 *et seq.* in this volume).

Note 91, page 272.

That Letter.

This letter will be found on page 768, volume XV.

Note 92, page 273.

The Communications.—Extract of a Letter.

The "communications" will be found on pages 119 *et seq.* and 248. The extract was from the despatch from lieut.-governor Arthur, dated 2nd June, 1831 (*see* volume in series III).

Note 93, page 274.

The King's Instructions of the Year 1825.

These instructions were contained in a despatch, dated 1st January, 1825 (see page 434 *et seq.*, volume XI).

Note 94, pages 277 and 280.

The Governor's reply.

The reply by Governor Darling and accounts of the trial of the Reverend Ralph Mansfield will be found on pages 73, 652 *et seq.* and 659 *et seq.*, volume XV.

Note 95, page 281.

Head Master of the Grammar School.

By the appointment of the Reverend Robert Forrest, the first definite action was taken towards the foundation of the modern King's school at Parramatta. Concrete proposals for its foundation had been enunciated by the Reverend W. G. Broughton in January and February, 1830 (see page 356 *et seq.*, volume XV).

Note 96, pages 283 and 285.

The "reprimand."—The Despatch.

The references were to the despatch, dated 30th September, 1830 (see pages 741 and 742, volume XV).

Note 97, page 287.

Certain observations.

The observations will be found on page 654, volume XV.

Note 98, page 288.

A Dispatch.

This despatch was dated 6th December, 1830 (see page 825, volume XV).

Note 99, page 290.

Mr. Moore's Statement.

This statement will be found on page 454 *et seq.*, volume XV.

Note 100, page 292.

An action of trespass.

This action originated in the removal of Peter Tyler from the assigned service of E. S. Hall (see pages 59 *et seq.*, 811, 812, 822 and 823, volume XV).

Note 101, page 294.

The original . . . appears to have been transmitted.

The letter from T. L. Mitchell was transmitted by Governor Darling with his separate despatch dated 28th March, 1831 (see page 119 *et seq.*).

Note 102, page 296.

The object.

The commissioners of emigration were appointed to facilitate emigration to the British possessions abroad. No funds were placed at their disposal for the conveyance of emigrants; but, if an adequate sum was raised by individuals or collected by parochial or other bodies to defray the expense

of voluntary emigration, the commissioners would undertake the management of such funds. The commissioners appointed agents at ports of embarkation in Great Britain, and also at ports of entry in the colonies, to give advice to and assist emigrants.

Note 103, page 299.

An order.—A Conditional Order.

The instructions for land grants to T. Kent and G. Blaxland were contained in despatches, dated 24th May, 1828, and 13th February, 1829 (*see* pages 196 and 643, volume XIV).

Note 104, page 304.

Your sanction.

The act of council, 11 Geo. IV, No. 1, was the first to be formally disallowed by the secretary of state. The act, 8 Geo. IV, No. 3, for imposing a duty on newspapers, was disallowed, but had already been suspended by government notice and never enforced (*see* page 391 *et seq.*, volume XIII). Governor Darling did not publish the disallowance of the act 11 Geo. IV, No. 1; but it was repealed so far as related to banishment for a second offence by the act, 2 Wm. IV, No. 1, passed on the 27th of September, 1831.

Note 105, pages 304 and 305.

The Bill.—The Act.

The draft of the bill for licensing the press will be found on page 285 *et seq.*, volume XIII. The act for imposing a stamp duty was 8 Geo. IV, No. 3, and was passed on the 3rd of May, 1827, but was suspended by government notice dated 31st May, 1827, before it became operative (*see* page 391 *et seq.*, volume XIII).

Note 106, page 306.

A Bill.

This was the act of council, 2 Wm. IV, No. 1, which was passed on the 27th of September, 1831.

Note 107, page 307.

By subscription.—The person.

A letter announcing the payment of the fine for A. E. Hayes was published in the *Australian* newspaper on the 9th of January, 1830 (*see* page 340, volume XV). The person was Francis Stephen.

Note 108, page 314.

Your Lordship's Letter.

The original of this letter is not preserved at government house, Sydney. It is probable that Governor Darling removed it together with all his correspondence with lieutenant-governor Arthur (*see* page 674).

Note 109, pages 315 and 402.

The Rule.

The reference was probably to the rule enunciated by Sir George Murray in a despatch dated 31st May, 1828, whereby the term of office for the governor of a colony was limited to six years (*see* page 218, volume XIV).

Note 110, page 317.

Those of Mr. Hall . . . and of Girard.

The first charge made by E. S. Hall against Governor Darling was one of maladministration of land grants (*see* page 579 *et seq.*, volume XIV). In May, 1830, Hall submitted fourteen charges on various subjects. F. Girard's charges were contained in a memorial to Sir George Murray (*see* pages 629 *et seq.* and 606 *et seq.*, volume XV).

Note 111, page 317.

The Symbols of Mourning.

After the passing in January, 1830, of the act of council, 11 Geo. IV, No. 1, for suppressing libel, the *Sydney Monitor* was published with a heavy mourning border, and, in the issue dated 20th February, 1830, and subsequent issues, the device of the coffin was printed on the leader page (*see* note 130, volume XV).

Note 112, page 318.

Mr. Hall's Conditions.

The "conditions" were the insertion in the *Sydney Monitor* of all public notices, proclamations, etc., in the same way as they were inserted in the *Sydney Gazette* (*see* page 443, volume XV).

Note 113, page 325.

A Grant of Land.

The area (350 acres) claimed by James Milson extended from the modern Milson's point, and included the most valuable portion at present of the north shore of Port Jackson.

Note 114, page 376.

The Bishop of Calcutta.

At this period, the archdeaconry of New South Wales was under the jurisdiction of the bishop of Calcutta.

Note 115, page 379.

The appointment of the Commission.

The names of the commissioners will be found on page 414.

Note 116, page 380.

The "Government Order."

This order was as follows (the notice of the 1st of July will be found in note 25):—

"His Excellency the Governor directs it be notified that all Crown Lands will in future be disposed of only according to the Regulations published in the Government Notice of the 1st of last month; and that the following course of proceeding will be observed in carrying the same into effect.

"SALE.

"1. As soon as the necessary arrangements have been completed, with respect to the survey of a parish, notice will be published in the *Gazette* that a chart thereof will be exhibited in the Surveyor General's Office for public information, shewing its boundaries, the public reserves, the lands already appropriated, and those remaining for sale; the latter being divided by

lines into sections of one square mile, or six hundred and forty acres, as nearly as practicable, and such section distinguished by a numerical mark; together with a schedule pointing out and describing the natural and artificial marks corresponding with the division lines of every such section.

"2. Notice will at the same time be given in the *Gazette*, that such lands, after the expiration of three months, will become disposable.

"3. All offers and transactions of every kind, relative to such disposable lands, must be effected with reference to the before-mentioned public charts and schedules.

"4. If any person shall be desirous of purchasing lands, so notified as disposable, it will be necessary to make application through the Surveyor General, in a printed form, copies of which may be obtained on application at his Office, on payment of a fee of 2s. 6d. for each.

"5. If the spot applied for should contain less than six hundred and forty acres, the reasons for the applicant's wishing to obtain it must be fully explained; as it is not intended to dispose of land in smaller quantities, unless upon special grounds.

"6. All lands, for the purchase of which application shall be made, will be advertised for one month, and will then be sold by public auction to the highest bidder, in lots of one section, or six hundred and forty acres, as nearly as practicable, provided that the price offered shall at least amount to the sum of five shillings per acre.

"7. But before the bidding is accepted, the party will be required to pay down a deposit of 10 per cent. on the amount of the purchase money, and to sign an engagement to pay the balance within one calendar month, under penalty of forfeiting the deposit.

"8. If payment be not made within the prescribed period, the deposit will be forfeited accordingly, and the land will again be open to the selection of the public.

"9. But if the purchase be completed within the period stipulated, the purchaser will be put in immediate possession of the land, and no time will be lost in preparing the title deeds; previous to the delivery of which, a fee of forty shillings will be payable to the Colonial Secretary for preparing the same, and another fee of five shillings to the Registrar of the Supreme Court for enrolling them.

"10. In ordinary cases, the land must be surveyed and notified as above-mentioned. But if any person shall be desirous of purchasing Crown Lands, situated within the limits prescribed for selection, and not before notified as disposable, he will make application in the same manner as directed in paragraph 4, taking care to describe the situations and boundaries accurately, so as to prevent mistake.

"11. If unobjectionable, the land thus applied for will be immediately advertised for sale, and after three months will be sold, subject to all risks arising from any inaccuracy in the description. In all other respects the mode of proceeding will be exactly the same as is detailed above regarding lands previously advertised as disposable.

"12. All lands disposed of under these Regulations will be held in free and common socage, subject to the nominal quit rent of a peppercorn.

"13. The Crown will reserve to itself the right of making and constructing such roads and bridges as may be necessary for public purposes in all lands purchased as above; and also to such indigenous timber, stone, or other materials, the produce of the land, as may be required for making and

keeping the said roads and bridges in repair, and for any other public purposes. The Crown will further reserve to itself all mines of coals and of precious metals.

" 14. No land within one hundred feet of high water mark on the sea-coast, harbours, bays or inlets, is to be considered open to purchase, unless for the purposes of commerce or navigation.

" 15. All free persons will be eligible as purchasers of land without any limitation as to quantity.

" RETIRED OFFICERS.

" 16. The same advantages will be extended to Officers of His Majesty's Navy and Marines retiring from the service, or going on half pay, as are held out to Military Officers by the regulations for the disposal of land, published in the Government Notice of the 1st July last, viz.:—

" 17. All Officers desirous of becoming settlers shall, like other individuals, procure land only by purchase at the public sales; but they will be entitled to a remission of the purchase money according to the respective periods of their service, as follows:—Those who have served Twenty years and upwards, £300; Fifteen years and upwards, £250; Ten years and upwards, £200; Seven years and upwards, £150.

" 18. Officers who have not served seven years will have no claim to any advantages under this Regulation; nor will any Officer be entitled thereto, unless, if Military, he shall produce the written permission of the General Commanding-in-Chief, or the Commander of the Forces in India, to go on half pay, or to retire from the service, *for the purpose of settling in the Colony*; or if of the Navy or Marines, a similar permission from the Lords Commissioners of the Admiralty.

" 19. All Officers desirous of availing themselves of these Regulations must enter into a bond for £500, that either they, or their families, will reside in this Colony for seven years.

" 20. They will be required to apply for the land they wish to purchase in the form prescribed by the fourth paragraph of this Order.

" 21. To prevent the inconvenience, at the time of sale, of advancing the prescribed deposit of 10 per cent., a certificate must be produced, signed by the Colonial Secretary, stating the sum they will be allowed in remission of the purchase money.

" 22. The other modes of procedure will be the same in all respects as those detailed above in the case of ordinary purchasers.

" DISCHARGED SOLDIERS.

" 23. Non-commissioned Officers and Privates, discharged from the service *for the purpose of settling in the Colony*, will be allowed *Free Grants* to the following extent, viz.:—Serjeants, 200 Acres; Corporals and Private Soldiers, 100 ditto.

" LEASES.

" 24. All Crown Lands within the prescribed limits will, if applied for, be let by Auction, in lots of one square mile, or six hundred and forty acres each, as nearly as practicable.

" 25. Persons desirous of renting such lands will address themselves to the Surveyor General, taking care to describe accurately the situation of each section applied for.

" 26. The lands so applied for will be advertised for one month, and the lease of each lot for *one year* will then be put up to Public Auction.

" 27. No lot consisting of less than one square mile, or six hundred and forty acres, will be let, except in special cases, which may render expedient a departure from this rule.

" 28. Each lot will be put up at a rent of twenty shillings a year, and the highest bidding (not less than that sum) will be accepted.

" 29. It is to be distinctly understood that the lands so let will be open for purchase; and, in the event of their being sold, must be surrendered by the lessee upon one month's notice.

" 30. At the expiration of the year, the lease of each lot will be again put to Auction for the year ensuing.

" By Command of His Excellency the Governor,
" ALEXANDER M'LEAY."

Note 117, page 383.

Emoluments.

A. Macleay was appointed colonial secretary in 1825. At that date, he was receiving a pension of £750 *per annum* for his services under the transport board prior to the abolition of that board in 1818. On his appointment as colonial secretary on a salary of £2,000 *per annum*, this pension lapsed, and, in lieu of it, he was granted an allowance in addition to his salary of £750 from the colonial funds. At the date (1831) of Viscount Goderich's despatch, he was also in possession of an official residence.

Note 118, page 401.

A Statement.

This was a lengthy article, filling one and three-quarter columns. E. S. Hall denied that the recall of Governor Darling was due to effluxion of time, and stated that it was due to the numerous complaints that had been transmitted against him. He stated that Joseph Hume had used his influence in England to secure Darling's recall, but at the same time Hume attributed the recall to the exertions of the colonists themselves. A lengthy quotation was printed from a letter from J. Hume to E. S. Hall, in which Hume stated that he had expected Darling's recall on the change of government, and he complimented Hall on his continued resistance to alleged abuses of power by Darling. The article concluded by advocating the convening of a public meeting to prepare addresses of thanks to Viscount Goderich and J. Hume on Darling's recall, the holding of public celebrations in Hyde park, the roasting of oxen and sheep in every corner of the park, and the distribution of bread and beer to celebrate the event. Hall also proposed the illumination of the town of Sydney on the eve of Darling's departure.

Note 119, page 404.

The Land which Girard had taken possession of.

This land was situated in Darlinghurst. The details of F. Girard's possession of it were reported by Governor Darling in a despatch dated 24th July, 1830 (*see* page 602 *et seq.*, volume XV).

Note 120, page 405.

The local Ordinance.

This was the act of council, 8 Geo. IV, No. 2. Section 16 provided that the editors of newspapers should enter into recognizances for the payment of all fines and penalties under the act.

Note 121, page 424.

I shall immediately embark.

Governor Darling embarked on the ship *Hoogly* on the 22nd of October, 1831. Subsequent to the departure of Governor Macquarie, it has been the invariable practise with one exception for a governor to leave the colony prior to the arrival of his successor. The exception was in the case of Sir Charles Fitzroy in 1855, who was succeeded by Sir William Denison, transferred from the government of Tasmania.

Note 122, pages 425 and 577.

A Memorial.—Compensation.

A copy of this memorial is not available. The details of the compensation to John Blaxland are recorded in note 18, volume XII.

Note 123, page 427.

I have already written.

The reference was to despatches dated 18th April, 1829, and 11th April, 1830 (*see* page 709 *et seq.*, volume XIV, and page 411, volume XV).

Note 124, page 433.

His late Majesty's Instructions.

These instructions will be found on pages 520 and 521, volume XIV.

Note 125, page 442.

A report.—The Minutes of the Council.

The report was brought by the cutter *Fairy*, which arrived at Port Jackson on the 26th of October, 1831.

The executive council expressed some doubt as to the accuracy of the report, but, at the request of De Saumarez, it issued him instructions. By these, he was directed to proceed to the Bay of Islands and investigate. If La Place was there, De Saumarez was given a paper for delivery, requesting details of the French intentions and by whose authority action was being taken. If La Place had already taken possession, De Saumarez was given a formal protest for presentation against such action, which stated that the British government had taken the islands of New Zealand under its protection at the request of the Maoris, and could not tolerate the intrusion of any foreign nation.

Note 126, page 451.

Also pages 453, 492 and 627.

A pamphlet.

This pamphlet was printed at Sydney in 1831 by Stephens and Stokes the proprietors of the *Sydney Herald*. It contained twenty-seven pages, five of which formed an appendix in which was printed the letter from the Revd. J. D. Lang to Viscount Goderich.

Note 127, pages 455 and 494.

The first grant of land.

The lands granted to the corporation for the clergy and school estates are detailed in note 37, volume XII.

Note 128, page 456.

Two acres.

This land was situated at the north-eastern corner of George and Bridge streets, and was granted by Governor King to trustees for the orphan institution on the 1st of May, 1804 (*see* note 206, volume II).

Note 129, page 464.

Certain reports.

The reports were made by George Clarke, an escaped convict, who avoided the vigilance of the police for some time by disguising himself as an aboriginal native. T. L. Mitchell summarised his statements as follows:—

“After this man was taken into custody, he gave a circumstantial detail of his travels to the north-west, along the bank of a large river named, as he said, the ‘Kindur’; by following which in a S.W. direction, he had twice reached the sea shore. He described the tribes inhabiting the banks of the ‘Kindur,’ and gave the names of their chiefs. He had first crossed vast plains named ‘Balyran,’ and on approaching the sea he had seen a burning mountain named ‘Courada.’ He described with great apparent accuracy the courses of the known streams of the northern interior, which united, as he stated, in the ‘Nammoy,’ a river first mentioned by him, and, according to his testimony, Peel’s river entered ‘the Nammoy’ by flowing westward from where Mr. Oxley crossed it.”

Note 130, page 465.

Oxley explored.—Cunningham’s observations.—Sturt’s discovery.

Notes on the expeditions by J. Oxley, A. Cunningham and C. Sturt will be found numbered 168, volume IX, 140, volume XIII, and 172, volume XIV.

Note 131, page 467.

Cape L’Eveque.

Cape Leveque is the western promontory at the entrance to King sound on the north-west coast of West Australia.

Note 132, page 473.

Captain-General and Governor-in-Chief.

The commission of Governor Bourke will be found on page 837 *et seq.*

Note 133, page 477.

The various Grants of Land.

In 1825, Sir Thomas Brisbane granted ten thousand acres at Lake Macquarie to the London missionary society (*see* page 512 *et seq.*, volume XI). In 1826, Governor Darling granted ten thousand acres to the Church missionary society (*see* page 364, volume XII). In 1827, Earl Bathurst authorised the grant of a similar area to the Wesleyan missionary society (*see* page 15, volume XIII).

Note 134, page 482.

A Resident at the Bay of Islands.

Governor Macquarie had realised the necessity for a British representative in New Zealand, and, in 1814, had appointed Thomas Kendall to be a

“Justice of the Peace at the Bay of Islands and throughout the Island of New Zealand” (see page 112, volume I, series IV). Although this appointment was *ultra vires*, Macquarie was thereby the first to extend the sphere of British influence to the dominion of New Zealand.

Note 135, pages 491 and 646.

An address.

The address and reply were as follows:—

To His Excellency Major-General Richard Bourke, Captain-General, Governor, and Commander-in-Chief in and over His Majesty's Colony of New South Wales and its Dependencies, etc., etc., etc.

The Address of the free Inhabitants of the said Colony in Public Meeting, by the Sheriff duly assembled.

May it please Your Excellency,

We, His Majesty's loyal and dutiful subjects, the free inhabitants of New South Wales, beg leave to approach Your Excellency with our cordial congratulations on your appointment to the Government of the Colony.

After nearly six years of public endurance, arising partly from the visitations of Providence, but more from an inveterate system of mis-government, we hail Your Excellency's arrival among us as the dawn of a happier era, affording the promise of long years of public prosperity and individual happiness. We at length indulge a well-founded hope that, with the termination of unfavourable seasons, the reign of discord and *terror has also passed away*; and that, with the return of plenty, a wise and fostering government on the part of Your Excellency may restore concord and good fellowship among us, and re-produce in our society that confidence which has been so long and so wantonly suppressed.

As the sure means of effecting so desirable a change, we would most earnestly and respectfully impress upon Your Excellency the necessity of judging for yourself of the character and wants of the people over whom you preside, collectively and individually, and, on a point of such vital importance, to place no reliance upon the reports of others, until you have time and opportunity to ascertain the correctness of their opinions.

We are the more earnest in this our respectful suggestion, because it is but reasonable to suppose that, on your arrival in a strange country, Your Excellency feels disposed to place the greatest confidence in those individuals whom His Majesty has appointed to fill the principal offices of the government. We are anxious to avoid any allusion to persons, but it would be an idle delicacy, it would indeed be a betrayal of our duty on this occasion, if we failed to point out that the chief executive officer in the late government, the abettor of measures which called down upon their author the general disapprobation of the community, is the last individual by whose opinion the Colonists would like to be judged, and that to be guided by the political feelings of an officer, who, during six years, has been unable to command any position of the public confidence, would be doing the Colonists a serious injustice.

Sir, whatsoever may be insinuated to the contrary, and by whomsoever, we assure Your Excellency, and, through your Excellency, humbly beg leave to assure His Majesty, that a more loyal, peaceable and obedient people, a people more firmly attached to His Majesty's Person and Government, and to the Constitution of the Parent State, as established by law, does not exist, than the Colonists of New South Wales; and that, in the wide scope of His Majesty's Colonial possessions, there is not a people more easily governed, notwithstanding our continued, and, as we conceive, impolitic deprivation of those institutions which are our birth-right as Englishmen. All, Sir, that

the Colonists require from the Mother Country are those institutions; and all they require from you, as their Governor, is common attention to their interests, and common justice and impartiality in the distribution of that public patronage, which is placed at your disposal. Sir, in correcting the various abuses which have crept into the Local Government during the last six years; in introducing measures of reform and retrenchment in union with the measures now in progress at home; in abolishing useless forms which have been connected with the transaction of official business in every department, and which have served only to disgust the people and to burden the files of each office with cumbrous records; in retrenching the enormous increase in the Colonial expenditure which has resulted from the multiplication of appointments necessary for the carrying on of this system; in seeing that the Colonial funds are applied wisely and economically only to Colonial purposes: that all sinecures (properly so termed) are abolished; and the useful officers of the Government paid only according to the value of their services; in reforming the Colonial code by abrogating or amending those laws which are bad, such as the impounding law, the press law, the insolvent debtors' law, and the like; and by enacting those new laws which may be required either in the way of substitution, or for other purposes of public utility; in adopting due means to attract to our shores that tide of emigration, which has been so long diverted from them by harsh and impolitic measures to new-comers; in combining some system with the Home Government for the introduction of a sufficient annual supply of free male servants, and of female, as well as to counteract the obvious evils arising from the increase of prison population, as to diminish the alarming disproportion between the sexes; in encouraging free discussion, and the establishment among us of the free institutions of Britain; and in fostering our agriculture, manufactures, fisheries, and commerce; applying to them, however, neither injudicious excitement on the one hand, nor checking them by impolitic restrictions on the other. In these and the like pursuits, Sir, a wide, untrodden, and a philanthropic field is opened for the exercise of that vigour, discrimination, and judgment, which the statesmanlike views, Your Excellency has already displayed in explaining the condition and wants of society in your own country, have inspired us with the most sanguine expectations you will studiously devote to the furtherance of the real interests and happiness of *this* Colony.

Having thus briefly enumerated some of the more prominent of the public objects, which, in our opinion, claim your chief care and solicitude,

It only remains, Sir, for us to express our hope, that Your Excellency's Administration may be long, prosperous, and happy; that it may in every respect realise those sanguine anticipations which all classes have found of the benefits likely to result from it; and, at its close, Your Excellency's departure may be as sincerely deplored by a Colony *then* unanimous in its appreciation of your deserts, as Your Excellency's arrival is sincerely greeted by a Colony *now* unanimous in the cordiality of its welcome.

Reply by Governor Bourke.

I receive with the greatest satisfaction the expression of dutiful and loyal attachment to His Majesty's Person and Government, contained in the Address of the Free Inhabitants of New South Wales. I will take the earliest opportunity of making known their sentiments to the King.

I feel pleasure in being assured that the Colonists are firm in their attachment to the Constitution of the Parent State. The free Institutions of the Mother Country have created and preserved its happiness and glory. There can be no doubt that the Legislature of the United Kingdom will introduce

into this Colony Institutions of a similar character in proportion as their adoption shall seem calculated to promote the general benefit of the community.

I accept gratefully the congratulations of the Inhabitants upon my appointment to this Government, and the cordial welcome with which they greeted my arrival amongst them. I am much flattered by the confidence they express, that the measures of my administration will be directed to the furtherance of the real interests and happiness of the Colony. Assuredly every exertion will be made by the local Government to realise those anticipations, and to restore concord and good-will amongst the Inhabitants. This internal union, one of the first of national blessings, it should be their care to promote by the total oblivion of past dissensions, and by the sacrifice of resentments, public and private, upon the altar of their adopted country.

Note 136, page 492.

The Charter of Incorporation.

A copy of this charter will be found on page 444 *et seq.*, volume XI.

Note 137, pages 501 and 644.

Mr. Charles Fraser.—Mr. Brown.

Charles Fraser had been appointed colonial botanist by Governor Macquarie. Robert Brown had been naturalist on the staff of Matthew Flinders in the *Investigator*, and had subsequently travelled extensively in the colonies with the object of botanical research.

Note 138, pages 504 and 641.

Treasury Bills.

In the early days of the colony, bills on the English treasury had been the only means of making remittances and of purchasing goods from visiting trading vessels. As the export trade of the colony developed, and when the bank of Australia opened an agency in London, the demand for these bills gradually declined.

Note 139, page 505.

The Settlement at Western Port.

In a despatch dated 19th July, 1827 (*see* page 450, volume XIII), Viscount Goderich authorised the withdrawal of the settlers from Western port if Governor Darling considered such action advisable. In a despatch dated 20th January, 1828 (*see* page 734, volume XIII), the right hon. W. Huskisson countermanded these instructions and ordered the maintenance of the settlement. But before the last despatch reached Sydney Governor Darling had exercised his discretionary powers and Western port was abandoned.

Note 140, page 513.

The Bill.

This was the act of council, 2 Wm. IV, No. 4, passed on the 3rd of February, 1832, which enacted the payment of salaries of £5,000 to the governor, £2,000 to the chief justice, and £1,500 to each of the puisne judges.

Note 141, page 514.

A Dispatch.

This despatch was dated 21st December, 1824 (*see* page 419 *et seq.*, volume XI).

Note 142, page 515.

Also pages 528 and 543.

Military Juries.

Under the provisions of section IV of the statute 4 Geo. IV, c. xevi, the criminal court was constituted by a judge and a jury of seven commissioned officers of His Majesty's sea or land forces. Prior to the passage of this statute, the court was constituted by the judge-advocate and six officers of the sea and land forces, the latter possessing equal powers in deciding the verdict and sentence with the judge-advocate. The statute thus introduced the modern system of trial by jury in principle only, and restricted the selection of jurors to a very limited class.

Note 143, page 516.

The Jury Bill.

This was the act of council, 2 Wm. IV, No. 3, entitled, "An Act for regulating the constitution of Juries and for the Trial of Issues in certain cases in the Supreme Court of New South Wales." The paper laid before the council by Governor Bourke will be found in the proceedings of the legislative council.

Note 144, page 516.

The Charter . . . granted in 1823.

A copy of this charter will be found on page 509 *et seq.*, volume I, series IV.

Note 145, page 517.

Remove the Gaol and Court-house from Bong Bong.

When the deviation of the main southern road was formed *via* Mittagong and Berrima to avoid the crossing of the Mittagong range and to secure a rocky ford across the Wingecarribee river, the gaol and court-house were removed to Berrima.

Note 146, page 518.

A Table of Fees.

These fees were printed annually in the *New South Wales Calendar*.

Note 147, page 522.

The government order.

This order was as follows:—

"His Excellency the Governor has directed the following Regulations for the Selection and Measurement of Land to be published for general Information, viz.:—

"1. No Grant is to include both sides of a Water-course sufficiently important to be made a Boundary, except where the Proximity of two such Water-courses may render a rigid Adherence to this Rule impracticable. In such Cases the Land is to be measured in a way to ensure the most equitable Division of the Advantages of Water and fertile Soil.

"2. The general Proportion of Water Frontage to the Side Lines is to be as One to Four.

"3. The Side Lines, when not determined by Natural Features, must be either North and South, or East and West, according to the Direction of the Frontage, being made as nearly Rectangular thereto as Circumstances will admit.

"4. When there are no Natural Boundaries whatever, those of Selections must be regulated by the Section Lines extending generally across the Country.

"5. If the Selection do not adjoin Land already granted, it will be necessary for the Applicant to state the exact Bearing and Distance from some surveyed Boundaries or known remarkable Object, such as a Hill, Station, Road, River, or Junction of two Rivulets.

"Persons failing in this will of course subject themselves to the Delay, Uncertainty and Risk of Dispute, which are always occasioned by inaccurate or imperfect descriptions of the Land applied for.

"6. It must be distinctly specified in every case what River, Lake, or other Water is proposed to be included in the Grant applied for, and in what Manner the Land is bounded or intersected thereby.

"7. The Boundaries of any Selection, not clearly described according to these Regulations, must be ultimately measured as the Surveyor General may find convenient in the general Arrangement of granted Lands.

"8. Additional Grants must be selected adjoining the original Grant, when Land contiguous is vacant.

"9. Grants of Half a Section (320 acres) and under can only be selected in the Neighbourhood of Townships or Village reserves, or on such Tracts of Land as may have appeared to the Government eligible for the Purposes of Cultivation, and are therefore reserved for small Grants; an exception, however, will be made in Cases where the Situations can be described and Objects stated, which may meet the Views of Government.

"10. It is to be distinctly understood that the mere act of measuring Boundary Lines by a Surveyor gives to the Party selecting no Right to hold such Land according to those Boundaries, until the same shall have been approved by His Excellency the Governor and noted in the Name of the Party on the Map in the Surveyor General's Office."

Note 148, page 525.

Mr. Therry.

The Reverend J. J. Therry arrived at Sydney on the 3rd of May, 1820, holding the appointment of Roman Catholic chaplain at £100 *per annum*. He caused considerable dissension in the colony, and, in February, 1826, Earl Bathurst ordered that his salary should be discontinued, and offered him £300 for his return passage to England. But Therry refused to leave the Colony. Governor Darling reported most adversely on his conduct in despatches, dated 6th September, 1826 (*see page 543 et seq.*, volume XII), and 16th March, 1830 (*see page 382*, volume XV).

Note 149, page 527.

The Letter.

The reference was probably to the thirteen letters transmitted by Governor Darling with his despatch dated 7th October, 1830 (*see page 773 et seq.*, volume XV).

Note 150, pages 538 and 539.

Governor Macquarie's Despatch.—Sir Thos. Brisbane's Despatch.

Governor Macquarie's despatch was numbered 13 and dated 7th October, 1814 (*see page 338 et seq.*, volume VIII). There is no record of any despatch from Sir Thomas Brisbane in reference to this claim for compensation.

Note 151, page 539.

Also pages 785 and 786.

The position of the Government House.—The Celebrated Stables.

The government house occupied the site at the modern south-western corner of Bridge and Phillip streets. The stables, erected by Governor Macquarie, now form a part of the conservatorium of music. The mill was erected a little north of the present site of Governor Phillip's statue.

Note 152, page 540.

The Water frontage.

This was the frontage on the eastern side of the modern Circular quay. It was originally proposed to divide it into thirty-seven allotments.

Note 153, page 540.

A Proclamation.

This was the proclamation, dated 8th June, 1829 (*see* pages 19 and 20, volume XV).

Note 154, page 544.

The notice.

The "notice" will be found in the proceedings of the legislative council. When the council met on the 19th of January, 1832, Governor Bourke, in his opening address, stated that several bills would be submitted which required immediate attention. Amongst these, there was an act for the regulation of the constitution of juries, which had been considered by the council in the previous year. The previous jury act, 10 Geo. IV, No. 8, had expired at the end of the year 1831, and therefore it was necessary to pass an act immediately to enable juries to be empanelled. Governor Bourke also expressed his hopes that, during the next year, he would be able to introduce a bill for the extension of the jury system, and to announce the institution of circuit courts.

Note 156, page 545.

The Solicitor-General.

The appointment of E. McDowell as solicitor-general had been cancelled owing to his delay in sailing for the colony to take up office (*see* pages 373 and 374).

Note 157, page 548.

The Act, 1 and 2 Geo. 4, C. 121, S. 20.

This act was entitled, "An Act to alter and abolish certain Forms of Proceedings in the Exchequer and Audit Office, relative to Public Accountants, and for making further Provisions for the Purpose of facilitating and expediting the passing of Public Accounts in Great Britain; and to render perpetual and amend an Act passed in the Fifty fourth Year of His late Majesty, for the effectual Examination of the Accounts of certain Colonial Revenues."

Section 20 provided that "Public Officers abroad, authorising or directing any improper or irregular Expenditure may, by Order of the Treasury, be called upon to account before Commissioners" with the proviso that an appeal might be made to the court of exchequer.

Note 158, page 549.

Lord Bathurst's despatch.

This despatch will be found on pages 295 and 296, volume XII.

Note 159, page 552.

The date.

The separation of the colony of Tasmania (Van Diemen's land) from the government of New South Wales was proclaimed by Governor Darling on the 3rd of December, 1825 (*see* page 11, volume V, series III).

Note 160, page 559.

12th Article of Instructions.

This article will be found on page 421, volume XI.

Note 161, page 560.

The Surveyor-General had obtained leave.

The reasons for granting leave to T. L. Mitchell were reported by acting-governor Lindesay in his despatch, dated 23rd November, 1831 (*see* page 464 *et seq.*).

Note 162, page 562.

The discoveries of Mr. Cunningham.

The Darling downs were discovered by Allan Cunningham in June, 1827, (*see* note 140, volume XIII).

Note 163, page 563.

A Committee of the House of Commons.

On the 27th of July and 5th of August, 1831, J. Busby gave evidence before the select committee of the house of commons on secondary punishments.

Note 164, page 564.

His Despatch.

This despatch will be found on page 587, volume XV.

Note 165, page 565.

One.—An Act.

The expiring acts were 11 Geo. IV, Nos. 8 and 10.

Note 166, page 566.

An Act.

This was the act of council, 11 Geo. IV, No. 7.

Note 167, page 567.

An Act.

This was the act of council, 11 Geo. IV, No. 4.

Note 168, page 572.

Land granted to A. McLeay . . . and . . . to J. Piper.

The land granted to A. Macleay was fifty-six acres and thirty-seven perches at Elizabeth bay (*see* note 21, volume XIV). John Piper was granted one hundred and ninety acres on the 10th of February, 1820, at Point Piper and Bellevue hill near Sydney.

Note 169, page 573.

The Sulphur Bomb.

The bomb vessel *Sulphur* had been detailed for the conveyance of settlers to the new colony in West Australia (*see* pages 588 and 638, volume VI, series III).

Note 170, page 574.

A Dispatch.

This despatch was dated 13th April, 1831 (*see* page 237).

Note 171, page 575.

Two Journeys.

Notes on these two journeys will be found numbered 172 in volume XIV and 67 in volume XV.

Note 172, page 583.

The subject of Quarantine.

Sir Patrick Manson, in his *Tropical Diseases*, states that "in 1830, cholera visited Europe for the first time. Advancing through Afghanistan and Persia, it entered by way of Russia, and swept as an epidemic over nearly the entire continent, reaching Britain at the beginning of 1832. During the same summer, it crossed the Atlantic to Canada and the United States. This epidemic did not die out in Europe till 1839."

In August, 1828, a system of quarantine was established by the executive council on the arrival of the ship *Morley* with whooping-cough (*see* page 347 *et seq.*, volume XIV). The first quarantine act, 3 Wm. IV, No. 1, was passed on the 28th of July, 1832.

Note 173, page 589.

The supplementary estimates.

These estimates were printed in the proceedings of the legislative council

Note 174, page 590.

That bounty.

In August, 1824, Earl Bathurst authorised a subsidy to the extent of one-third of the cost of erecting a Presbyterian church (*see* page 346, volume XI). In October, 1825, this subsidy was commuted for a payment of £300 as stipend for a Presbyterian minister (*see* page 62 *et seq.*, volume XII). Notwithstanding the commutation, the trustees of the Scotch church received a loan from government of £520 (*see* page 421, volume XV). In January, 1831, an advance was granted for the establishment of a college under the auspices of the Presbyterian church (*see* page 22 *et seq.*).

Note 175, page 594.

The land.

The lands acquired by W. Stewart consisting of fifteen thousand, three hundred and sixty acres are detailed in note 43, volume XIII.

Note 176, page 594.

Also pages 600 and 671.

The Government Notice.

This notice was as follows:—

“His Excellency the Governor having taken into consideration in Council the large Amount of Arrears, which are due by Individuals for Lands purchased from the Crown, and which by the Regulations contained in the Government Notice of the 16th of September last are required to be wholly paid up by the 30th day of June next, and having reason to believe that the strict enforcement of those Regulations would be attended with serious inconvenience, His Excellency has been pleased, with the advice of the Executive Council, to order that a further extension of time be allowed to pay up the said Arrears; and accordingly, provided security for the regular payment of the same at the times hereinafter mentioned be lodged with the Collector of Internal Revenue before the first day of March next by a Mortgage of the Title Deeds and a Warrant of Attorney to be approved by the Crown Lawyers, His Excellency directs that the balance of the Arrears in question, in all cases where the deposit of Ten per Cent. has been paid, shall be made payable in three equal Instalments on the 31st day of March, 1832, the 31st day of March, 1833, and the 31st day of March, 1834, respectively.

“In all cases in which the deposit of Ten per Cent. has not been already paid, the same shall be added to the first Instalment.”

Note 178, page 602.

New regulations.

The regulations, dated 1st July and 1st August, will be found in notes 25 and 116, and those, dated 25th August, on pages 605 and 606.

Note 179, page 619.

Advantages.—Memorandum.

The concessions on land grants for military officers were established by orders dated 8th June, 1826, 16th May and 24th August, 1827. In December, 1827, these concessions were extended to officers of the navy (*see* pages 595 and 596, volume XII, and pages 485, 486, 596 and 668, volume XIII).

The remissions on the total purchase money for land to military officers were as follows:—To field officers of 25 years' service and upwards, £300; of 20 years' service and upwards, £250; and of 15 years' service or less, £200. To captains of 20 years' service and upwards, £200; of 15 years' service or less, £150. To subalterns of 20 years' service and upwards, £150; of 7 years' service or less £100.

The remissions were extended to officers of the navy with the following comparative ranks:—Admirals of the fleet with field-m Marshals; admirals with generals; vice-admirals with lieutenant-generals; rear-admirals with major-generals; commodores and first captains to commanders-in-chief with brig-generals; captains of three years' post with colonels; other post-captains with lieutenant-colonels; commanders with majors; lieutenants, masters, pursers and surgeons with captains.

Note 180, pages 624 and 625.

A late regulation.—Another late Regulation.

The two references were to sections 1 and 6 of the government order, dated 29th June, 1831. This order controlled the assignment of convicts for many years, and was printed annually in the *New South Wales Calendar*.

Note 181, page 626.

Dispatches.

These despatches were dated 1st, 10th and 28th September, 1831, and numbered 70, 72 and 81 (*see* pages 341 *et seq.*, 346 *et seq.* and 380 *et seq.*).

Note 182, pages 627 and 806.

The Australian College.

The Australian college was instituted in the year 1831 on the basis of the prospectus submitted to Viscount Goderich by the Reverend J. D. Lang (*see* pages 23 and 24). It was located in Jamieson-street, the main building being on one side of the street and a lecture hall on the other. It was controlled by a council of twelve and a treasurer. The Reverend J. D. Lang, D.D., was principal, the Reverend W. Pinkerton, professor of English and English literature, and the Reverend Henry Carmichael, A.M., Professor of Latin and Greek languages and of mathematics and natural philosophy.

Note 183, page 635.

The instructions.

These instructions were contained in a despatch, dated 27th November, 1828 (*see* pages 494 and 495, volume XIV).

Note 184, page 637.

A sufficient Police Establishment.

In a despatch dated 5th May, 1830 (*see* page 466, volume XV), Sir George Murray ordered that police, stationed on the estates of the Australian agricultural company, should be maintained by the company.

Note 185, page 642.

A letter.

This letter will be found on page 640 *et seq.*

Note 186, page 656.

Two letters.—Sydney Gazette.

The two letters filled six columns of the *Sydney Monitor*. They contained adverse criticism on the acquittal of the prisoners, on the abandoning of the prosecution by the attorney-general, and on Mr. Justice Dowling's charge to the jury. The report of the trial filled two columns of the *Gazette*.

Note 187, page 658.

The plan . . . transmitted to Sir George Murray in a despatch.

The despatch and plan will be found on page 356 *et seq.*, volume XV.

Note 188, page 659.

His project for the establishment of an Academical Institution.

This "project" will be found on page 23 *et seq.*

Note 189, page 660.

The two schoolmasters.

The schoolmasters were the Reverends George Innes and Robert Forrest (*see* pages 259 and 281).

Note 190, page 660.

The arrangement.

The agreement with the Church missionary society was detailed in a despatch dated 21st December, 1831 (*see* page 477).

Note 191, pages 661 and 692.

Grants of Land.—Reports.

These grants are detailed in note 133. The report by the Reverend T. H. Scott will be found on page 55 *et seq.*, volume XIV.

Note 192, page 663.

A Bill.

A copy of this bill is not preserved with the original despatch at government house, Sydney.

Note 193, page 667.

A letter.

This letter is not preserved with the original despatch at government house, Sydney (*see* also page 688).

Note 195, page 673.

His Majesty's Commission.

The colony of Van Diemen's land (Tasmania) was established as an independent government by a proclamation of Governor Darling on the 3rd of December, 1825 (*see* page 11, volume V, series III). Although the colony was independent, a separate governor was not appointed. On the 16th of July, 1825, Governor Darling was given two commissions, one as governor of New South Wales, and the other as governor of Van Diemen's land (*see* page 1 *et seq.*, volume V, series III). By the last commission, it was provided that, so soon as Governor Darling should be absent from the limits of the jurisdiction of the government of the island, the administration should be undertaken by the lieutenant-governor. Governor Darling sailed from Hobart town on the 6th of December, 1825, and the administration was assumed by lieutenant-governor Arthur, and Darling thereafter exercised no powers as governor in the island. A similar practise was adopted when Governor Bourke was appointed to succeed Governor Darling.

Note 196, page 682.

In the Margin.

The only despatch available relating to the claims of Catherine Murphy was dated 25th May, 1830 (*see* page 533, volume XV), and there is no record of the delivery of this despatch at Sydney.

Note 197, page 692.

The Australian Company of Edinburgh.

This company was formed on the 31st of October, 1822, with Robert Brown as manager, for trading with the Australian colonies. Thomas Inglis was appointed agent at Sydney, and Charles McLachlan agent at Hobart. The company's ships were the *Greenock*, 442 tons; *Triton*, 404 tons; *Portland*, 385 tons; and the *City of Edinburgh*. On the 28th of May, 1824, an act of parliament was passed to enable the company "to sue and be sued in the Name of the Manager for the Time being of the said Company."

Note 198, pages 694 and 785.

The Government Garden.—The Site.—His Plan.

The government garden was the western portion of the government domain (*see* note 67). The site chosen for the new government house was about one hundred feet north-west from the north-west corner of the stables, now the conservatorium of music. The principal proposals in the plan for the improvement of Sydney were the extension of O'Connell, Bligh, Phillip and Macquarie streets northerly across Bent-street to converge on a point a little south of the present corner of Bridge and Phillip streets; Bridge-street was to be extended in a curve from Pitt-street to this point. A road from this point was intended to the front of the new government house. Other proposals were the extension of Macquarie-street south, and of Park-street west through Hyde park, and the extension of George-street in a straight line past the turnpike, which occupied the site of the modern buildings of Marcus Clark. One only of these proposals is adopted to the present day, viz., the extension of Park-street.

Note 199, page 700.

The Letter of Instruction.

This letter was dated 8th July, 1825 (*see* page 12, volume XII).

Note 200, page 707.

The Regulations.

These regulations were enunciated in despatches from Viscount Goderich, dated 3rd March, 1832 (*see* page 548 *et seq.*), and from Earl Bathurst in a despatch dated 20th May, 1826 (*see* page 295, volume XII).

Note 201, page 709.

Trustees for our Chapel and Chapel House.

The trustees were J. H. Plunket, R. Therry and R. Murphy.

Note 202, pages 710 and 718.

Recommendation.—Resolution.

A copy of the resolution of the legislative council will be found on page 589.

Note 203, page 714.

Certain transactions.

In the year 1807, William Balcombe settled at St. Helena as superintendent of public sales under the East India company. He also entered into partnership with W. Fowler and J. Cole as merchants. When Napoleon arrived at St. Helena in 1815, he lived for two months in a small pavilion in the garden of Balcombe's house until his removal to Longwood. An intimacy thus arose, which led to the appointment of Balcombe as purveyor of clandestine correspondence from Napoleon to Europe and in negotiating bills drawn by Napoleon. In consequence, Balcombe was forced to leave St. Helena.

Note 204, page 719.

A pamphlet.

This pamphlet was entitled, "Letter to the Right Honorable His Majesty's Principal Secretary of State for the Colonies, London, from John Bingle, Esq., one of His Majesty's Justices of the Peace for the Colony of New South

Wales, dated Sydney, 15th August, 1832, accompanied by official correspondence with the Colonial Government of that Colony. Sydney:—printed by Stephens and Stokes, 5 King Street, 1832." It contained forty pages.

Note 205, page 726.

A new Colony.

In the year 1831, proposals were initiated for the formation of a settlement within the boundaries of the modern state of South Australia. On the 3rd of August, a meeting was held in the chambers of William Tooke with colonel Torrens in the chair. At this meeting, certain proposals as drafted by a sub-committee were adopted, which were printed afterwards in a pamphlet of thirty-two pages, entitled, "Proposal to His Majesty's Government for founding a Colony on the Southern Coast of Australia." It was proposed to form a company with a capital of £500,000, divided in shares of £50 each, to supervise the settlement; one-fourth of the capital was allocated for the purchase of land; one-fourth for advances to small capitalists as settlers; and one-half for the construction of roads and bridges and for general improvement. A system for local government was drafted, and the proposed site for the settlement was on Kangaroo island or on the mainland between the meridians of 132° and 141° of east longitude, *i.e.*, between the neighbourhood of Fowler's bay on the west, and the modern boundary of the state of South Australia on the east.

These proposals were not adopted, but had considerable influence on the passing of the statute, 5 Wm. IV, c. xev, which gave rise to the South Australian company, and under which "the colonisation commissioners for South Australia" were appointed in the year 1834.

Note 206, page 726.

A Despatch.

This despatch was dated 21st February, 1832 (*see* page 524).

Note 207, page 731.

An Act.

This was the act of council 2 Wm. IV, No. 13. By section 4, all moneys received by the trustees of the savings bank as deposits were paid to the colonial treasurer the same day. By section 7, the treasurer was ordered to make no payment without an order of the trustees, and it was enacted that all securities, etc., should be deposited with the treasurer and not delivered up by him without an order of the trustees.

Note 208, page 736.

The original Selection.

This was the land selected and approved by Robert Dawson, the principal agent of the Australian agricultural company in the year 1828 (*see* page 370, volume XIV).

Note 209, page 747.

A statement of grievances.

A copy of this statement is not available. Claims for a pardon by C. Nye will be found on page 1 *et seq.*, volume XII.

Note 210, page 752.

That Instrument.

In section six of the charter of justice, dated 13th October, 1823, it was "Provided nevertheless that it shall be lawful for the said Chief Justice to occupy and inhabit any Official House or residence within the said Colony of New South Wales, which hath been or may hereafter be provided for his residence and occupation, without paying to us, our heirs and successors, any rent for the same, and without being obliged to repair, uphold or maintain any such house or Official Residence at his own Costs and Charges."

Note 211, page 758.

The enclosures.

The reference is not available.

Note 212, page 760.

His Majesty's Warrant.

This warrant will be found on pages 623 and 624, volume XIV.

Note 213, page 761.

Former occurrences.

In September, 1822, Sir John Jamison, in a letter to James Hall, made serious charges against the administration of the convict establishment at Emu plains. On inquiry, these charges were found to be groundless (*see* page 818 *et seq.* and note 243, volume XI). In acknowledging the receipt of the proceedings of the inquiry, Earl Bathurst ordered that on no account whatever should Sir John Jamison be employed in any civil situation under the colonial government (*see* page 563, volume XII). In November, 1827, the right hon. W. Huskisson, and, in April, 1830, Sir George Murray refused to reconsider his case (*see* page 615, volume XIII, and page 444, volume XV).

Note 214, page 764.

Special Grants.

The references were probably to lands, granted to John Macarthur and Hannibal Macarthur, and proposed for T. Kent (*see* page 161, volume V, page 809 *et seq.* in this volume, and page 196, volume XIV).

Note 215, pages 765 and 787.

Goose Farm.—Grose Farm.

Grose Farm included the area now occupied by the university of Sydney, its associated colleges, and the university park. It acquired its name from the establishment of a farm by lieut.-governor Francis Grose on thirty acres of land, leased to him by Governor Phillip. On the latter area, St. John's college is now erected.

Note 216, page 768.

Sir George Murray's orders.

These orders were contained in a despatch dated 30th November, 1828, and were published in a government order, dated 20th July, 1829 (*see* page 513, volume XIV, and pages 287 and 288, volume XV).

Note 217, page 769.

Goderich Lodge.

This building was erected in Darlinghurst to the south of Bayswater-road. A house near the same site has borne the same name to the present day.

Note 218, page 770.

A printed copy of the Terms.

A copy of these terms will be found in notes 25 and 116.

Note 219, page 784.

The enclosed Paper.

This paper consisted of extracts from the following despatches.—No. 42, 2nd November, 1828, relating to a subsidy for the benevolent asylum; No. 22, 28th April, 1828, relating to the salary of W. Dumaresq; No. 48 of 1827, relating to allowances for civil officials; and queries by the auditor (*see* pages 414 and 161, volume XIV, page 242, volume XIII, and page 429 in this volume).

Note 220, pages 785 and 787.

One official residence.—An intention.

Governor Phillip had established two government houses, one at Sydney and one at Parramatta, and both houses had been used by all the predecessors of Governor Bourke. The house at Sydney was erected on the site of the south-western corner of Bridge and Phillip streets. The house at Parramatta is still standing and is used as the preparatory school for King's school. In a despatch dated 29th September, 1831 (*see* page 385), Viscount Goderich ordered the discontinuance of one of these residences.

Note 221, page 789.

The late Act of Council.

This was the act of council, 3 Wm. IV, No. 3, entitled, "An Act to consolidate and amend the Laws for the transportation and punishment of Offenders in New South Wales, and for defining the respective powers and authorities of General Quarter Sessions and of Petty Sessions, and for determining the places at which the same shall be holden, and for better regulating the summary jurisdiction of Justices of the Peace, and for repealing certain Laws and Ordinances relating thereto."

Note 222, page 795.

Sydney Herald.

The *Sydney Herald* was first published on the 18th of April, 1831. It appeared as a small weekly sheet of four pages. The paper is still in existence under the name of the *Sydney Morning Herald*.

Note 223, pages 796 and 797.

The Imposts.—The correspondence.

The details of these imposts will be found on pages 452 and 453, volume VII.

The correspondence relating to B. B. Thomas and his partners will be found on pages 10 *et seq.* and 71 *et seq.*, volume XII.

Note 224, page 801.

A despatch.

This despatch was numbered 122 in the series of despatches to New South Wales; accordingly a despatch numbered 122/1832 is missing.

Note 225, pages 802 and 805.

The Regulations.

These regulations were dated 1st January, 1827 (*see* page 3 *et seq.*, volume XIII).

Note 226, page 806.

The Sydney College.

In the year 1825, the Sydney Public Free Grammar school was established, and received a land grant from Sir Thomas Brisbane, which now is occupied by the Sydney Grammar school. It was opened on the 4th of November with L. H. Halloran, D.D., as headmaster and twenty pupils. It was closed at the end of 1826. In 1828, an unsuccessful attempt was made to revive it. In 1830, the school was again inaugurated. The name was changed to Sydney College, and it was decided to raise £10,000 in two hundred shares of £50 each. Each shareholder was entitled in perpetuity to have one student at the college. Francis Forbes, the chief justice, was appointed president, Samuel Terry treasurer, and George Allen secretary, with a committee of fifteen. The foundation-stone of the building, which is now occupied by the Sydney Grammar school, was laid by F. Forbes on the 26th of January, 1830. The building cost £7,000 to erect, E. Hallen was architect and Cooper the contractor. On the 19th of January, 1835, it was opened as a school with W. T. Cape as headmaster, and J. Murray and Banfather as junior masters.

Note 227, page 809.

His Journal.

In this letter, E. S. Hall adversely commented on the treatment of assigned servants by A. Berry and E. Wollstonecraft on their estates at Shoalhaven, and discussed the treatment of assigned servants generally.

Note 228, page 811.

A letter.

A copy of this letter will be found on page 604.

Note 229, page 815.

The Aqueduct.

The reference was to the bore or tunnel for the supply of water to Sydney from the Botany swamps (*see* note 167, volume XI).

Note 230, page 816.

A correspondence.

This correspondence was dated 17th July, 1827, 30th August, 1828, and 19th June, 1829 (*see* pages 447 and 448, volume XIII, pages 368 and 369, volume XIV, and pages 12 and 13, volume XV).

Note 231, page 823.

Charter of Justice.

The charter of justice (*see* page 509 *et seq.*, volume IV, series I) was issued in 1823 under the provisions of the statute of 4 Geo. IV, c. xevi. Certain amendments were necessary under the provisions of the statute, 9 Geo. IV, c. lxxxiii.

Note 232, page 834.

The Order-in-Council . . . which accompanied my despatch No. 148 of the 25th Instant.

On the original of this despatch, there is a note stating that the order-in-council was not transmitted.

Note 233, page 837.

Commission of Governor Bourke.

By comparison of this commission with that given to Governor Darling (*see* page 99 *et seq.*, volume XII), it will be noted that there were certain changes.

Two of these were due to the passage of legislation by the British parliament. The statute, 4 Geo. IV, c. xcvi, had been superseded by the statute, 9 Geo. IV, c. lxxxiii, and in consequence the latter statute was quoted in Bourke's commission. The passing of the Roman Catholic relief act, 10 Geo. IV, c. vii, caused the omission of all reference in Bourke's commission to "An Act for preventing dangers which may happen from Popish Recusants."

Other changes were:—

(1) the administration of the oaths to the governor by the senior member of the executive council instead of by the chief justice;

(2) the omission of instructions for the administration by the governor of oaths to the lieut.-governor and chief justice;

(3) the inclusion of references to the legislative council;

and (4) the provision for the succession to the administration, in the event of the death or absence of the governor, of the senior military officer in the colony instead of the senior executive councillor.

Note 234, page 837.

Our Letters Patent.

A copy of the letters patent, dated 13th December, 1830, is not available. They were issued to replace the letters patent, dated 16th July, 1825 (*see* page 99 *et seq.*, volume XII), on the demise of H.M. King George IV.

Note 235, page 840.

A warrant.

A copy of this warrant will be found on pages 623 and 624, volume XIV.

SYNOPSIS.



SYNOPSIS OF DESPATCHES

From	To	Dated	Despatch entorsed	Transmitted per—	See page	Acknowledged by—	Date of acknow- ledgment.
Darling, Governor	Murray, Sir George	1881. 1 Jan.	Separate ...	Ship Royal Admiral ...	2	.....	1881.
Do	do	2 Jan.	No. 1.....	do	3	.....	.....
Do	do	3 Jan.	No. 2.....	do	5	Goderich, Viscount	13 Oct.
Do	do	4 Jan.	No. 3.....	do	6	do	20 Aug.
Goderich, Viscount	Darling, Governor	5 Jan.	No. 9.....	Ship Eleanor.....	7	.....	.....
Darling, Governor	Murray, Sir George	5 Jan.	No. 4.....	Ship Royal Admiral	10	.....	.....
Goderich, Viscount	Darling, Governor	6 Jan.	No. 10.....	Ship Eleanor.....	11	.....	.....
Do	do	7 Jan.	No. 11.....	do	13	Darling, Governor	28 July.
Do	do	8 Jan.	No. 12.....	do	14	.....	.....
Darling, Governor	Murray, Sir George	8 Jan.	No. 5.....	Ship Royal Admiral	14	.....	.....
Goderich, Viscount	Darling, Governor	9 Jan.	No. 13.....	Ship Eleanor.....	19	Goderich, Viscount	26 Aug.
Do	do	12 Jan.	No. 14.....	do	22	.....	.....
Do	do	13 Jan.	No. 15.....	do	25	.....	.....
Darling, Governor	Hay, Under Secretary	15 Jan.	.....	Ship Royal Admiral	26	.....	.....
Do	do	17 Jan.	Confidential	do	27	.....	.....
Do	do	18 Jan.	.....	do	29	Howick, Viscount	15 Aug.
Do	do	19 Jan.	.....	do	30	.....	.....
Goderich, Viscount	Darling, Governor	20 Jan.	No. 16.....	Ship Eleanor.....	31	.....	.....
Do	do	21 Jan.	No. 17.....	do	1	.....	.....
Darling, Governor	Murray, Sir George	21 Jan.	No. 6.....	Ship Royal Admiral	32	Goderich, Viscount	26 Sept.
Goderich, Viscount	Darling, Governor	22 Jan.	No. 18.....	Ship Eleanor.....	33	.....	.....
Darling, Governor	Hay, Under Secretary	22 Jan.	.....	Ship Royal Admiral	33	Howick, Viscount	7 Aug.
Goderich, Viscount	Darling, Governor	23 Jan.	No. 19.....	Ship Eleanor.....	34	Darling, Governor	10 Sept.
Do	do	29 Jan.	No. 20.....	do	35	.....	.....
Darling, Governor	Murray, Sir George	29 Jan.	No. 7.....	Ship Royal Admiral	39	.....	.....
Do	do	29 Jan.	No. 8.....	do	46	Goderich, Viscount	15 Aug.
Do	do	29 Jan.	No. 9.....	do	46	do	21 Aug.
Do	do	29 Jan.	No. 10.....	do	48	do	4 Aug.
Do	do	29 Jan.	No. 11.....	do	53	.....	.....
Do	do	29 Jan.	.....	do	53	.....	.....
Do	Hay, Under Secretary	31 Jan.	No. 12.....	do	54	.....	.....
Do	Murray, Sir George	31 Jan.	No. 13.....	do	55	.....	.....
Do	do	31 Jan.	No. 14.....	do	56	.....	.....
Do	do	1 Feb.	No. 15.....	do	59	.....	.....
Do	Hay, Under Secretary	1 Feb.	.....	do	60	.....	.....
Do	Murray, Sir George	2 Feb.	No. 16.....	do	61	.....	.....

From	To	Dated	Despatch endorsed	Transmitted per—	See page	Acknowledged by—	Date of acknowledgment.
Darling, Governor	Murray, Sir George	1831. 3 Feb.	No. 17	Ship Royal Admiral	67	Goderich, Viscount	1831. 6 Nov.
Do	do	5 Feb.	No. 18	do	72	Goderich, Viscount	5 Aug.
Do	do	7 Feb.	No. 19	do	75	Goderich, Viscount	.....
Do	do	8 Feb.	No. 20	do	2	Goderich, Viscount	.....
Howick, Viscount	Darling, Governor	10 Feb.	Separate	Ship Eleanor	76	Goderich, Viscount	19 Sept.
Darling, Governor	Murray, Sir George	10 Feb.	No. 21	Ship Royal Admiral	79	do	25 Sept.
Do	do	11 Feb.	No. 21	do	80	do	.....
Goderich, Viscount	Darling, Governor	14 Feb.	No. 22	Ship Eleanor	84	Goderich, Viscount	15 Oct.
Darling, Governor	Murray, Sir George	14 Feb.	No. 22	Ship Royal Admiral	86	Goderich, Viscount	.....
Do	Hay, Under Secretary	15 Feb.	No. 23	do	87	Goderich, Viscount	17 Sept.
Do	Murray, Sir George	16 Feb.	Private	do	87	Goderich, Viscount	.....
Do	Murray, Sir George	17 Feb.	No. 24	do	89	Goderich, Viscount	18 Sept.
Do	Hay, Under Secretary	17 Feb.	No. 24	do	91	do	14 Oct.
Do	Murray, Sir George	18 Feb.	No. 25	do	95	do	25 Aug.
Do	do	19 Feb.	No. 26	do	96	.....	.....
Do	do	22 Feb.	Private	do	97	.....	.....
Do	Hay, Under Secretary	23 Feb.	No. 22	Ship Palambau	99	.....	.....
Goderich, Viscount	Darling, Governor	23 Feb.	No. 22	Ship Exmouth	99	Lindesay, Acting Gov- ernor.	22 Oct. 1832.
Howick, Viscount	do	1 Mar.	.....	do	100	Bourke, Governor	8 Jan. 1831.
Do	do	2 Mar.	.....	do	101	Darling, Governor	8 Aug.
Do	do	3 Mar.	.....	do	102	Darling, Governor	.....
Goderich, Viscount	do	4 Mar.	No. 23	do	103	Darling, Governor	.....
Do	do	10 Mar.	No. 24	Ship Camden	2	Darling, Governor	.....
Darling, Governor	Murray, Sir George	10 Mar.	No. 28	Ship Dryade	107	Darling, Governor	.....
Howick, Viscount	Darling, Governor	11 Mar.	No. 29	Ship Georgiana	107	Darling, Governor	.....
Darling, Governor	Murray, Sir George	11 Mar.	No. 29	Ship Dryade	9	Darling, Governor	.....
Goderich, Viscount	Darling, Governor	14 Mar.	No. 25	Ship Camden	108	Darling, Governor	.....
Howick, Viscount	do	14 Mar.	No. 30	do	109	Darling, Governor	.....
Darling, Governor	Murray, Sir George	14 Mar.	Separate	Ship Dryade	110	Darling, Governor	.....
Do	do	14 Mar.	Private	do	110	Darling, Governor	.....
Do	do	14 Mar.	No. 26	Ship Camden	111	Darling, Governor	.....
Do	Darling, Governor	15 Mar.	No. 27	do	111	Darling, Governor	.....
Do	do	22 Mar.	No. 26	do	112	Darling, Governor	.....
Do	do	23 Mar.	No. 27	do	114	Darling, Governor	.....
Do	do	24 Mar.	No. 28	do	116	Darling, Governor	.....
Do	do	25 Mar.	No. 29	do	118	Darling, Governor	.....
Do	do	25 Mar.	No. 30	do	118	Darling, Governor	.....
Do	do	26 Mar.	No. 30	do	118	Darling, Governor	.....

From	To	Dated	Despatch endorsed	Transmitted per—	See page	Acknowledged by—	Date of acknowledgment.
Goderich, Viscount	Darling, Governor	1831. 27 Mar.	No. 31	Ship Camden	118		1831.
Do	do	28 Mar.	No. 32	do	119		.....
Darling, Governor	Murray, Sir George	28 Mar.	Separate	Ship Janet Izat	119		.....
Do	Ray, Under Secretary	29 Mar.		do	219		.....
Goderich, Viscount	Darling, Governor	29 Mar.	No. 33	Ship Georgiana	223		.....
Do	do	29 Mar.	No. 34	do	223	Darling, Governor	18 Nov.
Howick, Viscount	Murray, Sir George	29 Mar.	No. 31	Ship Janet Izat	225		.....
Darling, Governor	do	29 Mar.	Confidential	Ship Gilmore	225	Goderich, Viscount	18 Oct.
Do	do	30 Mar.	No. 35	Ship Georgiana	228		.....
Goderich, Viscount	Darling, Governor	30 Mar.	No. 36	do	229	Bourke, Governor	1832. 8 Jan.
Do	do	30 Mar.	No. 37	do	230		.....
Darling, Governor	Goderich, Viscount	5 April	No. 32	Ship Janet Izat	230		.....
Do	do	5 April	Separate	Ship Craigevar	231		.....
Howick, Viscount	Darling, Governor	6 April		Ship Mary	231		.....
Darling, Governor	Goderich, Viscount	6 April	No. 33	Ship Janet Izat	232		1831.
Do	Howick, Viscount	6 April	Immediate	do	233	Goderich, Viscount	21 Oct.
Do	do	7 April		do	233		.....
Do	Goderich, Viscount	8 April	No. 34	do	234		.....
Do	do	9 April	No. 35	do	235	Goderich, Viscount	27 Sept.
Do	do	12 April	No. 36	Ship Sovereign	2		.....
Do	Howick, Viscount	12 April		do	236		.....
Do	Commissioners of Treasury	12 April		do	237		.....
Do	Goderich, Viscount	13 April	No. 37	do	237	Goderich, Viscount	1832. 31 Jan.
Do	do	14 April	No. 38	do	242	do	1831.
Do	do	20 April	No. 39	do	244		.....
Do	do	21 April	No. 40	do	245		.....
Do	do	24 April	No. 38	Ship Mary	246	Goderich, Viscount	26 Oct.
Goderich, Viscount	Darling, Governor	27 April	***	do	246		.....
Howick, Viscount	Goderich, Viscount	27 April	No. 41	Ship Sovereign	247		.....
Darling, Governor	do	27 April	No. 42	do	254		.....
Do	do	29 April	No. 43	Ship Craigevar	255	Goderich, Viscount	24 Oct.
Do	do	3 May	No. 44	do	2		.....
Do	Darling, Governor	12 May	Circular	Ship Margaret	257		.....
Do	do	15 May	No. 39	Ship Mary	258		.....

From	To	Dated	Despatch endorsed	Transmitted per—	See page	Acknowledged by—	Date of acknowledgment.
Darling, Governor	Goderich, Viscount	1831. 25 May	No. 45	Ship Lady Harewood	250	Goderich, Viscount	1831. 23 Dec.
Goderich, Viscount	Darling, Governor	28 May	No. 40	Ship Mary	259		
Darling, Governor	Goderich, Viscount	28 May	Separate	Ship Lady Harewood	2		
Howick, Viscount	Darling, Governor	31 May		Ship Mary	260		
Do	do	31 May		do	261		
Darling, Governor	Goderich, Viscount	1 June	No. 46	Ship Lady Harewood	2		
Do	do	4 June	No. 47	do	262	Goderich, Viscount	24 Dec.
Do	do	6 June	No. 48	do	263	do	14 Dec.
Do	do	6 June		do	265		
Do	Howick, Viscount	7 June		do	265		
Do	Goderich, Viscount	7 June	No. 49	do	2		
Do	Howick, Viscount	9 June		do	266		
Do	Goderich, Viscount	10 June	Separate	do	266	Goderich, Viscount	15 Dec.
Do	do	11 June	No. 50	do	269		
Do	do	13 June	No. 51	Ship Eamont	271	Goderich, Viscount	1832. 6 March.
Do	Howick, Viscount	14 June		do	272		
Do	do	14 June		do	273		
Goderich, Viscount	Darling, Governor	15 June	Separate	Ship Surry	275		
Darling, Governor	Goderich, Viscount	18 June	No. 52	Ship Eamont	2		
Goderich, Viscount	Darling, Governor	19 June	No. 41	Ship Margaret	275		
Do	do	20 June	No. 42	do	276		
Darling, Governor	Goderich, Viscount	20 June	No. 53	Ship Eamont	276	Goderich, Viscount	25 Jan.
Goderich, Viscount	Darling, Governor	21 June	No. 43	Ship Margaret	281		
Howick, Viscount	do	22 June		do	282		
Darling, Governor	Goderich, Viscount	23 June	No. 54	Ship Eamont	283	Bourke, Governor	8 Jan.
Goderich, Viscount	Darling, Governor	23 June	No. 44	Ship Margaret	286		
Do	do	24 June	No. 45	do	288		
Do	Bourke, Governor	25 June	No. 1	do	288		
Do	do	25 June	No. 2	do	288		
Do	do	26 June	No. 3	do	288		
Do	do	26 June	No. 4	do	288		
Darling, Governor	Goderich, Viscount	27 June	No. 55	Ship Eamont	289	Goderich, Viscount	11 Jan.
Goderich, Viscount	Bourke, Governor	27 June	No. 5	Ship Margaret	294	Bourke, Governor	23 Jan. 17 March. 1831.
Darling, Governor	Goderich, Viscount	8 July	No. 56	Ship Eamont	295	Goderich, Viscount	25 Dec. 1832.
Goderich, Viscount	Bourke, Governor	9 July	No. 6	Ship Margaret	296	Bourke, Governor	27 Feb.
Do	do	10 July	No. 7	do	297		

From	To	Dated	Despatch endorsed	Transmitted per—	See page	Acknowledged by—	Date of acknowledgment.
Darling, Governor	Goderich, Viscount	1831.	No. 57	Ship Eamont	298	Goderich, Viscount	1831.
Howick, Viscount	Bourke, Governor	14 July	No. 58	Ship Asia	299		28 Dec.
Darling, Governor	Goderich, Viscount	15 July	No. 59	Ship Eamont	300		
Do	do	16 July	No. 60	do	300		
Do	do	18 July	Separate	do	304		
Do	do	20 July	No. 61	do	300		
Do	do	25 July	No. 62	do	309		
Do	Howick, Viscount	26 July	No. 63	do	310		
Do	Goderich, Viscount	26 July	No. 63	do	311		
Do	do	26 July	No. 64	do	313		
Do	do	26 July	No. 64	do	314		
Do	do	26 July	Separate	do	318	Goderich, Viscount	26 Dec.
Goderich, Viscount	Bourke, Governor	3 Aug.	No. 8.	Ship Asia	2		
Darling, Governor	Goderich, Viscount	4 Aug.	No. 9	Ship Renown	318		
Goderich, Viscount	Bourke, Governor	5 Aug.	No. 10	Ship Asia	319		
Do	do	6 Aug.	No. 10	do	319		
Do	do	7 Aug.	No. 11	do	320		
Do	do	8 Aug.	No. 11	do	1		
Howick, Viscount	do	12 Aug.	No. 12	do	320		
Goderich, Viscount	do	13 Aug.	No. 12	do	324		
Darling, Governor	Howick, Viscount	13 Aug.	No. 12	Ship Renown	325		
Howick, Viscount	Bourke, Governor	14 Aug.	Confidential	Ship Asia	325	Bourke, Governor	29 July.
Do	do	15 Aug.	No. 13	do	328		
Do	do	20 Aug.	No. 14	do	328		
Goderich, Viscount	do	21 Aug.	No. 14	do	320	Bourke, Governor	27 March.
Do	do	22 Aug.	No. 14	do	330	do	3 April.
Do	do	23 Aug.	No. 66	Ship Renown	331	Goderich, Viscount	21 March.
Darling, Governor	Goderich, Viscount	24 Aug.	No. 67	Ship Asia	333		
Howick, Viscount	Bourke, Governor	24 Aug.	No. 67	Ship Renown	334	Goderich, Viscount	3 Aug.
Darling, Governor	Goderich, Viscount	25 Aug.	No. 15	Ship Asia	335	Bourke, Governor	4 May.
Goderich, Viscount	Bourke, Governor	25 Aug.	No. 15	Ship Renown	336		
Darling, Governor	Goderich, Viscount	25 Aug.	No. 68	Ship Renown	336		
Goderich, Viscount	Bourke, Governor	26 Aug.	No. 16	Ship Asia	336		
Darling, Governor	Goderich, Viscount	26 Aug.	No. 69	Ship Renown	338	Goderich, Viscount	25 Feb.
Do	Howick, Viscount	30 Aug.	Circular	do	339		
Goderich, Viscount	Bourke, Governor	31 Aug.	No. 70	Ship Asia	340	Goderich, Viscount	26 Dec.
Darling, Governor	Goderich, Viscount	1 Sept.	No. 71	Ship Renown	341	do	18 March.
Do	do	7 Sept.	No. 71	do	345		

From	To	Dated	Despatch endorsed	Transmitted per—	See page	Acknowledged by—	Date of acknowledgment.
Darling, Governor	Goderich, Viscount.	1831.	No. 72	Ship Renewal.	346	Goderich, Viscount	1832.
Do	Howick, Viscount	10 Sept.	No. 73	do	351	do	6 April.
Do	Goderich, Viscount	12 Sept.	No. 74	do	352	do	7 March.
Do	do	14 Sept.	No. 17	do	353	do	26 Feb.
Goderich, Viscount	Bourke, Governor	16 Sept.	No. 75	Ship Asia	1	Goderich, Viscount	24 Feb.
Darling, Governor	Goderich, Viscount	16 Sept.	No. 18	Ship Renewal.	354	do	do
Goderich, Viscount	Bourke, Governor	17 Sept.	No. 76	Ship Asia	356	do	do
Darling, Governor	Goderich, Viscount	17 Sept.	No. 19	Ship Renewal.	2	do	do
Goderich, Viscount	Bourke, Governor	18 Sept.	No. 77	Ship Asia	356	do	do
Do	do	19 Sept.	Separate	do	357	do	do
Darling, Governor	Goderich, Viscount	19 Sept.	No. 78	Ship Renewal.	358	Goderich, Viscount	18 June.
Do	do	20 Sept.	No. 20	do	359	do	26 Dec.
Goderich, Viscount	Bourke, Governor	21 Sept.	No. 79	Ship Asia	360	Goderich, Viscount	4 Aug.
Darling, Governor	Goderich, Viscount	21 Sept.	No. 21	Ship Renewal.	361	do	do
Goderich, Viscount	Bourke, Governor	22 Sept.	No. 80	Ship Asia	368	Bourke, Governor	4 May.
Do	do	23 Sept.	No. 22	do	369	Goderich, Viscount	8 March.
Darling, Governor	Goderich, Viscount	23 Sept.	No. 23	Ship Renewal.	373	Goderich, Viscount	14 March.
Goderich, Viscount	Bourke, Governor	24 Sept.	No. 24	Ship Asia	374	Bourke, Governor	16 March.
Do	do	25 Sept.	No. 25	do	376	do	do
Do	do	26 Sept.	No. 25	do	377	Bourke, Governor	22 Feb.
Do	do	27 Sept.	No. 26	do	377	do	do
Darling, Governor	Howick, Viscount	27 Sept.	No. 81	Ship Renewal.	378	Goderich, Viscount	26 Dec.
Goderich, Viscount	Darling, Governor	28 Sept.	No. 82	Ship Asia	380	do	do
Darling, Governor	Goderich, Viscount	28 Sept.	No. 27	do	382	Goderich, Viscount	do
Goderich, Viscount	Bourke, Governor	28 Sept.	No. 83	Ship Renewal.	382	do	do
Do	do	29 Sept.	No. 84	do	397	do	do
Goderich, Viscount	Goderich, Viscount	30 Sept.	No. 85	Ship Renewal.	397	do	do
Darling, Governor	Howick, Viscount	1 Oct.	Separate	do	398	Goderich, Viscount	6 April.
Do	Goderich, Viscount	3 Oct.	No. 28	do	2	do	3 July.
Do	do	3 Oct.	No. 86	do	2	do	do
Do	do	3 Oct.	No. 29	do	400	do	do
Do	do	4 Oct.	No. 30	do	2	do	do
Goderich, Viscount	Bourke, Governor	10 Oct.	No. 87	Ship Pyramus	463	do	do
Darling, Governor	Goderich, Viscount	10 Oct.	No. 87	Ship Australia	463	Goderich, Viscount	12 May.
Goderich, Viscount	Bourke, Governor	12 Oct.	No. 31	Ship Portland	468	do	do
Do	do	13 Oct.	No. 30	do	416	do	do
Do	do	14 Oct.	No. 31	do	416	Bourke, Governor	3 April.
Do	do	15 Oct.	No. 32	do	417	do	do

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Goderich, Viscount	Bourke, Governor	1881.	No. 33	Ship Portland	418		1882.
Howick, Viscount	do	16 Oct.		do	419		
Goderich, Viscount	do	18 Oct.	No. 34	do	420		
Howick, Viscount	do	19 Oct.		do	421		
Darling, Governor	Goderich, Viscount	19 Oct.	No. 88	Ship Palanbuan	424	Goderich, Viscount	4 April.
Do	do	19 Oct.	No. 89	do	424		
Do	do	19 Oct.	No. 90	do	425		
Do	do	19 Oct.	No. 91	do	425	Goderich, Viscount	28 March.
Do	do	19 Oct.	No. 92	do	426	do	15 April.
Do	do	19 Oct.	No. 93	do	427	do	31 March.
Goderich, Viscount	Bourke, Governor	21 Oct.	No. 93	Ship Portland	428		
Do	do	22 Oct.	No. 35	do	428	Bourke, Governor	1 Nov.
Lindesay, Acting Governor	Goderich, Viscount	22 Oct.	No. 1	Ship Palanbuan	433		
Do	do	22 Oct.	No. 2	do	433		
Do	do	22 Oct.		do	433		
Goderich, Viscount	Howick, Viscount	22 Oct.		do	433		
Lindesay, Acting Governor	Bourke, Governor	23 Oct.	No. 37	Ship Portland	435	Goderich, Viscount	29 March.
Goderich, Viscount	Howick, Viscount	23 Oct.		do	435	Bourke, Governor	31 Oct.
Do	Bourke, Governor	24 Oct.	No. 38	Ship Palanbuan	435		
Do	Bourke, Governor	24 Oct.	No. 39	Ship Portland	436		
Howick, Viscount	do	26 Oct.		do	436		
Do	do	27 Oct.	Private	do	437		
Stewart, Hon. J.	do	28 Oct.		do	438		
Lindesay, Acting Governor	Goderich, Viscount	4 Nov.	Separate	do	441		
Goderich, Viscount	Bourke, Governor	6 Nov.	No. 40	Ship Palanbuan	442	Goderich, Viscount	28 March.
Do	do			Ship Portland	443		
Howick, Viscount	do	7 Nov.		do	444	Bourke, Governor	1883.
Goderich, Viscount	do	16 Nov.	No. 41	do	444		16 May.
Lindesay, Acting Governor	Goderich, Viscount	16 Nov.		do	444		
Howick, Viscount	Bourke, Governor	17 Nov.	No. 3	Ship Prince Regent	446	Goderich, Viscount	22 March.
Lindesay, Acting Governor	Goderich, Viscount	18 Nov.	No. 4	Ship Portland	447	Bourke, Governor	11 Sept.
Do	do	18 Nov.	No. 5	Ship Prince Regent	449	Goderich, Viscount	3 April.
Do	do	18 Nov.		do	451	do	3 April.
Do	do	18 Nov.	Separate	do	453	do	3 April.
Goderich, Viscount	Bourke, Governor	19 Nov.	No. 42	Ship Portland	459		
Lindesay, Acting Governor	Goderich, Viscount	19 Nov.	No. 6	Ship Prince Regent	460		
Howick, Viscount	Bourke, Governor	20 Nov.		Ship Portland	460		
Goderich, Viscount	do	23 Nov.	Circular	Ship Isabella	461		
Do	do	23 Nov.	Circular	Ship Barrcl	461		

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Hay, Under Secretary	Bourke, Governor	1831.	No. 7	Ship Isabella	462	Bourke, Governor	1832.
Lindesay, Acting Governor	Goderich, Viscount	23 Nov.	Circular	Ship Prince Regent.	464	.....	5 May.
Goderich, Viscount	Bourke, Governor	24 Nov.	No. 1	Ship Burrell	467	Goderich, Viscount	4 May.
Lindesay, Acting Governor	Goderich, Viscount	26 Nov.	No. 8	do	468	.....	.....
Bourke, Governor	do	3 Dec.	No. 1	Ship Prince Regent.	473	.....	.....
Goderich, Viscount	Bourke, Governor	10 Dec.	No. 43	Ship Burrell	473	.....	.....
Do	do	12 Dec.	No. 44	do	1	.....	.....
Do	do	13 Dec.	No. 45	do	474	.....	.....
Do	do	14 Dec.	No. 46	do	475	.....	.....
Do	do	15 Dec.	No. 47	do	475	.....	.....
Do	do	20 Dec.	No. 48	do	476	.....	.....
Do	do	20 Dec.	No. 48	do	476	.....	.....
Do	do	21 Dec.	No. 49	do	477	.....	.....
Do	do	21 Dec.	No. 49	do	477	.....	.....
Hay, Under Secretary	do	22 Dec.	No. 50	do	478	.....	.....
Goderich, Viscount	do	22 Dec.	No. 50	do	481	Bourke, Governor	3 Aug.
Hay, Under Secretary	do	22 Dec.	No. 51	do	482	do	3 Aug.
Goderich, Viscount	do	23 Dec.	No. 2	Ship Prince Regent.	482	.....	.....
Bourke, Governor	Goderich, Viscount	24 Dec.	No. 52	Ship Burrell	486	.....	.....
Goderich, Viscount	Bourke, Governor	24 Dec.	No. 53	do	487	.....	.....
Do	do	25 Dec.	No. 54	do	487	.....	.....
Do	do	27 Dec.	No. 55	do	487	Bourke, Governor	1 May.
Do	do	27 Dec.	No. 55	do	487	.....	.....
Do	do	28 Dec.	No. 56	do	490	.....	.....
Bourke, Governor	Goderich, Viscount	28 Dec.	No. 3	Ship Prince Regent.	491	Goderich, Viscount	13 May.
Do	do	29 Dec.	No. 4	do	491	do	5 May.
Goderich, Viscount	Bourke, Governor	30 Dec.	No. 57	Ship Burrell	1	.....	.....
Do	do	30 Dec.	No. 58	do	497	.....	.....
Do	do	1832.	No. 5	Ship Prince Regent.	499	.....	.....
Bourke, Governor	Goderich, Viscount	1 Jan.	No. 6	do	499	.....	.....
Do	Howick, Viscount	1 Jan.	No. 7	do	500	Goderich, Viscount	5 Aug.
Do	Goderich, Viscount	2 Jan.	No. 8	do	501	.....	.....
Do	do	3 Jan.	No. 9	do	501	Goderich, Viscount	10 May.
Do	do	4 Jan.	No. 10	do	502	do	6 May.
Do	do	6 Jan.	No. 11	Ship Stirling Castle.	502	.....	.....
Do	do	11 Jan.	No. 12	do	503	Goderich, Viscount	7 May.
Do	do	11 Jan.	No. 11	do	503	.....	.....
Do	do	14 Jan.	No. 13	do	504	.....	.....
Do	do	14 Jan.	No. 13	do	504	.....	.....
Goderich, Viscount	Bourke, Governor	21 Jan.	No. 59	Ship John	505
Hay, Under Secretary	do	21 Jan.	Private	do	505

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Goderich, Viscount	Bourke, Governor	1832.	No. 60	Ship John	506	Bourke, Governor	1833.
Do	do	22 Jan.	No. 61	do	506		4 Jan.
Hay, Under Secretary	do	23 Jan.		do	507		1832.
Do	do	24 Jan.	No. 62	do	508	Bourke, Governor	4 Aug.
Goderich, Viscount	do	25 Jan.	No. 63	Ship Lady Harewood	509	do	3 Nov.
Do	do	31 Jan.	No. 14	Ship Britannia	513	do	2 May.
Bourke, Governor	Goderich, Viscount	5 Feb.	No. 15	do	498	Goderich, Viscount	4 July.
Do	do	6 Feb.	No. 16	do	515		
Do	do	6 Feb.	No. 17	do	518		
Do	do	7 Feb.	No. 18	do	518	Goderich, Viscount	6 July.
Do	do	7 Feb.	No. 19	do	522	do	9 Aug.
Do	do	8 Feb.	No. 20	do	498		
Do	do	8 Feb.	No. 21	do	498		
Do	do	8 Feb.	No. 22	do	523		
Do	do	9 Feb.	No. 23	do	523		
Do	do	9 Feb.	No. 24	do	498		
Goderich, Viscount	Bourke, Governor	20 Feb.	No. 64	Ship Lady Harewood	524		
Do	do	21 Feb.	No. 65	do	524	Bourke, Governor	18 Sept.
Do	do	21 Feb.	Private	do	525		
Do	do	22 Feb.	No. 66	do	525		
Bourke, Governor	Goderich, Viscount	22 Feb.	No. 25	Ship Surry	527		
Goderich, Viscount	Bourke, Governor	24 Feb.	No. 67	Ship Lady Harewood	528	Bourke, Governor	19 Aug.
Do	do	24 Feb.	No. 68	do	529		
Do	do	25 Feb.	No. 69	do	530	Goderich, Viscount	17 Aug.
Bourke, Governor	Goderich, Viscount	25 Feb.	No. 26	Ship Surry	530		
Goderich, Viscount	Bourke, Governor	26 Feb.	No. 70	Ship Lady Harewood	531		
Hay, Under Secretary	do	26 Feb.		do	531		
Goderich, Viscount	do	27 Feb.	Circular	do	532		
Bourke, Governor	Goderich, Viscount	27 Feb.	No. 27	Ship Surry	498		
Do	do	27 Feb.	No. 28	do	532		
Do	Stewart, Hon. J.	27 Feb.		do	534		
Goderich, Viscount	Bourke, Governor	28 Feb.	Circular	Ship Lady Harewood	534		
Hay, Under Secretary	do	28 Feb.		do	537		
Bourke, Governor	Goderich, Viscount	28 Feb.	No. 29	Ship Surry	538	Goderich, Viscount	1833.
Do	do	28 Feb.	No. 30	do	542	do	22 March.
							1832.
							25 Dec.

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Bourke, Governor	Goderich, Viscount	1832.	No. 31	Ship Surry	498		1832.
Do	do	28 Feb.	No. 32	do	498		
Do	do	28 Feb.	No. 33	do	498		
Do	Hovick, Viscount	28 Feb.	Private	Ship Lady Harewood	542		
Goderich, Viscount	Bourke, Governor	1 Mar.	Circular	Ship Clyde	547		
Do	do	3 Mar.	Circular	do	548		
Do	do	4 Mar.	Circular	do	550		
Do	do	5 Mar.	.....	Ship Lady Harewood	550		
Hay, Under Secretary	do	6 Mar.	No. 71	do	552		
Goderich, Viscount	do	7 Mar.	No. 72	do	554		
Do	do	8 Mar.	No. 73	do	554		
Do	do	9 Mar.	No. 74	do	555		
Do	do	10 Mar.	.....	do	555		
Hay, Under Secretary	Goderich, Viscount	14 Mar.	No. 34	Ship Strathfieldsaye	557	Goderich, Viscount	23 Sept.
Bourke, Governor	do	15 Mar.	Circular	Ship Clyde	557		
Goderich, Viscount	Bourke, Governor	15 Mar.	No. 35	Ship Strathfieldsaye	558	Goderich, Viscount	6 Nov.
Bourke, Governor	Goderich, Viscount	16 Mar.	No. 36	do	559	do	5 Nov.
Do	do	17 Mar.	No. 37	do	560		
Do	do	17 Mar.	No. 38	do	560		
Goderich, Viscount	Bourke, Governor	18 Mar.	No. 75	Ship Clyde	561	Goderich, Viscount	10 Oct.
Bourke, Governor	Goderich, Viscount	19 Mar.	No. 39	Ship Strathfieldsaye	564	Bourke, Governor	2 May.
Goderich, Viscount	Bourke, Governor	20 Mar.	.....	Ship Clyde	568	Bourke, Governor	1833.
Do	do	21 Mar.	No. 76	do	569		
Do	do	22 Mar.	No. 77	do	569		
Bourke, Governor	Goderich, Viscount	23 Mar.	No. 40	Ship Strathfieldsaye	498		
Do	do	23 Mar.	No. 41	do	498		
Goderich, Viscount	Bourke, Governor	24 Mar.	No. 78	Ship Clyde	570	Bourke, Governor	6 Aug.
Do	do	25 Mar.	.....	do	571		
Do	do	26 Mar.	.....	do	573		
Bourke, Governor	Goderich, Viscount	26 Mar.	No. 42	Ship Strathfieldsaye	575		
Goderich, Viscount	do	26 Mar.	No. 43	do	575		
Hay, Under Secretary	Bourke, Governor	27 Mar.	No. 79	Ship Clyde	576	Goderich, Viscount	23 Sept.
Bourke, Governor	Goderich, Viscount	27 Mar.	No. 44	Ship Strathfieldsaye	576		
Goderich, Viscount	Bourke, Governor	28 Mar.	No. 80	Ship Clyde	577		
Do	do	28 Mar.	Separate	do	578		
Do	do	29 Mar.	No. 81	do	579		
Do	do	30 Mar.	Confidential	do	581	Bourke, Governor	19 Sept.

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Goderich, Viscount	Bourke, Governor	1832.	No. 82	Ship Clyde	582	Bourke, Governor	1833.
Do	do	31 Mar.	Circular	do	583		30 Oct.
Hay, Under Secretary	do	1 April		do	586		
Do	do	2 April		do	587		
Bourke, Governor	Goderich, Viscount	2 April	No. 43	Ship Dryade	587	Goderich, Viscount	12 Dec.
Goderich, Viscount	Bourke, Governor	3 April	No. 83	Ship Clyde	590		
Bourke, Governor	Goderich, Viscount	3 April	No. 46	Ship Dryade	591	Goderich, Viscount	11 Oct.
Goderich, Viscount	Bourke, Governor	4 April	No. 84	Ship Clyde	592		
Bourke, Governor	Goderich, Viscount	4 April	No. 47	Ship Dryade	593	Goderich, Viscount	13 Oct.
Do	do	5 April	No. 48	do	597	do	13 Oct.
Goderich, Viscount	Bourke, Governor	6 April	No. 85	Ship Clyde	598		
Bourke, Governor	Goderich, Viscount	9 April	No. 49	Ship Dryade	598	Goderich, Viscount	3 Oct.
Do	do	10 April	No. 50	do	600	do	10 Dec.
Do	do	11 April	No. 51	do	608		
Goderich, Viscount	Bourke, Governor	13 April	No. 86	Ship Clyde	610		
Do	do	14 April	No. 87	do	611		
Do	do	15 April	No. 88	do	611		
Do	do	23 April	Circular	Ship Planter	612		
Do	do	26 April		Ship Clyde	614		
Hay, Under Secretary	do	27 April		do	617	Bourke, Governor	14 Feb.
Goderich, Viscount	do	28 April	No. 90	do	619		
Bourke, Governor	Goderich, Viscount	28 April	No. 52	Ship Asia	620	Goderich, Viscount	14 Oct.
Do	do	30 April	No. 53	do	624		
Goderich, Viscount	Bourke, Governor	1 May	Private	Ship Planter	626		
Bourke, Governor	Goderich, Viscount	1 May	No. 54	Ship Asia	627		
Goderich, Viscount	Bourke, Governor	2 May	No. 91	Ship Planter	630		
Bourke, Governor	Goderich, Viscount	2 May	No. 55	Ship Asia	631	Goderich, Viscount	4 Oct.
Hay, Under Secretary	Bourke, Governor	3 May		Ship Planter	634	Bourke, Governor	15 Jan.
Bourke, Governor	Goderich, Viscount	3 May	No. 56	Ship Asia	634	Goderich, Viscount	1832.
Do	do	3 May	No. 57	do	636		7 Nov.
Goderich, Viscount	Bourke, Governor	4 May	No. 52	Ship Planter	636	Stanley, right hon. E. G.	1833.
Bourke, Governor	Goderich, Viscount	4 May	No. 58	Ship Asia	638		16 April.
Do	do	4 May	No. 59	do	639		
Do	do	4 May	No. 3	do	640		
Goderich, Viscount	Stewart, Hon. J.	5 May	No. 63	Ship Planter	642		
Bourke, Governor	Goderich, Viscount	5 May	No. 60	Ship Asia	642		
Do	do	5 May			495		

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Bourke, Governor	Goderich, Viscount	1832.	No. 61	Ship Asia	642	1832.
Do	Hay, Under Secretary	5 May	No. 61	do	642
Goderich, Viscount	Bourke, Governor	6 May	No. 94	Ship Planter	643	.....	.....
Do	do	7 May	No. 95	do	643	.....	.....
Do	do	10 May	No. 96	do	643	.....	.....
Hay, Under Secretary	do	11 May	No. 97	Ship Hercules	644	.....	.....
Goderich, Viscount	do	12 May	No. 98	Ship Planter	644	.....	.....
Do	do	13 May	No. 99	do	646	.....	.....
Do	do	14 May	No. 99	do	647	.....	.....
Do	do	15 May	No. 100	do	497	.....	4 Feb.
Do	do	24 May	.....	do	649	.....	.....
Hay, Under Secretary	do	26 May	.....	do	650	.....	20 March.
Do	do	27 May	.....	do	650	.....	.....
Do	do	28 May	No. 101	do	650	.....	.....
Goderich, Viscount	do	28 May	No. 62	Ship Portland	498	.....	.....
Bourke, Governor	Goderich, Viscount	29 May	No. 63	do	498	.....	.....
Do	do	2 June	No. 64	do	656	.....	1832.
Do	do	4 June	No. 65	do	658	.....	30 Nov.
Do	do	13 June	No. 102	Ship Planter	658	.....	.....
Goderich, Viscount	Bourke, Governor	.....	.....	.....	.....	.....	.....
Do	do	14 June	No. 103	do	662	.....	.....
Hay, Under Secretary	do	14 June	.....	do	665	.....	.....
Do	do	15 June	.....	Ship Hercules	666	.....	1833.
Do	do	15 June	.....	do	667	.....	1 May.
Goderich, Viscount	do	18 June	No. 104	Ship Fanny	668	.....	.....
Hay, Under Secretary	do	19 June	.....	do	670	.....	1 Feb.
Do	do	1 July	.....	do	671	.....	.....
Goderich, Viscount	do	3 July	No. 105	do	671	.....	.....
Do	do	4 July	No. 106	do	672	.....	.....
Do	do	5 July	Private	do	673	.....	9 Feb.
Do	do	6 July	No. 107	do	674	.....	.....
Do	do	6 July	No. 108	do	677	.....	.....
Do	do	6 July	No. 66	Ship Agnes	677	.....	.....
Bourke, Governor	Goderich, Viscount	10 July	No. 109	Ship Fanny	678	.....	.....
Goderich, Viscount	Bourke, Governor	11 July	No. 110	do	678	.....	.....
Do	do	11 July	Separate	do	678	.....	.....
Do	do	19 July	No. 111	Ship Parmelia	679	.....	.....
Do	do	24 July	.....	Ship Rubicon	679	.....	.....
Bourke, Governor	Hay, Under Secretary	29 July	Stanley, right hon. E. G.	15 April.

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Bourke, Governor	Goderich, Viscount	1832.	No. 67	Ship Rubicon	681	Stanley, right hon. E. G.	1833.
Do	Hay, Under Secretary	1 Aug.		do	681	Hay, Under Secretary	15 April.
Hay, Under Secretary	Bourke, Governor	2 Aug.		Ship Mary	682		13 April.
Bourke, Governor	Goderich, Viscount	2 Aug.	No. 68	Ship Rubicon	686	Stanley, right hon. E. G.	15 April.
do	Hay, Under Secretary	2 Aug.		do	687	Hay, Under Secretary	13 April.
Goderich, Viscount	Bourke, Governor	3 Aug.	No. 112	Ship Mary	688		
Bourke, Governor	Goderich, Viscount	3 Aug.	No. 69	Ship Rubicon	688		
Do	Hay, Under Secretary	3 Aug.		do	689	Stanley, right hon. E. G.	15 April.
Goderich, Viscount	Bourke, Governor	4 Aug.	No. 113	Ship Mary	689		
Bourke, Governor	Goderich, Viscount	4 Aug.	No. 70	Ship Rubicon	498		
Do	Hay, Under Secretary	4 Aug.		do	690		
Goderich, Viscount	Bourke, Governor	5 Aug.	No. 114	Ship Mary	690		
Bourke, Governor	Goderich, Viscount	5 Aug.	No. 71	Ship Rubicon	691		
Do	Goderich, Viscount	6 Aug.	No. 72	do	692	Stanley, right hon. E. G.	14 June.
Do	do	6 Aug.		do	693	do	15 April.
Do	Hay, Under Secretary	7 Aug.	No. 115	Ship Mary	694	Bourke, Governor	16 March.
Goderich, Viscount	Bourke, Governor	7 Aug.	No. 73	Ship Rubicon	695	Stanley, right hon. E. G.	15 April.
Bourke, Governor	Goderich, Viscount	8 Aug.	No. 116	Ship Mary	697	Bourke, Governor	2 May.
Bourke, Governor	Goderich, Viscount	8 Aug.	No. 74	Ship Rubicon	698		
Goderich, Viscount	Bourke, Governor	9 Aug.	No. 117	Ship Mary	699		
Do	do	11 Aug.	No. 118	do	700	Bourke, Governor	19 Jan.
Do	do	12 Aug.	No. 119	do	701		
Do	do	13 Aug.	No. 120	do	702		
Do	do	17 Aug.	No. 121	do	703		
Bourke, Governor	Goderich, Viscount	17 Aug.	No. 75	Ship Rubicon	703	Stanley, right hon. E. G.	18 April.
Do	do	18 Aug.	No. 76	do	705	do	15 April.
Do	do	19 Aug.	No. 77	do	706		
Do	do	20 Aug.	No. 123	Ship Mary	707		
Goderich, Viscount	Bourke, Governor	20 Aug.	No. 78	Ship Rubicon	711	Stanley, right hon. E. G.	13 April.
Bourke, Governor	Goderich, Viscount	21 Aug.	No. 79	Ship Mary	714	Bourke, Governor	1 May.
Goderich, Viscount	Bourke, Governor	21 Aug.	No. 80	Ship Rubicon	498		
Bourke, Governor	Goderich, Viscount	22 Aug.	No. 81	do	715	Stanley, right hon. E. G.	14 April.
Do	do	23 Aug.	No. 82	do	718	Goderich, Viscount	26 March.
Do	do	24 Aug.	No. 83	do	719	Stanley, right hon. E. G.	22 June.
Do	do	26 Aug.	No. 84	do	723		
Do	do	27 Aug.	No. 84	do	725	Stanley, right hon. E. G.	20 April.
Do	do	30 Aug.	No. 85	Ship Camden	726		
Hay, Under Secretary	Bourke, Governor	5 Sept.	No. 124	Ship Rubicon	726	Stanley, right hon. E. G.	13 April.
Bourke, Governor	Goderich, Viscount	7 Sept.	No. 86	Ship Sir Thomas Munro	727		
Goderich, Viscount	Bourke, Governor	8 Sept.	No. 86	Ship Rubicon	727	Stanley, right hon. E. G.	29 April.

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Bourke, Governor	Stewart, Hon. J.	1832.	Ship Rubicon.....	728	1833.
Do	Hay, Under Secretary	9 Sept.	do	729
Goderich, Viscount	Bourke, Governor	11 Sept.	.....	do	497	.....	.....
Bourke, Governor	Hay, Under Secretary	12 Sept.	No. 125	Ship Rubicon.....	729	.....	.....
Do	do	12 Sept.	.....	do	730	.....	.....
Do	Goderich, Viscount	13 Sept.	No. 87	do	731	Stanley, right hon. E. G.	13 April.
Do	do	17 Sept.	No. 88	do	732	Goderich, Viscount	23 March.
Do	do	18 Sept.	No. 89	do	743	Stanley, right hon. E. G.	30 April.
Do	do	18 Sept.	Confidential	do	743	Goderich, Viscount	25 March.
Do	do	19 Sept.	No. 90	do	744	Stanley, right hon. E. G.	15 April.
Do	do	19 Sept.	Confidential	do	745	Stanley, right hon. E. G.	13 April.
Do	do	20 Sept.	No. 91	do	746	do	13 April.
Do	do	20 Sept.	No. 92	do	750	do	.....
Do	do	22 Sept.	No. 93	do	498	.....	.....
Do	do	22 Sept.	No. 94	do	498	.....	.....
Do	do	22 Sept.	No. 95	do	498	.....	.....
Do	do	22 Sept.	No. 96	do	751	Stanley, right hon. E. G.	15 April.
Do	do	22 Sept.	No. 97	do	751	do	13 April.
Do	do	22 Sept.	No. 98	do	498	.....	.....
Do	do	22 Sept.	No. 99	do	751	Stanley, right hon. E. G.	13 April.
Do	do	22 Sept.	No. 100	do	752	do	13 April.
Do	do	22 Sept.	No. 101	do	753	Goderich, Viscount	28 March.
Do	do	22 Sept.	No. 102	do	756	do	27 March.
Do	do	22 Sept.	No. 126	Ship Andromeda	757	.....	.....
Goderich, Viscount	Bourke, Governor	23 Sept.	No. 127	do	497	.....	.....
Do	do	24 Sept.	No. 103	Ship Rubicon.....	757	.....	.....
Bourke, Governor	Goderich, Viscount	24 Sept.	No. 104	do	760	Goderich, Viscount	27 March.
Do	do	24 Sept.	Separate	do	497	.....	.....
Goderich, Viscount	Bourke, Governor	25 Sept.	No. 128	Ship Andromeda	761	Stanley, right hon. E. G.	17 April.
Bourke, Governor	Goderich, Viscount	25 Sept.	No. 105	Ship Rubicon.....	762	Bourke, Governor	July.
Hay, Under Secretary	Bourke, Governor	2 Oct.	No. 106	Ship Andromeda	767	Stanley, right hon. E. G.	22 June.
Bourke, Governor	Goderich, Viscount	2 Oct.	No. 129	Ship Rubicon.....	767	.....	.....
Goderich, Viscount	Bourke, Governor	3 Oct.	No. 130	Ship Andromeda	767	.....	.....
Do	do	4 Oct.	.....	do	767	.....	.....
Hay, Under Secretary	do	5 Oct.	.....	do	768	Bourke, Governor	25 May.
Do	do	6 Oct.	.....	do	769	do	16 May.
Goderich, Viscount	do	8 Oct.	No. 131	do	497	.....	.....
Hay, Under Secretary	do	9 Oct.	do	770
Goderich, Viscount	do	10 Oct.	No. 132	do	771
Do	do	11 Oct.	No. 133	do	772

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Goderich, Viscount	Bourke, Governor	1852.	No. 134	Ship Andromeda	772	1853.
Do	do	13 Oct.	No. 135	do	773	
Bourke, Governor	Goderich, Viscount	14 Oct.	No. 107	Ship Waterloo	774	Stanley, right hon. E. G.	13 April.
Do	do	27 Oct.	No. 109	do	774	do	13 April.
Do	do	28 Oct.	No. 108	do	776	do	12 June.
Goderich, Viscount	Bourke, Governor	29 Oct.	No. 136	Ship Florentia	497	.....
Bourke, Governor	Goderich, Viscount	30 Oct.	No. 110	Ship Andromeda	779	Stanley, right hon. E. G.	21 July.
Do	do	31 Oct.	No. 111	do	784	.....
Do	do	1 Nov.	No. 112	do	784	.....
Do	do	2 Nov.	No. 113	do	785	.....
Do	do	3 Nov.	No. 114	do	787	Stanley, right hon. E. G.	23 May.
Do	do	3 Nov.	No. 115	do	790	do	30 April.
Do	do	3 Nov.	No. 116	do	790	do	24 June.
Do	do	3 Nov.	No. 117	do	791	do	2 Sept.
Goderich, Viscount	Bourke, Governor	5 Nov.	No. 137	Ship Andromeda	792	.....
Do	do	6 Nov.	No. 138	do	792	.....
Do	do	7 Nov.	Circular	do	793	.....
Do	do	7 Nov.	No. 139	do	794	Bourke, Governor	20 March.
Do	do	8 Nov.	No. 140	do	795	.....
Do	do	9 Nov.	No. 141	do	796	.....
Do	do	14 Nov.	No. 141	do	797	.....
Do	do	14 Nov.	Private	do	800	.....
Do	do	14 Nov.	No. 118	Ship Florentia	801	Bourke, Governor	18 March.
Do	do	20 Nov.	No. 119	do	802	Stanley, right hon. E. G.	4 Sept.
Do	do	23 Nov.	No. 120	do	806	do	5 June.
Do	do	30 Nov.	No. 142	do	806	do	25 June.
Do	Bourke, Governor	30 Nov.	No. 142	Ship Diana	807	Bourke, Governor	1 Aug.
Do	do	7 Dec.	No. 143	Ship Mangles	809	do	19 Aug.
Do	do	10 Dec.	No. 144	do	813	Bourke, Governor	16 Feb.
Do	do	11 Dec.	No. 145	do	814	do	29 June.
Do	do	12 Dec.	No. 145	do	817	.....
Do	do	13 Dec.	No. 121	Ship Arundel	818	.....
Do	Goderich, Viscount	20 Dec.	No. 121	do	819	.....
Do	Bourke, Governor	22 Dec.	No. 146	Ship Asia	822	.....
Do	do	23 Dec.	No. 147	do	824	.....
Do	do	24 Dec.	No. 147	do	824	.....
Do	Goderich, Viscount	24 Dec.	No. 122	Ship Arundel	824	Stanley, right hon. E. G.	20 Sept.
Do	Bourke, Governor	25 Dec.	No. 148	do	829	.....
Do	do	26 Dec.	No. 148	Ship Asia	833	
Do	do	26 Dec.	No. 149	do	833	Stanley, right hon. E. G.	6 Sept.
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