HISTORICAL RECORDS
OF
AUSTRALIA.
COMMONWEALTH OF AUSTRALIA

HISTORICAL RECORDS

OF

AUSTRALIA.

SERIES I.

GOVERNORS' DESPATCHES TO AND FROM ENGLAND.

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INTRODUCTION.

GOVERNOR DARLING.

In the introduction to volume XIII, the principal incidents in the struggle between Governor Darling and the press prior to the year 1828 were detailed, and it was noted that, at the beginning of that year, public opinion was swaying in favour of Governor Darling and against his critics. Probably R. Wardell and E. S. Hall, the editors of the *Australian* and *Monitor* newspapers, realised this change of opinion, and, during the first half of the year 1828, the press was generally more moderate in its criticism of the government and the officials.

At the end of June, 1828, Robert Wardell, LL.D., who was Darling's principal and most accomplished critic, sold his interest in the *Australian* newspaper, and devoted himself to his practise at the bar which was extensive and lucrative. The business and copyright of the *Australian* newspaper, which had attained a circulation of six hundred for each bi-weekly issue, was sold for £3,600 to a syndicate of eight persons, who included the seven licensed auctioneers in Sydney. The new editor was Attwell Edwin Hayes, and the printer Samuel Kemp. In the first issue under the new management, the editor stated that the policy of the paper would be unaltered, and its columns would be available for the publication of free criticism.

In the year 1828, the first conviction was obtained for a libel on a public official in the colony. In July, E. S. Hall claimed possession of a pew in the church of St. James at Sydney, a claim which was denied by the Reverend T. H. Scott as archdeacon. Strong measures were adopted by both parties to the dispute. By orders of Scott, the door of the pew was locked; but Hall climbed into the pew, and, forcing the lock, opened the door to admit his family. Scott, thereupon, caused the pew to be boarded over to prevent the occurrence of a similar incident. Hall was prosecuted* for

* See note 118.
trespass on this pew. In connection with this case, Hall published an article in the Monitor newspaper, in which he severely criticised the ecclesiastical administration of Scott as archdeacon. On this article, he was prosecuted for criminal libel. The trial was held on the 29th of September, and Hall was found guilty and entered into recognizances to appear for judgment when called upon.

Governor Darling was determined to use all his powers to restrain the opposition press and the persons connected with it. In October, 1828, a government notice* was published, announcing that the unoccupied lands adjacent to any land grant would be leased to the grantee on his application, until such lands were required by the government for other purposes. E. S. Hall applied† for permission to lease five thousand acres adjacent to his grant; but the application was refused by the colonial secretary, A. Macleay, under orders from Governor Darling. Thereupon Hall asked the reasons for the refusal, and was informed by Macleay that it was because he was the “Editor of the Monitor, the columns of which Paper bear ample testimony to your endeavours to disturb the tranquillity of the Colony, and to demoralise the community, by treating with disrespect and contempt the clergy and the Established Church, without referring to the instance of your recent conviction for a Libel on the Venerable Archdeacon.” Immediately after receiving this reply, Hall moved in the supreme court, on the 1st of November, 1828, for a rule nisi calling on A. Macleay, the colonial secretary and official mouthpiece of Governor Darling, to show cause why a criminal information should not issue against him for his refusal to rent the land; but the court refused to grant such a rule. In a letter‡ dated 17th November, 1828, Hall then appealed to the secretary of state. In a despatch.§ dated 6th November, 1829, Sir George Murray acknowledged the receipt of this letter, and supported Governor Darling’s action “in refusing the gifts of the Colonial Government to a Person, convicted before the Supreme Court of a Libel on the Venerable Archdeacon, which was expressly declared by the Judgment of that Court to have been ‘indecent,’ ‘scandalous,’ and ‘emanating from personal

* See note 156. † See pages 583 and 584. § See volume XV. ‡ See page 579 et seq.
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motives,' more especially since I observe that his paper has con­tinued, not less after his conviction than before it, to be the channel of the most unmeasured and unjustifiable attacks on the characters, both private and public, of numerous and respectable persons.” When this despatch was received in the colony, it was considered to be a complete vindication of Darling’s policy with regard to the granting of indulgences, and its contents were made known to Hall and deeply resented by him.

During the year 1829, the supreme court was principally occu­pied in the trial of libel actions and in motions connected therewith. Most of these actions were commenced _ex officio_ by the attorney­general acting under the orders of Governor Darling, who was determined to suppress the licentious criticism.

On the 1st of January, the Reverend Ralph Mansfield was asso­ciated with Robert Howe as joint editor of the _Gazette_; but the association was brief, as Howe was drowned off Port Denison in Port Jackson on the 29th of January. Notwithstanding the change of the editor, the policy of the _Gazette_ was unaltered, and it con­tinued to give unstinted support to Governor Darling and his administration.

On the 6th of January, E. S. Hall was called upon to receive judgment from Mr. Justice Dowling for his conviction in the previous September for the criminal libel on the Reverend T. H. Scott. As Scott did not press for a severe penalty, Hall was sentenced to pay a fine of twenty shillings, to enter into a personal recognizance of £500 to be of good behaviour for twelve months, and to be lodged in gaol until the fine was paid and the recognizance completed. In the issue of the _Monitor_ newspaper published after this judgment, Hall announced by advertisement that he was prepared to sell the paper or a half share in the busi­ness, stating that it was impossible for him to bear the expenditure involved in legitimate criticism. The advertisement was repeated in several issues without a sale being effected.

On the 2nd of March, five informations for libel were filed by the attorney-general _ex officio_, all of which were probably initiated by the orders of Governor Darling.
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During the month of April, Darling was successful in securing the conviction and imprisonment of the editors of both the opposition papers, the *Monitor* and the *Australian*. On the 10th of that month, Hall was found guilty of a seditious libel on Governor Darling in the issue of the *Monitor*, dated 22nd November, 1828. Hall had alleged that Darling had used unfair influence in the appointment of the jury at his trial* for criminal libel on the Reverend T. H. Scott on the 29th of September. On the 15th of April, 1829, Hall was again found guilty of a criminal libel on F. C. Crotty, the commandant at Port Macquarie. On the 20th of June, Hall was called upon to receive judgment on these two convictions; for his libel on Darling, he was sentenced to imprisonment for twelve months, and for his libel on Crotty to imprisonment for a further term of three months, the sentences to be cumulative.

On the 14th of April, A. E. Hayes, the editor of the *Australian* newspaper, was tried and found guilty of a seditious libel on Governor Darling published in January.† The libel was contained in one of three articles, which criticised the papers in the case of J. Sudds and P. Thompson as laid on the table of the house of commons,‡ and alleged that Darling had illegally commuted the punishment of the two soldiers. Hayes was sentenced to imprisonment for six months, and was ordered to pay a fine of £100, and to find recognizances for his good behaviour for three years, himself in £500, and two in £250 each.

Notwithstanding their confinement in gaol, the editors of the two opposition papers were still able to continue their editorial work and to write articles in criticism of the administration, which were the cause of more libel actions. W. C. Wentworth also gave consistent support to both Hall and Hayes, and Hall initiated a number of retaliatory actions.

In the meantime, a series of incidents happened, which involved the Reverend Ralph Mansfield, the editor of the *Gazette*, in a libel action.

When the impeachment§ of Governor Darling by W. C. Wentworth became known in the colony, it was most adversely criticised

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* See notes 118 and 153.
† See note 176.  ‡ See note 174.  § See page 800 et seq.
and aroused the supporters of Darling to action. In consequence, an address was prepared and signed by over one hundred "landed proprietors and merchants." Care was taken to exclude any officer of the government or any emancipist from the signatories; but they included the most important people in the colony, such as A. Berry, E. Wollstonecraft, R. Campbell, R. Jones, A. B. Spark, John Macarthur, Hannibal Macarthur, W. Cox, T. Icely, G. Suttor and R. Lethbridge. W. C. Wentworth was at this date most unpopular with the conservative party; but the signatories to the address represented many grades, and the opinions expressed indicate the general feeling that the opponents of Governor Darling had exceeded the limits of legitimate opposition. The address* was presented to Darling on the 5th of July, and the "landed proprietors and merchants" stated that "although we have hitherto remained silent, yet it has been with deep regret that we have long observed every measure of your Excellency grossly vituperated by licentious public writers in a manner, calculated to inflame the minds of the lower orders of the community against your Excellency's Administration and to produce discontent and insubordination among the prisoners of the Crown, for no other purpose than to promote the interested views of such writers. As, however, we now find that charges against your Excellency have been forwarded to the Home Government in the form of an Impeachment, we can no longer refrain from an expression of our sentiments." The reforms introduced by Governor Darling in the public departments were approved, and it was then stated, "we are convinced that every act of your Excellency's administration has emanated from the purest motives, and, in the particular case, upon which the Impeachment is founded, we feel confident that the measures adopted were not only judicious, but at that time imperative; and the result has been the most satisfactory. We deny that the political opinions, promulgated by the opposition journals, are those of the more intelligent classes of the community, or that these publications form any criterion by which the justness of your Excellency's measures can be appreciated." In acknowledging the address, Governor Darling stated, "The Press has undoubtedly indulged itself to a most licentious and criminal extent in its endeavours
to degrade the Government and excite public discontent”; and he described the impeachment by W. C. Wentworth as “a gross and absurd compound of base and incredible calumnies.”

This address and the reply were published in the issue of the Gazette dated 7th July, and, in a leading article, the editor praised the authors of the address and severely denounced the editors of the opposition papers. W. C. Wentworth naturally resented this public reception of his impeachment, associated with Darling’s criticism of “base and incredible calumnies.” As the impeachment was then sub judice, he knew that the criticism was contrary to English usage; and, Darling being exempt from prosecution within his own government, he commenced action against the Reverend Ralph Mansfield for the publication of the address and reply in the Gazette. Accordingly, on the 30th of September, a rule nisi for a criminal information against Mansfield was granted on the motion of R. Wardell, and was made absolute on the 19th of December. On the 3rd of June, 1830, Mansfield was tried and found guilty, and, on the 30th of September following, was sentenced to pay a fine of £10 and to be imprisoned until the fine was paid.

Fourteen days after receiving judgment for his libels on Darling and Crotty, Hall published in the issue of the Monitor, dated 4th July, 1829, an article, in which he alleged that A. Macleay, the colonial secretary, had wrongfully altered a date on a paper in the case of Jane New.* The paper was a report from J. Burnett, the colonial secretary at Hobart town, in which a date was palpably erroneous. Accordingly, on the 1st of September, 1829, a rule was granted by the supreme court for a criminal information against Hall for libel on Macleay.

On the same day, rules were granted for criminal informations against Hall for a libel reflecting on the character and conduct of F. A. Hely, the principal superintendent of convicts, and for a libel on James Laidley, the head of the commissariat, in connection with certain tenders for salt pork, contained in issues of the Monitor, dated 6th and 20th June. At trials in the supreme court

*See page 762 et seq. and despatch dated 29th June, 1829, in volume XV.
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On the 21st of December following, Hall was found guilty of criminal libels on Governor Darling and F. A. Hely, and, on the 24th, of criminal libels on J. Laidley and A. Macleay. Judgment in these trials was given on the 6th and 13th of March, 1830; for the libel on Laidley, Hall was sentenced to imprisonment for six months; on Darling, nine months; on Macleay, six months; and on Hely, one month; these sentences to be cumulative and to commence after the expiration of the sentences Hall was then serving in gaol. The punishment for the libel on Hely was small, because there had been a delay of six months in commencing action.

Whilst these prosecutions were proceeding, on the 19th of December, 1829, a motion was granted by the supreme court to estreat the recognizance of £500 given by E. S. Hall to be of good behaviour for twelve months following the judgment in his trial for libel on the Reverend T. H. Scott in the previous January.

During the year 1829, apart from the legal processes initiated against E. S. Hall and A. E. Hayes, Governor Darling used other and somewhat questionable methods to suppress the adverse criticism of his government. Darling maintained that he held the power to revoke the assignment of a convict to a private person at his own discretion. In March, 1829, orders were issued by direction of Darling, revoking the assignment of one convict each to Hall and Hayes. The convict assigned to Hayes was employed as a reporter, and the order was executed by his removal to the convicts' barracks when he was actually engaged in reporting a case at the supreme court. The convict assigned to Hall was employed as a foreman at the printing office of the Monitor. Such action by Darling was undoubtedly drastic and was adversely criticised* by Sir George Murray. Murray informed Darling that there was no necessity or reasonable cause for the revocation of the assignment of these convicts, and that the power of revocation was granted for the protection of the convicts themselves from improper treatment by their masters. Hall resisted the order for the revocation of the assignment of his convict, and he was cited to appear before a bench of magistrates consisting of F. N. Rossi, G. Bunn, E. Wollstonecraft and W. J. Brown on a charge of

*See despatch dated 8th November, 1830, in volume XV.
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harbouring a prisoner of the crown illegally at large. Hall was convicted and sentenced to pay a fine. Hall thereupon appealed to the supreme court on the 27th of June, 1829, and the conviction was quashed, the judges ruling that the governor had no power to revoke the assignment of a convict. Three days later, Wentworth acting for Hall unsuccessfully moved for a criminal information against the magistrates for malicious conviction.

At the end of the year, the sentence of imprisonment passed on Hayes expired, but he was unable to pay the fine of £100. However, the money was raised by public subscription according to a letter, signed by Francis Stephen and C. D. Moore and published in the Australian of the 9th of January, 1830. Hayes was therefore liberated from gaol. In his reports,* Darling stated that F. Stephen was the supposed author of the libel for which Hayes was convicted, and Darling expressed the belief that the fine was paid by Stephen himself.

Notwithstanding the sentences of imprisonment passed on Hall and Hayes in June, 1829, Hall was convicted of four separate libels in December. Darling, therefore, introduced a bill to the legislative council to restrain the publication of libellous matter in the press. In reporting this bill to the under secretary of state,† Darling stated as reasons for introducing the bill that Hayes had been just liberated from gaol, and that Hall had “declared his determination of continuing his present course, having secured his Property and made up his mind to his being kept in Jail during the existence of the present Government.” It must be remembered that Hall was allowed to write his articles whilst in gaol. The bill was passed by the council on the 29th of January, 1830, and was known as 11 Geo. IV, No. 1.

This act of council contained two most drastic clauses. It was entitled, "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

* See despatches in volumes XV and XVI.
† See despatch dated 20th January, 1830, in volume XV.
the publication of Blasphemous and Seditious Libels,' and for further restraining the Abuses arising from the publication of slanderous and libellous matter.” The act,* 8 Geo. IV, No. 2, which was amended, had been passed on the 25th of April, 1827, and contained twenty-two sections. The new act contained thirteen sections. The first four sections defined printers of newspapers; provided for guardians or agents for proprietors or printers of newspapers, who might be under legal age; ordered that the names of agents should be inserted in the imprint; and defined evidence of publication. Sections five to eight regulated the recognizances and sureties necessary before publication. Section nine repealed sections twenty and twenty-one in the recited act, and enacted, “Persons twice convicted of blasphemous or seditious Libels to be banished and not to publish newspapers until expiration of sentence,” and section ten, “Persons banished, returning or not departing, to be imprisoned until sent from the Colony.” The last three sections defined a newspaper; detailed the appropriation of fines; and enacted that the provisions of the act should be in force seven days after publication in the Sydney Gazette, and should remain in force for two years.

The drastic provisions in sections nine and ten, although in accordance with the then existing law in England, raised a storm of protest from Hall and Hayes, and, in the issue of the Monitor, dated 12th January, 1830, Hall published a petition to parliament against the bill. In the Gazette, however, Mansfield endorsed it and stated that drastic measures were necessary.

The protests had no immediate effect, and the act came into operation in the colony. Governor Darling transmitted a copy of the bill to England with a despatch, dated 4th February, 1830. This despatch was unnoticed by Sir George Murray; but, when Viscount Goderich succeeded Murray at the colonial office, he, in a despatch dated 6th January, 1831, disallowed the act, and ordered Darling to “enforce the existing Law firmly but without harshness.” The principal reason for disallowing the act was that “there is no little danger that, by too much eagerness in severely repressing the Attacks, to which it may be exposed, the Executive

* See note 70, volume XIII.
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Government may most effectually promote the views of its enemies and aggravate the evil which it wishes to remove.” This was the first colonial act actually disallowed by the English government; the stamp act, 8 Geo. IV, No. 3, was formally disallowed, but at the same time such disallowance was considered unnecessary as that act had been rescinded by government notice* before it became operative.

Before the arrival of the despatch from Viscount Goderich in the colony, Governor Darling had received a copy of the English statute passed in July, 1830, whereby the sections relating to banishment in a former English statute were repealed. When he received the despatch, Darling considered it would be inadvisable to publicly notify the disallowance of the act of council owing to the probable effect on the opposition press, especially as the act disallowed would automatically expire in January, 1832. To comply with Goderich's instructions, an act, 2 Wm. IV, No. 1, was passed on the 27th of September, 1831, whereby sections nine and ten of the act, 11 Geo. IV, No. 1, were repealed. At the same time, a notice was published that “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.”

Further legislation at this period (1829-1830) had an important influence on the struggle between Governor Darling and the press, and enabled Hall to test his convictions before a judge and jury. By section eight of the constitution act,† 9 Geo. IV, c. lxxxiii, it was provided that trial by jury could be granted at the discretion of the court on application by either plaintiff or defendant, so soon as local acts of council were passed to regulate the constitution of the juries. The warrant for the new legislative council, constituted under the same act, was received in the colony in July, 1829, and, in October, 1829, and February, 1830, the acts of council, 10 Geo. IV, No. 8, and 11 Geo. IV, No. 2, were passed to regulate the constitution of juries.

* See page 392, volume XIII. † See page 260 et seq.
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By the passing of the act of council, 11 Geo. IV, No. 1, Governor Darling controlled but did not suppress the unjustifiable criticism to which he and his government had been subjected. When the banishment clauses were repealed in September, 1831, a copy of the London Gazette had been received in the colony announcing the recall of Governor Darling and the appointment of major-general Richard Bourke as his successor on the 27th of April previous, and therefore there were no further opportunities or reasons for a renewal of the attacks.

The malicious criticism in the press of Governor Darling thus terminated in January, 1830, but during that year the passing of the jury acts gave Hall several opportunities of retaliation, which must be noted in conclusion of the story of the press at this epoch. On the 19th of May, Hall also wrote* to the secretary of state a letter containing fourteen specific accusations against Governor Darling.

On the 1st of March, 1830, he was granted juries in trials of actions for damages against F. N. Rossi and the magistrates who convicted him of harbouring a convict illegally at large; against F. A. Hely for withdrawing the same convict from his assignment to Hall; and against the Reverend Ralph Mansfield (1) for libel in the publication of the address to Governor Darling with the reply on the 7th of July, 1829, (2) for libel in the Sydney Gazette dated 31st December, 1829, and 5th January, 1830, in which it was alleged that Hall had connived at the assault committed on Governor Darling by a disappointed settler named Shelly, and (3) for libel in the Sydney Gazette, dated 19th of May, 1829, in commenting on the case of T. E. Wright at Norfolk island.

In four out of these five actions, Hall was successful. On the 15th of March, he was awarded £10 damages against Rossi and the magistrates, and £25 damages against F. A. Hely. On the 1st of April, in the first action against Mansfield, he was awarded 40s. damages; on the 2nd of April, in the second action, £50 damages; and on the 3rd of April, in the third action, a verdict was given for the defendant.

* See volume XV.
On the 6th of April, Hall brought an action against the Reverend T. H. Scott for his ejectment from the pew in St. James’ church. It was also tried before a jury, and Hall was awarded damages of £25.

On the 27th of September, 1830, Hall was prosecuted for neglect to forward to the colonial secretary copies of the Monitor newspaper in February, 1830, in accordance with the act for the regulation of the press, and penalties amounting to £200 were claimed. The prosecution resulted in a verdict for the defendant.

On the proclamation of the accession of William IV on the 6th of November, 1830, Hall was released from gaol by Governor Darling and his uncompleted sentences were remitted. Notwithstanding the prosecutions which Hall had initiated against the Sydney Gazette, the editor, the Reverend R. Mansfield, warmly congratulated him on his release.

The struggle between Governor Darling and his critics in the opposition press may thus be said to have terminated in an act of magnanimity by the governor in the release of Hall. As has been noted,* it is probable that the prime motive of the excessive criticism during the administration of Governor Darling was not the actions of Darling the individual, but of Darling the figure-head of the English cabinet who had given instructions to introduce much-needed reforms in the colony, which reforms were not sufficiently advanced to meet the views of the radical party in the colony.

It is now necessary to consider the changes in the details of administration introduced during the government of New South Wales by R. Darling. The administrations of his two immediate predecessors, Governor Macquarie and Sir Thomas Brisbane, had failed in some vital points, and reforms were urgently required. Macquarie had governed as an autocrat, and all the machinery of government had centred in himself. He regarded the judges and the principal civil officials as members of a staff, and expected them to wait on him daily for instructions, as staff officers in the army would wait on their general. The centralisation of all the business of administration in one man was impossible, as the colony developed and expanded. Macquarie had been succeeded

* See introduction to volume XIII.
by Sir Thomas Brisbane. Brisbane was a cultured man of science, and was averse to all the minor details of administration, which Macquarie had personally controlled. He therefore left many of the details entirely in the hands of his officials, especially the colonial secretary. Unfortunately he was not supported by able assistants; and, at the conclusion of his administration, the routine in the public offices was chaotic, and there was little of that essential co-ordination which was necessary for good government.

Reforms were urgently required, and Darling was appointed governor with instructions to introduce them. Owing to his training, Darling was perhaps the wrong man to have chosen for the duty. His long experience as a military staff officer had accustomed him to the precise forms of military administration, and, when he reorganised the civil departments in the colony, he erred somewhat in the multiplicity of forms, checks and counter-checks, introduced as part of the daily routine in the public offices. From the semi-chaos of the last years of Sir Thomas Brisbane's administration, there was a rapid change to an excess of "red tape."

A capable military administrator does not always make a successful civil one. During part of Darling's government, the duke of Wellington was prime minister of England, and, to quote the words of the right hon. W. Huskisson, "neither is it to be expected that the example of Government at home will lead such men as your Governor to put less confidence in his own ability to superintend and direct the whole administration, judicial, civil and financial, of New South Wales." In principle, most of the reforms introduced by Darling were excellent; but he diminished their chance of success by following military precedent in surrounding them with an excess of routine details.

When he arrived in the colony, Darling carried his commission and instructions, by which an executive council was appointed consisting of the lieut.-governor, the chief justice, the archdeacon and the colonial secretary, and he was ordered generally to act by and with the advice of this council. In April, 1827, the office of lieut.-governor was abolished,* and "the Officer next in command to the

*See page 242, volume XIII.
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Commander of the Forces was appointed a member of this council. In August, 1828, the chief justice and all future judges were excluded from the council* on general principles. In addition to the appointment of the executive council, Darling was also advised by Earl Bathurst, before he left England, to appoint† a "Land Board for your assistance, to whom you may refer Applications for Grants of Land, and from whom you may receive Reports on the various Claims of the different Applicants."

Soon after his arrival in the colony, Darling appointed the lieut.-governor, the colonial auditor and J. T. Campbell, formerly secretary to Governor Macquarie, as members of the land board, to whom he delegated also the duty of reporting on applications for assigned servants. About the same time, owing to "the total disorganisation of the Departments and indeed every branch of the Government," and the necessity for assistance "generally in the arrangements and details of the different Public Establishments," Darling appointed a second board, which he called the "Board for General Purposes." The members of this board were the lieut.-governor, the colonial secretary, the chairman of the quarter sessions, the clerk of the council, the colonial auditor, the deputy commissary-general, and J. T. Campbell. The appointment of this board marked the beginning of the system of government by boards, which was characteristic of Darling’s administration. The system was fully justified in principle, for, as the colony was growing and expanding, it was no longer possible for one man, the governor, to inquire into all the details necessary before giving a decision. The system, however, failed somewhat in practice, because some of the members, notably the colonial secretary and the auditor, found it impossible to administer their own departments and to attend meetings of the board without causing delay in public business. In illustration of this point the following statement‡ by Darling may be quoted:—"The Office Hours in the Colonial Secretary’s Office are from Nine to Six; during which period, Nine Hours, the Clerks are all closely employed. The Public Boards, at which the secretary usually presides, meet at Six in the morning."

* See page 366. † See page 20, volume XII. ‡ See page 692, volume XII.
During his administration, Governor Darling systematically re-organised each public department, and in all matters of detail members of the board for general purposes were employed in the necessary inquiries. In each department, the staff was reorganised, a fixed establishment was created, and the employment of convicts and emancipists as clerks was abolished as far as possible; systematic methods were introduced; and a routine with proper forms and records was established for its dealings with the public.

In July, 1827, Viscount Goderich gave instructions* for the introduction of a radical change in the finances of the colony. It was decided to abolish the practise of an annual vote by parliament for the salaries of the civil establishment of the colony, and thereafter to divide the expenditure into two sections. The first section included all expenditure incurred in the civil administration of the colony and the second that incurred in the maintenance and control of the convicts. The first section was ordered to be defrayed by the revenues of the colony and the second by bills drawn on the English treasury as formerly. The introduction of this broad principle involved many modifications in the colonial administration and many sittings of boards to determine the items of expenditure which should be classified as incurred in the maintenance and control of the convicts. It was an important step in the progress of the colony. It logically led to the passing of appropriation bills,† and developed the sense of individual responsibility in the government of the colony.

Apart from his general reforms in matters of detail and organisation in the departments, Governor Darling initiated and developed three notable changes.

Early in the year 1826, he appointed an inspector of roads and bridges. The roads of the colony had previously been under the control of the engineer. Darling organised a special department, which was instrumental in improving and developing the means of

* See page 470 et seq., volume XIII.
† The first bill was passed on the 21st of March, 1832, under Governor Bourke.
communication in the interior of the colony. In May, 1829, however, Sir George Murray ordered* that the administration of the roads and bridges should be controlled by the surveyor-general.

Prior to the year 1827, the customs duties at Sydney had been collected by an officer known as the "naval officer," who also had a general control over the shipping in the harbour of Port Jackson. The administration of the department of this officer had been very lax; and, when John Piper became a defaulter† at the end of the year 1826, there was a shortage of £17,000 in the funds of his department. Piper was immediately suspended, a customs department was organised, and a collector, a controller, a searcher and a keeper of the bonded stores were appointed. Full instructions were given by Darling to the collector and controller. This reorganisation was immediately followed by a large accession of revenue. The change, however, was not effected without opposition by the merchants, resulting in the usual attacks on the governor. This opposition was due to the introduction of business methods into the department, and the necessary compliance of the merchants with such methods.

In the year 1828, Governor Darling thoroughly reorganised the post-office and established an inland post. This great reform, so necessary for the progress of the colony, was initiated after an inquiry by a board‡ consisting of the colonial secretary, the auditor and James Busby.

Apart from these three notable changes and the general reorganisation of the departments, one further introduction of systematic methods must be noted. Prior to the arrival of Governor Darling, the assignment of convicts to colonists as servants was one of the great powers of patronage possessed by a governor. By a series of government orders and notices, viz., thirteen in the year 1826, six in 1827, two in 1828, two in 1830, and two in 1831, Governor Darling created a code of regulations for the assignment of such convicts, which code remained in force for many years. By these regulations, the assignment was virtually made by a board appointed for the purpose, and, except in special cases, the governor's approval was merely formal.

* See page 793. † See page 245 et seq., volume XIII. ‡ See page 447 et seq.
In July, 1828, the English statute, 9 Geo. IV, c. lxxxiii, was passed "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." The great changes, introduced in the legislative council and the judicial system in the colony by this statute, are noted in the introduction to volume XV, together with an account of the important changes in the administration of the lands during Darling's government.

FREDK. WATSON.

June, 1922.
DESPATCHES.
HISTORICAL RECORDS
OF
AUSTRALIA.

SERIES I.

LETTERS INTRODUCING SETTLERS.* 1828.

DURING the year 1828, letters introducing settlers were written by different officials to Governor Darling with dates as under:

<table>
<thead>
<tr>
<th>Date of Letter</th>
<th>Written by</th>
<th>Name of settler</th>
</tr>
</thead>
<tbody>
<tr>
<td>1st January</td>
<td>R. W. Hay</td>
<td>Commander Geo. King (n)</td>
</tr>
<tr>
<td>7th January</td>
<td>E. G. Stanley</td>
<td>James Thompson</td>
</tr>
<tr>
<td>7th January</td>
<td>do</td>
<td>E. H. Cliffe</td>
</tr>
<tr>
<td>9th January</td>
<td>do</td>
<td>— and — Bell</td>
</tr>
<tr>
<td>9th January</td>
<td>do</td>
<td>Lieut. John Hampden Edwards (a)</td>
</tr>
<tr>
<td>9th January</td>
<td>do</td>
<td>Major B. Sullivan (a)</td>
</tr>
<tr>
<td>14th January</td>
<td>do</td>
<td>Captain A. Chambre (a)</td>
</tr>
<tr>
<td>6th February</td>
<td>R. W. Hay</td>
<td>Francis I. Moylan</td>
</tr>
<tr>
<td>21st February</td>
<td>F. Leveson Gower</td>
<td>William Pratt</td>
</tr>
<tr>
<td>28th February</td>
<td>do</td>
<td>— Peltrick</td>
</tr>
<tr>
<td>6th March</td>
<td>do</td>
<td>Captain John Spotswood</td>
</tr>
<tr>
<td>7th March</td>
<td>do</td>
<td>— and — Forlong</td>
</tr>
<tr>
<td>14th March</td>
<td>R. W. Hay</td>
<td>Charles Henderson</td>
</tr>
<tr>
<td>17th March</td>
<td>F. Leveson Gower</td>
<td>Joseph Henry Moore</td>
</tr>
<tr>
<td>18th March</td>
<td>W. Huskisson</td>
<td>George Mackenzie</td>
</tr>
<tr>
<td>25th March</td>
<td>F. Leveson Gower</td>
<td>Charles Henderson</td>
</tr>
<tr>
<td>27th March</td>
<td>do</td>
<td>Morris Townsend</td>
</tr>
<tr>
<td>30th March</td>
<td>do</td>
<td>Lieut. George Blake</td>
</tr>
<tr>
<td>31st March</td>
<td>do</td>
<td>Lieut. A. Turner</td>
</tr>
<tr>
<td>3rd April</td>
<td>R. W. Hay</td>
<td>Robert Lambert</td>
</tr>
<tr>
<td>9th April</td>
<td>F. Leveson Gower</td>
<td>Lieut. Redmond Moriarty</td>
</tr>
<tr>
<td>14th April</td>
<td>do</td>
<td>Com't Wm. Moriarty</td>
</tr>
<tr>
<td>25th April</td>
<td>do</td>
<td>Edmund Docker</td>
</tr>
<tr>
<td>28th April</td>
<td>do</td>
<td>Lieut. Merion M. Moriarty</td>
</tr>
<tr>
<td>29th April</td>
<td>do</td>
<td>John E. Turner</td>
</tr>
<tr>
<td>10th May</td>
<td>do</td>
<td>Rae</td>
</tr>
<tr>
<td>11th May</td>
<td>R. W. Hay</td>
<td>— Myers</td>
</tr>
<tr>
<td>24th May</td>
<td>do</td>
<td>Thomas Kent</td>
</tr>
<tr>
<td>29th May</td>
<td>R. W. Hay</td>
<td>John Onge</td>
</tr>
<tr>
<td>30th May</td>
<td>do</td>
<td>Henry Douglass</td>
</tr>
<tr>
<td>2nd June</td>
<td>Horace Twiss</td>
<td>Captain Henry Dixon</td>
</tr>
<tr>
<td>5th June</td>
<td>R. W. Hay</td>
<td>Lieut. Arthur Davies</td>
</tr>
</tbody>
</table>

* Note 1.
HISTORICAL RECORDS OF AUSTRALIA.

1828.

Letters introducing Settlers—continued.

<table>
<thead>
<tr>
<th>Date of Letter</th>
<th>Written by</th>
<th>Name of settler</th>
</tr>
</thead>
<tbody>
<tr>
<td>11th June</td>
<td>Horace Twiss</td>
<td>John Turner.</td>
</tr>
<tr>
<td>21st June</td>
<td>R. W. Hay</td>
<td>James Scott.</td>
</tr>
<tr>
<td>24th June</td>
<td>Horace Twiss</td>
<td>John Onge.</td>
</tr>
<tr>
<td>28th June</td>
<td>do</td>
<td>Lieut. — Forde.</td>
</tr>
<tr>
<td>2nd July</td>
<td>G. Murray</td>
<td>Thomas Peel.</td>
</tr>
<tr>
<td>9th July</td>
<td>Horace Twiss</td>
<td>William Wynter.</td>
</tr>
<tr>
<td>10th July</td>
<td>G. Murray</td>
<td>Charles Matcham.</td>
</tr>
<tr>
<td>11th July</td>
<td>Horace Twiss</td>
<td>Lieut. Geo. Robson.</td>
</tr>
<tr>
<td>11th July</td>
<td>do</td>
<td>Michael Hyam.</td>
</tr>
<tr>
<td>14th July</td>
<td>R. W. Hay</td>
<td>Captain Ranclaud.</td>
</tr>
<tr>
<td>26th July</td>
<td>do</td>
<td>Mr. Lambie.</td>
</tr>
<tr>
<td>5th August</td>
<td>Horace Twiss</td>
<td>John and Richard Proctor.</td>
</tr>
<tr>
<td>9th August</td>
<td>do</td>
<td>Lieut. Wm. Caswell.</td>
</tr>
<tr>
<td>12th August</td>
<td>do</td>
<td>Duncan Mackellar.</td>
</tr>
<tr>
<td>2nd September</td>
<td>do</td>
<td>Capt. W. A. Steel.</td>
</tr>
<tr>
<td>7th September</td>
<td>do</td>
<td>Capt. J. Ranclaud.</td>
</tr>
<tr>
<td>23rd September</td>
<td>do</td>
<td>Capt. P. McLaine.</td>
</tr>
<tr>
<td>23rd September</td>
<td>do</td>
<td>— Stubbs.</td>
</tr>
<tr>
<td>23rd September</td>
<td>do</td>
<td>Capt. Wm. Dumasre.</td>
</tr>
<tr>
<td>23rd September</td>
<td>do</td>
<td>Capt. C. M. Christian.</td>
</tr>
<tr>
<td>22nd October</td>
<td>do</td>
<td>Lieut. F. Whitfield.</td>
</tr>
<tr>
<td>24th October</td>
<td>do</td>
<td>Lieut. M. Mitchell.</td>
</tr>
<tr>
<td>18th November</td>
<td>R. W. Hay</td>
<td>W. R. Davidson.</td>
</tr>
<tr>
<td>1st December</td>
<td>Horace Twiss</td>
<td>— Maye.</td>
</tr>
<tr>
<td>13th December</td>
<td>do</td>
<td>Lieut. John Lamb.</td>
</tr>
<tr>
<td>15th December</td>
<td>R. W. Hay</td>
<td>John Cole.</td>
</tr>
<tr>
<td>15th December</td>
<td>do</td>
<td>— Balcombe, jr.</td>
</tr>
<tr>
<td>16th December</td>
<td>do</td>
<td>— Dumant.</td>
</tr>
</tbody>
</table>

The settlers marked (o) and (a) were formerly officers of the navy and army respectively, who proceeded to the colony under the conditions of the admiralty circular, dated 11th August, 1827, and the army orders, dated 24th August, 1827 (see page 586, volume XIII).

ASSIGNMENTS OF CONVICTS.*

During the year 1828, 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:

<table>
<thead>
<tr>
<th>Date of letter</th>
<th>Ship's name</th>
<th>No. of Convicts</th>
</tr>
</thead>
<tbody>
<tr>
<td>16th February</td>
<td>Mermaid</td>
<td>99 Female.</td>
</tr>
<tr>
<td>5th March</td>
<td>Phoenix</td>
<td>160 Male.</td>
</tr>
<tr>
<td>24th March</td>
<td>Bussorah Merchant</td>
<td>170</td>
</tr>
<tr>
<td>30th April</td>
<td>Countess of Harcourt</td>
<td>185</td>
</tr>
<tr>
<td>30th May</td>
<td>Albion</td>
<td>192</td>
</tr>
<tr>
<td>11th June</td>
<td>Competitor</td>
<td>90 Female.</td>
</tr>
<tr>
<td>26th June</td>
<td>Eliza</td>
<td>155 Male.</td>
</tr>
<tr>
<td>28th June</td>
<td>Marquis of Hastings</td>
<td>178</td>
</tr>
<tr>
<td>22nd August</td>
<td>Royal George</td>
<td>160</td>
</tr>
<tr>
<td>29th August</td>
<td>Vittoria</td>
<td>160</td>
</tr>
<tr>
<td>7th November</td>
<td>Princess Royal</td>
<td>100 Female.</td>
</tr>
<tr>
<td>15th November</td>
<td>Lord Melville</td>
<td>170 Male.</td>
</tr>
</tbody>
</table>

* Note 1.
GOWER TO DARLING.

GOVERNOR DARLING TO THE SECRETARY OF STATE.

The following despatches,* written in the year 1828, have been omitted:—

<table>
<thead>
<tr>
<th>Despatch dated</th>
<th>numbered</th>
<th>Transmitting</th>
</tr>
</thead>
<tbody>
<tr>
<td>1st January</td>
<td></td>
<td>series of Sydney Gazette from 2nd July to 31st December, 1827.</td>
</tr>
<tr>
<td>16th February</td>
<td></td>
<td>do from 21st December, 1827, to 15th February, 1828.</td>
</tr>
<tr>
<td>10th March</td>
<td>31</td>
<td>minutes of executive council for half-year ending 31st December, 1827.</td>
</tr>
<tr>
<td>10th March</td>
<td>32</td>
<td>returns of sentences by courts of sessions, January to June, 1827.</td>
</tr>
<tr>
<td>14th March</td>
<td>36</td>
<td>thirty-three applications from convicts for passages for their families.</td>
</tr>
<tr>
<td>27th July</td>
<td>87</td>
<td>returns of sentences by courts of sessions, July to December, 1827.</td>
</tr>
<tr>
<td>1st August</td>
<td>92</td>
<td>minutes of executive council for half-year to June, 1828.</td>
</tr>
<tr>
<td>30th August</td>
<td>110</td>
<td>returns of sentences by courts of sessions, January to June, 1828.</td>
</tr>
<tr>
<td>30th August</td>
<td>111</td>
<td>monthly returns of troops for April, May and June, 1828.</td>
</tr>
<tr>
<td>1st September</td>
<td></td>
<td>series of Sydney Gazette from 23rd June to 1st September, 1828.</td>
</tr>
<tr>
<td>6th September</td>
<td>116</td>
<td>rules and regulations for the conduct of business in the supreme court.</td>
</tr>
<tr>
<td>16th December</td>
<td>140</td>
<td>monthly returns of troops for July, August and September, 1828.</td>
</tr>
<tr>
<td>22nd December</td>
<td>141</td>
<td>rules and regulations for the conduct of business in the supreme court.</td>
</tr>
</tbody>
</table>

GOVERNOR DARLING TO THE UNDER SECRETARY OF STATE.

The following despatches,* written in the year 1828, have been omitted:—

<table>
<thead>
<tr>
<th>Despatch dated</th>
<th>Transmitting</th>
</tr>
</thead>
<tbody>
<tr>
<td>1st January</td>
<td>series of Sydney Gazette, Australian, Monitor and Gleaner newspapers.</td>
</tr>
<tr>
<td>10th January</td>
<td>quarterly returns for 1827 of seventy-four expirees, who cleared at port of Sydney.</td>
</tr>
<tr>
<td>11th January</td>
<td>report from colonial botanist on botanical garden.</td>
</tr>
<tr>
<td>12th January</td>
<td>return of state of crime and punishment in the year 1827.</td>
</tr>
<tr>
<td>14th February</td>
<td>observations at Parramatta observatory by C. S. Rumker.</td>
</tr>
<tr>
<td>16th February</td>
<td>series of newspapers.</td>
</tr>
<tr>
<td>14th August</td>
<td>observations at Parramatta observatory by C. S. Rumker.</td>
</tr>
</tbody>
</table>

LORD FRANCIS LEVESON GOWER TO GOVERNOR DARLING.†

Sir,

Downing Street, 1st March, 1828.

I am directed by Mr. Secretary Huskisson to transmit to you the accompanying Copy of a Letter from Mr. Gregory Blaxland, in which he represents the difficulties, with which he has had to contend in endeavouring to establish Salt Works in New South Wales, and solicits a larger Grant of such land as may

* Note 2. † Note 3.
HISTORICAL RECORDS OF AUSTRALIA.

1828.  1 March.

Request for land grant and permission to mine for coal.

Salt works established on Parramatta River; and at Newcastle.

be suitable to his purpose, with the permission of working Coals and of disposing of the finer sort, which is not required in his works, and I am to desire that you will afford Mr. Blaxland every reasonable facility and assistance, in carrying his project into execution.

I have, &c.,

F. LEVESON GOWER.

[Enclosure.]

MR. G. BLAXLAND TO RIGHT HON. W. HUSKISSON.

Sir,

75, Old Broad St., 13th Dec., 1827.

Soon after my brother and myself were settled in the Colony of New South Wales, we established a salt works of considerable magnitude on the Parramatta River, which works were brought to perfection during my brother's absence from the Colony at the time he returned to England, when the whole of the business was left under my management.

Since the expiration of our partnership I established salt works on the harbour nearer the sea for the manufactory of fine salt which on a small scale answers well; but, being limited for fuel at the spot where they were situated, I applied to the Governor, Sir Thos. Brisbane, for a grant of land for the purpose of removing them, and received an order for twenty acres, but not being able to find a spot in the harbour, which I considered eligible, I removed them to New Castle where from circumstances, at this time unnecessary to explain, I could only get a grant of one acre of land, on which I have expended a very considerable sum of money, upwards of £1,500, including every expense; but, from the situation being too much exposed to the sea, and from not being permitted to work the coals on the spot or near it, but compelled to purchase them from Government, I find from my son's letter that it does not answer and unless I receive further encouragement from Government I shall be a loser of upwards of £1,000.

As I consider it will not be necessary to enforce in this instance the advantage the inhabitants must of necessity derive from a manufactory of fine salt being established in the Colony, I rest my claim on the expences I have myself incurred in the undertaking, and the loss my family must sustain unless my request is complied with, under which consideration I have to request that I may receive a large grant of land in any situation more eligible for the purpose and that I may be permitted to work the coals myself, and to sell the best for general purposes, using only the inferior for the making of salt.

Since my arrival in England I have mentioned the case to Colonel Dumaresq, His Excellency Governor Darling's private Secretary, who considers my claim reasonable, more particularly
DARLING TO HUSKISSON.

as a competition in the coal trade was considered desirable, and I beg leave to refer you to that Gentleman for any further information that you may require on the subject.

I have, &c,

GREGORY BLAXLAND.

GOVERNOR DARLING TO RIGHT HON. W. HUSKISSON.

(Sdespatch No. 25, per ship Orelia; acknowledged by Sir George Murray, 12th November, 1828.)

Sir, Government House, 1st March, 1828.

I have the honor to acquaint you that I have appointed Mr. Sydney Stephen, Barrister at Law, to Act as Solicitor General, until the arrival of Mr. Sampson, Mr. Foster, who held the temporary appointment until lately, having Signified that his duties as Commissioner of the Courts of Requests and Chairman of the Courts of Quarter Sessions, which frequently call him to distant parts of the Country, prevented his paying the necessary attention to any other duty.

I have, &c,

RA. DARLING.

GOVERNOR DARLING TO RIGHT HON. W. HUSKISSON.

(Despatch marked “Private and confidential,” per ship Orelia; acknowledged by Sir George Murray, 30th August, 1828.)

Sir, Sydney, 1st March, 1828.

I take the liberty, as the subject is of much importance, to request your attention in this manner to the new Bill* to be brought into Parliament for the permanent administration of Justice and the more effectual Government of these Colonies.

I have explained, Sir, incidentally in my “Remarks” on Chief Justice Forbes Letter† to you of the 26th Ultimo, how the draft of the Bill, which he prepared in 1826, had been transmitted home without having been communicated to me or my having seen a copy of it for a period of two months after.

I put up with this want of respect, from a desire to prevent as long as possible any misunderstanding with the Members of the Government.

I was so much occupied by the affair of Sudds and Thompson that it was not in my power to pay the necessary attention to a matter of so much importance; though I confess I could not avoid perceiving that Mr. Forbes’s object appeared to be to divest the Executive, and place as much additional power as possible in the hands of the Judicial body.

You may be assured that, composed as this Colony is, the Executive does not possess a particle too much power at present.

* Note 4. † Note 5.
The Laws of England were not made for Convicts; and a Convict Population requires more coercion than those Laws sanction, excited and supported too as these people have been.

You will perceive, Sir, by Mr. Forbes's interpretation of the Laws (several references having been made Home) that he considers the established practices with regard to the Convicts to be illegal. He maintains, contrary to the opinion of Mr. Peel, under whose direction the Act* of 4th Geo. 4th, Ch. 84 was framed, that the Government has not the power to make conditional assignments or grant Tickets of Leave.

I have stated, if the Law should be acted on according to Mr. Forbes's interpretation, the consequences would be of a most serious nature. The Convicts must be subject to the control of the Government, whether assigned or not. If they should not be subject to it, the bad characters would soon be at large, preying on the Public.

I have adverted to this, merely to shew the inconvenience which may be, and in fact has been felt, from leaving important points undefined, and that it will be better not to add to the powers which the Judges already possess in this respect. All men like power, and it may be very convenient to a person of Mr. Forbes's Character to be entrusted with the interpretation of the Laws. I therefore take the liberty of recommending, whoever the Judges may be, that their power may not be extended.

I am very unwilling to intrude on your time, which I am sure must be fully occupied. I will therefore only further request your attention to a Paper containing some "Remarks" on the Bill,† submitted to Parliament in the month of May last, which accompanied my private Letter to Mr. Hay of the 17th of December.

I have adverted, in Paragraph No. 7 of the "Remarks," to the circumstance of the omission in the New Bill of the Courts of General and Quarter Sessions and the Courts of Requests. It could not I presume have been intended to do away the two former. With respect to the Courts of Requests, there is certainly a difference of opinion as to the necessity of continuing them. It has been stated that the duty of these Courts could be performed by the different Benches of Magistrates in the several districts at a trifling Expence. The Expence, however, in a matter of this nature is not perhaps the most important object. It is argued on the other hand that the Magistrates may not in all cases be the fittest persons to Judge in these matters, while sweeping away respectable offices, and assigning, as in some cases, the Duties to Clerks may appear very desirable to a Person.

* Note 6. † Note 7.
of American principles and American feelings. This observation did not originate with me.

My own opinion is that the utility of the office depends in a great measure on its being properly filled. I think a respectable Man, possessing a competent degree of legal knowledge, might be beneficially employed as Commissioner of the Courts of Requests, until the Country is better settled. In noticing these omissions, I should also mention that of the Office of Sheriff. I conclude they have all occurred through mistake.

I beg your attention to Paragraph No. 10 and to the N.B. at the conclusion of the "Remarks" alluded to, the subject being important. The duties on Spirits, which at present form a principle portion of the Colonial Revenue, are applicable to the general purposes of the Government, and, if the Government be deprived of these duties, it would occasion very serious inconvenience.

I have, on a further Review of the Bill, been induced, Sir, to submit a few Memoranda for your consideration on points which, though of no great importance, are not I think undeserving attention.

I have stated that Mr. Forbes did not shew me the Copy of the Bill until I called on him to do so, two months after it had been sent Home; it is therefore unnecessary to say it was not produced with a good grace, and that it was not likely he would be very forward in pointing out the omissions or alterations proposed, or the effects which would result from them.

Having, Sir, drawn your attention to the Bill, I must request it also to the Draft of the new Charter, which I am led to suppose, by Mr. Forbes's Letter to you of the 26th Ultimo, has been sent Home. I need not add that it should be carefully examined before it is adopted, so as to guard against any undue powers being given to the Courts, and to see that the rights and prerogatives of the Crown are not impaired by it.

It has been suggested to me to look into Rules of the Supreme Court, which regulate the duties of the officers and other persons of that Court, it being thought that the arrangements are not altogether consistent with the general practice, most of the duties, which are understood as belonging to the Registrar for example, being assigned to the Clerks.

I am aware, Sir, you must feel some surprise that I had not communicated with the Law Officers of the Government on such points as this, and more especially on the subject of the new Bill. Circumstances have prevented it, and my situation has in consequence been very embarrassing. I have never yet had an Attorney General whose judgement I could depend on, or whose

* Note 7.
Disabilities experienced from want of competent attorney-general.

Criticism of proposed N.S.W. bill.

Power of courts in penal settlements.

Method for establishment of trial by jury.

advice I could look to with confidence. Besides, the want of a good understanding between Mr. Forbes and Mr. Bannister was fatal to whatever the latter proposed; and, although I always considered Mr. Bannister an upright conscientious Man, the apparent eccentricity of his mind and his want of experience in his profession prevented my depending on his Counsel, as I should gladly have done on that of a sound, practical Lawyer.

My situation in this respect is in fact much worse at present. Mr. Baxter is a person without any experience, deficient in the ordinary legal acquirements, and without talents. Conceive then, Sir, how I am situated, being opposed to such a Chief Justice as Mr. Forbes, who is aware there is no one to whom I can resort for legal advice. The Attorney General, in my humble opinion, ought to be a man of such professional character, as, when he presented himself in Court, would command the respect of the Bar and the attention of the Bench. Without meaning to insinuate anything in the slightest degree personally injurious to Mr. Baxter, I may say he is not a Man of this class, and I am satisfied he is fully sensible of his own deficiency, though he does not possess sufficient energy or application to correct it.

If Mr. Sampson, the Solicitor General, should be the same description of Person, unable to afford effectual support to the Government, it will be impossible to contend, with any hope of success, against such Men as Wentworth and Wardle, and it would be injudicious to attempt it, as it would only expose the weakness of the Government.

RA. DARLING.

Memoranda on certain parts of the Bill,* laid before Parliament in the Month of May, 1827, for the Government of New South Wales.

See Page 5, No. 1. New Courts are authorised in the Penal Settlements.

There appears some confusion in this Clause. These Courts are to have Jurisdiction in cases of Life and Death. Why then the Provision that, in cases where the offence is not Punishable with Death, the Judges are to adjudge any Corporal Punishment, not extending to Life or Limb? Again It appears that such Courts could not order a Prisoner to be flogged, until The Governor's approbation should be obtained; and yet, as the Law now stands, a single Justice of the Peace can do this.

Page 6, Line 30, No. 2. The Governor of New South Wales and Van Diemen's Land is mentioned, probably by mistake. The Governments are distinct. It would appear that the extending of Juries is to be left to the Governor and Council. It would,

* Note 4.
HUSKISSON TO DARLING.

I think, be more convenient to the Local Government if this power were vested in His Majesty, who could receive the opinion of the Governor and Council (Executive or Legislative as might be thought proper) on the subject. This would, I think, relieve the Local Government from importunity, while in fact the adoption of the measure would depend on its recommendation.

No. 3. It may be necessary to consider the Form of Oath taken by the Members of Council; according to Chief Justice Forbes's Interpretation, nothing that passes in Council can be communicated to The Governor, or any Member who may happen to be absent. If this be a correct view, it may lead to very inconvenient consequences. As the Governor, who does not Continue in Council, after laying the Bill or Bills before it which he may have to submit, could only be informed of the result, without knowing the views of the Members, or the ground of their refusal, if the Council declined assenting.

No. 4. I have reported on former occasions that Mr. Forbes has expressed an opinion that the Governor has not the power to send a Convict to a Penal Settlement of his own authority; very serious inconvenience has and must result from this; and I humbly submit the Governor ought to have the power. If he abuses it, he is responsible, as he is for any act of Tyranny or Oppression. Chief Justice Peddar thinks the Governor has the Power, and that Opinion is acted on at Van Diemen's Land.

No. 5. I beg to refer to the omission in the New Bill of the latter part of the 24th Section* of the present Act, 4th Geo. 4, Chap. 96, and that I am individually anxious for the Power which it conveys. But it might be useful, and any thing like an appearance of withdrawing the confidence of His Majesty's Government from the Local Authorities might have a bad effect. If I recollect Mr. Forbes's reason for the omission, it was that it had never, that is in the course of two Years and a Half, been found necessary for The Governor to avail himself of the Powers alluded to.

[Enclosure No. 2.]

[A copy of the rules of the supreme court, dated 22nd June, 1825, will be found in a volume in series IV.]

RIGHT HON. W. HUSKISSON TO GOVERNOR DARLING.

(Despatch No. 17, per ship Bussora Merchant; acknowledged by Governor Darling, 9th August, 1828.)

Sir,

Downing Street, 3rd March, 1828.

An Application having been made to the Admiralty by the Honble. Capt. Rous of His Majesty's Ship Rainbow for the usual allowance, on account of your entertainment during your

* Note 8.
1828.
3 March.
Passages for governor in ships of war.

4 March.
Additional clerk in supreme court.

5 March.
Approval of purchase of brig Governor Phillip.

10

HISTORICAL RECORDS OF AUSTRALIA.

passage to Moreton Bay, I think it proper to explain to you that you will be only justified in availing yourself of this mode of conveyance under circumstances of the most pressing emergency; and that the fullest information must in that case be immediately sent home, in order that His Majesty's Government may have the means of deciding whether such passage should be provided for at the Public Expense.

I have, &c,

W. Huskisson.

GOVERNOR DARLING TO RIGHT HON. W. HusKisson.
(Despatch No. 26, per ship Orelia; acknowledged by Sir George Murray, 12th November, 1828.)


I do myself the honor to report to you that, on the representation of the Chief Justice, a Copy of whose Letter is herewith enclosed, I have authorised the issue of a Salary of £200 a Year for an additional Clerk, whom he considers necessary in consequence of the encrease of Business in the Supreme Court.

I have, &c,

RA. DARLING.

[Enclosure.]

CHIEF JUSTICE FORBES TO GOVERNOR DARLING.
Sir, Sydney, 3d March, 1828.

In consequence of the encrease of Business in the Supreme Court, it has become necessary to provide an additional Clerk, And, as the duties he will have to perform require previous knowledge and skill, I have to recommend that a Salary of two hundred Pounds per Annum be allowed in lieu of Fees. As the appointment is pressing, I must request Your Excellency's attention to this Letter as early as possible.

I have, &c,

FRANCIS FORBES.

RIGHT HON. W. Huskisson TO GOVERNOR DARLING.
(Despatch No. 18, per ship Bussora Merchant.)

Sir, Downing Street, 5th March, 1828.

I have had under my consideration your Dispatch of the 19th May, 1827, which informs me that the pressure of Public Service has induced you to incur an expenditure of £1,200 in the purchase of the Brig "Governor Philip."

I see no reason to doubt the validity of the reasons which induced you to authorize the said Expenditure; and I shall report my opinion accordingly to the Lords Commissioners of His Majesty's Treasury.

In a subsequent part of your Dispatch, you state that you consider yourself to be restrained by the Instructions* of the Lords Commissioners of His Majesty's Treasury from meeting

* Note 9.
urgent and necessary expenditure, in cases which must, from time to time, occur: and that the circumstances of such cases must "render it impossible to comply with the Instructions, without defeating the object they are intended to effect." Upon reference to the Instructions issued by the Treasury, dated 13th June, 1826, and upon Communication with the Lords Commissioners, I feel assured that you must have taken a view of these Instructions which is not justified by their contents. I think that you cannot have given due consideration to the 37th Section of these Instructions. It recites that "If, however, any case should occur, in which, without a previous reference for a regular authority, for incurring any contingent charge above £200, you should be induced to authorize the same, you will report, in the fullest manner to the Lords Commissioners of His Majesty's Treasury and to the Secretary of State by the first opportunity, the grounds upon which you felt it necessary to incur the Expenditure."

I shall here quote from a Communication addressed to me on this subject by the Secretary to the Treasury the following observation:—"The necessity, thus imposed on the Governors to make these special Reports, will probably operate upon them to transmit Estimates of proposed Works in all possible cases, and will also induce them to use great caution in sanctioning Works not previously estimated for and authorized."

I deem it unnecessary to add any further observations to the reference which I have made to the Instructions of the Lords Commissioners of the Treasury, except to express my opinion that they contain nothing in their Letter or spirit which can throw impediment in the way of urgent and necessary Expenditure. The Governor must be responsible for due estimation at the time, and subsequent explanation of the circumstances, which, in his opinion, constitute that urgency and necessity.

I have, &c,

W. Huskisson.

GOVERNOR DARLING TO RIGHT HON. W. HUSKISSON.
(Despatch No. 27, per ship Orelia.)

Sir, Government House, 5th March, 1828.

I do myself the honor to transmit herewith, agreeably to the intention expressed in my Despatch No. 18, dated the 16th of last Month, "a General Abstract of the Revenue and Resources of the Colony, and the appropriation of the same, for the three last Years, ending the 31st of December, 1827." The Statement contained in the Abstract, which I had the honor to transmit with my Despatch above referred to, was confined to the
Revenue and Resources of the Colony, received and paid through the Medium of the Colonial Treasurer. That, now transmitted, is intended to exhibit the whole of the Actual Receipts within the Colony and of their Appropriation, whether the same took place through the Medium of the Colonial Treasury or the Commissariat, including as well the Funds derived from Bills drawn by the Deputy Commissary General on His Majesty's Treasury for general purposes, as the Amount of those drawn by the same Officer on the Colonial Agent for the payment of the Sums, Voted by Parliament towards defraying the expenses of the Civil Establishment in the Years 1825 and 1826. With the exception therefore of the Expences incurred in the purchase of Stores, and of such provisions as were forwarded from England, the General Abstract now transmitted comprises the whole Public Expenditure for the Service of the Colony during the three Years ended 31st December last.

It will be perceived that the Amount of the Expenditure, under Several of the Heads of the accompanying Abstract, differs from the Amount of the same Heads, as Stated in the former Abstract. This difference arises from the Sums paid by the Commissariat for Rations or Allowances in lieu thereof, and of sums, paid out of the Parliamentary Grants to several of the Departments, having been added in the accompanying General Abstract to the Amount of the Expences of the same Departments paid out of the Colonial Revenue; whereas, the latter Expences only were included in the former Statement.

The Provisions and Stores being purchased without reference to the respective Establishments to which they are ultimately applied, and being brought to account generally before this can be known, it will be seen that, before the exact proportion of Expences incurred for the Several Services can be Separately Stated, it becomes requisite to ascertain the quantities supplied to each, and to Compute the value at the average Cost price.

Owing to the mode in which the Commissariat accounts have, until recently, been arranged, it appears that, even were it practicable, the exact quantities of Provisions and Supplies, issued to the several Departments for the last three years, could not with exactitude be ascertained unless by a tedious and laborious process, which would unavoidably occasion a very inconvenient interruption to the Current Business, and that, in Consequence, the Apportionment of the Cost of Provisions and Stores under the Heads, "Maintenance of Convicts," "Rations to the Military," and "Public Works," in the accompanying Abstract, is to be considered not the Actual, but the estimated Amount of such Expences under these respective Heads.
As the Aggregate Expense, however, is stated to be correct, the want of Minute accuracy in the Apportionment will not probably be attended with any material inconvenience, particularly after the explanation which has been given.

The increase in the general Expenditure of the Year 1827 over that of the two former Years was occasioned as follows:

1st. By the Augmentation in some of the Establishments, which was found absolutely necessary to render them efficient.

2dly. By the discontinuance of the practice of sending out Supplies of Salt Provisions for the Troops and Convicts, which it became necessary to replace by the purchase of Meat cured in the Colony.

3dly. By the greater Number of Convicts who arrived in the course of this than in the two proceeding Years.

4thly. By the formation of four New Settlements:—Melville Island, Fort Wellington, King George's Sound, Western Port, the Supplying and Keeping up the Communication with which occasioned considerable Expense both in the purchase of Vessels and Stores.

It will be perceived that the total Expenditure for last Year exceeds the Amount of the Estimates for the Current Year, forwarded in my Despatch of the 8th January last, No. 6 (Enclosures No. 2 and 3). But as the Expences of the Male and Female Orphan Institutions and other Schools were not included in that Estimate, nor the Cost of about Six Months' Supply of Salt Meat for the current Year, which had been purchased and paid for in the Year 1827 (and is included in the Expenditure of that Year), the accuracy of the Estimate alluded to may be considered as pretty well established by the Amount of the Actual Expenditure of the Year 1827.

It would, I am aware Sir, have been desirable to have furnished a Statement of the Expenditure of the Colony in more full and ample detail than that now transmitted; but the time, that must have elapsed before such a detailed account could possibly have been prepared, would most probably have prevented its being received until too late to answer the purpose for which it is required. I have therefore thought it better to forward the Statement in its present form, more particularly as the Blue Book for the last Year, which is transmitted by this opportunity, and those Books for the two preceding years will probably supply such further information as may be desired.

I have, &c,

RA. DARLING.

[Enclosure.]

[A copy of this abstract will be found in a volume in series II.]
GOVERNOR DARLING TO UNDER SECRETARY HAY.
(Despatch marked "Private," per ship Orelia.)
My dear Sir,
Sydney, 5th March, 1828.

I beg your attention to a Letter, which I have written by this opportunity to Mr. Huskisson, respecting the new Bill for the Government of this Colony. I have taken the liberty to request he will refer to the "Remarks,"* which accompanied the Letter, I addressed to you in December last on this subject; and I beg to enclose for your information the Copy of a Paper containing a few Memoranda, which accompanies my letter to Mr. Huskisson, and may be deserving consideration when the Bill is again brought forward.

You will see by the official correspondence that Mr. Forbes has required the appointment of another Clerk, in consequence of the increase of business in the Supreme Court. I have of course authorised it, tho' I have reason to doubt the necessity of employing an additional Clerk. The fact is that Mr. Forbes pays very little attention to the business of the Courts at present, and that his own time and that of the Clerks is occupied in preparing and copying his Letters and Statements. It is very unpleasant to me to notice these matters, and I only do so from feeling how much the Despatch of the public Business is interrupted in consequence. For some time past, I have been totally engaged in the controversy† respecting the Registrar; and you will recollect it is not long since I had occasion to refer a similar correspondence† on the subject of my appointing a Solicitor General. He may perhaps now find leisure for this sort of indulgence, tho' I apprehend his own business suffers, just as much as that which I have to conduct.

I have, &c.,
RA. DARLING.

[Enclosure.]

[This was a copy of the enclosure to the private despatch to right hon. W. Huskisson, dated 1st March, 1828; see pages 8 and 9.]

GOVERNOR DARLING TO UNDER SECRETARY HAY.
(Despatch per ship Orelia.)
My dear Sir,
Sydney, 5th March, 1828.

I will not close my Despatches without acknowledging your private Letters of the 13th of June, and two others dated the 19th July, for which I am much obliged as they contain information on certain points, which are very interesting. I am not aware it is necessary to take up your time further on the subject to which they refer at present. The fate of my efforts to carry Lord Bathurst's Instructions into effect respecting the

* Note 7.  † Note 10.
Press are before you, or I rather hope have been disposed of. I do not mean to urge the Arrangements respecting the Civil Service. They were suggested at your desire and did not originate with me. I think you will see, by my last communication on this subject, that in fact no expense would be incurred by the Arrangement. I can answer your enquiry respecting the cultivation of Tobacco and the Sugar Cane very satisfactorily. Both are successfully cultivated and an experiment is now making of the Tea Plant in the Botanical Garden, which being only of recent date, it is not possible to pronounce on its success at present. It, however, promises to do well, and in time may come to perfection. As soon as Port Macquarie is thrown open to Settlers, I have no doubt some of them will cultivate the Sugar Cane. Government has had an Establishment there, and the Canes grow as well as possible; but the want of the necessary Machinery, and perhaps the unskilfulness of the Superintendent, rendered our exertions to make Sugar abortive. For my own part, I did not regret it; matters of this nature are much better in the hands of Individuals, and the fact has been established that the Cane can be produced within two degrees of this, which is the material point.

I remain, &c.,
RA. DARLING.

Governor Darling to Right Hon. W. Huskisson.

(Despatch No. 28, per ship Orelia; acknowledged by Sir George Murray, 12th November, 1828.)

Sir,

Government House, 6th March, 1828.

Having experienced considerable difficulty in procuring Surgeons for Melville Island and the Settlement of Fort Wellington on the present occasion, I take leave to suggest that a couple of Hospital Assistants might be beneficially stationed here, if the Several Settlements on the Coast are to be Continued. Having failed in my endeavours to induce any of the Surgeons of the Navy to Undertake the Services alluded to, I have been Under the necessity of detaching the Assistant Surgeon of the 39 Regt. to Fort Wellington, to whom I have been induced Under present circumstances to grant an Allowance of 10s. a day, as he will have to attend the Marines and Convicts at that Settlement in addition to the Men of his own Corps.

I have fortunately obtained the Services of a Dr. Sherwin, a private Practitioner, for the Settlement at Melville Island, who will receive a Guinea a day and his Rations, the same as his Predecessor, the late Mr. Gould; and I beg, Sir, to recommend that the Commandant at Fort Wellington may be allowed £300

* Note 11.  † Note 12.
HISTORICAL RECORDS OF AUSTRALIA.

1828.
6 March.
Salary for commandant at Fort Wellington.
Hospital assistants proposed on staff.

a year from the date of his Appointment, the same as the Commandant at Melville Island, the Service on which he is employed being of a very arduous nature, and being Subjected to Considerable Expense in obtaining at so remote a Station such Supplies as he may require.

There are thirteen Surgeons employed at present in the Civil Service. If two Hospital Assistants were stationed here, they could be advantageously transferred on any emergency occurring, such as the present; and Sir James McGregor would not I presume find any difficulty in selecting proper Individuals for this purpose.

I have, &c.,
RA. DARLING.

7 March.
Recommendations for land grants.

LORD FRANCIS LEVESON GOWER TO GOVERNOR DARLING.*

Sir,
Downing Street, 7th March, 1828.
I am directed by Mr. Secretary Huskisson to transmit to you the enclosed Copies of a Letter from Sir Thomas Brisbane and of the Memorial therein referred to from Mr. Furlong, in explanation of the views, with which the two Sons of the latter Gentleman are about to proceed to New South Wales; and I am to desire that you will make to each of these Individuals a Grant of Land, in proportion to the Capital which they may respectively possess, and afford them such reasonable facilities in furtherance of their objects, as may not be contrary to established Regulations, or interfere with the just pretensions of other Individuals.

I have, &c.,
F. L. GOWER.

[Enclosure.]

MR. JOHN FORLONG TO RIGHT HON. W. HUSKISSON.

Sir,
Glasgow, 1st March, 1828.
Having lost several of a fine Family by Consumption after they had grown up, I determined to give two sons remaining to me, William and Andrew, a transition to a warmer climate, and to reconcile their pursuits in life to residing there for a length of time.

To this end, adopting the best lights afforded me and exercising the most anxious deliberation, I preferred to attach them for life to the Soil of New South Wales as Agricultural Emigrants, and to educate them accordingly.

Having before me the Capabilities of this Colony for the growth of Fine Wool, and attracted by the difference of the Selling prices of this article from all Countries, I perceived that the wool of the Electorate of Saxony sold in the proportion of Eight to Six higher than the other best Wools of Germany, half as much higher than the best produce of New South Wales, at twice the price of Spanish, four times that of English Merino, and Eight times that of English Common Wool; while the difference of value over the lowest qualities of New South Wales or Van Dieman's Land wool was not to be named.

* Note 3.
To arrive at the Causes of this Superiority, and to command it for my Sons and their prospectively adopted Country seemed altogether essential, so I sent them to live in Saxony, for the purpose of acquiring the Sorting and Stapling of fine wools, and along with that the knowledge and management of fine wooll'd Sheep.

From a Jealousy natural to the Subject, they encountered many difficulties; but my eldest Son at length got himself placed in one of the First Sorting houses for the English Market in Germany, where he has continued to work as a Common Workman, and is now considered master of the business of Wool Stapling, viewed as a Craft.

In the initiation into the management of fine wooll'd Sheep, they entered at once, and not only without obstruction but with patronage, and embraced the fruits of exemplary industry and perseverance in an open pursuit.

I am at length desirous of making their attainments useful, and of procuring for them Grants of Land in New South Wales, corresponding to the means they may possess on arrival there.

They will carry with them at the least One Hundred Rams and Ewes selected with great circumspection from the best flocks in the Electorate, and a breed of Ayrshire dairy Cows, with a Capital sufficient to put themselves in immediate movement.

Whether you may be pleased to deem them entitled to an increased Grant, from the expence that has attended their preparation for the Colony, or the benefit their information and example may be presumed to render it, I humbly and respectfully leave to your own just consideration.

In whatever way this may be viewed, I hope you will pardon me for suggesting that their assignments to land may be given as speedily after arrival as possible, as a delay at Sidney may prove irreparably injurious.

Lieutenant General Sir Thomas M. Brisbane having condescended to transmit this letter, I very respectfully take leave to refer you to him; and trusting you will find an excuse for the tediousness of it in your own distinguished patriotism or in the feelings of a Parent eager to preserve a small but noble remnant.

I have, &c,

JOHN FORLONG.

[Sub-enclosure.]

[A copy of the memorial is not available.]

GOVERNOR DARLING TO MR. E. BARNARD.

(Shep Orelia.)

Sir,

Government House, 7th March, 1828.

In pursuance of the Secretary of State’s Despatch, dated 13th May, 1827, No. 4, I do myself the honor to transmit the accompanying abstract of Requisitions for stationery and stores, which will be required for the use of the Colonial Government during the ensuing year.

I also enclose a Copy of the Report of a Board appointed to examine the Estimates furnished by the several Departments of the Government, and I must request your particular attention to
1828. March 7th.

the paragraph, in which the Board remark on the damaged state of the Books lately received in consequence of their having been packed up before they were perfectly dry.

I have, &c.,

RA. DARLING.

[Enclosures.]

[These requisitions and the report have been omitted.]

GOVERNOR DARLING TO RIGHT HON. W. HUSKINSON.
(Despatch No. 29, per ship Orelia; acknowledged by Sir George Murray, 3rd January, 1829.)

Sir,

Government House, 7th March, 1828.

I do myself the honor in reference to my Despatch No. 7, dated the 12th January last, to forward the Annual Requisitions for the Stores and Supplies* generally required for the Service of this Government for the ensuing Year.

Being desirous of giving every possible effect to the Instructions of Viscount Goderich, as conveyed in his Lordship’s Despatch No. 4, of the 13th of May last, I assembled a Board, composed of experienced Officers, in Order that the Subject might receive the fullest consideration; and I now do myself the honor, Sir, to transmit for your information the accompanying Copy of an official Memorandum, transmitting the Report of the Proceedings of the Board, together with the following Requisitions, "Vizt."

No. 1. Requisitions for Tools, Clothing and Stores for the use of the Convict Departments.

No. 2. Ditto for the use of the Military Departments.

No. 3. Requisition for Stationary for the use of the Convict Departments.

No. 4. Requisition for Stationary for the use of the Military Departments.

You will observe, Sir, that the Board has entered in a detailed manner into the Subject of the several Requisitions, and I have much Satisfaction in perceiving that they accord in the opinions which I felt it my duty to express in my former Despatch on this Subject.

I am not aware, Sir, that I can afford any further information than that which is given by the Board in the report. I shall therefore abstain from trespassing unnecessarily on your time.

I have, &c.

R. DARLING.

P.S.—The Requisitions* for “Colonial Purposes” have been forwarded by the present opportunity, as directed by Viscount Goderich, to the Colonial Agent.

R.D.

* Note 13.
DARLING TO HUSKISSON.

[Enclosure No. 1.]

MEMORANDUM NO. 81.

In conformity with the Instructions contained in His Excellency the Governor’s Minute of the 6th Ultimo, directing the Deputy Commissary General, the Collector of Internal Revenues, and the Deputy Assistant Commissary General of Accounts to assemble for the purpose of revising the General Requisitions for Stores and Stationary required for the use of the several Civil, Military, and Convict Establishments in the Colony of New South Wales for the Year 1828 and compiled in the Commissariat Office.

The Deputy Commissary General does himself the honor of submitting herewith the following Documents:

- Requisitions for Stationary.—For the Civil, Military, and Convict Establishments.
- Requisition for Stores.—For the Civil, Military, and Convict Establishments.
- Requisition for Stores procurable in the Colony, accompanied by a Report thereon, drawn up by the Board in conformity with His Excellency’s desire.

Commissariat Office, Sydney, 5th March, 1828.

JAMES LAIDLEY, D.C.G.

[Enclosure No. 2.]

PROCEEDINGS of a Board, appointed by His Excellency the Governor to examine and revise, preparatory to their transmission to England, the Abstracts of Estimates of Stores and Stationery required by the Colonial Convict and Military Establishments in New South Wales for the year 1828.

The Board, having examined the Estimates for Stationery, are of opinion that it would be inexpedient to recommend any reduction in the quantity or alteration in the nature of the various Articles included in them, ignorant as they are of the internal details of the different offices for which they are required. Some of the Estimates indeed seem to exceed the bounds which an economical expenditure would require; but, when the distance of this Colony from the Sources of Supply and the difficulty and expense of making up deficiencies are considered, they conceive it to be more desirable that a Surplus quantity of such articles, as will not be injured by keeping, should remain in Store than that the local Government should have recourse in any degree to the expensive and uncertain measure of procuring Supplies in the Colony by Tender; and as the issue of Stationery after its arrival in the Colony is under the control of the Governor, and is only drawn as required by the different departments from the General Store upon requisitions bearing his approval, the excess of one Estimate may compensate for the deficiency of another, or may obviate the inconvenience arising from delays in the arrival of future Supplies.

As a precaution against the Shipment of Books immediately after being bound, the Board take this opportunity to remark that, while the rest of the stationery lately received was in perfectly good condition, they have learned that many of the Books are unserviceable from having been packed damp from the hands of the Binder.
With regard to the probable correctness of the Estimates for Tools and Implements required for the various Trades, and the Stores for the works upon which the Tradesmen are employed, the Board feel that they are unqualified from their own knowledge to give more than a general opinion that there appears to be nothing in them exorbitant or disproportionate to the wants of a Colony in circumstances such as this.

After having examined the Estimates of each Department, they have found no difficulty in Separating the Articles they contain, according to the instructions conveyed in Lord Goderich's Dispatch, into those required for Colonial purposes for Convicts and for the Military; for each of which Departments a distinct Abstract is prepared.

Those Articles, which appear of an indistructible or durable nature, and which on that account are not likely to be again speedily required, are enumerated separately at the end of the several Abstracts; but the Board observe that the quantities of such Articles are so limited as not to require any remark from them, with the exception of those contained in the requisitions of the Surveyor General and Mineral Surveyor, Viz., Mathematical Instruments and Iron Pipes, and which it appears were included in former requisitions, and are only repeated in these because they have not yet arrived in the Colony, and not because additional Supplies are required of them. The Board had also endeavoured, as far as was practicable, to obtain the information required by His Lordship relative to "the number of Persons employed in the several Trades for whose Use the Tools are required, upon what Works they are employed, and how the produce of their labor is disposed of," but from the nature and diversity of the Works in progress throughout the Colony, especially under the department of the Civil Engineer, they should conceive it difficult, if not impracticable, to furnish all the particulars required. Captain Dumaresq has however furnished a detailed Statement of the Trades and the Stations where the Tradesmen are employed; and the Board will content themselves with remarking that they seem to be chiefly engaged in providing the requisite accommodation for the various Public Departments lately organised in the Colony, and in the repair of such Public Works and Buildings as from the deficiencies of construction, incident to most undertakings in the early Stages of the colony, require to be repaired or renewed.

This remark seems also to apply to the Stores required for the use of the same department, and the expenditure of the labor and materials must therefore be considered as realised in the Buildings and other Public Works, and consequently as adding to the Value of the Public Property in the Colony. They are considered in the aggregate by the Civil Engineer to be justly chargeable in equal proportions to Colonial and convict purposes.

In other Establishments where the labor of the Tradesmen is of a more uniform character, it is more easy to state how it's produce is disposed of. It appears, by the Estimate of the Principal Superintendent of Convicts, that 26 Tailors are at present employed in Hyde Park Barracks in making up Clothing from Cloth manufactured at the Female Factory at Parramatta, and 23 Shoemakers in making Shoes from Colonial Leather for the consumption of the
DARLING TO HUSKISSON.

In the Female Factory at Parramatta, from 100 to 150 Women are employed in Spinning Coarse Wool, in the manufacture of which into Cloth from 11 to 15 Looms are constantly at work, producing about 30,000 yards annually.

In the Establishment called Carters Barracks in Sydney,

1 Carpenter with 12 Convict Boys as apprentices.
1 Shoemaker ,, 12 do do
1 Stonecutter ,, 12 do do
1 Blacksmith ,, 5 do do
1 Tailor ,, 4 do do
1 Harnessmaker ,, 10 do do
1 Cooper ,, 4 do do
1 Ropemaker ,, 7 do do

are employed in their respective Trades, the produce of their labor according to its nature being sent to the Public Stores, and issued for the use of the convicts, or being applied to the Public Works and to the general use of the Establishment itself.

In the Penal Settlement of Port Macquarie, from 40 to 50 Mechanics are employed in Boat Building or in subserviency to the agricultural Establishments, the produce of which is applied to the support of Convicts in Government employ; and in the other Settlements, from which no returns have been received, various Mechanics requiring Tools are employed in similar occupations. The surplus produce, should any exist after the wants of the Settlement are supplied, being shipped for the subsistence of the convicts at Sydney.

The number of Mechanics employed in the Dock Yard amounts on an average to 35; and their labor is expended in the repairs of the Vessels necessary for carrying Convicts and Stores to and from the various Penal Settlements.

As a general observation, the Board would remark that, in the various Government Farms and Stations, Mechanics requiring Tools and Implements are employed in the repairs of Carts, Harness, Implements, etc., of whom no regular returns have been received. and whose labor, as well as the consumption of the Tools and Stores used by them, must be considered as part of the expense of these Establishments, which are supported for the purposes of Police as well as for the maintenance and employment of convicts, and the supply of Public Works with working Cattle and the Food for their Support.

Many of the Officers furnishing these Estimates have stated the quantity of Tools and Stores remaining on hand; and the Board in these cases have brought forward the nett remains, but they have not thought it advisable to bring forward, in the General Abstract, the general remains of the Stores on hand, as all those for the Service of 1827 have not yet arrived; and they are unable to form an Estimate of the reduction, which might be made in the requisitions by the Board of Ordnance, when reference was made as directed by the Lords of the Treasury to the former Supplies sent by them. They have also to observe that, though the Estimates are for 1828, they can only arrive in time for 1829; a Circumstance which, from the irregularity in transmitting Supplies which
has hitherto existed, must render a Statement of Stores remaining on hand too fallacious to allow of its being safely acted upon under existing Circumstances.

It will be observed in several Cases, particularly in Estimates of Clothing, that the Articles required by the different Establishments have been omitted in the General Abstracts, as having been included in some other more General Estimate; and that, in consequence of the arrangements recently established by His Excellency the Governor for the Clothing of Convicts maintained by Government, only a part of the Estimate of the Principal Superintendent of Convicts appears in the Abstract.

As the number of convicts maintained by Government averages about 5,000, the following quantity of Clothing will be required:—

10,000 Frock; 10,000 Shirts; 10,000 Pairs of Trowsers; 10,000 Pairs of Shoes; 5,000 Scotch Caps; of which it will be desirable that all the Shirts and Scotch Caps, 5,000 pairs of duck Trowsers, and the materials for all the Shoes should be sent from England, but that the Jailors in Hyde Park Barracks should make all the Frock and 5,000 pairs of Trowsers of Factory Cloth; and the Shoemakers in the same Establishment should make up all the Shoes. The Materials for each pair being put up separately previously to their being sent from England to prevent the frauds which would otherwise be practised.

The Board are of opinion that the Clothing for the mounted Police should be sent out ready made, instead of the materials as required in the Estimate, and have entered them in the abstract accordingly.

In conclusion, the Board have to express their regret that, from the want of more ample data, they are unable in a more detailed manner to conform to the instructions of Viscount Goderich's despatch and Mr. Herries' Letter, transmitted for their guidance in revising the Abstracts and Estimates; and to express their opinion notwithstanding that the diversity of articles required and the uncertain and varying wants of such a Colony as this will always make it an undertaking of some difficulty; that, when the system of transmitting annual Estimates to England shall have been for two or three years in operation, it will be possible to reduce them to such a degree of approximate correctness, as to answer every useful purpose; more particularly when it is considered that the Stores and Implements on their arrival in the Colony are still retained in the general Magazines and only issued for specific purposes under the sanction of His Excellency the Governor.

The Board, having nearly closed their proceedings, found on reference to the Civil Engineer that, in forming his Estimate for Stores and Materials, that Officer had only provided for the contingent and casual demand made upon his Department, without reference to the demands for new Buildings which it might be found expedient to erect. They have therefore added a Supplement to the General Abstract which includes the average quantity of Stores and Materials consumed in previous Years, and which will remain in the General Store to meet such demands.

James Laidley, D.C.G.
James Busby, Coll. Int. Rev.

Sydney, New South Wales, 4th March, 1828.
GOVERNOR DARLING TO RIGHT HON. W. HUSKISSON.
(Despatch No. 30, per ship Orelia.)

Sir,
Government House, 7th March, 1828.

I do myself the honor of bringing under your Notice the inexpediency of continuing the Company of the Royal Staff Corps in this Command, the object of their employment here having entirely failed.

The intention, which was acted on for some time, was to place the Men of this Company as Overseers with the Convicts employed on the Roads. But the Officers assure me it is impossible to prevent an intimate association between them, and Idleness with its usual consequences result from it. Besides, the Military Character suffers, which, with reference to the Convict Population, it is so important should be upheld in this Community.

The duties of an Overseer on the Roads is no doubt irksome, if not laborious. These Men are almost constantly out, and an Overseer of the Staff Corps has in fact nothing to gain, while he is exposed to the Arts of the Most insidious Miscreants, who consider it an object to induce him to neglect his duty. The whole of the Men of the Staff Corps have in consequence been discontinued as Overseers.

The Convict Overseer on the other hand has much to hope from attention to his duty. They feel this, and are generally very strict, and are besides more Competent to the charge, being aware of the Characters they have to deal with.

The failure of the Employment of the Veteran Companies is attributable to the same cause. I have already taken the liberty to suggest the expediency of disbanding these Companies; and I now feel it my duty to state that the discontinuance of the Veteran Companies and the Company of the Royal Staff Corps on the Colonial Establishment would produce a saving of about £12,000 a year, which under present Circumstances would be of some importance.

I have, &c.,
RA. DARLING.

GOVERNOR DARLING TO RIGHT HON. W. HUSKISSON.
(Despatch No. 33, per ship Eliza.)

Sir,

Conceiving it may be convenient to you as a Means of immediate reference, to be in possession of the Public Acts and Orders of this Government, I do myself the honor to forward herewith two Volumes* containing,

The Proclamations, Acts in Council, Government Orders and Government Notices which have been issued since the date of my assuming the

* Note 14.
1828.
11 March.
Administration of this Government the 20th of December, 1825, to the end of the last Year 1827.
I propose, Sir, transmitting for your information at the end of each Succeeding Year, a Separate Volume Containing Copies of all Similar Documents which may be published in this Government.
I have, &c.,
Ra. DARLING.

GOVERNOR DARLING TO RIGHT HON. W. HUSKISSON.
(Despatch No. 34, per ship Eliza.)
Sir, Government House, 12th March, 1828.
I have the honor to report for your information that Mr. Sampson, Solicitor General, has arrived and assumed the Duties of his office.
I have, &c.,
Ra. DARLING.

GOVERNOR DARLING TO RIGHT HON. W. HUSKISSON.
(Despatch No. 35, per ship Eliza; acknowledged by Sir George Murray, 25th October, 1828.)
Perceiving by a Letter, which I have received from Mr. Hay, dated the 27th July last, that I had Conveyed an erroneous impression with respect to the House* provided for the accommodation of the late Sir James Brisbane, I beg to assure you, Sir, that, had I engaged the House for the Ladies of his family, I never should have thought of Charging the Rent to the Public. I merely meant to convey that the delapidated state of the Government House, and the very limited accommodation it afforded, had prevented my receiving Sir James Brisbane and his Family, conceiving, as the House I occupied was so unsuitable as a Government House, that it would shew that the Expense was not altogether unnecessary. I also intimated to Mr. Hay that, previous to my arrival, it had been the practice to allow the Captains of the Navy lodging Money. I had discontinued this Allowance. But, when Sir James Brisbane sent to inform me he was recommended to live on Shore, and wished to know whether the Government would provide him with a House, I confess I thought it better to comply with the wishes of an Officer whose recent exertions in the public Service had brought him to the brink of the Grave, rather than risk any ground of dissatisfaction or unpleasant feeling between the two Services.
This, Sir, is a faithful Statement of the Case, which I have been induced to bring under Your Notice, not so much with a view of being relieved from the disallowance, as to shew that the Course I pursued in this case was conformable to the existing practice previous to my arrival.

* Note 15.
Without meaning to claim any undue merit, I might add that I have not failed to check every unnecessary expense. The attempt is never agreeable to the parties interested who seldom submit with complacency to any diminution of the advantages they have enjoyed, and their good feeling towards the instrument of any such measure is perhaps invariably weakened.

I confess, Sir, I have in consequence sometimes hesitated whether I should discharge my duty more advantageously to the Government by effecting a trifling saving rather than by preserving the good will of those who would complain and be rendered discontented by the loss. My desire is to obey implicitly the orders I receive, and, being informed of the wishes of His Majesty's Government, you may be assured I shall not deviate from them.

I have, &c.,

RA. DARLING.

GOVERNOR DARLING TO RIGHT HON. W. HUSKISSON.
(Despatch No. 37, per ship Eliza; acknowledged by Sir George Murray, 12th December, 1828.)

Sir,


I have the honor to acknowledge the receipt of Your despatch No. 12, dated 9th November last, informing me that the arrangement, directed by the Earl Bathurst for the collection of the quit rents by the appointment of one of the assistant surveyors to that situation, appeared more eligible on the ground of the presumed superior qualification of the individual from the nature of his previous employment, as well as on that of economy.

I had supposed on perusing Your despatch, to which I have now the honor of replying, that I had not sufficiently explained the extent of the arrangements I had proposed with respect to the duties to be performed by the Collector of Internal Revenue; but I perceive, on referring to my despatch of the 7th of April last No. 47, that the outline is correctly given; I have therefore only to bow, as I do with every possible deference, to the opinion you have expressed on this subject. But, as you could not be aware, Sir, of the serious derangement which would be occasioned by carrying the orders you have been pleased to convey to me into effect, until you were in possession of the statements and other documents relating to the financial arrangements of this Government, which accompanied my despatches of the 1st November, 1827, No. 111, and of the 8th January, 1828, No. 6, I am anxious to avoid disturbing the existing arrangement, until you shall have had an opportunity of judging, by the communications above referred to, whether it ought to be discontinued or whether the superiority of the present system, affording
1828.
15 March.
Objections to appointment of assistant surveyor as collector of quit rents.

as it does the most effectual Check on the Collection of a large proportion of the Colonial Revenue, is not sufficient to justify its continuance, particularly when supported as it is on the ground of economy.

In order, Sir, that you may be fully informed of the effect of the existing arrangement in a pecuniary point of view, I shall take the liberty of stating, and I trust of satisfying you that it does not entail any additional Expense on the Public.

The Salary and Allowances of an Assistant Surveyor (supposing one to be appointed as directed) amount to £300 per annum. This officer's place in the Survey Department would necessarily require to be filled up; and he could not possibly collect the Quit Rents and other rents of land together with Monies becoming due on account of the Sales of Land (which will be seen by the accompanying Copy of a Statement, transmitted with my Despatch No. 6, dated the 8th January, 1828, are to no inconsiderable Amount) without the assistance of a Clerk, whose Salary on the lowest Scale would be £150, making the Expense of the Collection of this Individual Branch of the Internal Revenue £450 a year.

The Salary of the Collector of Internal Revenue, whose duty it is to receive all Monies falling due to the Government, which are not receivable by the Collector of Customs, was fixed at £500 a year; and comparing it with the Salary of the Surveyor of Distilleries, who receives £400 a year, and has Comparatively little to do, it was considered to be fixed at the lowest possible rate. In addition to this, an Expense of £150 a year for a Clerk has been incurred, making the total Expense of the Internal Revenue Department £650. But, in order to meet this Expense, one of the Clerks of the Treasury Office has been discontinued, it being considered that the transfer of so considerable a portion of the business, as has taken place, to the Department of Internal Revenue, will admit without inconvenience of that diminution. The Saving occasioned by this is £270 a year, so that in fact the Actual Expense of the Department of Internal Revenue is only £380; while the arrangement directed by Earl Bathurst's Despatch would occasion an Expense of £450 a year, without possessing the same advantages as that which has been adopted. I have not made an allowance for the discontinuance of the Treasury Clerk under the Arrangement proposed in Earl Bathurst's Despatch, as it would be impossible to withdraw a Clerk from that Office, unless the Treasury be relieved from the whole of the Business at present transacted by the Collector of Internal Revenue.

I have, &c.,
RA. DARLING.
**DARLING TO HUSKISSON.**

*Enclosure.*

**STATEMENT of the Outstanding Debts now due, or which will become payable to the Government in the Course of the Year 1828.**

<table>
<thead>
<tr>
<th>Particulars</th>
<th>£</th>
<th>s.</th>
<th>d.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Promissory Notes for the Purchase of Lands</td>
<td>42,760</td>
<td>1</td>
<td>2</td>
</tr>
<tr>
<td>Promissory Notes for the Purchase of Live Stock with Interest</td>
<td>10,543</td>
<td>18</td>
<td>11 1/2</td>
</tr>
<tr>
<td>Promissory Notes for the Purchase of other Government Property</td>
<td>1,782</td>
<td>10</td>
<td>0</td>
</tr>
<tr>
<td>Rents of Lands</td>
<td>396</td>
<td>16</td>
<td>8</td>
</tr>
<tr>
<td>Quit Rents</td>
<td>5,763</td>
<td>4</td>
<td>6</td>
</tr>
<tr>
<td>Tolls Lettings</td>
<td>1,919</td>
<td>3</td>
<td>1</td>
</tr>
<tr>
<td>Ferries Lettings</td>
<td>125</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Market Dues Lettings</td>
<td>1,025</td>
<td>3</td>
<td>2</td>
</tr>
<tr>
<td>Auctions Duties</td>
<td>52</td>
<td>11</td>
<td>0 1/2</td>
</tr>
<tr>
<td>Coals sold</td>
<td>655</td>
<td>15</td>
<td>11 1/2</td>
</tr>
<tr>
<td>Fees and Fines of Magisterial Courts</td>
<td>175</td>
<td>7</td>
<td>8</td>
</tr>
<tr>
<td>Rentals of Buildings</td>
<td>498</td>
<td>13</td>
<td>1 1/2</td>
</tr>
<tr>
<td>Leases with Interest</td>
<td>918</td>
<td>11</td>
<td>2</td>
</tr>
<tr>
<td>Service of Government Stallions</td>
<td>30</td>
<td>17</td>
<td>0</td>
</tr>
<tr>
<td>Horses shod in the Lumber Yard</td>
<td>14</td>
<td>4</td>
<td>0</td>
</tr>
<tr>
<td>Obligations to return for Cattle issued from Government Herds in Cash or Grain</td>
<td>2,495</td>
<td>10</td>
<td>7</td>
</tr>
<tr>
<td>Obligations to return in Kind 1,301 Cows issued for Maintenance of Convicts</td>
<td>—</td>
<td>—</td>
<td>—</td>
</tr>
</tbody>
</table>

**£69,159 13 6**

1828.  
15 March.

Debts due to government.

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**GOVERNOR DARLING TO UNDER SECRETARY STANLEY.**

(Despatch per ship Eliza.)

Sir,  

I have the honor to acknowledge the receipt of the Several Dispatches, as dated in the Margin,* which arrived by the Ship Asia on the 13th inst., and I shall do my self the honor to reply thereto as soon as circumstances permit. I have, &c.,

RA. DARLING.

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**GOVERNOR DARLING TO RIGHT HON. W. HUSKISSON.**

(Despatch No. 38, per ship Eliza; acknowledged by Sir George Murray, 27th November, 1828.)

Sir,  

Conceiving it would be satisfactory to you to be enabled to form a judgment of the State of the Colony with respect to the Commission of Crimes of serious character, I do myself the honor Sir to transmit, for your information, the accompanying Comparative Statement of the Convictions before the Supreme Court for the last three Years. However large the amount, I am glad to have reason to think that the result will prove not altogether Unsatisfactory, as, notwithstanding the great encrease

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*Marginal note.—From the Right Honble. The Secretary of State—No. 6, 4th November, 1827; 7, 6th do, 1827; 8, 7th do, 1827; 9, 7th do, 1827; 10, 8th do, 1827; 11, 8th do, 1827; 12, 9th do, 1827; 13, 9th do, 1827; 14, 10th do, 1827; 15, 10th do, 1827; 16, 11th do, 1827; 17, 12th do, 1827; 18, 13th do, 1827; 19, 14th do, 1827; 20, 15th do, 1827; 21, 16th do, 1827; 22, 17th do, 1827; 23, 18th do, 1827; 24, 19th do, 1827; 25, 20th do, 1827; 26, 21st do, 1827; 27, 22nd do, 1827; 28, 23rd do, 1827; 29, 24th do, 1827; 30, 25th do, 1827; 31, 26th do, 1827; 1st do, 1828; 2nd do, 1828; 3rd do, 1828; 4th do, 1828; 5th do, 1828; 6th do, 1828; 7th do, 1828; 8th do, 1828; 9th do, 1828; 10th do, 1828; 11th do, 1828; 12th do, 1828; 13th do, 1828; 14th do, 1828; 15th do, 1828; 16th do, 1828; 17th do, 1828; 18th do, 1828; 19th do, 1828; 20th do, 1828.

* Marginal note.—From the Right Honble. The Secretary of State—No. 6, 4th November, 1827; 7, 6th do, 1827; 8, 7th do, 1827; 9, 7th do, 1827; 10, 8th do, 1827; 11, 8th do, 1827; 12, 9th do, 1827; 13, 9th do, 1827; 14, 10th do, 1827; 15, 10th do, 1827; 16, 11th do, 1827; 17, 12th do, 1827; 18, 13th do, 1827; 19, 14th do, 1827; 20, 15th do, 1827; 21, 16th do, 1827; 22, 17th do, 1827; 23, 18th do, 1827; 24, 19th do, 1827; 25, 20th do, 1827; 26, 21st do, 1827; 27, 22nd do, 1827; 28, 23rd do, 1827; 29, 24th do, 1827; 30, 25th do, 1827; 31, 26th do, 1827; 1st do, 1828; 2nd do, 1828; 3rd do, 1828; 4th do, 1828; 5th do, 1828; 6th do, 1828; 7th do, 1828; 8th do, 1828; 9th do, 1828; 10th do, 1828; 11th do, 1828; 12th do, 1828; 13th do, 1828; 14th do, 1828; 15th do, 1828; 16th do, 1828; 17th do, 1828; 18th do, 1828; 19th do, 1828; 20th do, 1828.
1828.
17 March.

Decrease in number of convictions.

of the Population, nearly 5,000 Convicts alone having been received within the last two Years, independent of the Individuals who have come out as Settlers, it will be seen that the Convictions have been generally less Numerous than in the Year 1825; and I am happy to add that the Colony is in a state of perfect tranquillity, Bushranging, from the operation of the “Ticket of Leave” regulations, and the other Measures which have been adopted, appearing to have been completely put down.

It will be observed that, under the head of “Offences against the person,” including Murder, Manslaughter, etc., there were 28 Convictions in the Year 1825, while, in the Year 1827, the Number was 18 for similar Offences.

Under the head of “Offences against Property,” there appears to have been 142 Convictions in 1825, while, in the Year 1827, the Number did not exceed 89, exclusive of the Prisoners who seized the Brig Wellington, which in fact forms a distinct Case, the Men being at the time under Transportation to Norfolk Island, a Penal Settlement, which is held in the greatest abhorrence.

The total Number of Convictions for Felony in 1825 amounted to 175 and, in 1827, to 116, excluding the Pirates above alluded to.

The Number of Persons Capitally convicted in the former year was 54, of whom only 9 were Executed. In the Year 1827, Ninety three were Capitally Convicted, 29 of whom Suffered Death. It is satisfactory to perceive that, Notwithstanding the increased Number of Capital Convictions in the last Year, they were not the result of Crimes of the gravest Character, as the Number of Men found Guilty of Murder for example was the same in both Years, ten. It is therefore fair to presume, as the infliction of the utmost sentence of the law, which took place in the Years 1826 and 1827 to a greater extent than had heretofore been usual, has not urged Offenders to a more indiscriminate destruction of Human Life than formerly, that it may have had the effect of checking crime generally, which appears indeed to be borne out by the Statement, 175 Convictions for Felony having taken place in 1825, while, in 1827, the Number did not exceed 116, although the Population had in the mean time received an increase of several thousand Individuals, nearly 5,000 of whom were Convicted Felons.

The accompanying Statement will be found in the “Blue Book” of the last Year, which was forwarded with my former Despatches, but, as the Matter it contains is interesting and important, I have been induced, Sir, to bring it specially under Your Notice.

I have, &c,

RA. DARLING.
[Enclosure.]

Return of the number of Offenders convicted by the Supreme Court of Criminal Jurisdiction at Sydney, N.S. Wales, in 1825, 1826 and 1827, distinguishing each Year, the Offences of which Convicted, and the Number of Capital Convictions and Executions.

<table>
<thead>
<tr>
<th>Year</th>
<th>Murder</th>
<th>Accessory after the fact to Murder</th>
<th>Stabbing or Cutting with Intent to Kill</th>
<th>Shooting with Intent to Kill</th>
<th>Rape</th>
<th>Assault with Intent to commit Rape</th>
<th>Misdemeanor</th>
<th>Felonies</th>
<th>Misdemeanors</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>I. Offences against the Person</td>
<td>II. Offences against Property</td>
</tr>
<tr>
<td>1825</td>
<td>10</td>
<td>1</td>
<td>11</td>
<td>1</td>
<td>3</td>
<td>2</td>
<td></td>
<td>19</td>
<td>30</td>
</tr>
<tr>
<td>1826</td>
<td>8</td>
<td>1</td>
<td>1</td>
<td>1</td>
<td>3</td>
<td>2</td>
<td></td>
<td>25</td>
<td>1</td>
</tr>
<tr>
<td>1827</td>
<td>10</td>
<td>3</td>
<td>1</td>
<td>4</td>
<td>23</td>
<td>15</td>
<td></td>
<td>47</td>
<td>1</td>
</tr>
</tbody>
</table>

Comparative return of convictions before supreme court.
HISTORICAL RECORDS OF AUSTRALIA.

RIGHT HON. W. HUSKISSON TO GOVERNOR DARLING.

Downing Street, 18th March, 1828.

Sir,

This letter will be presented to you by Mr. George Mackenzie, who has determined to establish himself as a settler at New South Wales, and whom I am anxious to recommend to your favorable notice and protection, in consequence of the enclosed communication from Mr. Gladstone, which will more fully explain to you the object with which Mr. Mackenzie is proceeding to the Colony. And I beg to add that I shall feel myself obliged by any attention and assistance which you may be able to render this gentleman.

I have, &c.

W. Huskisson.

[Enclosure.]

MR. J. GLADSTONE TO RIGHT HON. W. HUSKISSON.

Edinburgh, 11th March, 1828.

My dear Sir,

We got here yesterday, when I found a letter from my friend Sir George Mackenzie informing me his son George, tired of being without employment, had determined to seek his fortune as a free settler in New South Wales. You will recollect that, in consequence of a former Letter of mine, you were good enough to place his name on your list as a Candidate for a Junior Clerk’s situation in the Colonial Office, whilst you explained to me that the period must necessarily be remote and uncertain, when you might have the power to appoint him; this he therefore gives up, and intends to embark by a Vessel, intended to sail from Dublin about the 25th Inst. His Father is to supply him with the required Capital of Five hundred pounds, which I understand, under the regulations of the Office, entitles him to a grant of Land on his arrival. He has two friends already there, who are thriving Men, and he is desirous to establish himself in their neighbourhood, if he should find it practicable to do so. Will you therefore be good enough to send me the necessary documents, of which he will have to avail himself on his arrival; and, if you will kindly add to them such introductions as you can favor him with and that it will be important for him to possess, I shall feel much obliged by your doing so, when I will transmit the whole to him.

Believe me, &c.,

John Gladstone.

Mackenzie is not aware where his Friends are settled in New South Wales; it is therefore desirable that this circumstance should be mentioned in the documents, so as to have the selection of situation open.
Governor Darling to Right Hon. W. Huskisson.

(Despatch No. 39, per ship Eliza; acknowledged by Sir George Murray, 31st October, 1829.)

Sir, Government House, 18th March, 1828.

I am induced, in Consequence of the Orders conveyed to me in Your Despatch No. 10 of the 8th November last, that the public was not to be subjected to any additional Expense for the performance of Captain Rossi's duties as Superintendent of Police while absent in consequence of ill Health, to bring under Your Notice the Despatch which I had the honor of addressing to Earl Bathurst on the 2d of March, 1826, No. 6, respecting the remuneration to be granted to Mr. Justice Stephen for the period he acted as Chief Justice during Mr. Forbes's illness and absence from his duty.

According to the principle now laid down, the Persons included in that arrangement would be entitled to only half the Salary of the Situations they acted in; But, as no regulation to this effect appears to have existed here at the time, they were allowed respectively to draw the full Salaries of the situations they temporarily filled. It would in fact have been impossible to have expected Mr. Justice Stephen to perform the Duties of Chief Justice at a lower Salary than £2,000 a year, the whole weight of the Judicial Department being thrown upon him instead of being divided as heretofore between Mr. Forbes and himself; and, as Mr. Forbes's temporary retirement had been rendered necessary in consequence of his Health, it would not, as I conceive, have been advisable, in the absence of a regulation to that effect, to have subjected him, who considered he was already very inadequately paid, to any reduction of Income in consequence of Absence from his Office occasioned by the laborious duties he had then to perform. I expressed my opinion accordingly to Earl Bathurst, as will be seen by the Annexed Extract from my Despatch above referred to, Paragraph No. 4; but, not having received any reply, the Salaries, as then proposed, were paid to the Individuals included in the arrangement, and I have to request the necessary authority for the Amount being admitted in the public Accounts.

I have, &c.,

Ra. Darling.

[Enclosure.]

[This was the fourth paragraph of Governor Darling's despatch, dated 2nd March, 1826, and numbered 6; see page 197, volume XII.]
GOVERNOR DARLING TO RIGHT HON. W. HUSKISSION.
(Despatch No. 40, per ship Eliza.)


I have delayed acknowledging Earl Bathurst's Despatches of the 26th of July, 1826, one Numbered "51" and the other Marked "Separate" respecting the Coal Mines at New Castle in the expectation that it might have been in my power before this, to have conveyed some information as to the proceedings of the Australian Agricultural Company in this respect.

I had the honor to receive the Despatches above referred to on the 7th of January, 1827, since which time a person on the part of the Company has, I understand, been constantly employed boring in different parts of the Country, but hitherto without Success. It therefore appears doubtful, so much time having been employed without effect, whether they will ultimately succeed.

I have been induced, Sir, to trouble you with this explanation, in order that you might be aware of the Actual State of this Matter.

I have, &c.,
RA. DARLING.

GOVERNOR DARLING TO RIGHT HON. W. HUSKISSION.
(Despatch No. 41, per ship Eliza.)


In acknowledging the Receipt of Earl Bathurst's Despatch No. 92, dated the 12th of November, 1826, relating to the case of the Ship "Almorah," I do myself the honor to acquaint you that the Report of the King's Proctor, which accompanied his Lordship's Despatch, was communicated in the Month of August last to Deputy Commissary General Wemyss, and, after a protracted correspondence with that Gentleman and the Attorney General as to the steps necessary to be taken, I appointed the Colonial Secretary, Mr. Wemyss, and Deputy Commissary General Laidley, to form a Board to consider the best course of proceeding, and the Board recommended that a Commission, which had been previously received from the Supreme Court at Calcutta for the purpose of procuring Evidence here, should be immediately acted on.

This course was accordingly adopted, and a Communication was made to the Chief Secretary of the Government of Bengal on the 20th of October, informing him that the Commission would be proceeded on without loss of time. On which occasion, a Copy of the Report of the King's Proctor was forwarded with a request that the same might be communicated to the Supreme Court at Bengal.
DARLING TO HUSKISSON.

On the 3d of December last, the Proceedings under the Commission, above referred to, were forwarded to the Chief Secretary at Calcutta, who was requested to move the Governor General to cause them to be submitted to the Supreme Court and to authorise all necessary Expenses to be defrayed, which might be incurred in this matter on account of His Majesty’s Government.

I have, &c,
RA. DARLING.

GOVERNOR DARLING TO RIGHT HON. W. HUSKISSON.

(Despatch No. 42, per ship Eliza; acknowledged by Sir George Murray, 4th February, 1829.)

Sir,
Government House, 21st March, 1828.

I have been solicited by the Regiments stationed in this Command to permit the Wine imported for the use of the respective Messes to be landed duty free. It is subjected at present to an Ad Valorem Duty of 5 per Cent. The Amount of the indulgence is inconsiderable, and I trust, when it is known that the Officers derive no one advantage here in the Shape of Colonial Allowance or otherwise beyond their Pay, that it will not be refused.

At Home, the Regimental Messes receive an Allowance from Government of £250 a year, which ceases on the embarkation of Regiments for the Commands Abroad. The Corps here may therefore be said to have some claim to receive their Wine Duty free, the Expenses to which Individuals are subjected in this Country being Comparatively much greater than in England.

I have, &c,
RA. DARLING.

GOVERNOR DARLING TO RIGHT HON. W. HUSKISSON.

(Despatch No. 43, per ship Eliza; acknowledged by Sir George Murray, 11th November, 1828.)

Sir,
Government House, 22d March, 1828.

I do myself the honor to transmit the Petition of Mr. Howe, the Editor of the Sydney Gazette, to be permitted to assume the Title* of “King’s Printer.”

It would be unjust in me towards that Individual not to bear testimony to his Zeal in the Cause of Government, though I do not presume to judge whether a Compliance with the prayer of his Petition would be consistent or convenient.

I have, &c,
RA. DARLING.

SER. I. VOL. XIV—C

* Note 16.
THE humble petition of Robert Howe, Government Printer of His Majesty's Colony of New South Wales,

To the Right Honorable Viscount Goderich, His Majesty's Principal Secretary of State For the Colonial Department,

Humbly sheweth,

That your Petitioner has resided in this Colony upwards of twenty six years, and that, in the Year 1803, his Father, under the Sanction of the late Governor King, founded a Newspaper, intitled "The Sydney Gazette and New South Wales Advertiser," which, from that period to the present, has been the official organ of the local Government.

That your Petitioner, at that time, though only eight years of age, entered into the service of His Majesty's Government in the department of the said official Gazette, and has faithfully continued therein to the present hour.

That, in the Year 1821, your Petitioner, on the death of his Father, was appointed by the late Governor Macquarie to the situation of Government Printer, subject to His Majesty's approval, which situation he has ever since had the honor to fill.

That your Petitioner has all along been the sole Editor as well as Printer of the said Gazette, in which capacity he has faithfully and zealously exerted his humble talents in supporting the administration of the successive Governors, in promoting the peace and welfare of the Territory, and in resisting those audacious attacks on the constituted Authorities, which have of late so copiously issued from the opposition journals of Sydney.

That your Petitioner's Services, which have extended through seven complete Administrations, and have now entered the eighth, have been acknowledged by various public functionaries, in testimony whereof he begs to refer Your Lordship to the Documents hereunto appended.

That, for proof of your Petitioner's present Loyalty and Zeal in His Majesty's Service, he begs leave most respectfully to appeal to His Excellency Lieutenant General Darling, the present enlightened and assiduous Governor.

Wherefore your Petitioner humbly prays that your Lordship will be pleased to take the Premises into your most favorable consideration, and that, as a reward for his long and faithful services, your Lordship will be pleased to recommend His Majesty to confer upon his loyal and devoted subject, your Petitioner, the title of "King's Printer for His Majesty's Colony of New South Wales."

And your Petitioner, as in duty bound, will ever pray.

ROBERT HOWE.

Sydney, New South Wales, 2nd November, 1827.

Testimony to services of R. Howe.

The following are the Documents respectfully referred to, in the foregoing Petition for the consideration of the Noble Secretary of State for the Colonies.

No. 1. A Certificate from Governor Macquarie.

Government House, Sydney, 6th February, 1822.

I do hereby certify that the bearer hereof Mr. Robt. Howe (Son of the late Mr. George Howe, Government Printer) was appointed by me to be Government Printer, in succession to his father, in consideration of his fitness and competency for that important
DARLING TO HUSKISSON.

office, and for which I have recommended him to His Majesty's Ministers for confirmation.

I do further certify that Mr. Robert Howe has conducted himself with the utmost propriety and correctness, since my appointment of him to succeed his Father as Government Printer, to the duties of which he pays the most diligent and assiduous attention. I therefore strongly recommend him to the favor and Protection of my Successor in the Government, as deserving of his Patronage and Support.

L. MACQUARIE,
late Govr. in Chief of N. S. Wales.

To all whom it may concern.


Sir, Government House, Hobart Town, 14th April, 1825.

I received, by the hands of the Revd. Mr. Hutchinson yesterday, your Memorial upon the subject of the Establishment of your Brother* in this Island, to which, in transmitting this Document to me, His Excellency has added his favorable testimony and recommendation.

Your Sentiments towards the Governments of these Colonies, as pourtrayed in the Sydney Gazette, are such as I feel give your family a just claim to any support which it can bestow, and I shall be happy therefore to render your Brother any service in my power.

Many months since, long before there was a rumour of your forming an Establishment here, I felt it necessary to withdraw as soon as possible from giving to Mr. Bent any further support, and promised to countenance a Gazette* to be conducted by Dr. Ross. Having given my word, I am of course bound to support that Gentleman; but, after consulting with your friend Mr. Mansfield, I have suggested an arrangement which I think may be mutually beneficial to Doctor Ross, and your Brother, who is rather young to stand alone in the Field of controversy in times like the present, which require experience as well as talents in conducting a Gazette. A Union of interests I hope may be formed in a fair and liberal understanding on both sides, and, having suggested this measure, I must now of course leave it in the Hands of the Parties themselves.

I am, Sir, &c,

GEO. ARTHUR.


Sir, Government House, Hobart Town, 23d June, 1825.

I have the pleasure to acknowledge the Receipt of your letter of the 29th April and 3rd Ultimo, and desire to assure you that I am much obliged by the assistance you have rendered the local Government of Van Diemen's Land, as well as by the prompt and very handsome manner in which it has been afforded.

When the last Vessel sailed for Sydney, the arrangements between Doctor Ross and your Brother were not perfected, and I was reluctant to address you until it was in my power to say that your Endeavours to relieve the Government had proved effectual.

The first number, edited by the new printers, will appear on Friday next. Their Hands will I am sure be strengthened by every further aid you can afford them, until they are as independent in the way of ail Supplies, as they are unshackled by the Government in every other respect.

I am, &c,

GEO. ARTHUR.

* Note 17.
No. 4. A Letter from Sir Thomas Brisbane, K.C.B.

[A copy of this letter, dated 24th October, 1825, will be found on page 463, volume XII.]

The Lieut. Governor feels much pleasure in acknowledging the receipt of Mr. Howe's polite communication of yesterday's date.

The Lieut. Governor cannot omit this opportunity of candidly avowing that he is friendly to the Politics, which Mr. Howe has of late so ably advocated, and that he has not failed also to observe the distinguished talent, which he has displayed in so firmly supporting the Administration of His Excellency Sir Thomas Brisbane, which has not only procured him many friends in this Country, but which he is satisfied will raise the reputation of his highly respectable Journal in England.

Impressed therefore as he is with Sentiments of Esteem for Mr. Howe, his Politics, and Editorial abilities, he with much pleasure accepts of his obliging offer, etc., etc., etc.

Pitt Street, Sydney, Friday, 18th November, 1825.

No. 5. Extract of a Letter from Lieut. Governor Stewart.

The accompanying Works of Mrs. Carter, Major Goulburn presents to Mr. Howe in Testimony that the Editor of the Sydney Gazette, by his advocacy of the true interests of New South Wales, identified himself with the Administration of His Excellency Sir Thomas Brisbane, and with the public measures of every civil officer, who acted conscientiously as a public Servant.

Sydney, 26th January, 1826.

Governor Darling to Under Secretary Stanley.

(Despatch per ship Eliza.)

Sir,

New South Wales, 22d March, 1828.

In transmitting the Petition of Mr. Howe, the Editor of the Sydney Gazette, to be permitted to assume the Title of King's Printer, which I have done officially by the present opportunity, I must observe that I cannot recommend the Prayer of his Petition; but, on the contrary, consider it very desirable that a separate Gazette should be established for the use of the local Government. It was my intention some time since to have adopted this measure; but the state of matters has prevented it. I have in fact been unwilling to furnish Mr. Howe's immediate opponents with the cause of Triumph, which the establishment of a Government Gazette would have afforded them.

I cannot, however, suppress my opinion that it is extremely desirable, and I shall be very glad to receive the Secretary of State's Commands to that effect.

The Expence, I apprehend, would be inconsiderable. When the Question was agitated some time since, Mr. Howe mentioned that he did not suppose it would exceed £200 a Year.

I have, &c.,

Ra. Darling.
GOVERNOR DARLING TO RIGHT HON. W. HUSKISSON.

(Despatch marked "Separate," per ship Eliza; acknowledged by Sir George Murray, 3rd November, 1828.)

Sir,

Sydney, 24th March, 1828.

1st. It has occurred to me, although I have incidentally adverted to the circumstance of the Salaries, which I have suggested for the Civil Officers, appearing higher than those they have hitherto received, that I may not have drawn your attention to the fact of the increase being in many cases more in appearance than in reality, so particularly as I ought to have done.

2nd. The Officers of the Civil Government had, in many cases, been in the receipt of Fees in addition to their former Salaries, of Rations for themselves and Families, Servants on the Stores, that is, Convicts clothed and fed at the expense of Government, Lodging money and Forage for Horses, whereas, according to the present Arrangement, every thing, they are intended to receive, is stated under the Head of Salary with the exception of the two latter Items in a few particular cases. Thus the former Salaries appear comparatively inconsiderable to those now proposed.

3rd. In some of the communications which have been addressed to me respecting the Surveyor General, it would appear that his Fees had not been taken into account, his Income being stated at four or five hundred a Year (whereas it has been from twelve to fourteen hundred, and, according to the Scale on which Lands are now disposed of, would increase considerably every Year), and more particularly, when mentioned with reference to the Salary of the Commissioners for apportioning the Territory. That their Salary was out of proportion to the Service, they rendered for a considerable period after their Appointment, cannot be denied, and I did not fail, Sir, to state my opinion to this effect, when I had the honor of addressing Earl Bathurst on the subject. I can now with equal confidence assert that, the duties of the Office being properly and efficiently performed, any thing short of £500 a Year would be inconsistent with, and inadequate to an Office of that Character.

4th. I have forborne Sir, when writing on the subject of the Cost of living, to mention the comparatively great Expence to which Persons living in this Country are subjected, knowing it is a common topic on such occasions. It is not enough that the Officers here (I allude to the subordinate of course) should be placed above want. It is important that they should not be exposed by indigence to temptation. House Rent and Lodgings are very high. Horses even of the commonest
1828.
24 March.

HISTORICAL RECORDS OF AUSTRALIA.

description are dear. The Expence, to which Individuals are subjected on these Accounts alone, makes a serious impression on their Income, exclusive of the various other Items, which are indispensible to the respectability of their appearance and public Character.

5th. I can have no desire, Sir, to obtain high or dispropor­tionate Salaries for the Officers of this Government, not one of whom has been appointed at my recommendation; and I am not personally interested in their success. But it is a duty incum­bent upon me, as it is important to the Service of His Majesty's Government, to point out how desirable it is that the public Officers be rendered something more than comfortable in point of Income, otherwise it would be in vain to expect that qualified Men of respectable Character should abandon their Friends and pursuits at Home, and come out to this country.

6th. As connected in some degree with this subject, I venture, Sir, to request your attention for a moment to the impractica­bility in the incipient State of this Colony of keeping some of the Establishments to any fixed Scale.

7th. In the case of the Convict Establishments for example, men are thrown in upon them daily after having been assigned repeatedly, the Settlers, however much in need of Servants, finding it impossible from the badness of their Character to retain them. You are aware, Sir, that the number of this class must encrease in proportion to the influx of Convicts, as, in every Lot which arrives, there is a number of incorrigible Characters. In order to turn these Individuals to some useful Account, they have been employed on the roads as I have before had the honor of stating to you.

These Men are therefore not voluntarily maintained at the expence of Government, but from necessity, and the Expence of their Superintendance, which is regulated on the most economical Scale, is unavoidable.

8th. It is further my duty to point out that the rapid Advance­ment of the Colony renders it in fact impossible, with even common attention to its wants, to delay adding new Establish­ments or extending the old. I am importuned incessantly to form Benches of Magistrates in the remote and newly settled parts of the Country, the Settlers and Magistrates declaring the measure indispensible to the preservation of their property. I have been under the necessity of yielding in some cases. If I had not, Stipendiary Magistrates must have been appointed. In others, where it appeared less necessary, I declined it on the ground of the tranquillity of the Country and the Expence attendant on such Establishments; For example, erecting Court

Necessity for adequate salaries.

Impractica­bility of adopting fixed scale.

Administration of convict department.

Necessity for new benches of magistrates.
Houses, or Places for the Magistrates to assemble, Jails or Lock up Houses for the security of Prisoners, and the necessary Establishment of Clerks, Constables, etc. I have, &c.,
Ra. Darling.

P.S.—On the receipt of the Instructions* from the Lords Commissioners of the Treasury, I felt myself called on to point out to Earl Bathurst the injury which would result to the Service from making general Instructions applicable to this remote Colony. My Despatch, above alluded to, is dated the 18th Feb., 1827, No. 26.
R.D.

Governor Darling to Right Hon. W. Huskisson.
(Despatch No. 44, per ship Eliza; acknowledged by Sir George Murray, 2nd November, 1828.)
I have been induced to delay replying to Earl Bathurst's Despatch No. 57, dated the 8th of August, 1826, respecting the "Benevolent Asylum," until I could have an opportunity of satisfying myself whether the proposed measure of supporting that Establishment by an Annual Grant of Money to be paid from the Colonial Revenue would be likely to prove advantageous. I have frequently had the subject under Consideration, but, doubting the policy of the Measure, I have lately consulted the Gentlemen of the Committee as to the expediency of such an Arrangement without informing them of its being in Contemplation. These Gentlemen, whose exertions do them much Credit, are fully of opinion, should the Government interfere further than it does at present, that the Inhabitants would no longer take any interest in the Institution, the effect of which would be doubly felt, inasmuch as they not only would not subscribe at all, but, what is perhaps of more consequence, would induce a greater Number of the Poor to Seek for Support from the Asylum, instead of restraining them as they now find it their interest to do.
Besides the Committee of Management Act gratuitously at present. But the Moment the Institution should be put on the footing of a Government Establishment, the Surgeon, Secretary, and other Individuals, who constantly Superintend, would no doubt expect to be paid for their trouble.
I have much pleasure in stating, Sir, that no Establishment can be Managed with more economy. The Average Expense of each Patient does not exceed five Shillings a Week, that is £18 a year, for which they are comfortably fed and Clothed.
I do myself the honor, Sir, to enclose for your information a Statement, shewing the average Number of persons relieved

* Note 9.
1828.
24 March.

Commendation of officers.

Proposed additions to building.

during the three last Years, with an Abstract of the Receipts and Expenditure for the same period.

I cannot close this communication without mentioning to you, in terms of merited approbation, the Names of the Revd. Mr. Hill, the Secretary, and of Dr. Bland, the Medical Attendant, whose exertions are unceasing, and on whom in fact the labour of conducting the Establishment rests.

I beg to submit to you the necessity which exists of adding to the House, which is crowded to a degree, not only inconvenient but injurious to the Individuals residing in it. There are several Persons, who from want of accommodation, it has been impossible to admit, and the labour of attendance is increased by the necessity of visiting them at several places in the Town. The Civil Engineer being absent at this Moment on a Tour of Inspection, it is not possible for me to forward by this opportunity the Plan and Estimate required by my Instructions; but I shall not fail to do so by the next opportunity, and I request, as the proposed addition is indispensable, that the Authority for the Undertaking may be expedited.

I have, &c.,

RA. DARLING.

P.S.—It has occurred to me that the published report of the Benevolent Society for the Year 1826, would furnish every information respecting the Manner in which the Institution is at present Conducted and I do myself the honor to transmit it.

[Enclosure No. 1.]

RETURN of the Average Number of Persons relieved by the Benevolent Asylum during the Years 1825, 1826, and 1827.

<table>
<thead>
<tr>
<th>Year</th>
<th>In the Asylum</th>
<th>Out of the Asylum</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>1825</td>
<td>87</td>
<td>13</td>
<td>100</td>
</tr>
<tr>
<td>1826</td>
<td>97</td>
<td>17</td>
<td>114</td>
</tr>
<tr>
<td>1827</td>
<td>97</td>
<td>19</td>
<td>116</td>
</tr>
<tr>
<td>Total</td>
<td>281</td>
<td></td>
<td>330</td>
</tr>
</tbody>
</table>

[Enclosure No. 2.]

ABSTRACT of the Receipts and Disbursements of the Benevolent Asylum of New South Wales during the Years 1825, 1826, and 1827.

<table>
<thead>
<tr>
<th>Year</th>
<th>Cash from Colonial Revenue</th>
<th>Subscriptions received</th>
<th>Cash from Colonial Revenue</th>
<th>Subscriptions received</th>
<th>Cash from Colonial Revenue</th>
<th>Subscriptions received</th>
</tr>
</thead>
<tbody>
<tr>
<td>1825</td>
<td>£ 4,554 1 6</td>
<td>1,050 0 0</td>
<td>£ 4,554 1 6</td>
<td>1,050 0 0</td>
<td>£ 4,554 1 6</td>
<td>1,050 0 0</td>
</tr>
<tr>
<td>1826</td>
<td>1,438 10 3</td>
<td>541 0 0</td>
<td>1,709 13 10</td>
<td>541 0 0</td>
<td>1,405 17 5</td>
<td>541 0 0</td>
</tr>
<tr>
<td>1827</td>
<td>42 1 6</td>
<td>378 0 0</td>
<td>42 1 6</td>
<td>378 0 0</td>
<td>42 1 6</td>
<td>378 0 0</td>
</tr>
<tr>
<td>Total</td>
<td>£ 4,554 1 6</td>
<td></td>
<td>£ 4,554 1 6</td>
<td></td>
<td>£ 4,554 1 6</td>
<td></td>
</tr>
</tbody>
</table>

* Note 18.  † Note 19.
DARLING TO HUSKISSON.

GOVERNOR DARLING TO RIGHT HON. W. HUSKISSON.
(Despatch No. 45, per ship Eliza; acknowledged by Sir George Murray, 30th September, 1828.)

Sir,

I do myself the honor to acquaint you that, having brought under the consideration of the Executive Council the Case of James Kelly, recently convicted of Murder before the Supreme Court, the Sentence passed on that Individual has been Commuted to Transportation to Moreton Bay for Seven Years and Hard Labour in Chains, and I humbly beg leave to recommend the same to His Majesty's Merciful consideration.

I have, &c.,
[Enclosure.] RA. DARLING.

EXTRACT of the Minutes of the Proceedings of the Executive Council at a Meeting held on the 8th March, 1828.

HIS EXCELLENCY the Governor submitted to the consideration of the Council the Report of His Honor Chief Justice Forbes on the case of James Kelly, who had been convicted before the Supreme Court of the wilful Murder of John Fuller, and sentenced to suffer death, but, in consideration of the strong recommendation of the Jury and the circumstances which appeared on the trial, the Chief Justice had respited the execution of the Sentence until the pleasure of the Governor should be known.

The Chief Justice read the Notes of Evidence, which he had taken during the Trial, and it appeared that the Individual killed was a notorious Robber, whom the Prisoner, James Kelly, had pursued into the Woods, and further that, immediately after perpetrating the act, he, that is Kelly, informed the Police and delivered himself up.

The Council, taking all the circumstances of the case into their mature consideration, advised that the Sentence of Death passed upon the Prisoner James Kelly should be commuted to Transportation to Moreton Bay for Seven Years.


GOVERNOR DARLING TO RIGHT HON. W. HUSKISSON.
(Despatch No. 46, per ship Eliza.)

Sir,
Government House, 26th March, 1828.

I do myself the honor to transmit for Your information two Sketches,* pointing out the Situations of Certain Allotments of Ground which I granted some time since to the Persons named in the Margin.f

The Land granted† to the Chief Justice is Situated on the River Nepean, in the Neighbourhood of Emu Plains, and was

* Note 20.
† Marginal note.—Chief Justice Forbes, Acres 130; Mr. McLeay, Colonial Secy., 50; Dr. Douglass, Clerk of Council, Mr. Busby, Mineral Surveyor, Mr. Spark, J.P., Judge Stephen; Mr. Baxter, Atty. General; Mr. Balcombe, Treasurer; From 8 to 10 Acres each.
‡ Note 21.
1828.
26 March.

Land granted to A. Macleay; and to J. Wylde.

Proposed deed of grant.

Proposed improvement of Hyde park.

given with a view of his erecting a Convenient Country residence, the 10,000 acres, which he received from Sir Thomas Brisbane, being at a considerable distance from Sydney on the upper Branch of Hunter's River.

The 50 Acres granted* to Mr. McLeay at Elizabeth Bay, a Mile and a half from Sydney, was for the purpose of Erecting a Family House and Cultivating a Garden. Mr. McLeay's knowledge as a Horticulturist is likely to prove beneficial to the Colony. He has already expended a considerable Sum in the improvement and Cultivation of his Grounds and in erecting Stabling and Offices preparatory to building a House, which it is his intention shortly to commence. From the manner in which he has entered into this Undertaking and the Scale on which he has commenced to settle and Stock the Land he has received for Agricultural purposes (the usual Grant of 2,560 Acres), he will no doubt prove an important acquisition to the Colony in this respect alone, the Capital, he has already vested in Stock and is still continuing to expend, being considerable.

The Allotment* bearing Judge Wylde's Name on the Sketch No. 2 was granted to that Gentleman by Governor Macquarie, Several Years Since, and still remains unimproved. I propose writing to inform the Judge it will be resumed by the Government, unless the Conditions of the Grant are speedily fulfilled.

The Six other Allotments on the Same Sketch, consisting of from 8 to 10 Acres each, were granted by me principally to Gentlemen in the Service of Government, for the purpose of enabling them to provide themselves with a residence and have the benefit of a Garden.

I do myself the honor to submit, Sir, for Your Consideration a Draft of the proposed Deed of Grant of the Allotments in question (with the exception of Mr. Forbes's, which is situated in a distant part of the Country, and will be the same as other Grants of Land in that Neighbourhood) by which you will perceive, Sir, that the Parties are required to build on a particular Plan.

I have been anxious for some time past to Submit a Plan for the improvement of that part of Sydney called Hyde Park,† which forms the Southern Boundary of the Town. But the Severe Illness of the Surveyor General and other circumstances have prevented me from carrying my wishes into effect. I shall, however, take the first opportunity of having the Matter fully considered, so as to be submitted to you in a form which I trust will enable you to decide as to the expediency of the arrangement which I shall have the honor to lay before you.

I have, &c.,
RA. DARLING.

* Note 21. † Note 22.
FORM OF DEED OF GRANT.

New South Wales.

By His Excellency Lieutenant General Ralph Darling, Captain General and Governor in Chief of the Territory of New South Wales and its Dependencies, and Vice Admiral of the same, etc., etc., etc.

WHEREAS full Power and authority for granting Lands in the Territory of New South Wales is vested in His Majesty's Captain General and Governor in Chief, or in his absence the Lieutenant Governor, for the time being of his said Territory and its Dependencies. Now, in pursuance therefore of the Power and authority aforesaid in me vested, I do by these presents Give and Grant unto Henry Grattan Douglass, Esquire, All that piece or parcel of Land, lying and situate in the parish of Alexandria, County of Cumberland, containing by Admeasurement Eight Acres and Nine Rods, Bounded on the West by Woolloomooloo Bay, On the South by a line East of Twelve Chains fifty links, On the East by a line North of Nine Chains, fifty links, and on the North by a line West Twenty three Degrees South, Twelve Chains, fifty links to Woolloomooloo Bay, To have and to hold the said piece or parcel of Land unto the said Henry Grattan Douglass, His Heirs and Assigns, for ever, Yielding and Paying therefore yearly and every Year unto His Majesty, His heirs and Successors, the Annual Quit Rent of Eight Shillings of lawful Sterling Money of Great Britain on the thirtieth day of June in each and every Year. Provided always and it is hereby also expressly to be understood, and these presents are on the following Conditions:—That, if the said Annual Quit Rent be in arrear for the Space of Twenty days after the time appointed for payment thereof, the same may be recovered by Distress or otherwise as His said Majesty, His Heirs and Successors, may deem proper or be advised; And, in case no sufficient distress be found, and the said Quit Rent be in arrear after that time, the whole of the said Land to revert to the Crown, and these presents to be and become from thenceforth absolutely null, void, and of no effect, any thing herein contained to the contrary notwithstanding; Provided and it is hereby also expressly to be understood that, if at any time hereafter the said Grantee, His heirs or assigns, or other proprietor of the said Land for the time being, shall be minded and desirous of redeeming or purchasing off the annual Quit Rent hereby reserved and made payable, he, she, or they may be at liberty so to do on paying to His Majesty, His Heirs or Successors, the sum of Eight Pounds, being equal to Twenty Years of the said Quit Rent hereby reserved and made payable; and in that Case, from and after the payment thereof, the said annual Quit Rent to cease and determine, and the said Land, and the owner or proprietor thereof from thenceforth shall be and become absolutely freed, released and discharged therefrom. Provided always that the said Henry Grattan Douglass shall erect on the said Land within the term of three Years from the date hereof such Buildings as may be approved of by the Governor for the time being, according to a plan and Specification thereof, to be previously submitted to him for his approval, and that such Buildings be not of less value and cost than One Thousand Pounds Sterling; and that no Buildings, excepting such as shall be so approved, shall at any time hereafter
be erected on the said Land, the same being granted for one Villa or Residence only; and in default of such approved Building of not less value and cost than One Thousand Pounds Sterling being erected within the said term of three Years, or in the event of any other Buildings being erected on the said Land contrary to the true and plain Intent and meaning of these presents, the whole of the said Land to revert to the Crown, and the Grant hereby made shall be deemed null and void; And it is hereby also expressly to be understood that, if at any time hereafter the said Land, or any part thereof, shall be required by His said Majesty, His Heirs or Successors, or His Majesty's Government for the Territory aforesaid for any public purposes, it may be resumed by His said Majesty, His Heirs or Successors, on giving the said Grantee, His Heirs or Assigns, or other legal Proprietor thereof, Twelve Calendar Months' Notice thereof in writing, and paying for such Buildings as may be then standing on the said Land, or such part thereof as may be required as aforesaid, and for the Fee simple of and in the same, according to a Valuation thereof, to be made by two indifferent Persons, one to be chosen on either side in the usual and customary manner; but, in the event of refusal on the part of the Proprietor of the said Land to nominate and appoint a Person on his part for the purpose aforesaid, both the said Persons to be nominated by His said Majesty, His Heirs and Successors, or the Governor of His said Majesty's Territory for the time being.

In Testimony whereof I have hereunto set my Hand and Seal of the Territory, at Sydney, New South Wales, this 26th day of March, in the Year of our Lord, One Thousand eight Hundred and Twenty.

Witnesses:

GOVERNOR DARLING TO RIGHT HON. W. HUSKISSON.

(Despatch No. 47, per ship Eliza; acknowledged by Sir George Murray, 26th October, 1828.)

Sir,


1st. I do myself the honor to transmit herewith Copies of a Letter from the Civil Engineer and of three Reports of Works, which have been carried on, and may be considered as under the Authority I possess to incur Expences for the repair or erection of Buildings.

1st. A Report of additions and repairs made to the Government House at Sydney—Actual Money Expense, £141 12s. 6d.

2d. Repairs and Additions to the House appropriated to the residence of the Colonial Secretary—Actual Money Expense, £62 0s. 5d.

3d. Erection of a Bathing House, in the Government Domain—Actual Money Expense, £22 0s. 5d.

2d. Not having been enabled from the want of adequate means arising from other pressing demands on the Government to avail Myself of the Authority, which I received from Earl Bathurst, to build a suitable Government House, I have been at length under the Necessity of adding to the Old House, so as to render
it sufficient for the accommodation of My Family. I should observe from the Nature and Condition of this Building, part of it being the House erected by Governor Philip on his first Landing, which has been added to and altered by every Successive Governor, that a New House suitable to the purpose is urgently required. But, possessing no adequate means for such an Undertaking, I have been obliged to add to, patch and repair the present House, so as to permit of my residing generally in Sydney. Considering this House uninhabitable, Sir Thomas Brisbane resided constantly at Parramatta, where in fact a Considerable portion of the Establishment is at present necessarily kept.

3rd. With respect to the House allotted for the residence of the Colonial Secretary, I was induced on the application of Mr. McLeay, with a view to the sufficient accommodation of his Family, which is numerous, consisting of Six Daughters, to add a Couple of Rooms to it. This, together with the necessary Repairs and Washing the Walls, has occasioned an Actual Expenditure of £62 Os. 5d., the Workmen having in fact been engaged on it only when not required for other purposes.

4th. The Bathing House,† in the Government Domain, is built of stone found on the Spot, and was proceeded on from time to time, when the Men could be spared. It is in fact not yet completed, though commenced early in the Year 1826. The Actual Expenence is £22 Os. 5d.

5th. The Report and Plan of the Factory are not yet completed. I shall do myself the honor to forward them with a separate Letter, in order that I may have an opportunity of entering more minutely into the Conduct and Management of that Establishment.

I have been induced, Sir, to request Your Authority for bringing the Expences to account, which form the subject of this letter, not so much in consequence of the amount, as they are perhaps within the Scale permitted by my Instructions from the Treasury, as from the Nature of the Undertakings, to which the Auditors of Public Accounts might at some future period object, when it would no longer be in my power to obtain the required Authority.

RA. DARLING.

MR. W. DUMARESQ TO COLONIAL SECRETARY MACLEAY.

Sir,

With reference to your Letter of the 17th Ultimo, calling for Special Reports of the Alterations and Repairs made to Government House, Sydney, the Official Residence of the Colonial Secretary, the Bathing House in Government Domain, also

* Note 22.  † Note 24.
1828.
March.

the Female Factory, Parramatta, I have the honor herewith to forward Separate Statements of the Alterations and Repairs, which have been made to each of them accordingly.

As the Preparation of the Plan of the Female Factory, which must accompany the Report of that Building, will occupy some time, I venture to forward the Enclosed without that Report, which shall be transmitted when completed.

I have, &c.,
Wm. Dumaresq, Civil Engineer.

[Enclosure No. 2.]


Additions and Alterations.

On the Ground Floor, a new Servants' Hall. Two door Ways leading from the Private and Military Secretary's Offices into an office prepared for their Clerks.

Up stairs a bed Room, over the Servants' Hall, and two additional Bed Rooms, by raising the Walls and completing the left Wing of the House to correspond generally with the right. A Staircase and Gallery along the front of the Building (by altering the Roof), opening a thorough communication between the Old and New end of the House.

Repairs.

Nothing of particular importance under this Head. In an old Building, there is necessarily constant repairs required.

A New Ceiling has been put to the Dining Room; the Plastering of Passages made good, and the Colouring and Cleaning of the external Walls attended to, out Offices, etc., etc.

The Estimated Expense of which calculating the Labor of the Convicts employed, together with the necessary Materials obtained from the Public Stores is:—

<table>
<thead>
<tr>
<th>Description</th>
<th>£</th>
<th>s</th>
<th>d</th>
</tr>
</thead>
<tbody>
<tr>
<td>the Purchase of Lime, Hair and Wood used in</td>
<td>141</td>
<td>12</td>
<td>6</td>
</tr>
<tr>
<td>the burning the Bricks Expended</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>.................................</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Value of Stores Expended, obtained from the</td>
<td>406</td>
<td>2</td>
<td>9</td>
</tr>
<tr>
<td>Commissariat</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>.................................</td>
<td>547</td>
<td>15</td>
<td>3</td>
</tr>
<tr>
<td>Total Expense</td>
<td>2,500 Days Convict Labor at 1s. 3d.</td>
<td>156</td>
<td>5</td>
</tr>
</tbody>
</table>

Total Expense £704 0 3

WM. Dumaresq, Civil Engineer.

[Enclosure No. 3.]

Report on the Additions and Repairs made to the Official Residence of the Colonial Secretary during the Years 1826 and 1827.

Additions and Alterations.

A CHAMBER FLOOR raised over the two Wings of the Original Building affording thereby, when divided, Four additional bed Rooms, two very small and two middling size.
A small Skilling containing the House Keeper’s Store, etc., having been blown down in a Heavy Storm, replaced in a more Substantial manner.

A Verandah Constructed along the Front of the Building and Windows lowered to open upon it.

The whole of the External Walls of the Dwelling House Coloured and Cleaned.

The Estimated Expense of which, calculating the Labor of the Convicts together with the necessary Materials obtained from the Stores is:

<table>
<thead>
<tr>
<th>Description</th>
<th>£</th>
<th>s</th>
<th>d</th>
</tr>
</thead>
<tbody>
<tr>
<td>Actual Money Expense being for the Purchase of</td>
<td>62</td>
<td>0</td>
<td>5</td>
</tr>
<tr>
<td>Lime, Hair and Wood used in the Burning the</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Bricks Expended</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Value of Stores Expended obtained from the</td>
<td>272</td>
<td>3</td>
<td>4½</td>
</tr>
<tr>
<td>Commissariat</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>987 Days Convict Labor at 1s. 3d.</td>
<td>61</td>
<td>13</td>
<td>9</td>
</tr>
<tr>
<td>Total Expense</td>
<td>£395</td>
<td>17</td>
<td>6½</td>
</tr>
</tbody>
</table>

WM. DUMARESQ, Civil Engineer.

---

**REPORT on the Erection of a Bathing House** in the Government Domain.

The Building is constructed entirely of Stone found on the Spot, having a Castellated Appearance to the Water to Correspond in some degree with Fort Macquarie on Bennelong’s Point, which is in view, and at a short distance.

It consists of three very Small Dressing Rooms, also a Room for a Watchman, and a Corresponding space, which is a Privy.

The accompanying Plan will shew the Dimensions.

This Building was undertaken very early in the Year 1826, at a time when the Stone Masons had not any Press of Work on Hand, and it has been carried on from time to time, as the Convenience of the Service and the Employment of the Mechanics permitted.

<table>
<thead>
<tr>
<th>Description</th>
<th>£</th>
<th>s</th>
<th>d</th>
</tr>
</thead>
<tbody>
<tr>
<td>Actual Money Expense being for the Purchase of</td>
<td>22</td>
<td>0</td>
<td>5</td>
</tr>
<tr>
<td>Lime, Hair and Wood used in the Burning the</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Bricks expended</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Value of Stores Expended obtained from the</td>
<td>17</td>
<td>19</td>
<td>7</td>
</tr>
<tr>
<td>Commissariat</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2,000 Days Convict Labor at 1s. 3d.</td>
<td>125</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Total Expense</td>
<td>£165</td>
<td>0</td>
<td>0</td>
</tr>
</tbody>
</table>

WM. DUMARESQ, Civil Engineer.

---

**GOVERNOR DARLING TO RIGHT HON. W. HUSKISSON.**

(Despatch No. 48, per ship Eliza.)

Sir,  

I have been prevented by a variety of circumstances from paying the necessary attention, which I was most anxious to

**Note 24.**
render to the Subject of Earl Bathurst's Despatch of the 11th December, 1826, No. 102, respecting the Church and School Establishments of this Colony. I had the honor to receive that Despatch on the 25th of July last, and lost no time in communicating its contents to the Archdeacon, to whom I made the necessary reference on the 7th of August.

The Archdeacon's reply, a copy of which is herewith enclosed, is dated the 25th of September. But it appeared to me the less necessary to forward it at the Moment, being of opinion, from the view taken of the question generally by His Majesty's Government, that the measures and Arrangements contemplated could not consistently or conveniently be carried into effect until the Corporation should be put in possession of some considerable portion of the lands to be assigned to the Church. Until this has been done, the Expenses should be limited as much as possible to the Stipends of the Clergy and the Salaries of the School Masters. The Archdeacon very justly thinks it would be more economical to building School Houses than Continue to pay Rent as at present. There could be no question on this, if the Corporation possessed the necessary Funds; but, in the absence of those Funds, I must think it advisable to delay the erection of Buildings and confine this branch of the Expenditure to the payment of Rent, which can be more conveniently provided for.

I am now satisfied it would have been better to have delayed issuing the Charter* and establishing the Corporation until the arrangements* for delivering over the Lands were completed. But it was impossible to foresee the delay, which has taken place, and I am not aware it could have been prevented. The long and severe illness of the Surveyor General has at length obliged me to appoint Major Mitchell, the Deputy Surveyor General, to assume the charge of the Department and I trust in a very short time to be enabled to put the Corporation in possession of such a portion of Land as will at least enable them to commence some Systematic plan of proceeding.

I should therefore, Sir, with your permission, delay the consideration of the question proposed in Earl Bathurst's Despatch above referred to, trusting that the temporary arrangements, which have been made by the Archdeacon for supplying the deficiency of more regular School Houses, will answer the purpose for the present.

As to the most eligible mode of disposing of a portion of the Church lands, I am not aware of any one preferable to that which has been adopted by the Trustees in selling the Glebe Lands at Sydney, Parramatta and Liverpool. These lands were disposed of by public Auction, the Purchasers paying a deposit of 10

* Note 25.
DARLING TO HUSKISSON.

per Cent. on the Sum bid, and binding themselves to pay 5 per cent. on the remaining portion of the purchase Money, having the option of paying up the Balance at any time within 21 Years; at the expiration of which period, the whole of the purchase Money is to be paid, or the Land according to the Conditions of Sale is to be resumed by the Trustees.

This Mode was suggested by Mr. Oxley, the Surveyor General, as a likely means of producing good Prices, the legal Interest of the Colony being 8 per Cent.

It may be proper to state in this place that the Incumbents are allowed by the Trustees £100 a year in lieu of the above Glebes, and that it has been determined that the Clergymen are not in future to receive any Land as Glebe beyond the 20 Acres immediately adjoining their respective Churches.

I have, &c.,

RA. DARLING.

[Enclosure.]

ARCHDEACON SCOTT TO GOVERNOR DARLING.

Sir, Sydney, 25th September, 1827.

I have the honor to acknowledge the receipt of Your Excellency's Letter of the 7th August last, inclosing for my information, the copy of a Despatch from Earl Bathurst, dated 11th December, 1826, No. 102.

In that Despatch, I observe that His Lordship requires specific information on four points, and to these I will now confine myself as briefly as possible.

First. It is required the description and number of Schools which it would be desirable to establish.

I take the liberty of enclosing a list of Parochial Schools (No. 1) which have already been established up to this date, for affording to the population the means of gratuitous elementary Education only throughout the Colony for children of all classes and both sexes until 10 Years of age; after which, such children, as can afford it and remain in the Schools, are required to pay three pence per week, but of these there are scarcely any. In the Sydney Free School, one class has been established to teach the Latin and English Grammars, Mensuration and the higher branches of Arithmetic, for which the Scholars pay fifteen shillings and one pound per quarter, according to their progress in the Class.

At these schools, there were at the Half Year, ending on the 30th June last, 1,245 names on the books, but of whom not more than 862 attend with regularity.

The only addition, I now propose, or ever contemplated for the present, is one Grammar School for the admission of sons of
persons whose means could only afford a moderate sum towards such an object.

The expence to the Trustees of the Clergy and School Lands would only be the Salary of the Master, which would be £150 or £200 per year, if he were one of the Chaplains, in addition to his Chaplaincy; otherwise I do not suppose any competent person could be obtained, with all the disadvantages he would labour under of expensive living in this Colony, for less than £500 per annum.

Secondly. It is required to state the situations in which such buildings should be erected.

The King's Charter requires one Primary School in each Parish, where there is a sufficient population to warrant such an Establishment.

In my Report to Your Excellency, dated 31st July, 1827, I submitted a list of such places as required Parsonages, Schoolhouses and Burial Grounds, distinguishing those requiring immediate attention from those where they are now rented.

At present we pay a rental of £550 per annum for Parsonages, and £95 for School houses, and, since the Year 1819, £2,100 have been sunk in rent, which would have built several respectable buildings either for Parsonages, Chapels or School houses. Taking this expence into consideration, I beg to enumerate a list of places, where Parsonages and Schoolhouses are required, and to point out the saving there would be in erecting them.

First Parsonages.

Sydney, St. James' Parish; Campbell Town; Narellan, Cornelia, down the river Hawkesbury; Medway or Bong Bong; Port Macquarie; Morpeth or Whittingham; Brisbane Town.

Secondly Schoolhouses (to be used as Chapels).

Cornelia; Castle Hill; Minto; Narellan; Penrith; Shoalhaven; Medway or Bong Bong; Kelso; Morpeth; Whittingham; Brisbane Town; Port Macquarie.

The estimated cost of erecting such edifices is as follows, viz.:—

<table>
<thead>
<tr>
<th>Parsonage Houses at £500 ea</th>
<th>Schoolhouses at £100 ea</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>8</td>
<td>12</td>
<td>£5,200</td>
</tr>
</tbody>
</table>

Five thousand, two hundred pounds sterling, the annual interest upon which sum would at 8 per cent. be £416, being £164 less than is at present paid annually for the rent of Parsonages alone.
At these places, although Schools are held, yet they are either in Bark huts or hired Cottages and, in some instances, we are indebted to the liberality of private individuals, and to the Dissenters for their Chapels, much to their inconvenience and our own. And in the Winter, the Children cannot attend on account of the inconvenient distance of some and the bad state of repair of others.

Thirdly. It is required to be stated in what parts of the Colony these Establishments are wanted immediately, and where they may be defined. If it is considered more expedient to continue the present rental of houses than to build them, the following only will be required:

First Parsonages.
Medway, or Bong Bong; Port Macquarie; Brisbane Town.

Secondly Schoolhouses.
Cornelia; Castle Hill; Penrith; Medway; Kelso; Morpeth; Whittingham; Port Macquarie; Brisbane Town.

Fourthly. The best and most practicable mode of disposing of a portion of the property, which has been given up to the Churches and Schools, is required.

Upon this subject, I would respectfully beg leave to submit to Your Excellency the propriety either of disposing by public sale of such portions of the Church and School Lands as may appear most eligible, of which there must be many detached pieces, which could not be let to any advantage, or of borrowing the sum required on the principle of the Building Act in England.

The former would unquestionably be the more advantageous, inasmuch as the rate of Interest in the Colony is at least eight and sometimes ten per cent., and it would cause the least delay. The Charter gives the Trustees power to do both.

Upon conversing with Your Excellency on this point, I believe it appeared to you most expedient that the Surveyor General and Land Commissioners should be consulted and called upon to make a special report.

In consequence, I have had several meetings with those Gentlemen, and the report they have prepared for Your Excellency on the subject will put His Majesty’s Government in possession of the desired information.

With regard to the Expenditure, I do myself the honour to annex the fixed annual amount of stipends, and other expenses under the various heads, together with the proposed increased expenditure.

I have, &c.,

T. H. Scott.
HISTORICAL RECORDS OF AUSTRALIA.

[Sub-enclosure No. 1.]

LIST OF SCHOOLS established in the Colony of New South Wales prior to the 1st September, 1827.

Infant Schools.

Sydney.—St. Philips; St. James'; Clarence Street.

Parochial Schools.

Sydney; Parramatta; Field of Mars; Castle Hill; Prospect and seven Hills; Dundas; Baulkham Hills; Liverpool; Campbell Town; Lower Minto; Kirkham; Bringelly; Appin; Richmond; Windsor; Wilberforce; Portland Head; Sackville Reach; Pitt Town; Hawkesbury River; Bathurst; Illawarra; Newcastle; Morpeth; Whittingham; Cumnaroy; Browley or Medway; Port Macquarie; Moreton Bay.

[Sub-enclosure No. 2.]

ANNUAL ECCLESIASTICAL EXPENDITURE.

£

Stipend of the Archdeacon ........................................... 2,000
Stipend of Senior Chaplain ........................................... 400
do of two next ea. £300 ........................................... 600
do Ten do at £250 ................................................ 2,500
Clerks, Sextons, etc. ................................................ 700
Rent ........................................... 580
Expenses allowed to Chaplains on distant journeys
and inspecting Schools ........................................... 300

7,080

PROPOSED INCREASE.

Stipends of two Chaplains not yet arrived .................. 500
Rent for do ........................................... 200
Proposed Increase of Stipends to Chaplains ........... 2,000

2,700

The Repairs incurred from March, 1826, to March, 1827, amount to .......... 996

Total ........................................... £10,776

There is no probability that the item of repairs can be reduced.

ANNUAL SCHOOL EXPENDITURE.

£

Salaries to Masters and Mistresses of Primy. Schools .... 1,080
Rent ........................................... 95
Repairs (during the past Year) ................................... 1,100
Books and Contingencies ........................................... 250
Male Orphan School ........................................... 1,500
Female Orphan School ........................................... 2,000
Aboriginal School ........................................... 400
Expenses incurred in management of the Trust pursuant to the Charter .......... 6,425

750

Recapitulation.

Annual Ecclesiastical Expenditure .......... 10,776
Annual School Expenditure .......... 6,425
Expenses incurred in managing the Trust .......... 750

17,951

Total Expenditure .......... £17,951
GOVERNOR DARLING TO RIGHT HON. W. HUSKISON. (Despatch No. 49, per ship Eliza; acknowledged by Sir George Murray, 25th May, 1829.)


I do myself the honor to transmit for your information, the accompanying Copy of a Letter addressed to me by the Venerable the Archdeacon with Returns of the State of the public Schools of this Colony on the 31st of December, 1826, and the 30th of June, 1827.

RA. DARLING.

[Enclosure.]

ARCHDEACON SCOTT TO GOVERNOR DARLING.

Sir, Sydney, 27th September, 1827.

I do myself the honor of transmitting to Your Excellency for the information of His Majesty's Government, the state of the Public Schools of this Colony at the Half Yearly periods stated, viz., to the 31st December, 1826, and to the 30th June of the present Year.

T. H. SCOTT.

[Sub-enclosure No. 1.]

A RETURN of the Average Attendance of Children at the Public Schools in New South Wales From 1st May to 31st December, 1826.

<table>
<thead>
<tr>
<th>Name of the School</th>
<th>Number belonging to the School</th>
<th>Average Attendance</th>
<th>Number of School</th>
<th>Average Attendance</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sydney Public School</td>
<td>88</td>
<td>43</td>
<td>15</td>
<td>58</td>
</tr>
<tr>
<td>do Infant School</td>
<td>51</td>
<td>18</td>
<td>9</td>
<td>27</td>
</tr>
<tr>
<td>do do</td>
<td>130</td>
<td>32</td>
<td>28</td>
<td>60</td>
</tr>
<tr>
<td>Parramatta</td>
<td>75</td>
<td>38</td>
<td>12</td>
<td>50</td>
</tr>
<tr>
<td>Campbell Town</td>
<td>38</td>
<td>9</td>
<td>8</td>
<td>17</td>
</tr>
<tr>
<td>Cooke</td>
<td>23</td>
<td>7</td>
<td>9</td>
<td>16</td>
</tr>
<tr>
<td>Lower Minto</td>
<td>26</td>
<td>7</td>
<td>7</td>
<td>14</td>
</tr>
<tr>
<td>Castlereagh</td>
<td>8</td>
<td>5</td>
<td>2</td>
<td>7</td>
</tr>
<tr>
<td>Penrith</td>
<td>35</td>
<td>15</td>
<td>10</td>
<td>25</td>
</tr>
<tr>
<td>Liverpool</td>
<td>45</td>
<td>19</td>
<td>12</td>
<td>31</td>
</tr>
<tr>
<td>Male Orphan</td>
<td>101</td>
<td>82</td>
<td>79</td>
<td>79</td>
</tr>
<tr>
<td>Female do</td>
<td>129</td>
<td>101</td>
<td>79</td>
<td>79</td>
</tr>
<tr>
<td>Wilberforce</td>
<td>41</td>
<td>17</td>
<td>12</td>
<td>29</td>
</tr>
<tr>
<td>Windsor</td>
<td>71</td>
<td>30</td>
<td>19</td>
<td>49</td>
</tr>
<tr>
<td>Sackville Reach</td>
<td>22</td>
<td>11</td>
<td>16</td>
<td>17</td>
</tr>
<tr>
<td>Richmond</td>
<td>42</td>
<td>16</td>
<td>14</td>
<td>30</td>
</tr>
<tr>
<td>Pitt Town</td>
<td>23</td>
<td>12</td>
<td>6</td>
<td>18</td>
</tr>
<tr>
<td>Portland Head</td>
<td>13</td>
<td>3</td>
<td>6</td>
<td>9</td>
</tr>
<tr>
<td>Field of Mars</td>
<td>13</td>
<td>7</td>
<td>3</td>
<td>10</td>
</tr>
<tr>
<td>Dundas</td>
<td>17</td>
<td>5</td>
<td>5</td>
<td>10</td>
</tr>
<tr>
<td>Prospect and Seven Hills</td>
<td>14</td>
<td>7</td>
<td>4</td>
<td>11</td>
</tr>
<tr>
<td>Newcastle</td>
<td>39</td>
<td>14</td>
<td>13</td>
<td>27</td>
</tr>
<tr>
<td>Port Macquarie</td>
<td>46</td>
<td>21</td>
<td>17</td>
<td>38</td>
</tr>
<tr>
<td>Moreton Bay</td>
<td>16</td>
<td>8</td>
<td>8</td>
<td>16</td>
</tr>
<tr>
<td>Bathurst</td>
<td>17</td>
<td>7</td>
<td>5</td>
<td>12</td>
</tr>
<tr>
<td>Appin</td>
<td>22</td>
<td>6</td>
<td>4</td>
<td>10</td>
</tr>
<tr>
<td>Bringelly</td>
<td>11</td>
<td>3</td>
<td>7</td>
<td>10</td>
</tr>
<tr>
<td>Totals</td>
<td>1,220</td>
<td>462</td>
<td>342</td>
<td>804</td>
</tr>
</tbody>
</table>

T. H. SCOTT, Visitor.
HISTORICAL RECORDS OF AUSTRALIA.

[Sub-enclosure No. 2.]

A RETURN of the Average Attendance of Children at the Public Schools in New South Wales To June 30th, 1827.

<table>
<thead>
<tr>
<th>Name of the School</th>
<th>Number belonging to the School</th>
<th>Average Attendance</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sydney Public School</td>
<td>106</td>
<td>39</td>
<td>15</td>
</tr>
<tr>
<td>do Infant School</td>
<td>128</td>
<td>41</td>
<td>38</td>
</tr>
<tr>
<td>do do</td>
<td>75</td>
<td>38</td>
<td>9</td>
</tr>
<tr>
<td>Parramatta</td>
<td>67</td>
<td>39</td>
<td>14</td>
</tr>
<tr>
<td>Campbell Town</td>
<td>28</td>
<td>9</td>
<td>7</td>
</tr>
<tr>
<td>Kirkham</td>
<td>18</td>
<td>5</td>
<td>8</td>
</tr>
<tr>
<td>Lower Minto</td>
<td>26</td>
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T. H. SCOTT, Visitor.

GOVERNOR DARLING TO RIGHT HON. W. HUSKISSON.

(Despatch No. 50, per ship Eliza.)

Sir,


1st. I have been honored with the receipt of Lord Viscount Goderich's Despatch No. 18, dated the 6th of July last, in reply to a report* which I had transmitted from the Venerable the Archdeacon on the Subject of the Civilization of the Aborigines.

2d. As I quite concur in the inexpediency of prosecuting this object, until it can be Undertaken on an extensive Scale, which in my opinion would afford the only chance of Success, I have prepared a Letter for the Archdeacon, who has been for some time past at Van Diemen's Land pointing out the expediency, as suggested by Lord Viscount Goderich, of his exertions in this respect being confined to obtaining such information as may prove useful whenever His Majesty's Government may be prepared to prosecute this important object with a better prospect of success than Circumstances at present admit of.

* Note 26.
3d. I have hesitated, Sir, whether, in this view of the Matter, I should trouble you with a Second Report on the Same Subject, which I received from the Archdeacon some time since, and I have now only thought it proper to do so that you may be in possession of the information which has been obtained and not with any view of recommending a deviation from the course suggested by Lord Viscount Goderich.

4th. Without entering minutely into the question, with the importance of which I am however fully impressed, I may observe that, to afford a chance of the Measure being effectual, it must be extensive and the Expense would be considerable. It would not be sufficient that the arrangements were on a large Scale. The Individuals employed, in addition to a variety of other qualifications, should possess the most persevering and unabating Zeal. Much stress I observe is generally laid on the circumstance of acquiring a Knowledge of the language of the Natives. But I understand the language is by no means general and that the Tribes (which commonly consist of only a few Persons) inhabiting different parts of the Country are unable to converse with each other when they meet. Besides it does not appear that any advantage has been gained by the Natives acquiring our language, which many of them speak with singular fluency and correctness. Some of these, to whom I have spoken, were brought up at the School established by the late Governor Macquarie, and learned not only to read but to write. They returned however to their Tribes as soon as their Education was finished, and have remained with them in the Woods, though accustomed for some considerable time to the Comforts of a House, good food and Clothing.

5th. I have stated these facts, Sir, not with any view of arguing upon them myself, as I have had but little time to reflect on the subject. But they may, Sir, not be totally useless when convenient to take it into consideration.

I have, &c.,
RA. DARLING.

[Enclosure No. 1.]

ARCHDEACON SCOTT TO GOVERNOR DARLING.

Sir, Sydney, 1st August, 1827.

1. His Majesty having been graciously pleased to command that I should take steps for the Civilization and Education of the Native Inhabitants of this Colony, and report to Your Excellency my Proceedings for the information of His Majesty's Government, I have now the honor to lay before Your Excellency an abstract of those Proceedings together with some observations on the subject.
2. Some time elapsed before a Person could be found calculated to enter upon the subject, and capable of making with accuracy the necessary Enquiries in the Interior and amongst the Natives themselves. Towards the close of last Year, a Gentleman named Sadleir arrived here, strongly recommended to me as being every way qualified for such an undertaking, and, after several interviews and conversations with this Gentleman, I took the liberty of recommending him to Your Excellency to be employed on this Service, and, by a Letter from Your Excellency to the Trustees of the Church and School Lands, he was fitted out and provided with such necessaries as were deemed requisite. At the same time I delivered to him Instructions, as to the objects he should keep in view, a copy of which I have the honor to annex, and, in the beginning of December, Mr. Sadleir entered on his Expedition.

3. In the mean time, I proposed to the Trustees that a separate School should be formed in some part, not too distant, but at the same time quite apart from any Town, at which such Children as could be got should be placed. This was fixed at a place called Black Town, about 14 Miles N.W. of Parramatta, and a Person named Hall with his Wife, well qualified for the undertaking, were placed there to conduct the Establishment. I caused such Black Children, as were in the Male and Female Orphan Institutions, to be removed there, and directed Mr. Hall to continue the Common Elements of Education, in which they had been previously instructed, but at the same time to devote a large portion of their time to work, the Boys to be taught Carpentry (he having been bred up to that Trade) and the Girls plain Needle work by his Wife. Mr. Hall having a very religious turn of mind, I directed him to give these Children religious Instruction, and at the same time to Read the Church Service and short plain Discourses on the Sunday to the Parties of Convicts employed on the Roads in that Neighbourhood, and thus uniting with his other occupation a very important matter in this Colony.

4. The time has been too short to pronounce decisively on this experiment; but, as the Trade of a Carpenter is cleanly, useful, and capable of being carried on in a Shed under the Eye of the Master, I preferred it to any other as the best calculated to Civilize them, and destroy their erratic Habits, which are so strongly implanted in them that, until these are got under, little hope of success can be expected. One of these Boys aged 17, who had been bred up at the Male Orphan School, was apprenticed to a most respectable Person in Sydney, Mr. Thorp, Assistant
DARLING TO HUSKISSON.

Engineer to the Government, to learn the Trade of a Builder. After remaining about 10 days, I regret to say the Boy ran away into the Woods, and, although the Police has been Searching for him, no intelligence has as yet been received of him.

5. Whilst Mr. Sadleir was occupied in the Interior, I wrote a Circular Letter explaining His Majesty's gracious intentions to the Principal Persons in the Colony, who, by their long Residence, their intercourse with the Natives, and the attempts they had made to accomplish this object, might afford me much information and assistance in laying before His Majesty's Government the probability of success in this undertaking. Mr. Sadleir being now returned, without troubling Your Excellency with a Detail of his Reports, or of the Answers with which I have been favored, I shall enter on an analysis of the subject.

6. From the various answers I have received, there is no difference of opinion—1st. as to the difficulty of the undertaking; 2nd, as to a complete failure in a great variety of experiments made with great attention, perseverance and Expense; 3rd. The almost utter impracticability of Keeping them from any contact with the Convicts, who are Stock Keepers at the distant Stations, and whose vicious propensities and examples they see and imitate; 4. The very great Expense attendant on any experiment on a large Scale, the only chance of any success; 5. The very slow progress of such an undertaking, and, when the increasing European Population is considered as well as their Flocks and Herds, the probability that, in the mean time, the few Tribes scattered over a large space of Land, will be exterminated; 6. and lastly, The very doubtful probability, after such an Expense has been incurred, that any beneficial results will take place, or at least of so trivial a nature as to counterbalance the very great Expense.

7. From Mr. Sadleir's report, after an absence of 5 Months, during which time he made a circuit of about 750 Miles, I have collected the following results:—1st. There is on the whole a good understanding between the Stock Keepers and Blacks with some exceptions; 2nd. That in general the Blacks are the aggressors; nevertheless a failure in a promise made to them is never forgotten or forgiven, nor can they brook abusive Language, or ill treatment to themselves and especially to their Dogs; 3rd. That illicit intercourse exists between the Stock Keepers and the Women; 4th. That the intercourse with the Convicts lead to Drunkenness, Debauchy, Profane and obscene Language and Disease. It is however to be remarked that a Local Disease of a very horrible nature exists amongst the Natives,
arising from their extreme filth, and this in general is communicated to the White Population, more frequently than the reverse. The Blacks become well acquainted with the strength and force of Stock Keepers, and then take advantage of the weakness of the latter, and endeavour to take Provisions by force, and, if resistance is made, the consequence is sometimes fatal to the Stock Keeper; 5 instances are given. 5. That it would be advisable for Stock Keepers to have their Wives sent from England to them. 6th. The intercourse with each others tribe was not so common before the White Men were amongst them as it is now. 7. They are suspicious and revengeful to a great degree, and never forget an injury, or even an imagined injury done to them. 8. The chief causes of their disputes is from the abduction of their Women by one another, generally in the Night. 9. That they live to a good old age, in one instance from a calculation made, the Man must be at least 75. 10. Their Habits are indolent in the extreme, and nothing but Starvation will urge them on to seek for Food. Some instances of labouring for subsistence in a small degree have occurred. Their energies are awakened by the Chase, by War, or by Plunder. 11. They depend chiefly on the quickness of their Eye in search of Food, Since they can distinguish whether the Scratches on the Bark of a Tree by an Animal are recent or not, and accordingly they climb in search of it Trees 80 and 90 feet high, with extraordinary celerity. 12. In the Winter, they are so pressed for Food, as to Eat their own Blood, congealed and mixed with Snow, and there is strong reason to believe they will devour their own Children. 13. They have but few Resources to Medicinal Herbs in Sickness, when they suffer greatly, and often Die under it. 14. Their wants are Tomahawks, Fish Hooks, Clothing, and relief in sickness and old Age; and, by their frequent intercourse with the White People, Shirts, Tobacco, Pipes, etc., become necessaries of Life to them. 15. There is no chance of distant Tribes consenting to send their Children to the Establishment at Black Town. 16. They express a desire to have their Children Educated, and expect it with some eagerness. 17. From the best calculation and numeration made during this Journey, it does not appear that there are more than 4,500 Souls, Divided into 31 Tribes, averaging about 147 to a Tribe, the largest number being 242, and the smallest 10, The average number of Children being 3 to a Family, and that each Tribe occupies a Space from 20 to 30 Miles Square. 18. It would be most desirable to attain their Language and to reduce it to such a system, as, by instructing them in it, a mutual intercourse might be
kept up between them and the White Population. 19. That, as our Interests advance, their Misery and extinction are most positive, and that, unless some immediate steps be taken to relieve them, that extinction will take place in the course of the next 30 Years.

8. From the observations made by Mr. Sadleir upon the Habits of these People, he proposes 1st. That, as their wants would have been created by our intercourse with them, they should be periodically supplied with Provisions and Clothing, distributed in the way of remuneration for Labor, for Services or good conduct, thus making them sensible of the intentions of Government towards them; 2nd. an acquaintance with our Laws he considers would have the effect of introducing some Kind of Discipline, and urging the friendly Blacks to interpose with those more distant and Wild; 3rd. That a very active and, for this purpose, a truly constabulary force and Mounted Police be established, also a Resident Magistrate, to whom both parties could appeal, and who, by his local Knowledge and personal intercourse, would be enabled easily to judge between the contending Parties; also that a Catechist or Missionary be sent amongst them, whose qualifications must be very peculiar; "He must possess a facility of acquiring Languages, a body and Mind equal to Hardships, for he should at times travel among the different Tribes, a steady zeal and entire devotedness to the great cause he is engaged in, an ardent Love for the good of his fellow Creatures, Kindness, yet firmness of Resolution, a readiness to yield to their little prejudices, and possess such a fund of morality and vivacity of temper and disposition, as would ever keep them alive, and make their Work more like amusement than Labor, and he should be a Married Man;"; 4. That all the Overseers of Stock should be free, and they should have their Wives and Families sent out to them by Government; 5. That three Establishments should be selected as remote as possible from the White Population, one on the Maurum bidgee River to the South, another about 80 Miles below Wellington Valley to the West, and another on or near Peel's River to the North, and that a minor Establishment be fixed between each, so as to form a link in the Chain of communication; one on the Shoal Haven River to the South, another in Murrawarry Plains to the West, and one near the Mudgee Tribe, between Bathurst and the Goulburn River to the North; 6. That, as these Establishments are formed, others will Spring from them; 7. At these Stations, it is proposed to unite Farming occupations with Instruction; that Hard Labor should not be forced on them; but
that they should be taught the nature of that Labor by feeling the benefits of enjoying and living on the Produce. There is a variety of details as to their management and treatment, not necessary to enter upon in this Report, as they must differ as circumstances arise, and much must be left to the discretion of the Missionary; 8th. The very lowest rate of Expenditure, which can be calculated on for each of the Principal Stations, is £500 per Annum, and for four of the minor Establishments £400 each, forming an Annual Expenditure on the whole of nearly £2,000 per Annum; this is on a scale calculated for one Missionary, three Men and Six Families of Blacks, in all consisting of 34 Souls.

9th. On this report of Mr. Sadleir, I take the liberty of submitting to Your Excellency, the following Remarks:—1st. That, from Enquiries amongst long established and experienced Persons, the result of which I have stated in the 8th Paragraph of this Letter, scarcely any hope remains of success. 2nd. That to find Persons so qualified to fill the various departments Mr. Sadleir proposes such as Magistrates, Constables, School Masters, Missionaries and attendants in this Colony, is impossible, and I doubt much whether they could be Selected even in England, to be relied on when they have arrived here, and when they have been planted on the several Stations. My own experience here proves the Contrary; and, when the nature of the Free and Convict Population is considered, the chances are still greater against it. 3rd. The rapid increase of Flocks and Herds and the very large extent of Ground, which they require to depasture on, will extend to such a distance as to render the proposed Establishments in a very few Years in the heart of the White Population, instead of being at a considerable distance. As a proof of this I need only state to Your Excellency that Six Years ago the Stock of only a few Individuals extended to a distance of 150 Miles West of Sydney, but that now in every quarter at the same distance from Sydney, to the North, to the West, and to the South, there are Hundreds of Stations, and thousands upon thousands of Stock. If therefore a proportionate encrease shall take place of Stock, and I see no reason that it will not, whilst the very slow operations of forming the seven Stations proposed for the Blacks, and the still slower progress of Civilizing them be considered, I think it is a fair conclusion, which I have just now drawn, as to these Establishments being overwhelmed, and the very object of avoiding contact will be defeated. 4. That, in this calculation of Seven Establishments which are to cost £2,000 per Annum, Provision only for 2 or 300 Persons is
calculated on, whereas there are 31 Tribes, consisting of about 4,500 Souls who will expect immediate relief; and the extreme jealousy and suspicion, which are well known to arise, if one or a few be preferred to the rest. These People expect all to be satisfied at the same time, or retire in disgust, being impatient of restraint and of expectency. 5. If one Establishment be formed, and should the Missionary be enabled to bring several Tribes together, and he be not furnished with a sufficient Quantity of Food to Supply them, whenever they demand it, they will separate for the same reason. It will be impossible in one Year or two to Cultivate Land in sufficient Quantity to provide Food for that number, even if it could be raised at a cheaper rate than procured by Purchase. To support a small Establishment of 34 Persons, 15 Acres of Wheat will be required, and not less than One Year could be calculated on to provide and get ready that Quantity. During this time Flour must be Purchased, and carried 150 or 200 Miles by Land, and then will be found all the Heart Burnings, jealousies, suspicion and Revenge amongst the Hundreds, who are not fed, at seeing only a few partake of the Provision. I am fully convinced that, unless the measure be entered on at once, and on a large and simultaneous Scale, it would not be wise to undertake it at all. How far Your Excellency may think His Majesty's Government may, in these times when our own Children are not yet provided with the means of Education, be disposed to authorise such an Expense, it is not for me to anticipate. I can only say that, if I have Your Excellency’s sanction for the Undertaking, no pains nor exertion on my part shall be wanting to fulfil His Majesty’s Benevolent intentions.

10. In forming this Establishment, I ought to state to Your Excellency that the Auxiliary Committee of the Church Missionary Society, established here, have entered on the subject, and offered to co-operate in this undertaking, and, by an answer from the Revd. Richard Hill, I learn they are disposed to contribute to the Amount of One Half per Annum towards the object. Two Persons belonging to that Society have engaged in it, and have proceeded to the Interior as a commencement.

11. It appears to me, and I venture to submit this opinion to Your Excellency’s consideration, that in the present instance we should employ these two Persons together with Mr. Sadleir in attending to the formation of a Day School for the Children of both Natives and Europeans at the places where they are to reside, and that Mr. Sadleir should go amongst the Natives further on to engage their confidence, and act as an arbiter between them and the Settlers in different parts of the Country. I should
Rewards proposed for aborigines.

1828.
27 March.

Report made by Harper.

Report by R. Sadleir on aborigines in Wellington valley.

also submit that, where Services have been performed, Blankets and a Ration be given them on a moderate scale, and that these schools be kept open ready for any children whose Parents can be prevailed on to part with them; that if a Mounted Police be formed (with which I do not pretend to interfere, being a matter for Your Excellency's peculiar province), it be effectual on the Defensive system only, leaving to Settlers the means of rewarding with Provisions according to their own Judgment, as has hitherto been the practice.

12. I cannot conclude this Letter to Your Excellency without adverting to a Statement recently put forth by the Wesleyan Society in England from the information transmitted by the Auxiliary Mission here; they have stated on the authority of a Mr. Harper, one of their Missionaries here, who came out as a free Servant to a Gentleman, that near Wellington Valley appeared a Tribe of 3,000 Souls, all Speaking one Language and being desirous of conversion to Christianity. The following is the result of Mr. Sadleir's Enquiries on this subject, to which I directed his attention.

1st. That no one Tribe exceeds 260, and that in a space of two Degrees of Latitude and 3 of Longitude from Wellington Valley, far beyond Mr. Harper's limits, there are not at the most 2,000 Souls. 2nd. That amongst four Tribes nearly the same Language is to be found, with several exceptions. 3rd. That they wish a Person to live amongst them, who would satisfy their temporal wants by the distribution of Food, Presents, etc., beyond which they do not expect anything. 4th. That a School for 10 or 12 Scholars was established, but not one of them could Read or even do more than write a few Letters or figures on Sand, and one could say The Lord's Prayer by rote. 5. That the Parents were perpetually enticing their Children to run away from the School, which also operated against their Learning anything, and finally Mr. Sadleir Remarks, in stating to the Public the progress and proficiency of his (Mr. Harper's) Scholars, "I could discover nothing to bear out the impression made by his Reports on the Public Mind, and fear that, at the expense of Christian Sincerity, he has attempted to recommend himself to his Employers." The whole of this has been confirmed to me by one of the Society, who, from the very first, placed no reliance on Mr. Harper's Statement. 13. To conclude this subject with my own opinion, founded on not an attentive or hasty Examination, as well as personal observation in my several Visitations, I am thoroughly satisfied that, unless the Government are prepared to go the length of feeding and
clothing the whole of them (4,500) at an immense Expense, and that constantly, not the least progress will be made either as to Civilization or Conversion.

The only one, who has Cattle given by the Late Governor Macquarie which have increased under a Person paid for it, but totally neglected by himself, is called "Creek Jemmy," who often asks me to Sell them for Money in order (to use his own Words) he may "Buy a long Coat and Coocked Hat, and be a Swell," a Colonial phrase for a well Dressed Convict; and, although a Ration has been allowed him and his Son, expressly on the Condition of the latter leaving his Child at the School at Black Town, yet he has taken her away, and will not suffer her to return on any Consideration whatever.

I have, &c.,

T. H. SCOTT.

[Enclosure No. 2.]

ARCHDEACON SCOTT TO MR. R. SADLEIR.

Sir, Parramatta, 29th July, 1826.

1st. In consequence of the Testimonials to your Character and ability, I have submitted your Name to the Governor as a Person qualified to undertake the Civilization of the Black Natives of this Colony, with a view to further the benevolent intention of His Majesty as Commanded by the Instructions, and His Excellency has been pleased to approve of your appointment at a Salary of Ten Shillings per day and such other Expenses as I may deem necessary.

2d. As soon as you can prepare the necessary matters for your Equipment, you will proceed on your Expedition and, in the first instance, towards that part of the Country called Argyle. Here you will present your several Letters of introduction, and, I doubt not, the Gentlemen to whom they are addressed will give you every assistance in their power.

3. The objects you should keep in view are to make yourself acquainted with the Habits and wants of these Black People, and endeavour to impress them with the wish, there is of the Government, to make their Situation more happy by being acquainted with the Customs of the Civilized World. That there is a great wish to bring them and their Children up to the views we entertain of Religion, and all its consequences and happy results, and that, by these acquirements, they will know the necessity of becoming obedient to our Laws, which will ensure to them protection from oppression.

4. Should you be enabled, either by acquiring their own Language or through an Interpreter, it should be made known to them that no force will be employed, and that nothing will be done contrary to their Will.
5. It would be very desirable to ascertain their Numbers, Male and Female, as well as Children, and, if possible, their ages; what would be most desirable to them as Presents; Whether proper Persons among them can be Selected as Chiefs or Leaders, who can be relied on to influence the Tribes with a favorable impressions on our views of Civilization; To induce them to send their Children at an early Age to the School at Black Town where they will be taught such Trades as will enable them to Live by the Produce of their own Labor.

6. It would be very desirable for you to possess yourself with the reasons they have, if that be possible, for their Ceremonies and usages, motives for War, as well as declining to become Civilized, or parting with their Children, and whether they are permanently susceptible of being aware of the advantages held out to them. Under this Head, Enquiries as to the Capacities, the usual subjects of disputes with each other, and especially with our own People, and whether there has been, and still is, any intercourse with them; to what extent, its nature and effects, produced by it, would be most desirable.

7. You will be pleased to make Communications to me, from time to time, as opportunities may offer, not exceeding an intervening space of One Month, if possible; and I will thank you to arrange your Subjects, in Separate Paragraphs, each being numbered.

8. There may be some points I have not adverted to, but as you are well aware that the object of His Majesty's Government is to Civilize and to convert to Christianity these unhappy beings, every thing which your own good sense can suggest to you on this Head, I feel perfectly confident will not be omitted; and in such Confidence, I have only to recommend to you caution, accuracy and perseverance, and to assure you of my sincere wishes for your success through the aid of the Almighty, which they have who do His Commands.

I remain, &c.
T. H. Scott.

GOVERNOR DARLING TO RIGHT HON. W. HUSKISSON.

(Despatch No. 51, per ship Eliza; acknowledged by Sir George Murray, 26th November, 1828.)

Sir,

Government House, 28th March, 1828.

I had the honor, in my Despatch No. 110, dated the 27th of October last, to bring under the consideration of Lord Viscount Goderich the arrangement which I had felt it necessary to make for more appropriate division of the Duties heretofore carried on in the Office of the Colonial Secretary. The Minutes,
DARLING TO HUSKISSON. 65

which accompanied that Despatch, will explain the view which I took of this Matter, and, as the object is to place the Business of the Government generally on the most simple footing, and to prevent the Departments interfering with each other, I trust, Sir, you will consider the arrangement I have made calculated to answer that important purpose.

2d. In my Dispatch of the 2d of October last, No. 96, I pointed out the grounds on which I had felt it necessary to authorise the employment of two additional free Clerks in the Office of Principal Superintendent of Convicts, one only having been previously employed in that Office.

3rd. The arrear of Business in the Colonial Secretary’s Office and the necessity of affording him further assistance induced me to revise the arrangement of his Office rather with a view of ascertaining whether it might not be advantageously relieved from some of the Business it had hitherto performed, than to augment the Establishment. My Minute of the 10th of October last, which accompanied my Despatch of the 27th of that Month, referred to above in Paragraph No. 1, was the result of that investigation.

4th. In pursuance of the arrangement directed by that Minute, the Principal Superintendent of Convicts was called on to report in Detail the Nature and extent of the Duties, which would devolve on him, and further to State what additional assistance would be necessary in his office.

5th. I do myself the honor, Sir, to transmit for your information the accompanying Copy of a Report received from Mr. Hely in consequence, which details fully the additional Duties transferred to his Department under the New Arrangement, as well as those heretofore performed in his Office.

6th. It will be observed Mr. Hely considers that three additional Clerks will be necessary. Under present Circumstances, but as he has expressed his readiness to ascertain whether two may not be sufficient when the Office is more Systematically arranged, I have authorised the employment of this additional Number, and I do myself the honor to enclose, Sir, for your information a Return of the Clerks with the Salaries they receive, who are at present employed by him under the New Arrangement.

7th. I ought not to close my Despatch without pointing out that the Duties, which belong to that Department, comprise not only a great variety of heads, but are of an extremely extensive Nature. The Principal Superintendent is required to keep exact Returns of all the Convicts Maintained at the Expense of Government, and these consisting generally of from 4,500 to 5,000 in...
1828.
28 March.

Duties of principal superintendent of convicts.

Number are dispersed throughout this widely extended Colony. In addition to this, it being considered necessary that the Government should be in possession of such information with respect to every Prisoner of the Crown, though in the employment of Individuals, as would enable it to judge of his Character, the Superintendent is required to Collect Returns, from the different Benches of Magistrates and Register the same in his Office. He is also charged with the forwarding all Men, who are assigned and receiving such as are returned to Government. I could enlarge on these details to an almost indefinite extent, if it were necessary further to satisfy you of the expediency of the arrangement which has been adopted. I should rather indeed have abstained altogether from troubling You on such a Subject, but I am anxious you should feel assured that no Expense is undertaken without the most absolute necessity, and that no pains are spared to ascertain this necessity before the Expense is incurred.

I have, &c,

RA. DARLING.

[Enclosure No. 1.]

MR. F. A. HELY TO COLONIAL SECRETARY MACLEAY.

Sir,

Principal Supt. of Convicts Office, 7th March, 1828.

In reply to your Letter of the 23rd Ultimo, referring to mine of the 14th of the same Month on the subject of certain alterations and appointments in this Department therein proposed, I beg to acquaint you that these alterations are merely the removal of such as are Prisoners already employed therein from one Class to another.

With reference to the latter part of your Letter requesting that, if the Business lately put into my hands has rendered an addition to the number of Clerks in this Office necessary, I should "submit a detailed Report of the same, such as may be forwarded to the Secretary of State, and satisfy His Majesty's Government of the expediency of the measure," I have the honor to inform you (referring to your Letter of the 7th Ultimo) that these additional Duties are:—

The Preparation of Tickets of Leave, and of Certificates of Freedom;

The Examination of Returns and Musters of Ticket of Leave Men;

The Examination of applications for Prisoners to Marry, previous to their being submitted for His Excellency's decision.

All Correspondence respecting the Sentences, disposal, and management of Prisoners of the Crown generally.

These Duties embrace:—

1st. Keeping a correct Record of the Indents of all Prisoners who arrive in this Colony.

2nd. Record of all Colonial Sentences which extend to Transportation whether of Persons, who have been Free, or of Prisoners of the Crown.
3rd. The Preparation of all Certificates of Freedom and recording the same.

4th. The Preparation of all Tickets of Leave, the Collection of the Fees arising therefrom, and the furnishing of the Half Monthly Accounts thereof, in Terms of the Regulations of 20th February, 1827.

5th. The preparation of all Tickets of Exemption from Government Labour granted to Prisoners.

(The Keeping of these Records being of a Confidential nature and the preparation of the Documents therewith connected requiring great exactness, I would respectfully suggest that this Branch of the Business (comprising the first and part of fourth Paragraphs of your Letter before quoted) and the correspondence connected therewith should form the exclusive Duty of one Clerk).

6th. Keeping Record of all Prisoners of the Crown, who have obtained Tickets of Leave.

7th. Keeping Record of all Prisoners of the Crown, who have obtained Tickets of Exemption from Government Labour.

8th. Taking Quarterly Musters of Ticket of Leave holders in Sydney.

9th. Receiving Returns of Musters of Ticket of Leave Holders from the different Out Stations, examining and comparing the same, and making up Returns therefrom for the information of His Excellency The Governor.

10th. Record of these Returns.

11th. All Correspondence respecting Tickets of Leave, and the Holders thereof generally.

These Duties which have reference to the second and part of fourth paragraphs before quoted will require the full time of another Clerk.

13th. The Duty embraced under the 3rd Paragraph of your Letter, it is proposed should be performed by Mr. Steel, a Clerk already in this Office, with whose other Duties it is more nearly assimilated.

In further explanation of these proposed arrangements, I beg herewith to transmit to you a detailed Statement of the Duties performed by the other Clerks at present in this Office, and to acquaint you that the following also form part of the Business transacted therein, with the performance of which no one has hitherto been specifically charged, but which would fully engross the whole time of One Clerk.

1st. Keeping Record of Muster Rolls of all Ships which arrive in the Colony with Prisoners for the General Office use, that to be kept by the Clerk employed in preparing Certificates, etc., being intended exclusively for his use, and to which no one else should have access.

2nd. Registering of Letters received.

3rd. Savings Bank Ledger for Entry of Sums deposited therein by Prisoners of the Crown, and other transactions connected therewith.

There are besides a number of Voluminous Returns, furnished from this Department, and a variety of other Duties of a desultory and undefined nature connected therewith, but which, until the Office arrangements are in some degree of progress, there will be a difficulty in apportioning among the Clerks.
To conduct however the Duties of this Department with efficiency and to the satisfaction of the Government, I respectfully beg leave to submit that the employment of (3) three additional Clerks of respectability will be necessary; but it is indispensable that (2) Two Clerks should be immediately appointed, and it might in the mean time be ascertained how far (with this assistance) the proposed arrangements, connected with this Department, can be carried into effect with that number.

Should His Excellency be pleased to approve of this additional assistance being afforded me, I shall have the honor of submitting the Name of two Candidates for these appointments in a few days.

I have, &c.,

FREDK. A. HELY.

[Sub-enclosure.]

STATEMENT of the Duties performed by the Clerks in the Office of the Principal Superintendent of Convicts.

Mr. Macalister.
1st. Record of all Settlers who have had Prisoners of the Crown assigned to them.
2nd. Record of all Prisoners of the Crown who have been assigned to Settlers.
3rd. Record of all Mechanics and others Lent to Settlers.
4th. A considerable portion of the Correspondence of the Department, and attending generally to the detail of the Office Duties.

Mr. McGillivray.
1st. Examining and entering in Detail all Requisitions for Slop Clothing for Prisoners of the Crown, and making Abstracts thereof for approval.
3rd. Examining and checking Victualling Returns.

Mr. Steel.
1st. Keeping Record of all offences committed by Prisoners of the Crown throughout the Colony.
2nd. Record of all applicants for Tickets of Leave recommended by the different Benches.
3rd. Record of all Petitions transmitted through this Department.
4th. Examining Records and reporting upon all applications for Tickets of Leave, or other Indulgence sought by Prisoners.
5th. Preparing Lists of applications for Tickets of Leave, recommended by the Committee of Magistrates in Sydney.
6th. The Correspondence of this Committee.

Geo. A. Jones.
1st. Entering all the Correspondence of the Department.
2nd. Record of Female Assignments.
3rd. Making up Monthly and Quarterly Returns.
4th. Keeping Account of Tailors and Shoemaker's Expenditure, and of the Articles Manufactured.
5th. Making up and keeping account of all Requisitions for Stores, with the Expenditure thereof, Under the immediate Inspection of Mr. Macallister.

James Wood.

1st. Keeping Alphabetical Record of Runaways, and of their apprehension.
2nd. Making up Weekly and Quarterly Reports of Runaways and Keeping Records thereof.
3rd. Annual Return of Prisoners who have escaped the Colony.
4th. Keeping Record of Gangs Victualled out of Barracks, and correcting and recording Weekly changes therein.
5th. Monthly Return of Prisoners of the Crown, recommended for the Indulgence of Sleeping out of Barracks, with those who have been deprived thereof.
6th. Assisting in Clothing accounts and other minor Duties under the immediate Inspection of Mr. McGillivray.

Geo. A. Lowe.

1st. Receiving and preparing Lists in Duplicate of all applications for assigned Servants.
2nd. Keeping Records thereof.
3rd. Preparing in Duplicate Lists of all Prisoners of the Crown for assignment.
4th. Preparing Distribution Lists of Prisoners who have been assigned.
5th. Assisting in making up Returns, examining applications for Tickets of Leave. Quarterly Musters of Ticket of Leave Holders and other minor Duties under the immediate Inspection of Mr. Steel.

[Enclosure No. 2.]

RETURN of the Number of Clerks employed in the Office of the Return of Principal Superintendent of Convicts as fixed by Minute No. 45, dated 24th March, 1828.

<table>
<thead>
<tr>
<th>No.</th>
<th>Situation</th>
<th>Names</th>
<th>Salary per Annum</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Senior Clerk</td>
<td>Mr. McAlister</td>
<td>£ 190 0 0</td>
</tr>
<tr>
<td>2</td>
<td>Assistant do</td>
<td>Mr. McGillivra</td>
<td>£ 130 0 0</td>
</tr>
<tr>
<td>3</td>
<td>do</td>
<td>Mr. Ryan</td>
<td>£ 150 0 0</td>
</tr>
<tr>
<td>4</td>
<td>do</td>
<td>Mr. Steel</td>
<td>£ 130 0 0</td>
</tr>
<tr>
<td>5</td>
<td>do</td>
<td>Mr. Kemp</td>
<td>£ 130 0 0</td>
</tr>
</tbody>
</table>

Three Convict Clerks to be placed on the list of Gratuities according to their respective Merits, under the regulations laid down in the Govt. Order, 31 May, 1826, No. 25.

GOVERNOR DARLING TO RIGHT HON. W. HUSKISSON.

(Despatch No. 52, per ship Eliza; acknowledged by Sir George Murray, 13th November, 1828.)

Sir,

Government House, 28th March, 1828.

I regret to find, by Your Despatch No. 14 of the 10th November last, that I had not sufficiently explained the nature of the Duties of the three Assistant Surveyors of Roads and...
Bridges. I had intended to Convey, by Stating that these officers are employed in the three great Roads* leading to Argyle, Bathurst and Hunter's River, each having several Parties of Convicts under his Superintendence, that their duties were so far different from those of the Overseers that the latter were confined to one Party, while the Assistant Surveyors respectively Superintended the Several Parties employed on the line of Road placed under their immediate Charge, in the same manner as the Chief Surveyor directs and Superintends generally the whole.

At the date of my Despatch of the 26th of April, No. 58; the Soldiers of the Veteran Companies and Staff Corps were employed as Overseers with these Parties. But their Misconduct has since obliged me to withdraw them, and Convicts now do the duty of Overseers, who receive a small gratuity according to their Merit and responsibility of 6d., 10d. or 1s. 3d. a day, agreeably to a Scale approved by Earl Bathurst.

I do myself the honor, Sir, to transmit for Your information a Statement of the Road Parties employed, shewing the Number of Overseers attached to each and the Gratuities they receive.

When the character of the Individuals comprising the Road Parties is considered, being the very refuse of the whole Convict Population, combined with the important Undertaking in which these Parties are engaged making the great leading Roads throughout the Colony, the very moderate Expense of their Superintendence cannot fail to surprise every one who has had an opportunity of seeing the large and expensive Establishments, which are Maintained at Home for the Charge and Superintendence of Prisoners; and more particularly when it is considered that the very worst characters are sent out to this Country, and that the Individuals now alluded to form a part of the worst of these, being to use a popular phrase "Double distilled Villains." But, Sir, desirable as it is to keep down Expense, and I will not yield to any one who has the honor to be employed by His Majesty, as more sincerely disposed than I am to promote this object, still there are other considerations which I am sure will be allowed their due weight with His Majesty's Government. By this measure, which originated with me, and of which the merit or demerits belongs exclusively to myself, 1,260 Men are now beneficially employed, who would otherwise have been eating the Bread of Idleness at a Penal Settlement, or in some other Place of confinement, occasioning a much greater Expense than they do at present. Besides the excessive Numbers to be disposed of

* Note 27.
would have rendered an additional Penal Settlement necessary, while the Services of these (1,260) Men have been secured at the very Moderate Expense, as I am induced to suppose it with reference to the object, of £1,621 a year.

Having stated that an additional Penal Settlement would have been necessary, had these Men not been employed on the Roads, I should observe that even the first Expense of such an Establishment is very considerable, Certainly amounting to several thousand pounds, occasioned by the erection of Barracks for the Soldiers and the Prisoners, Quarters for the Officers and subordinate Persons employed, Hospital, Store Houses, and various other Buildings indispensable at all large Establishments, independent of the Annual Expense of the Pay and Salaries of the Commandant, Surgeon, and other Officers and Individuals employed, of Stores to Keep the Buildings, etc., in repair, and of a proportion of the Expense of the Government Vessels kept to communicate with and supply the Penal Settlements, amounting to a much larger Sum than the Expense of the Superintendence of these Men, who are lodged in Huts constructed by themselves, without costing the Government even a Nail in erecting.

In saying that the measure now alluded to originated with me, I do not mean to convey that Parties had not been previously employed on the Roads. But the Men formerly so employed were eligible for assignment. I assigned them to the Settlers accordingly, and provided for the performance of the important Work in which they had been engaged by the Individuals in question who could not be assigned, by which a double object was attained.

Thus Sir, I have put you fully in possession of all the circumstances connected with the employment of the Road Parties; and I confess I am particularly desirous, though I regret the trouble it may occasion you, that you should be minutely informed at this early period of your administration of all my measures, as I trust the principle on which they have been adopted and the prudence, with which they have been carried into effect, would Satisfy you, as in the present instance, that there is no disposition on my part to involve the Government in unnecessary Expense.

With respect to the Salary of 10s. a day given to Mr. Campbell, I beg to state, Sir, that he is a Civilian, and does not hold any other Employment as the other Assistants who are Subalterns in the Army, and he receives no allowance for Horses. His Employment, as I had the honor to State in my former Despatch, was intended to be temporary in order to ascertain
whether he was Qualified for the Situation of Assistant Surveyor of Roads, and his Pay of 10s. a day was only equal to the Pay and Forage Allowance granted to the other Assistant Surveyors.

I have, &c.,

RA. DARLING.

P.S.—In alluding to the comparative Expense of the Superintendence of the Road Parties, which at present consist of 1,260 Men, I ought to have stated that they exceed the gross Number of Prisoners at all the Penal Settlements, which are as follows, Vizt.:

Port Macquarie, 532; Moreton Bay, 378; Norfolk Island, 135; Total, 1,045.

In addition to this it might also be Stated, that the Receipts for Tolls and Ferries in the Year 1827 Amounted to £1,211, which, being Strictly Applicable to the Expences incurred for the making and repairing of Roads, would reduce the charge for the Superintendence of the Road Parties to £410.

R.D.

[Enclosure No. 1.]

STATEMENT of the Road Parties* employed, showing the Number of Overseers attached to each, and the Gratuities they receive.

<table>
<thead>
<tr>
<th>Road Party</th>
<th>Length (Miles)</th>
<th>Stations</th>
<th>Number of Men</th>
<th>No. of Overseers</th>
<th>Amount of Gratuities</th>
</tr>
</thead>
<tbody>
<tr>
<td>GREAT WESTERN ROAD, 150 Miles in extent.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Stations.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>— Grose Farm, 31 Men; 5-Mile Station, 31; Longbottom, 40; 10-Mile Station, 27; 14-Mile Station, 31; Parramatta, 72; Western Station, 57; Prospect, 65; Weather Board Hut, 40; Cox's River, 53; Fish River, 60.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>No. of Overseers.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Two Convict Overseers are attached to each Gang, who receive Gratuities under the regulations annexed.</td>
</tr>
<tr>
<td>Amount of Gratuities.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>£351 6s. 3d.</td>
</tr>
<tr>
<td>GREAT NORTHERN ROAD, 150 Miles in extent.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Stations.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Windsor Road, 1st Station, 59 Men; Second Station, 50; Third Station, 54; Fourth Station, 57; Fifth Station, 56; Sixth Station, 58.</td>
</tr>
<tr>
<td>No. of Overseers.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Two Convict Overseers are attached to each Gang, who receive Gratuities under the regulations annexed.</td>
</tr>
<tr>
<td>Amount of Gratuities.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>£223 11s. 3d.</td>
</tr>
<tr>
<td>GREAT SOUTHERN ROAD, 150 Miles in Extent.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Stations.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Liverpool Road, 46 Men; Cow Pastures, 51; Stone Quarry Creek, 51; Bong Bong, 58; Throsby Creek, 41.</td>
</tr>
<tr>
<td>No. of Overseers.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Two Convict Overseers are attached to each Gang, who receive Gratuities under the regulations annexed.</td>
</tr>
<tr>
<td>Amount of Gratuities.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>£159 13s. 9d.</td>
</tr>
<tr>
<td>NEWCASTLE ROAD, 40 Miles in extent.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Stations.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Wallis Plains, 49 Men; Newcastle Road, 70.</td>
</tr>
<tr>
<td>No. of Overseers.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Two Convict Overseers are attached to each Gang, who receive Gratuities under the regulations annexed.</td>
</tr>
<tr>
<td>Amount of Gratuities.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>£63 17s. 6d.</td>
</tr>
</tbody>
</table>

Total No. of Men, 1,260. Total Amount of Gratuities, £798 8s. 9d.

* Note 27.
DARLING TO HUSKISSON.

[Enclosure No. 2.]

RETURN of Persons employed in the Superintendence of the Department of Roads, showing the duties they perform and the Expenses incurred.

<table>
<thead>
<tr>
<th>Names</th>
<th>Office</th>
<th>Amount of Salaries and Emoluments</th>
<th>Present Duties</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lieut. Hughes</td>
<td>Surveyor</td>
<td>£ 273 15 0</td>
<td>In charge of the Department</td>
</tr>
<tr>
<td>Lieut. Warner, Royal Veterans</td>
<td>Assistant Surveyor—allowance for 2 Horses</td>
<td>£ 91 5 0</td>
<td>In immediate charge of Parties on the Northern Road leading to Hunter's River</td>
</tr>
<tr>
<td>Lt. Shadforth</td>
<td>do</td>
<td>£ 182 10 0</td>
<td>In charge of Parties on the Western Road leading to Bathurst</td>
</tr>
<tr>
<td>Mr. P. Campbell</td>
<td>do</td>
<td>£ 182 10 0</td>
<td>In charge of Parties on Newcastle Road</td>
</tr>
<tr>
<td>W. A. Thompson</td>
<td>Sub-Inspector</td>
<td>£ 75 5 0</td>
<td>In charge of Parties on Southern Road leading to Argyle</td>
</tr>
<tr>
<td>Serjeant Mason</td>
<td>Storekeeper</td>
<td>£ 18 5 0</td>
<td>In charge of Stores for the use of the Department</td>
</tr>
<tr>
<td>Amount of Gratuities paid to the Several Convict Overseers of Road Parties</td>
<td>£ 708 8 9</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total Expense incurred in the Superintendence of the Department of Roads and Bridges</td>
<td>£ 1,621 18 9</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

[Enclosure No. 3.]

[This was a copy of the government order, dated 31st May, 1826; see pages 365 and 366, volume XII.]

GOVERNOR DARLING TO RIGHT HON. W. HUSKISSON.

(Despatch No. 53, per ship Eliza; acknowledged by Sir George Murray, 27th October, 1828.)

Sir, Government House, 28th March, 1828.

I do Myself the honor to enclose the Copy of a Bill given in by Mr. Foster, the late acting Solicitor General, whom it was found necessary to consult and employ generally with the Attorney General. The Bill, having been duly taxed, has been paid, and I request your authority, Sir, for the Amount being carried to the public Account.

I beg to add that, on receiving the Notification of the Salary attached to the Situation of Solicitor General, I informed Mr. Foster, he would from that date be paid at the rate of £400 a year, being a Moiety of the Salary agreable to the established regulations.

I have, &c.,

RA. DARLING.
HISTORICAL RECORDS OF AUSTRALIA.

[Enclosure.]

BILL OF COSTS.

To William Foster, Esquire, Solicitor General, New South Wales.

£ s. d.

28th August.—Advising and consulting with the Attorney General as to the right of the Government to reclaim certain Crown Prisoners lent to Mr. Hall 3 3 0

25th.—Attending at the Public Office and going through the requisite proofs to obtain a summons against Mr. Hall to answer the charge of harbouring one John Wood a Crown Prisoner 5 5 0

27th.—Attending at the Police Office in support of Hall's being convicted on the above charge 10 10 0

Septemr. 3d.—Consulting and advising with the Attorney General as to whether certain passages in the Monitor Newspaper of the 27th August last were or were not libellous 3 3 0

Drawing and Engrossing an Information against Mr. Hall on the above mentioned publication 3 3 0

The like for a libel on F. A. Hely, Esquire, in the same paper 3 3 0

The like for a Libel on John Dulhunty, Esqr., Superintendent of Police and the Sydney Bench of Magistrates in the same paper 3 3 0

Sept. 18.—Consulting and advising with the Attorney General as to certain passages in the Australian Newspaper of the 5d Augt. last being libellous 3 3 0

Drawing and Engrossing Information against Dr. Wardell for the same 5 5 0

12th.—Advising and consulting with the Attorney General as to certain passages in the Australian Newspaper of the 30th May last being libellous 3 3 0

Drawing and Engrossing Information against Dr. Wardell for the same 5 5 0

14th.—Attending the Supreme Court to oppose a motion made by Dr. Wardell to restrain the Attorney General from filing an Information for any libel published before he came into Office 5 5 0

22d.—Attending the Supreme Court to argue in support of a Rule on Dr. Wardell to plead immediately to certain Informations filed against him and to shew that the 60 Geo. 3 and 1 Geo. 4 taking away from a defendant the privilege of imparting to a subsequent term applied to N.S.W. 10 10 0

Sept. 29.—Attending the Supreme Court with the Attorney General and Mr. Gellibrand on the Trial of the King v. Wardell 21 0 0

Persuing and considering the Title of the Barque Lucy Anne " which the Government proposed purchasing of Mr. Dacre 3 3 0

Drawing Assignment of the same from Mr. Dacre to His Majesty, Engrossing same and attesting the Execution 5 15 6

Octr.—Drawing Bond from Mr. — Raine to Mr. Laidley on behalf of Government for the purpose of guaranteeing the fulfillment of a contract respecting Provisions furnished by Mr. J. Raine to Government and engrossing fair Copy 3 13 6

Attending in consultation with the Attorney General on the Question whether an Act of Council would be requisite to effect the measures proposed by a Government Notice of 30th August last, and drawing opinion thereon 5 5 0
<table>
<thead>
<tr>
<th>Date</th>
<th>Description</th>
<th>Cost (£ s. d.)</th>
</tr>
</thead>
<tbody>
<tr>
<td>5th</td>
<td>Drawing Notice to Mr. Paul not to proceed with the sale of property advertised by him as that of the late Mr. Wentworth the same being Government Property, fair Copy and Service on him</td>
<td>1 1 0</td>
</tr>
<tr>
<td>7th</td>
<td>Mr. Paul having repeated the advertisements, attending for the purpose of forbidding the sale should it take place</td>
<td>0 13 4</td>
</tr>
<tr>
<td>11th</td>
<td>Attending, advising and consulting with the Attorney General respecting the Govern. Notice of the 30th July and writing opinion thereon</td>
<td>5 5 0</td>
</tr>
<tr>
<td></td>
<td>“Almorah.” Attending in consultation with the Attorney General as to the best mode to be adopted for recovery of the Crown property which had been seized on board the Almorah</td>
<td>5 5 0</td>
</tr>
<tr>
<td>8th</td>
<td>It being determined to proceed to the examination of Witnesses under the Commission, Drawing Notice of proceeding and making two fair Copies for the Signature of Mr. Garling and Mr. Carter two of the Commissioners and attg. them</td>
<td>1 1 0</td>
</tr>
<tr>
<td>10th</td>
<td>Octr. 3d.—Advising upon and perusing papers relative to the “Almorah” and writing a long opinion thereon</td>
<td>3 3 0</td>
</tr>
<tr>
<td>8th</td>
<td>The like for a second opinion</td>
<td>5 5 0</td>
</tr>
<tr>
<td>11th</td>
<td>Attending, advising and consulting with the Attorney General and writing opinion in answer to the remarks of the Chief Justice as to Prisoners holding Tickets of Leave</td>
<td>10 10 0</td>
</tr>
<tr>
<td>10th</td>
<td>Attending, six days on proceedings under the Commission</td>
<td>31 10 0</td>
</tr>
<tr>
<td>16th</td>
<td>November 16.—Attending, Advising and consulting with the Attorney General and writing opinion in answer to the remarks of the Chief Justice as to Prisoners holding Tickets of Leave</td>
<td>10 10 0</td>
</tr>
<tr>
<td>10th</td>
<td>Attending the Supreme Court on the Criminal Trials during the Sessions</td>
<td>15 15 0</td>
</tr>
<tr>
<td>10th</td>
<td>The like as to a vacancy in the Council occasioned by the like as to a question respecting the Act for printing Newspapers, etc., between Mr. Hall and Mr. Hill</td>
<td>10 10 0</td>
</tr>
<tr>
<td>10th</td>
<td>Drawing Information against Dr. Wardell for Libel signed Vox populi</td>
<td>10 10 0</td>
</tr>
<tr>
<td>10th</td>
<td>The like for Libel on Judge Pedder and Copy</td>
<td>10 10 0</td>
</tr>
<tr>
<td>22nd</td>
<td>Drawing Information against Mr. Hall for Libel in the Monitor Magazine and Copy</td>
<td>10 10 0</td>
</tr>
<tr>
<td>22nd</td>
<td>December 22.—Attending Court with the Attorney General on the Trial of Dr. Wardell for the publication “Vox populi”</td>
<td>21 0 0</td>
</tr>
<tr>
<td>29th</td>
<td>Attending in Consult with the Attorney General and writing a long opinion on the result of the late Trial</td>
<td>10 10 0</td>
</tr>
<tr>
<td>29th</td>
<td>Perusing Papers sent from Police Office, Windsor, and giving opinion thereon</td>
<td>3 3 0</td>
</tr>
<tr>
<td></td>
<td>Dulhunty, Esqr., ats. MacLeod, 4th Term, 1827. Instructions for Defence</td>
<td>0 13 4</td>
</tr>
<tr>
<td></td>
<td>Warrant to Defend</td>
<td>0 2 6</td>
</tr>
<tr>
<td></td>
<td>Searching if Declaration filed and paid</td>
<td>0 4 4</td>
</tr>
<tr>
<td></td>
<td>Copy thereof</td>
<td>0 5 0</td>
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<td></td>
<td>Perusing and considering same</td>
<td>0 6 8</td>
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<td></td>
<td>Attending to return same</td>
<td>0 3 4</td>
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<td>Precipe for Appearance and Copy</td>
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<td>Paid entering Appearance</td>
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<td></td>
<td>Drawing and Engrossing same very long and special</td>
<td>10 10 0</td>
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<td>Fair Copy to file</td>
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</tr>
<tr>
<td></td>
<td>Attending to file same</td>
<td>0 3 4</td>
</tr>
</tbody>
</table>

Note: Bill of costs due to W. Foster.
1828.
28 March.
Bill of costs due to W. Foster.

Searching if Issue entered and paid ........................................ £ 0 4 4
Drawing Bill of Costs and Copy ........................................... £ 0 5 0
Term Fee .................................................................................. £ 0 15 0
Drawing and Engrossing Sixty nine Bonds for the various contracts entered into with the Commissariat for the ensuing Year ........................................... £ 72 9 0
Drawing this Bill and Copy ..................................................... £ 1 1 0
Attending the Master for Appointment to tax ................................ £ 0 6 8
Attending taxing ......................................................................... £ 0 13 4
£365 5 6

I certify the above bill to be correct:—WM. CARTER, Master of Chancery.
5 March, 1828.

GOVERNOR DARLING TO RIGHT HON. W. HUSKISSON.
(Despatch No. 54, per ship Eliza; acknowledged by Sir George Murray, 25th May, 1829.)

30 March.
Sir,

Government House, 30th March, 1828.

I do myself the honor to acquaint you in reply to Lord Viscount Goderich's Despatch No. 38, dated the 27th of July last, wishing to be informed in what manner I had proposed the expenses of the Orphan Schools should be paid in the event of the Grant from the Import Duties being discontinued, that it was my intention the Colonial Revenue should be chargeable with the actual expenditure of those establishments until such time as the revenues of the church lands should become available for that purpose.

The average expense of the Orphan Schools for the last five years, as required by Lord Goderich's despatch, cannot, I am sorry to say, be ascertained in consequence of the imperfect manner in which the accounts have been kept; but the actual expenses of these establishments for the last year are stated as follows, "Vizt."

<p>| | | | |</p>
<table>
<thead>
<tr>
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</thead>
<tbody>
<tr>
<td>Male School</td>
<td></td>
<td></td>
<td>£1,344</td>
</tr>
<tr>
<td>Female</td>
<td></td>
<td></td>
<td>2,770</td>
</tr>
<tr>
<td>Total</td>
<td></td>
<td></td>
<td>£4,114</td>
</tr>
</tbody>
</table>

The Eighth of the Duties, set apart by Governor Macquarie for the support of these schools for the same period, amounts to £5,784, so that there is an excess of £1,670 above the expenditure, which it appears to me would more properly remain in the hands of the Colonial Government than be transferred to the trustees and applied to any general purposes, contrary to what was contemplated by the Grant.
It will however be seen by the 32nd Section of the Charter, Copy of which is enclosed, that the disposal of the Money, arising from the Grant to the Orphan Schools with the lands given in support of the Male Orphans, is Vested in the Corporation. These lands* called the “Male Orphan School Estate,” which consist of about 13,000 Acres, have hitherto been an Expense rather than an Aid, as was intended to the Establishment.

With respect to the contribution from the Revenue, when the first Grant was made by Governor Macquarie, one fourth of the Duties was set apart for the purpose in question. As these Duties subsequently increased, the portion for these Schools was reduced to one Eighth, as appears by the enclosed Copy of the Orders, which was issued on the occasion, and, as other Funds have now been provided, it appears I think only reasonable that the Colonial Revenue should be wholly relieved from the charge, as soon as these funds become available.

With reference to the concluding paragraph of lord Viscount Goderich's Despatch, I beg to observe that, as the Archdeacon has not been here since its receipt, being Absent on his Annual Visitation to Van Diemen's Land, it is not in my power to give any more detailed information than will be found in my Despatch No. 48 of the present Month.

I beg leave however, Sir, to enclose for your information a Statement or Abstract of the Receipts and Expences incurred on account of the Church and School Establishments for the last year, As likewise a Return of the Chaplains and Catechists employed, with the Amount of the Salaries they respectively receive, including the permanent Churches. You will be aware Sir, from the Statement contained in my former Despatch that the Corporation had not yet been put in possession of any land, and that, consequently, no steps such as Lord Goderich appears to have contemplated in the latter part of his Lordship's Despatch could have been taken.

RA. DARLING.

[Enclosure No. 1.]
This was the thirty-second section of the charter; see page 452, volume XI.

[Enclosure No. 2.]
These were government and general orders dated 31st March, 1810, 21st June, 1817, and 27th February, 1819.

[Enclosure No. 3.]
These accounts will be found in a volume in series VII.

* Note 28.
A RETURN of the Chaplains and Catechists in New South Wales, shewing the Churches and Stations at which they perform service.

<table>
<thead>
<tr>
<th>Name of Chaplain or Catechist</th>
<th>Annual Stipend</th>
<th>Church or Station where Service is performed</th>
</tr>
</thead>
<tbody>
<tr>
<td>The Revd. Samuel Marsden</td>
<td>£400</td>
<td>Saint John's Church, Parramatta.</td>
</tr>
<tr>
<td>Revd. William Cowper</td>
<td>£300</td>
<td>Saint Philip's Church, Sydney.</td>
</tr>
<tr>
<td>Revd. Richard Hill</td>
<td>£250</td>
<td>St. James' Church, Sydney.</td>
</tr>
<tr>
<td>Revd. John Cross</td>
<td>£250</td>
<td>Port Macquarie and Stations up the River &quot;Hastings.&quot;</td>
</tr>
<tr>
<td>Revd. Thomas Reddall</td>
<td>£250</td>
<td>St. Peter's Church, Campbell Town and the Cowpastures.</td>
</tr>
<tr>
<td>Revd. Thomas Hassal</td>
<td>£250</td>
<td>Cabramatt, Cook, Mulgoa and Bong Bong.</td>
</tr>
<tr>
<td>Revd. M. D. Meares</td>
<td>£250</td>
<td>St. James' Church, Sidney.</td>
</tr>
<tr>
<td>Revd. C. P. N. Wilton</td>
<td>£250</td>
<td>Field of Mars and Castle Hill.</td>
</tr>
<tr>
<td>Revd. Elijah Smith</td>
<td>£250</td>
<td>Windsor and Richmond.</td>
</tr>
</tbody>
</table>

Catechists:

| Mr. John Layton               | £182 10         | Appin and Illawarra.                      |
| James Chandler               | £182 10         | Two Stations down the "Hawkesbury."      |
| William Hall                 | £100            | Prospect and Booty Hill.                 |

CHARLES COWPER,
Clerk of the Corporation.

Sydney, New South Wales, 31st March, 1828.

GOVERNOR DARLING TO RIGHT HON. W. HUSKISSON.

Sir,

Government House, 30th March, 1828.

I have the honor to acquaint you in reference to Your Despatch No. 1, dated the 20th September last, that John O'Halloran, conformably to the communication made to me, has been permitted to return to England by the present opportunity, £40 having been paid for his Passage.

I have further the honor of enclosing herewith a Duplicate of the Pardon which has been granted unconditionally to John O'Halloran, the Original having been delivered to the Individual.

I have, &c.,
RA. DARLING.
GOVERNOR DARLING TO RIGHT HON. W. HUSKISSON.
(Despatch No. 56, per ship Eliza; acknowledged by under secretary Hay, 9th January, 1829.)

Sir, Government House, 30th March, 1828.

I do myself the honor to forward for your consideration Postage on the enclosed Copy of a letter addressed to me by the Officer Commanding the 39th Regiment, pointing out the inconvenience to which Soldiers serving in New South Wales are subjected from the circumstance of this Colony not being included in the Act of Parliament,* which regulates the Postage of Soldiers’ Letters; and I beg to recommend, Sir, that the Soldiers in this Command, which includes Van Diemen’s Land, may be put on the same footing in this respect as those serving in other Colonies.

I have, &c,

RA. DARLING.

[Enclosure.]

COLONEL LINDESAY TO GOVERNOR DARLING.

Sir, Sydney, 27th March, 1828.

I do myself the honor of representing to Your Excellency Disabilities of that the Soldiers in this Garrison universally complain of never receiving any Letters from England, which I am inclined to attribute to the Inland Postage not being paid at Home.

It would appear that New South Wales is not included in the Act of Parliament regulating the Postage, etc., of Soldiers’ Letters, and their Friends are either averse to or are not aware of the necessity of paying more than One Penny, the stated Rate of Postage on each Letter to most other British Colonies beyond Seas.

Under existing Post Office Regulations, a Soldier to receive a Letter on arrival at this Colony would be obliged to Pay the same Rate (independently of the Inland Postage paid by his Friends at Home) as any Civilian, Settler, or Mercantile Man in the Colony, which I consider a very great hardship.

I should feel obliged by Your Excellency making the necessary representation to the Post Master General in England to have this disadvantage removed.

I have, &c,

P. LINDESAY, Col. Comg., 39th Regt.

GOVERNOR DARLING TO RIGHT HON. W. HUSKISSON.
(Despatch No. 57, per ship Eliza.)

Sir, Government House, 30th March, 1828.

I have the honor to report that the severe illness, which T. L. Mitchell, Mr. Oxley, the Surveyor General, has laboured under for some time past, has at length obliged me to place Major Mitchell,† the Deputy Surveyor General, in charge of that Department.

* Note 29. † Note 30.
It is to be regretted that Major Mitchell had not had more local experience before the conduct of this important Department devolved upon him; but his Zeal, assiduity and professional knowledge afford me every reason to expect that the duties entrusted to him will be conducted, in the absence of Mr. Oxley's Services, in a very satisfactory manner.

I have, &c,

RA. DARLING.

RIGHT HON. W. HUSKISSON TO GOVERNOR DARLING.

(Despatch No. 19, per ship Countess of Harcourt; acknowledged by Governor Darling, 1st February, 1829.)

Sir, Downing Street, 31 March, 1828.

I have been compelled to delay longer than I could have wished replying to your Dispatch of the 8th of April last, the arrangements, which you therein propose to carry into effect in relation to the several Departments of your Government, having required greater consideration than circumstances have enabled me hitherto to give to this subject.

Upon an examination of the Report of the Board, to whom the duty was confided of preparing a Scale of Salaries more suited to the present circumstances of the Colony than that which previously existed, I see no objection to the principle upon which their remuneration is proposed in future to be regulated; although there are a few cases in which I am of opinion that the Salaries have been fixed at an higher rate than are compatible with the resources of the Colony, or indeed than I conceive to be necessary with reference to the duties performed by the persons whose Emoluments are thus to be augmented.

With the modifications, however, which I shall presently point out to you, I have to authorize the adoption of the new scale, provided the means at your disposal will admit of your carrying the same into effect without appropriating the funds to that purpose which the public Interests require to be otherwise employed.

1st. Surveyor General's Department.

The Salary of the Officer at the head of this Department, as at present fixed, must be acknowledged to be inadequate to the very extensive duties and responsibility, which fall upon him; and his emoluments, therefore, may with propriety be augmented from £800, the amount fixed by the late Secretary of State, to £1,000 per annum, retaining occupation of his present residence, and receiving, in lieu of any allowance to which he may be now
HUSKISSON TO DARLING.

entitled on account of his travelling expenses, Forage for four Horses, provided he shall find it necessary actually to keep that number for purposes connected with the duties of his office.

The Salary of the Deputy Surveyor General also requires some increase, and I have no objection to the amount being raised to £650 per annum after the person holding that Situation shall have served in it a few years. You will, therefore, direct that the Deputy Surveyor should receive the benefit of an annual increase of his Salary at the rate of £50, commencing from the 1st January last, until it shall reach the maximum above stated. No allowance for forage need be made to this Officer in addition, nor should he be permitted to make any separate charge on account of his travelling expenses, as these will be covered by the increased rate of Salary, which he will henceforth receive.

In the Salaries of the five Senior Assistants, I do not see the necessity for any immediate augmentation, although I am not unwilling to grant to them each successive year that they may serve an addition to their Emoluments at the rate of £20 per Annum, until their Incomes shall reach the respective amounts recommended by the Board, the Arrangement to be computed from the 1 Janry. last. This Class of Officers will, therefore, remain upon the same footing, in respect to their Salaries, as that on which the recent Instructions of the Secretary of State placed them, until the beginning of the ensuing Year, when their first increase under the above regulation will take place. It may, perhaps, be necessary to grant to each of these Officers a separate allowance for a Horse, and as they probably would not be able to obtain food, unless supplied from the Public Stores, when in the execution of their duties in the interior of the Country at a distance from the located Districts, an exception to the general rule as to rations may also be requisite in favor of Officers of this Department when employed under such circumstances.

The Seven Junior Assistants having reached or nearly so the maximum of Salary which the Board have proposed to assign to them, they will continue upon the scale which has been established; but with respect to the appointments which may hereafter take place, I am disposed to agree with the Board that they should begin upon a Salary of £200, advancing £20 per annum until it shall have reached £300, after which, and until their promotion to the first class, no further advance should be allowed.

In this arrangement, I desire that the persons, who were sent out from this Country as Draftsmen in 1827, may be included;
Although it is my intention that the persons, who may be appointed hereafter to the last mentioned Situations, shall at the first commencement of their Services, be only entitled to receive £150 per annum, to increase £10 annually for the five following years, when, having reached the maximum of £200, all further augmentation will cease, unless the party may be advanced to a higher station in the Department than that to which he was first appointed.

It is very possible that a small addition to the number of Surveyors and Assistant Surveyors will become necessary a short time hence; but I hope that the Establishment, as now fixed, will be found fully adequate to the present exigencies of the Service. Should this, however, not prove to be the case, I am to desire that the number may not be increased without previous authority from His Majesty's Government, nor that Vacancies may be filled up in the Colony, excepting merely as a temporary expedient, as measures will be taken to send out proper persons to supply such Vacancies, whenever they shall have been reported to have occurred; and of which, therefore, you will take care to give me the earliest intimation, in order that as little time as possible may be lost in making the new Appointments.

2ndly. Medical Department.

As the arrangements proposed by the Board in regard to this Department are, upon the whole, more economical than those which you have recommended, I am induced to give the preference to their suggestions; but in this, as well as in the cases beforementioned, much must depend upon the means which you may find at your disposal for defraying the additional charge in question.

3rdly. Department of Public Works.

Your suggestions with regard to the appointment of the Civil Engineer are approved, with the exception of the Sum proposed to be given to the director, which appears to be larger than there is any occasion for, or indeed than would be proper with reference to corresponding situations in other Colonies. I am therefore of opinion that £700 per annum will be sufficient for the remuneration of the Officer, who may be charged with this duty.

4thly. Department of Roads and Bridges.

The Surveyor, if a Civilian, will, I think, be adequately paid if he receives a Salary at the rate of £500 per annum. I am also of opinion that Salaries at the rate of £150 per annum will be as much as need be given to his Assistants; and I request that the number of the latter may not exceed that which are at
present employed, without your previously receiving authority to increase it. It seems, however, desirable in an economical as well as other points of view, that the persons in charge of this Department should be Military Men, and I, therefore, hope that you will be able to continue in such employment the Officers of the Royal Staff Corps, without taking them from other duties of greater importance. The allowances which you propose to grant to these Officers, whilst intrusted with the Superintendence of the several Road Parties, do not appear unreasonable under the circumstances which you have stated with reference to the privations and expense to which Service in the Interior exposes them.


The Salary, proposed by the Board to be given to the Mineral Surveyor, has certainly been fixed at too high a rate, as £500 per annum without any other allowance appears to me a very ample remuneration for any services likely to be rendered by that person; and, as the work which it was in the contemplation of the Colonial Government to undertake for the Conveyance of Water into Sydney, if carried on by means of private Individuals, as was recommended in my Dispatch of the 30th January last, will tend to diminish very materially the extent and importance of the assistance (in this particular at least) which he will have to render to the Government, I am not without the hope that you may be able to retain Mr. Busby’s Services upon more advantageous terms than those comprehended in the present agreement. I beg, however, to be understood as having approved of the engagement into which you have entered with Mr. Busby, if no better arrangement can be made with him upon the grounds above mentioned. But I am disposed to think that some more efficient Office may be found for Mr. Busby, as I can hardly persuade myself that there can exist a necessity for the continuance of a distinct Establishment for the duties annexed to his present Situation, which might be merged in some other.

The appointment of an Assistant to the Mineral Surveyor must, at all events, be discontinued.

6thly. Convict Establishment.

The Salaries proposed to be assigned to the principal Superintendent of Convicts, and his Assistants, as well as to the subordinate Officers belonging to this Department, appear to be unobjectionable.

7thly. Dock Yard.

I have likewise to approve to the establishment appropriated to this Service, and of the scale of remuneration, proposed to be granted to the persons composing the same.
8thly. Superintendants of Agriculture.

I have not interfered with the amount of the remuneration, which it is proposed by the Board and yourself to assign to the different Superintendants of the Agricultural Establishments belonging to the Government; and I have felt it the less necessary to do so, as I am in hopes that the number of those Establishments will, in consequence of the sentiments which have already been conveyed to you by His Majesty’s Government upon that subject, be gradually diminished, until the most expensive of them at least, if not the whole, shall be abandoned.

9thly. Sheriff’s Department.

I observe nothing to which I need object in the arrangement proposed with respect to this Establishment including the several Jailors. I should be glad, however, to be informed of the circumstances which have given rise to the appointment of an under Sheriff, and whether this Office is not one which can be dispensed with without throwing upon the Principal heavier duties than he is capable of giving his personal attention to.

10thly. Hulk Establishment.

With respect to this Establishment, I very much question the propriety of retaining it excepting so long as accommodation cannot be afforded in some other way to the Prisoners, who are now confined there; as I am not only of opinion that it is a more unhealthy mode of securing them than if they were to be confined on shore, but is also attended with greater expense. In the first instance, the charge of enlarging the Jails to admit of the reception of the Prisoners, for whose disposal it would thus become necessary to provide, would, no doubt, be attended with inconvenience at the present moment; but I am convinced that such a measure would be the most economical in the end, and I am, therefore, desirous you should turn your attention to this subject as soon as you shall be enabled to spare, from more pressing services, the funds which will be necessary to be expended with a view to that object.

11thly. Coroners.

The proposal of the Board, with respect to the remuneration of the persons employed as Coroners, seems to be preferable to the former arrangement, and I have, therefore, to approve of the adoption of their suggestions upon that subject.

12th. Colonial Store Department.

The arrangements with respect to the Store Department appear equally judicious, as well as those connected with the
Botanic Garden, it being of course understood that no charges are to be made on account of the latter Department for Seeds, etc., when sent to this Country by the Superintendant for the use of the Public Establishment.

All the other suggestions of the Board are approved. The Office, however, of Superintendant to the Government Slaughter Houses will, I should hope, be discontinued, as being no longer required when the Government Herds shall have been disposed of.

In Lord Goderich's Dispatch of the 31st of July last, his Lordship endeavoured to bring under one view the resources, which were applicable to the payment of the charge of the Several Establishments of the Colony, and to shew, at the same time, the amount of such disbursements; but, as the materials, from which those Estimates were formed although the best which the records of this Department at that time afforded, were very imperfect, His Majesty's Government were in some measure prepared for the necessity, which has now arisen for a few alterations. I trust, however, notwithstanding the augmentations of Expense resulting from the measures which form the subject of this Dispatch, that the progressive increase in the Revenues of the Colony will be such as to enable you, in a short time, to meet the increased charge upon them; for you will distinctly understand that you are not at liberty to direct any Bills to be drawn upon His Majesty's Treasury on account of any Increase of Salary, which may be sanctioned by this Dispatch, to a greater amount than that which their Lordships were given to understand would be necessary, when the above mentioned communication from Lord Goderich was addressed to you.

I have, &c,

W. HUSKISSON.

GOVERNOR DARLING TO RIGHT HON. W. HUSKISSON.

(Despacht No. 58, per ship Eliza; acknowledged by Sir George Murray, 15th November. 1828.)

Sir,


I do myself the honor to acquaint you in reference to my Despatch No. 23, dated the 25th of last Month, that the Government Brig Governor Philip and the Ship Philip Dundas, private Trader, sailed in Company from this on the 16th inst., with the necessary supplies for the Settlements of Fort Wellington and Melville Island, according to the intimation in my Despatch above referred to.
1828. 31 March.

Freight of ship Philip Dundas.

Supplies purchased.

It is expected, as the Wind has been favorable ever since these Vessels Sailed, that they will make their Passage in the course of four Weeks.

I had the honor of stating, Sir, in my former Despatch the reason of my availing myself of the assistance of the Philip Dundas on this occasion; and I have now to request that the Expense of £200 may be authorised, which has been incurred by the employment of that Vessel.

I have further to state that the purchase of such necessary Supplies as were not in store amounted to £413, which, in the emergency of the Moment, I directed to be provided, and I request, Sir, you will be pleased to sanction the Amount being brought to account.

I have, &c.,

RA. DARLING.

Correspondence with J. Dowling re precedency as judge in supreme court.

GOVERNOR DARLING TO RIGHT HON. W. HUSKISSON.

(Despatch No. 59, per ship Eliza; acknowledged by Sir George Murray, 14th November, 1828.)


I do myself the honor to transmit for your information the accompanying correspondence, which has passed between Mr. Justice Dowling and myself on the subject of Lord Viscount Goderich's Despatch No. 45, dated the 4th of August last, signifying that he was to take rank in the Supreme Court next after the Chief Justice.

Immediately on the receipt of that Despatch, I communicated the Instructions it contained to the Chief Justice as the head of the Supreme Court; but it appears no communication was made either to Mr. Dowling or Mr. Stephen on the subject. The latter Gentleman therefore took precedence in Court, being the Senior Assistant Judge, and it was not until some time afterwards that I heard of the circumstance, and that Mr. Dowling, not having been apprised of the intentions of His Majesty's Government, had yielded as matter of course.

I then communicated personally with Mr. Dowling on the subject and informed him, perceiving that he was disposed to give way to Mr. Justice Stephen, that, under the Instructions which the Secretary of State had addressed to me (a Copy of which had been communicated to him), it was not in my power to consent, as far as the Government was concerned, to his waiving his right in this respect.

I repeated this subsequently in writing as you will perceive by Enclosure No. 2, pointing out to Mr. Dowling that it did not
appear to me he could consistently decline the Situation which His Majesty’s Government had thought it fit he should fill. He then consulted the Chief Justice, a Copy of whose Letter is herewith transmitted Enclosure No. 3, and he has in consequence, as will be seen by the same Enclosure, declined availing himself of the Rank intended for him until further Instructions shall be received from Home. I have therefore to request I may be honored with Your Orders for my guidance in this respect.

I have, &c.,

RA. DARLING.

[Enclosure No. 1.]

MR. JUSTICE DOWLING TO GOVERNOR DARLING.

Sir,

Sydney, 22nd March, 1828.

I have to acknowledge the honor of receiving Your Excellency’s Favour of yesterday, together with the Copy enclosed therein, of a Despatch addressed to Your Excellency by The Right Honble. Lord Goderich, Secretary of State for the Colonies, signifying that His Majesty had been graciously pleased to appoint me to the Situation of Judge, and “to take rank in the Supreme Court next to the Chief Justice.”

At an interview with which I was honoured by Your Excellency on the 17th instant at Government House, Your Excellency condescended to impart the like communication to me from the Original Despatch.

As I have not yet Publicly assumed in the Court House the Rank, thus assigned to me by the Right Honble. The Secretary of State for the Colonies, I think it my duty to inform Your Excellency of the reasons why I have thus abstained from fulfilling the design, so unequivocally expressed by His Majesty’s Minister upon this subject, in order that I may not be supposed hereafter to have contravened the wishes of the Noble Secretary, or to have yielded up any advantage derivable to myself from them.

After leaving the Council Chamber on the 17th instant, I found His Honor Mr. Justice Stephen much discomposed by the notification conveyed to him by Your Excellency that I was to take Precedence of him in the Supreme Court. In the Evening of the same day I received from His Honor a communication in Writing couched in courteous terms, which, being however superscribed “Private,” I do not feel myself at liberty to impart in detail. Suffice it to observe that it contained a remonstrance expressed in a very friendly Tone against the principle of placing a Junior, both in legal standing and by date of Commission, over his Head; and His Honor desired to have my candid opinion...
1828.
31 March.

Reasons for delay in assuming rank on bench of supreme court.

In my reply to His Honor, after stating that the matter was of so delicate and personal a nature that I did not see how I could with any propriety express my sentiments upon it, I wrote as follows:—"Having received no information upon the point myself from the Secretary of State, I cannot but be persuaded that His Majesty's Government, in signifying to His Excellency General Darling its pleasure that I should take Rank on the Bench next to the Chief Justice, may have had some reasons, which I cannot duly appreciate, and which, perhaps, from motives of delicacy to yourself they have not been explicitly intimated. I wish most heartily that I had been spared the task of fulfilling a design so unequivocally expressed. Yielding to my own Private feelings and inclinations, I should promptly decline the Station designed for me; but, as the pleasure of His Majesty's Government has been so distinctly notified upon the subject, I do not feel that I should be justified in frustrating its arrangement. I could have wished that my opinion upon a point of so personal a nature had not been solicited." I am, &c.

On the Morning of the 18th instant, when in the Judge's Room at the Court House, His Honor Mr. Justice Stephen informed me that, as he collected from my Letter that I purposed taking my Seat on the Bench, conformably to what I supposed to be my right next in Rank to the Chief Justice, he had come to the determination of speaking Publicly from the Bench, and expressing his feelings and sentiments upon the subject in open Court. I took the liberty of suggesting to His Honor the indiscretion, not to say the impropriety, of making the Bench of Justice the scene of such a proceeding. I said that, in my opinion, no good could possibly be derived to any body from such a step; that on the contrary much harm might ensue by thus affording a topic for discussion and observation in the Public Newspapers, to the great disadvantage of the Colony, and to the diminution perhaps of that personal dignity, which the Judges for every reason ought to maintain. His Honor did not acquiesce in my view of the matter, and said that, as he was not conscious of having deserved the mark of degradation thus attempted to be put upon him, that, as he had received no intimation from Home upon the subject, and that as his own Commission in express terms designated him as the second Judge, he could not, in justice to his own character, quietly yield his Rank to me without Publicly expressing his feelings from the Bench. Being much embarrassed by this intimation, and seeing that His Honor was deeply affected by his Situation, I told him that, rather than such an injudicious course should
DARLING TO HUSKISSION.

be adopted, I would from motives of Private respect and personal consideration for his feelings keep, for the present, the Junior Seat in Court, which on arriving in the Colony I had in ignorance of my Rank taken; provided that, if he entertained any doubt of the authority on which I was disposed to act, he should promptly write Home, and have the matter cleared up in a more satisfactory manner to his mind. His Honor treated my concession as an act of personal courtesy to himself, and said he certainly should endeavour to ascertain from the Colonial Department in England the grounds on which this proceeding, as respected his Interests and Feelings, had been adopted.

Without professing to detail to Your Excellency all the conversation which passed, or to repeat the exact words used by either Party on the occasion, I think I have in substance stated correctly the reasons why I have forborne Publicly to act in Court on the information with which I was honoured by Your Excellency.

In consequence of my having taken this course (which I really did from an honest desire of avoiding so disagreeable a dilemma as that proposed in the Public Discussion on the Bench of a matter of Judicial precedence), I addressed a Letter to the Chief Justice, a Copy of which I have the honor herewith to transmit to Your Excellency. I should add that, on the same day, I forwarded a Copy of the same Letter to His Honor Mr. Justice Stephen.

I persuade myself that Your Excellency will duly estimate the motives under which I have acted in this delicate matter, and I cherish a hope, that Your Excellency will be of opinion that, in endeavouring to assuage the excitement of personal feelings, I have not compromised the high authority of His Majesty's Secretary of State, or yielded up any point of substance, which it would have been imperative on me to maintain.

Since writing the above, Mr. Justice Stephen has sent me the Copy of a Letter which he has sent to the Chief Justice, desiring the opinion of His Honor upon the question of my right of precedence, under the circumstances in which I am placed. In that Letter it is assumed, erroneously, Adverting to the conversation I had had with Mr. Justice Stephen on the Morning of the 18th instant, and to my Letter to the Chief Justice of the 19th instant, that I have politely offered to "waive the question of Right, until the Secretary of State's further Instructions shall have been received." I now mention this circumstance for the purpose of distinctly apprising Your Excellency that, although in consideration of Mr. Justice Stephen's personal feelings I
have waived the ceremony of sitting on a particular Chair in Court, I am by no means to be understood as giving up any substantial Right, conferred upon me by His Majesty's Instructions conveyed through My Lord Goderich, to which I feel I am bound to pay implicit respect, if pressed upon my observance by Your Excellency.

Trusting that the subject of this Letter will excuse so long a trespass on Your Excellency's attention, allow me to subscribe myself,

With perfect respect,

Your Excellency's, &c.,

JAMES DOWLING.

[Sub-enclosure.]

MR. JUSTICE DOWLING TO CHIEF JUSTICE FORBES.

My dear Sir, Sydney, 19th March, 1828.

I think it right to make you acquainted with the grounds on which I have not acted in Court, upon the intimation conveyed to me by His Excellency Governor Darling, that "Mr. Justice Dowling is to take Rank in the Supreme Court, next after His Honor The Chief Justice," according to Instructions received from Home. I am wholly unacquainted with the reasons influencing The Secretary of State for making such an arrangement, and therefore I cannot pretend to estimate its merits, even if I were at liberty to do so.

Without venturing to determine the propriety of my acting upon such an intimation in a professional point of view, my own feelings have restrained me (in the very embarrassing Situation in which I have been thus placed) from giving pain to Mr. Justice Stephen by the Public Assumption of that Station in Court, which I am bound to presume the Instructions from Home would authorise me in taking. Motives of personal respect and consideration for the feelings of Mr. Justice Stephen have induced me to spare him the mortification of acting Publicly upon this notification, especially as he has informed me of his intention of endeavouring to ascertain from the Colonial Office in England the grounds on which this proceeding, as it respects his Interests and feelings, has been adopted. For these reasons (and without meaning thereby to contravene the wishes of the Secretary of State, or yield up any advantage derivable to myself from them), Mr. Justice Stephen, at my suggestion, retains his Seat on the Bench, until the pleasure of the Secretary of State shall be farther ascertained.

I am, &c.,

JAMES DOWLING.
GOVERNOR DARLING TO MR. JUSTICE DOWLING.


I have been honoured with the receipt of your Letter of the 22 Instant, on the subject of the communication received from The Right Honble. the Secretary of State, with respect to the Station you have been appointed by His Majesty to hold in the Supreme Court of this Colony.

With every desire, Sir, to do justice to the feeling by which you have been actuated in yielding Precedence in Court to Mr. Justice Stephen, and with no less sincere a wish to spare that Gentleman any mortification, which he might experience from a contrary course on your part, it is my Duty to observe, it is a case in which I do not conceive that any thing is left to the discretion of any Individual, or that Your Honor could consistently, with what you owe to His Majesty, waive a Right, which His Majesty has been pleased to confer upon you.

Having notified to His Honor The Chief Justice, as the immediate Head of the Supreme Court, some time previous to your arrival, the Station, which it was His Majesty’s Pleasure you should fill in that Court, I naturally concluded the matter would have been arranged before you took your Seat; and it is to be regretted it had not been previously explained, as Mr. Justice Stephen might have felt less reluctance in giving way in the first instance than he does at present. He must however see the predicament in which you would be placed by declining to accept from a feeling of delicacy towards him the Situation intended for you; and I persuade myself he will not on reflection agitate the question any further.

Having expressed my sentiments on the matter generally, I am not aware, under the circumstances of the Sitting of the Supreme Court being nearly expired, that there would be any objection to your continuing to take your Seats as hitherto, until the close of the present Term. On the re-opening of the Court at the ensuing Sessions, you could assume the Chair intended for you. The interval occasioned by the recess would render the change less obvious; and so far you would pay all the attention in your power to the feelings of Mr. Justice Stephen, without appearing to doubt His Majesty’s intentions which would be the effect of waiting the result of a reference to the Secretary of State, and which, the unequivocal nature of the Instructions I have received and have had the honor of communicating to you, must render totally unnecessary.
You will of course understand that the opinion, I have now
given, does not contemplate any Legal or formal objection to
the arrangements directed by His Majesty's Government, and I
can therefore have no objection, should you deem it necessary,
to your communicating this Letter to His Honor The Chief
Justice and Mr. Justice Stephen.

RA. DARLING.

[Enclosure No. 3.]

MR. JUSTICE DOWLING TO GOVERNOR DARLING.

Sir, Sydney, 27th March, 1828.

I take the earliest opportunity, that circumstances have
permitted, of acknowledging the receipt of the Letter, with
which I was honored by Your Excellency on the 24th Instant
upon the subject of assuming the Rank assigned to me in the
Supreme Court by My Lord Goderich Despatch to Your Excel­
lency of the 4th August last.

Having availed myself of the permission granted in the con­
cluding Paragraph of Your Excellency's Letter of communi­
cating its contents to the Chief Justice, His Honor has had an
opportunity of perusing it at length. In a note addressed to him
on the occasion by myself, I begged His Honor would have the
goodness to put upon Paper some tangible ground of legal or
technical objection to the arrangement directed by His Majesty's
Government, sufficient to authorise me in respectfully submitting
to Your Excellency the inexpediency in pressing me to a strict
observance of the Noble Secretary's Instructions in this matter.

I was favoured this Morning with His Honor's sentiments
upon the subject, as expressed in the enclosed Letter, which I
have the honor to transmit for Your Excellency's perusal and
consideration.

After attentively weighing the import of His Honor's Letter,
I am bound to say that, in my humble Judgment, it is sufficiently
cogent to authorise me in respectfully suggesting for Your Ex­
cellency's consideration whether, upon the whole, it may not be
the most expedient course to let the question remain in abeyance,
until it has been submitted to His Majesty's Government in the
light in which it is now presented by His Honor The Chief Jus­
tice. If it became me to offer any personal opinion upon the
propriety of this postponement, I certainly should be influenced
in my Judgment by the prominent consideration of the vital
importance of avoiding all cause of disagreement in the Judg­
ment Seat on a point of too delicate a nature, not to produce
uneasiness, particularly under the circumstances in which it
DARLING TO HUSKISSON:

I hope Your Excellency will forgive me the liberty of urging this unsolicited suggestion; and I should not have presumed to make it, did I not feel that I ought to sacrifice all personal considerations, if in my honest judgment I thought His Majesty's Service in these remote Regions might sustain a prejudice by the strict observance of the form, without any compromise of the substance of the Despatch, with the perusal of which I have been honoured.

With the most perfect respect,

I have, &c.,

JAMES DOWLING.

P.S.—May I beg the favor of Your Excellency to return me the Chief Justice's Letter at your perfect Leisure.

[Sub-enclosure.]

CHIEF JUSTICE FORBES TO MR. JUSTICE DOWLING.

My Dear Sir,

In replying to your Note of this day's date, I need not inform you that I am induced to offer any opinion upon the merits of the question at issue between Mr. Justice Stephen and yourself with the greatest reluctance; and only under the strong sense of the paramount importance of preventing that Public injury, which must be sustained by the want of unanimity and good feeling among the Judges of the Supreme Court. The question is this, whether you or Mr. Justice Stephen is entitled to take precedence in the Court, you, claiming it, by virtue of a Letter from the Secretary of State communicating His Majesty's pleasure to The Governor, and Mr. Justice Stephen resting upon his doubt as to the true intention of His Majesty and the priority of the date of his Commission from The King.

By the usage of England, the Puisne Judges at Westminster take precedence according to their seniority. This usage is part of the Law of the Land; and the precedence of the Judges is as much a matter of Right, as any other incident to their Offices. I will refer to Comyn's Digest (Title Justices, D.) for the principle; your own experience will supply instances of the practice at Westminster.

By the New South Wales Act (4th Geo. 4, Chap. 96), The King is empowered to appoint three Judges in the Supreme Court to consist of One Chief Justice, and two additional Judges. There is no Provision made as to the Rank and precedence of the Judges; and therefore they would take their Seats according
to their Seniority, conformably to the Law and practice in England. The Charter, under which I was appointed Chief Justice of this Colony, assigns me the same Rank as belongs to the Chief Justice of the Court of King's Bench, and, by analogy, yourself and Mr. Justice Stephen would take Rank according to the date of your respective Commissions in like manner as the Puisne Judges of the Court of King's Bench. Upon this short view of the mere Law of the case, two questions are raised: Whether His Majesty may, by Virtue of his Prerogative, give Rank and precedence to a Junior Judge above a Senior, and whether a Despatch from the Secretary of State to the Governor may be considered as a sufficient form of exercising such Prerogative? I propose these questions, without offering any opinion upon them; the bare fact of their being raised is sufficient to shew that the case itself is one which cannot properly be decided without reference to the Secretary of State.

I do not understand Mr. Justice Stephen to rest his case directly upon any formal objection to the manner in which His Majesty's Pleasure may have been conveyed. His Honor puts a construction upon the Secretary of State's Letter different from that of the Governor; in his own Language, "he cannot suppose that His Majesty could have been advised to retain him on the Bench, and at the same time expose him to the pain and mortification of being postponed in Rank to a Junior Judge"; and therefore, he thinks there has been some misapprehension of His Majesty's intentions. This construction however of the Secretary of State's Letter resolves the question into one of mere legal and formal Right, and one which I do not clearly see how it can be determined in this Colony.

I entertain the highest respect for the recommendation of His Excellency the Governor, but I think it has been made under a misapprehension of the feelings and motives of Mr. Justice Stephen. I am sure His Honor would feel no hesitation in resigning the right hand of the Bench to you at any time, without the least regard to any idle speculation of the Public in witnessing the change, and with that dignified submission, which, as a Judge, he should inculcate by his example, if it could be made clear to him that such was His Majesty's pleasure. But unwilling as he is to believe that it was his Majesty's intention to pain or to mortify him, and associated as this idea has unfortunately been with the fact of his being required to give place to you, he has taken a ground that does not depend upon time; and which must be as strong in principle at the close of the
ensuing Vacation as it was before you took your Seat in Court. Under these impressions, I fear that the arrangement proposed by the Governor will not accomplish the objects for which it has been suggested, and that a reference to the Secretary of State will be the only alternative.

I must again guard myself from being understood to recommend any particular course. I give my opinion upon the facts as they have been stated to me by Mr. Justice Stephen and yourself, candidly and with no other wish but to preserve that harmony which has hitherto subsisted in the Supreme Court. It is however a satisfaction to me to believe that, should your decision be formed upon my opinion, you will not lose any benefit by waiting the result of a reference to England. The Chief Seat, in the event of its becoming vacant, may be filled up by the Governor's appointing to it any Person he may think fit and proper, without reference to the Judges or the seniority of their Commissions.

I beg to remain, &c.,

FRANCIS FORBES.

GOVERNOR DARLING TO RIGHT HON. W. HUSKISSON.

(Despatch No. 60, per ship Eliza; acknowledged by Sir George Murray, 25th May, 1829.)

Sir,


I do myself the honor to submit for your consideration Questions and decision the accompanying Copy of a Letter, which has been received from the Corporation of the Church and School Lands, requesting that the questions therein proposed might be referred to the Law Officers and submitted for the opinion of the Judges of the Supreme Court.

I desired it might be signified to the Corporation that it did not appear necessary to submit these matters for any legal decision, as I was already in Communication with the Secretary of State on some of the points referred to, and that I should request Instructions by the first opportunity on the whole of the questions under consideration.

1st. The first question is whether Lands* heretofore granted for the support of the Orphan Schools, comprising a tract of about 13,000 Acres and the Glebe Lands, are to be considered as a part of the Seventh of the Territory to be granted for the use of the Church and School Establishments. I have already adverted to the Grant to the Orphan Schools in one of my recent Despatches, and, as the object is the same for which lands are to

* Note 28.
be granted to the Church, I should presume it would be fair to consider it as forming a part of those lands. The 32 Section of the Charter directs that the land now alluded to shall be placed under the care and Superintendence of the Corporation. The 33d Section relates to the disposal of the Glebes.

2d. The Second Question relates to the proportion of the Colonial Revenue, which the Corporation is entitled to receive for the purpose pointed out in the first Question?

My Despatch No. 54, dated the 30th inst., contains such information as I presume, Sir, will enable you to determine this point without difficulty.

3d. The third question is whether the Corporation are to pay Mr. James Busby for his Services while charged with the Management of the Male Orphan School Estate, and how far the Corporation is liable to discharge any claim for Wages, etc., in a Matter in which they had no beneficial Interest. The case is simply this: Mr. Busby was appointed by the Governor to take charge of that Establishment long before the existence of the Corporation, and the Establishment, to which the Estate was granted, received the benefit of his exertions, which I suppose to amount to the same as the Corporation having "a beneficial Interest" in his employment.

From the tenor of the last question in particular, the whole of them having been framed by the Chief Justice, there could be little doubt of the result if referred for decision as proposed, in which I appear to be borne out by the fact that the Corporation have since entered into a Resolution at the instance of the Chief Justice, that the "Glebe Lands" alluded to in the first Question do not form a part of the Seventh of the Territory to be granted to the Church.

The point is certainly of little importance; but, as the Clergy are to be paid out of the Funds arising from the Church Lands, and the Glebes have been Sold, the Incumbents receiving £100 a year each in lieu, I do not see why they should not be considered as a part of the lands intended for the Maintenance of the Clergy, to which purpose they have in fact been actually applied.

In stating my sentiments, I do not mean to offer an opinion whether the lands in question should or should not form a part of those intended for the Church, as it will be determined by Persons who are more competent to decide it, and, at best, it is a matter of but little importance.

I have, &c,

RA. DARLING.
Revd. C. Cowper to Colonial Secretary Macleay.

Sir,

Corporation Office, 20th March, 1828.

The Trustees of the Clergy and School Lands, having caused the enclosed case to be prepared, beg respectfully to request that the same may be referred to the Law Officers; and, if His Excellency approve, a case mutually stated and submitted for the opinion of The Honble. the Judges of the Supreme Court.

The following are the questions upon which the Trustees are solicitous to obtain a Decision:

First.—Whether the Lands intended to be Vested in the Corporation by His Majesty's Letters Patent, consisting of the Ancient Orphan Grants and the Glebe Lands, are to form part of the Seventh of the Colony, which the Governor is directed by the King's Instructions to grant to the Corporation? or whether those Lands, being already appropriated and occupied, are to be held by the Corporation in addition to the Lands to be granted under the King's Instructions.

Secondly.—What proportion or parts of the Colonial Revenue the Corporation is entitled to receive.

Thirdly.—Whether the Corporation are to Pay any and what part of the Claim recovered by Mr. Busby, under the recited Act of the Governor in Council; and how far the Corporation is liable to discharge any Claim for Wages or for other matters, in which they have no beneficial Interest?

I have, &c,

Charles Cowper,
Clerk of the Corporation.

Statement.

By Letters Patent, Dated the 9th of March, 1828, His Majesty created a Corporation by the Name of the Trustees of Clergy and School Lands in the Colony of New South Wales.

By the thirty Second Clause of which all the Lands and Tenements within the Colony, heretofore appropriated and set apart by the former Governors of the Colony, or any of them, for the Maintenance and Education of Male and Female Orphans, and all such parts of His Majesty's Revenues arising within the Colony, as had by any such Governor been appropriated and set apart for the Education of Youth therein, are thereby vested in and placed under the Management, Care and Superintendence of the said Corporation.
of the Corporation, to be by them applied and disposed of in aid of the Funds thereby appropriated towards the Education of Youth in the Colony in the Principles of the Established Church.

And by the thirty third Clause, it is declared that all the Lands, theretofore set apart within the said Colony for the support of the Clergy of the Established Church, and known by the Name of the Glebe Lands, or by whatever other Name the same may be known, should immediately after the Death, Resignation, removal or other Avoidance of the Chaplain or Clergyman, now in the occupation and enjoyment thereof, respectively pass to and become vested in the said Corporation, upon, and under, and subject to the Trusts, and to and for the intents and purposes, thereinbefore declared, respecting the other Estates of the said Corporation.

By The King's Instructions, The Governor is directed to grant to the Corporation, under the Public Seal of New South Wales, one Seventh part of the Lands within the Territory of New South Wales, to be held by the Corporation and their Successors in Fee Simple.

By a Grant* dated the 15 August, 1803, Philip Gidley King, Esquire, The Governor of the Colony, granted to Mrs. King, Mrs. Paterson, the Reverend Samuel Marsden, Thomas Jamison, John Harris, and John Palmer, Esqrs., the then Committee for conducting the Female Orphan Institution, and in case of their Death or Absence, to the Persons therein mentioned, To hold for Ever (12,300) Twelve thousand, three Hundred Acres of Land in the District of Cabramatta; and by a Grant, Dated the 1st of May, 1804, the said Governor granted to the said Committee 2 Acres and 17 Rods of Land in the Town of Sydney; and by a Grant, Dated 10th August, 1806, the said Governor granted to the said Committee 280 Acres of Land part of Grose Farm.

By a Deed, dated 27th of May, 1823, Sir Thomas Brisbane, Governor of the Colony, in consideration of a surrender made by Messrs. Marsden, Palmer and Harris, the surviving Trustees for conducting the aforesaid Institution, to His Majesty, His Heirs and Successors, of (280) Two Hundred and eighty acres of Land, part of Grose Farm, and in order to remove Doubts, which are therein mentioned to be entertained, of the sufficiency of the before mentioned Grants to convey Legal Estates for the benefits of the said Institution, did Grant to the said Samuel Marsden, John Palmer, and John Harris, the said parcel of (12,300) Twelve thousand, three hundred acres of Land; and (2) two Acres and (17) Seventeen Rods of Land; and also (1,000) One thousand Acres of Land in the County of Roxburgh,
and (600) Six Hundred Acres of Land in the District of Cabramatta, adjoining the said (12,300) Twelve thousand three hundred Acres of Land; and also (60) acres of Land at Parramatta called Arthur's Hill; To hold the same to the said Samuel Marsden, John Palmer and John Harris, and the Survivors and survivor of them, and the Heirs and Assigns of such Survivor for ever, Upon trust, to permit the same to be occupied and enjoyed for the support, maintenance and benefit of the said Female Orphan Institution, and to let, convey, Sell and Dispose of the same, as the Committee for the time being of the Institution should from time to time direct or appoint.

And various Grants of Glebe Land have been, from time to time, made to the several Chaplains of the Colony, and to their Successors the Chaplains for the time being.

On the Institution of the Female Orphan School in August, 1800, the following Duties were appropriated to its support, Viz:—

The Proceeds of the Retail Spirit Licenses; The Port Duties; Entries and Clearances of Vessels; The Fees for Permits to remove spirits; A Duty of ½ per Cent. on Auction Sales; A Duty of 5 per Cent. Advalorum on Articles imported, the produce of Countries Eastward of the Cape; Fines Levied by Courts of Justice and Magistrates; The Governor's Fees on all Grants and the Quit Rents thereon; And certain profits arising by the Sale of Supplies from His Majesty's Stores, as directed by the Right Honble. Lord Hobart.

On the 31st of March, 1810, the Governor established a Public Fund, and ordered the payment of three fourths of all the Duties and Customs Collected to be paid to the Treasurer of that Fund; And that the Duties on the Licenses should be paid into the Police Fund.

On the 21st of June, 1817, the Governor ordered that one eighth part only of the Colonial Revenue should be assigned to the Female Orphan Institution.

On the 1st of January, 1824, The Governor notified to the Reverend Samuel Marsden, Mr. John Palmer and Mr. John Harris, the surviving Trustees of the Female Orphan Institution, his intention of relieving them from their Duties, and appointed the Colonial Secretary for the time being, Henry Grattan Douglass, Esqr., and the Reverend Thomas Reddall, the Committee.

In December, 1824, an attempt was made to instruct the Male Orphans in the Cultivation of the Vine, with the view to its
general Cultivation in the Colony; and an Agreement is understood to have been entered into by Major Goulburn, as the Managing Member of the Committee, with Mr. James Busby to give the Boys the necessary Instruction, and also to superintend the general Farming Establishment of the Institution.

Mr. Busby was to have one third of the gross increase of the Stock, and of the Net Profits of the Soil.

By an Act* of the Governor and Council, passed the 2nd of August, 1826, after reciting that the Accounts of the School (Orphan) were settled up to the 31st of December, 1823, It is enacted, amongst other things, that the Reverend Samuel Marsden, John Palmer and John Harris, and all other Trustees and Committee, theretofore Concerned in the Management of the same, should be, and they are thereby Released from all responsibility as such Trustees or Committees; and that all other Committees or Persons, having the care or disposal of the Estates or Funds of the said School since the said 31st of December, should, upon passing their Accounts to the satisfaction of the Trustees of Clergy and School Lands, be in like manner released from all responsibility as aforesaid; and that the Trusts in them, or any of them, or in any Person or Persons vested in respect of the said Estates should be determined. Provided that Claims then legally outstanding against the Trustees or any of them, in respect of the said Trusts, might be made and enforced against the said Corporation, in the same manner as they might have been against the said Trustees, or any of them, if that Act had not been passed.

The Corporation, finding the Expenses of the Farming Establishment Enormous, and that there was no prospect of return, determined to discharge Mr. Busby and to break up the Establishment, and notice was accordingly given that his Services would not be required after the 31st of March.

Mr. Busby contended that he had a right to the prospective produce of the Farm, and estimated such produce, especially the Wine, at a very high Rate, and, as considerable difficulty occurred in the adjustment of the Sum due to him, it was agreed by the Corporation and Mr. Busby to submit the Claim to the decision of "Arbitrators."

The Arbitrators reduced Mr. Busby’s Claim to a fixed Amount per Annum, and, after various Sums of Money paid to him by Warrants from the Governor in anticipation of the Produce, awarded that there was a Balance Due to him of (£1,033 6s. 8d.) one thousand and thirty three Pounds, Six Shillings and eight Pence Sterling.

* Note 31.
DARLING TO STANLEY.

Doubts having arisen as to interests and liabilities of the Corporation, under the several Instruments and Acts before noticed, the Trustees are desirous of ascertaining,

First. Whether the Lands, intended to be vested in the Corporation by His Majesty's Letters Patent, consisting of the Ancient Orphan Grants and the Glebe Lands, are to form part of the Seventh of the Colony, which the Governor is directed by the King's Instructions to grant to the Corporation? Or whether those Lands, being already appropriated and occupied, are to be held by the Corporation in addition to the Lands to be granted under the King's Instructions.

Secondly. What proportions or parts of the Colonial Revenue the Corporation is entitled to receive?

Thirdly. Whether the Corporation are to Pay any, and what part of the claim recovered by Mr. Busby under the recited Act of the Governor in Council; and how far the Corporation is liable to discharge any Claim for Wages or other matters, in which they had no Beneficial Interest?

[Enclosures Nos. 2 and 3.]

[These were the thirty-second and thirty-third clauses of the charter for the clergy and school estates; see page 458, volume XI.]

GOVERNOR DARLING TO UNDER SECRETARY STANLEY.

(Despatch per ship Eliza.)

Sir,


I do myself the honor to transmit, in reference to Mr. Hay's letter, dated the 31st of July last, the accompanying Extract from a Memorandum from the Principal Superintendent of Convicts, relative to the case of Thomas Hart.

I have, &c.,

RA. DARLING.

[Enclosure.]

Extract from the Principal Superintendent of Convicts Memorandum, Dated 13th February, 1828.

"The Principal Superintendent of Convicts has the honor to acquaint the Private Secretary to His Excellency The Governor, in answer to Query No. 1 of his Memorandum of the 28th Ultimo, that the Convict named in the Margin* is at present

* Marginal note.—Thomas Hart per Medina.
1828.
31 March.
in the Service of one Thomas Millar of Bathurst, with whom he has lived since his arrival in 1824. His Master reports favorably of his Character.

FREDK. A. HELY.

GOVERNOR DARLING TO RIGHT HON. W. HUSKISSON.

(Despatch No. 61, per ship Eliza; acknowledged by Sir George Murray, 2nd November, 1828.)

Sir, Government House, 1st April, 1828.
The Return of Captain Dumaresq, the Civil Engineer to Sydney, has enabled me, in reference to my Despatch No. 44, dated the 24th of last Month, to forward by this opportunity a Plan and Estimate of the addition proposed to be made to the Building appropriated as a "Benevolent Asylum."

You will observe, Sir, that, although two Wings are laid down in the Plan, which would be desirable with a view to the Uniformity and appearance of the Building, that one Wing only is intended to be erected at present, it being supposed that this addition will be sufficient for the accommodation of the Number of Persons now Maintained by the Institution. As the Numbers encrease, the other Wing may be added hereafter, which will save for the present the expenditure of about £240.

I request, Sir, that the subject may receive your early Consideration, as the want of the proposed accommodation occasions very serious inconvenience.

I have, &c.,
RA. DARLING.

[Enclosure No. 1.]

ABSTRACT of the Receipts and Disbursements of the Benevolent Asylum of New South Wales during the years 1825, 1826 and 1827.

<table>
<thead>
<tr>
<th>Year</th>
<th>Receipts</th>
<th>Disbursements</th>
</tr>
</thead>
<tbody>
<tr>
<td>1825</td>
<td>Cash from Colonial Revenue £1,050 0 0</td>
<td>Subscriptions received 481 0 0</td>
</tr>
<tr>
<td>1826</td>
<td>Cash from Colonial Revenue £1,050 0 0</td>
<td>Subscriptions received 541 0 0</td>
</tr>
<tr>
<td>1827</td>
<td>Cash from Colonial Revenue £997 0 0</td>
<td>Subscriptions received 373 0 0</td>
</tr>
<tr>
<td></td>
<td>Balance in hand 42 1 6</td>
<td></td>
</tr>
</tbody>
</table>

Total Amount £4,554 1 6

1825. By Cash paid for Expences £1,438 10 3
1826. By Cash paid for do £1,709 13 10
1827. By Cash paid for do £1,405 17 5

Total Amount £4,554 1 6
DARLING TO HUSKISSON.

[Enclosure No. 2.]

RETURN of the Average Number of Persons relieved by the Benevolent Asylum during the Years 1825, 1826 and 1827.

<table>
<thead>
<tr>
<th>Year</th>
<th>In the Asylum</th>
<th>Out of the Asylum</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>1825</td>
<td>87</td>
<td>13</td>
<td>100</td>
</tr>
<tr>
<td>1826</td>
<td>97</td>
<td>17</td>
<td>114</td>
</tr>
<tr>
<td>1827</td>
<td>97</td>
<td>19</td>
<td>116</td>
</tr>
<tr>
<td>Total</td>
<td>281</td>
<td>49</td>
<td>330</td>
</tr>
</tbody>
</table>

[Enclosure No. 3.]

(The estimates amounted to £482 12s. 0d.; the plan will be found in the volume of charts and plans.)

GOVERNOR DARLING TO RIGHT HON. W. HUSKISSON.

(Despatch No. 62, per ship Eliza; acknowledged by Sir George Murray, 4th November, 1828.)

Sir, Government House, 2d April, 1828.

Having heard that Mr. Bannister has been called Home from the Cape of Good Hope and supposing that his retiring from this Colony may possibly become a subject of discussion, I have thought, though perhaps too late, that it may be convenient to advert to his case.

I understand Mr. Bannister lays much stress upon the circumstance of his Compulsory removal* from Office, the fact being that he had actually sent Home his resignation long before my arrival in the Colony, and communicated to me, on the 15th of September, 1826, a Letter which he had received from Earl Bathurst, informing him that a person had been appointed to succeed him in the Month of April.

In his Letter of the 15th September, he applied to me to be allowed to return Home; and I informed him, not being aware how the duties of Attorney General could be provided for, that I did not understand it to be the intention of Earl Bathurst that he should relinquish his Office before the arrival of his Successor.

A Week after, on the 22d of September, he applied for leave of Absence for three Weeks to go into the Interior, and repeated this Application on the 25th. Some business, which I do not immediately recollect, occurred, which prevented his request being at that Moment complied with. A few days after, on the 3d of October, he made a fresh Application to be permitted to go to Van Dieman's Land, which was granted; and, on the 6th of that Month, he addressed a Letter to me commenting on my Conduct in such a Manner as induced me to think, coupled with his recent repeated applications for Leave, that it would be

* Note 32.
better at once to allow him to return Home than detain him under such circumstances. I presume Sir to think that Mr. Bannister, having Voluntarily resigned his office, he cannot justly complain of being removed under the circumstances above stated, and that the Government was not bound to retain him longer than appeared convenient or beneficial to the Service.

I beg, Sir, to refer you, should you think it necessary to go further into the subject, to the despatch which I had the honor to address to Earl Bathurst, dated the 27th October, 1826, Marked "Separate," and I avail myself of this opportunity of enclosing the Copy of a letter, which I have felt it necessary lately to write to Mr. Bannister, in Consequence of his republishing some of the Articles which have appeared in the "Australian" Newspaper reflecting on my Conduct.

I have, &c.,
RA. DARLING.

[Enclosure.]

GOVERNOR DARLING TO MR. S. BANNISTER.

Sir,
Governament House, 25th February, 1828.

I have received from time to time several Letters, which you have addressed to me, with some Printed Papers which you inform me you have laid before His Majesty's Government. As I am led to suppose, from Your Letter of the 17th October, that you expect a reply, I am induced to state that, as on the occasion to which you appear particularly to allude, I acted on principle in the discharge of my duty as Governor of this Colony, the subsequent conduct of Doctor Wardell towards me, as appears by the Papers which you have thought fit to republish, consistent as it may be with his Character, cannot be considered as furnishing any ground for altering my opinion as to the propriety of my proceeding at the time.

You will excuse me if I do not subscribe to the correctness of the view, which you have taken of your case, speaking, as I think you do, of my having suspended or removed you from office, when I believe you had tendered your resignation to His Majesty some time before my assuming the charge of this Government, and which, I received orders to inform you, His Majesty had been pleased to accept.

I may be further permitted to express my surprise that, in seeking justice at my hands, you should at the same time furnish proofs of your promoting the Circulation of Calumnies against me by republishing them in Your Papers, originating as they did with a person whom you have invariably represented as a Common Slanderer, unworthy of attention or Credit.

I have, &c.,
RA. DARLING.
DARLING TO HUSKISSON.

GOVERNOR DARLING TO RIGHT HON. W. HUSKISSON.

(Despatch marked "Separate," per ship Eliza; acknowledged by Sir George Murray, 22nd September, 1828.)

Sir, Sydney, 3rd April, 1828.

Having received private information that Captain Robison* of the Veteran Companies had sent Home Charges against me and that the Chief Justice had assisted him in preparing or revising them, I immediately wrote to those Gentlemen requesting information as to the fact.

I do myself the honor, Sir, to transmit for your information a Copy of a Letter written by my directions to Captain Robison and of his answer, as likewise of the reply, occasioned by the equivocal nature of Captain Robison's Letter.

The Charges, of which I presume a Copy has been transmitted to you direct, or through the medium of some friend to be delivered as he might think proper, I know from undoubted Authority were forwarded by the "Orelia" on the 9th last Month, five Copies having been sent Home by that Ship, so that the Subterfuge, used by Captain Robison in admitting that he forwarded Statements to his Friends last Year, is rendered evident by a knowledge of this fact, and exposes his conviction of the improper and indefensible nature of his proceedings.

It is not my intention, Sir, to trouble you on the subject of implication of Captain Robison's conduct, further than the Chief Justice is implicated. You will perceive by the accompanying correspondence, which has passed between us, that Mr. Forbes states the report I had heard was "entirely untrue." He admits, however, he had understood "that he (Captain Robison) intended to complain of what he considered as grievances." But he goes on to state, "whether Captain Robison has made any Charges against your Excellency or not, I do not know, nor can I distinctly recollect one specific circumstance, of which I understood him to complain."

Whether Mr. Forbes does or does not know that the Charges have actually been forwarded, is not very material. But I am assured, on such Authority as I cannot possibly doubt, tho' I cannot disclose it, that Mr. Forbes was in possession of the Draft of the Charges for some days and did certainly alter and amend them in his own Hand! As to the matter introduced by Mr. Forbes in his second Letter of the 23rd last Month, with respect to Colonel Stewart and Mr. Mackaness, it was merely to divert my attention from the original question, which Mr. Forbes hoped by this means and his denial of any knowledge of the Charges would be forgotten; and that he might thus escape detection.

* Note 33.
It being my intention to address His Grace the Commander in Chief on the subject of the offence, of which Captain Robison has in a military point of view been guilty, I shall, Sir, only trouble you further by enclosing the Copy of a Statement, which I propose forwarding to his Grace, which will prove that no common pains have been taken to serve Captain Robison.

The inconsistent and contemptible nature of the Charges might exonerate me from noticing them; but it has become necessary, if only for the sake of example, to shew those possessing the litigious Spirit of Captain Robison, by which his unfortunate Brother* was equally actuated in his proceedings against the Bengal Government, that, whatever countenance or support they may receive from others, they will be made strictly amenable for any deviation from the rules laid down for their observance. Captain Robison was bound both by the Articles of War and the regulations of Government, as established by the orders of Earl Bathurst, to have made his complaint through me.

I have, &c,
RA. DARLING.

[Enclosure No. 1.]

CAPTAIN STURT TO CAPTAIN ROBISON.


Lieutenant General Darling, commanding the Troops in this Government, having been informed that you have transmitted Charges against him to the Commander in Chief and other public Authorities in England, I am directed by His Excellency to require you to state whether the report he has heard is correct, and, if so, that you immediately forward for His Excellency's Information Copies of the said Charges and of any representation you may have made to any Branch of His Majesty's Government, with respect to his conduct.

I have, &c,
CHARLES STURT, Mily. Secy.

P.S.—You will send your reply to the Superintendent of Police, who has directions to forward it to Sydney.

C.S.

[Enclosure No. 2.]

CAPTAIN ROBISON TO CAPTAIN STURT.

Sir, Newcastle, 28th March, 1828.

In reply to your letter of the 23rd instant, I have the honor to inform you that I found it necessary last Year to transmit to my Family and Friends certain Statements, relative to

* Note 34.
DARLING TO HUSKISSON. 107

myself and Company since our Arrival in this Colony, and I am not now prepared to say what nature they may ultimately assume.

I have, &c.,
R. Robison,
Capt'n., N.S.W. Veteran Companies.

[Enclosure No. 3.]

CAPTAIN STURT TO CAPTAIN ROBISON.


I am directed by the Lieutenant General commanding to observe that your letter of the 28th inst. is not an Answer to that which I addressed to you by His Excellency's Orders on the 23rd; and I am further commanded to desire you will state unequivocally, whether you have or have not transmitted any Charges or representation against the Lieut. General at any time since you have been under his command, either directly to any of the Public Authorities in England, or to your friends for the purpose of being communicated to the Secretary of State or the Commander in Chief, and, if so, that you do, without further delay, transmit a Copy of the said Representation or Charges through the Superintendent of Police, who has directions to forward the same to Head Quarters.

I have, &c.,
CHARLES STURT, Mil. Secretary.

[Enclosure No. 4.]

GOVERNOR DARLING TO CHIEF JUSTICE FORBES.


It having been this moment intimated to me that Captain Robison of the Royal Veterans has transmitted Charges against me to His Majesty's Government, and that you assisted in preparing the Charges, I feel it to be due to the high Station you fill in this Government to apprise you without loss of time of this circumstance, as a means of affording you an opportunity of contradicting a Report of so injurious a tendency.

I have, &c.,
RA. DARLING.

[Enclosure No. 5.]

CHIEF JUSTICE FORBES TO GOVERNOR DARLING.

Sir, Sydney, 23d March, 1828.

I feel much obliged to Your Excellency for the candid manner in which you have informed me of its having been intimated to you that I had assisted Captain Robison of the Royal
Veterans in preparing Charges against you, and, in the same spirit of candor, I beg to assure you, Sir, that the report is entirely untrue.

From my intimacy with the Family of Mr. Justice Stephen, I understood that Captain Robison felt himself aggrieved by you, as his Commanding Officer, and that he intended to complain of what he considered as grievances; and, as a friend of Mr. Stephen's Family, I suggested to one, whose opinion I knew was influential with the rest of the family, that Captain Robison should be cautious of preferring charges against his Commander. Whether Captain Robison has made any charges against your Excellency or not, I do not know; nor can I distinctly recollect one specific circumstance, of which I understood him to complain. I have never had any communication with him upon the subject; and when he was in Sydney a few days since, I met him by accident in company with the rest of Mr. Stephen's Family and at no other time.

Having I hope satisfied your Excellency of the unfounded nature of the report, I must beg that your Excellency will inform me who it was that communicated it to Your Excellency.

I have, &c.,
FRANCIS FORBES.

[Enclosure No. 6.]

GOVERNOR DARLING TO CHIEF JUSTICE FORBES.

Sir,
Government House, Sunday, 4 o'clock.

I am this moment favoured with your Letter, which is in every respect perfectly satisfactory. Having been informed of the circumstance, as communicated to you, I felt myself bound to put you in possession of it. But I assure you, I not only do not know the Author, but I have made a point, as I usually do on such occasions, of not enquiring. It was mentioned to a Gentleman of my Family, who shall be immediately furnished with the means of correcting his Informant.

I have, &c.,
RA. DARLING.

[Enclosure No. 7.]

CHIEF JUSTICE FORBES TO GOVERNOR DARLING.

Sir,
Sydney, 23d March, 1828.

I am extremely glad to find that my Answer to your Excellency's Letter of this date has been satisfactory, and I do not wish to press my enquiry as to the Author of the Report. I think it originated in the circumstance of my visiting Mr. Sydney Stephen's house on two successive days, while (as I
afterwards heard) Captain Robison was there. I neither saw him, nor communicated with him; my object was exclusively to adjust a matter, which I feared might lead to some difference of opinion between Mr. Justice Stephen and Mr. Justice Dowling; of the very extraordinary and contradictory tenor of the reports, which I have been exposed to in this Colony, the enclosed Letter will afford you some proof. I simply beg of you to read it, Sir, and return it me when you have done with it; and that you will regard the communication of it as confidential.

I have, &c,
FRANCIS FORBES.

[Enclosure No. 8.]

MR. J. MACKANESS TO CHIEF JUSTICE FORBES.

Dear Sir, Brisbane Cottage, Sydney, 23d March, 1828.

I cannot leave the Colony without requesting you to inform me whether Lieut. Colonel Stewart was correct when he told me "That you, in Council, had given it as your Opinion that the Act of 4 Geo. 4, C. 64, did not apply to this Colony, and that it is the duty of the Sheriff to attend to the Government." He added, "if you Sheriff have any thing to fear, it is through your friend the Chief Justice, who, in my presence, dictated the despatch by Letter the Governor sent Home against you." This conversation passed a few weeks before Colonel Stewart went to India, as we were walking over the Race Course from the Barracks to my residence.

I have, &c,
J. MACKANESS.

[Enclosure No. 9.]

GOVERNOR DARLING TO CHIEF JUSTICE FORBES.


I beg to return herewith the Enclosure which accompanied your second Letter of yesterday. Without entering further into the Question than relates to the Letter written Home respecting Mr. Mackaness, I must say the circumstance is so totally unfounded that I feel it quite impossible to give any credit to the Statement. I should be at a loss to conceive how Colonel Stewart could even have known that I had made any communication to His Majesty's Government respecting Mr. Mackaness. I am not in the habit of communicating the Despatches I write or receive to any one; and I have no reason to think I ever mentioned to Colonel Stewart my having written Home on the subject in question.

I have, &c,
RA. DARLING.
CHIEF JUSTICE FORBES TO GOVERNOR DARLING.

Sir, Sydney, 24th March, 1828.

I have had the honor to receive your Excellency's Letter of this morning, returning Mr. Mackaness's communication to me, dated 22d instant. My object, in enclosing that communication to your Excellency, was to shew the very extraordinary freedoms that have been taken with my name. From my own knowledge, I was aware that the Statement, whether made by Colonel Stewart or not, so far as it respected my dictating any letter in your Excellency's presence, was untrue. There is a circumstance, however, mentioned by Mr. Mackaness, which cannot have escaped your Excellency. It is true that I did express in Council the opinion stated in his letter. Your Excellency will recollect that the Executive Council were convened about twelve months ago after Divine Service at Government House, and that you Excellency laid before the Council a Letter of Mr. Mackaness, who was then Sheriff, in which he considered the Statute 4 Geo. 4, C. 64, for regulating gaols, as in force in this Colony, and at the same time an Opinion of the Acting Attorney General, and I think also of Mr. Carter, in which a different view was taken, and that I did express the opinion ascribed to me in Mr. Mackaness's Letter. By what means, he came to the knowledge of this fact, I will not conjecture. It were hard to offer any opinion upon the correctness of a Statement, so plainly affirmed on one side, and so nearly touching the honor of an absent party on the other. But from Mr. Mackaness's marked reserve of manner towards me for some time past, I entertain no doubt that he believes what he states himself to have heard.

I have, &c, FRANCIS FORBES.

STATEMENT of Lieut. General Darling, with reference to the Charges (of the general purport of which only he has been informed) preferred by Captain Robison.

Charge 1st. That the Proclamation or Warrant, under which the Veteran Companies were raised, had been broken.

Charge 2nd. Shameful or Tyrannical conduct towards himself and Lieutenant Sweeney.

Charge 3rd. Breach of the Articles of War or Regulations of the Service in signing false Returns, and conniving at the forgery of Colonel Stewart, and ill treatment of him in consequence of having noticed it.

Charge 4th. Tyrannical or Shameful treatment of him on his Marriage.
DARLING TO HUSKISSON.

Charge 5th. His present degraded Situation, in being placed under the Orders of a ci-devant Captain of the Buffs, Superintendant of Police and a Convict Overseer, and not having received any Answer to his Letters.

Observations.

The Letter under which the Veteran Companies were raised, dated Royal Hospital, Chelsea, the 12th September, 1825, states, that they have been formed "for the purpose of being employed as Superintendants and Overseers of Convicts, in addition to their military duty." Having proved totally unfit for the Situations of Superintendants and Overseers, they are in general now employed in doing Garrison duty, the same as all other Veteran Corps. Captain Robison was the first person, who reported their mutinous conduct, and two of the Men, who came out in the Ship with him, were selected and tried as an example.

I do not comprehend what he means by shameful conduct to himself and Lieutenant Sweeney, alluded to in the second Charge, or by a Breach of the Regulations of the Service in the 3rd. It will, however, be easy to judge of the attention, which is due to these allegations, by shewing how the others are borne out. For instance, Conniving at the Forgery committed by Colonel Stewart, and the ill Treatment he Captain Robison received for having noticed it. It will be sufficient to state that I never even heard of this alleged Forgery until the present moment.

I now understand Captain Robison says that Colonel Stewart wrote the Colonial Secretary’s name on the Envelope of a private Letter in order to its immediate conveyance by the Constables on the Road. Colonel Stewart is now in India.

As to the 4th Charge, the injurious tendency of Captain Robison’s conduct obliged me to remove him from Sydney, where radicalism and insubordination appeared to be rapidly gaining ground. He was under Orders to proceed with his Company to Newcastle, when he requested Leave of Absence on the grounds of his approaching Marriage, which was immediately granted.

The 5th Charge is absurd and untrue. Captain Robison commands a Detachment of the Military at Newcastle, with which neither the Superintendant of Police or Overseer (who is not a Convict as Captain Robison would have it understood, but a free Man and Superintendant of Works) could ever think of interfering, nor would Captain Robison permit it, though his constant object has been to irritate and provoke them. His letters have not been left unanswered, though they did not merit a reply. Captain Robison had twice obtained Leave to return
Home as a special indulgence, and twice declined availing himself of it. Even after this, and his conduct was most improper on the last occasion, he applied by Letter more than once, and he was informed his Application on this head would not be attended to.

I understand he complains of his Quarters at Newcastle, which is a House consisting of Six Rooms, having been intended for three Officers. Captain Robison, being only recently married, has no Child.

I cannot perhaps better shew the unhappy construction of Captain Robison's mind than by pointing out the exertions that have been made to serve him.

In February, 1827, he was appointed to a Situation of Distinction and Emolument, the command of the Bathurst District, to relieve a Lieutenant Colonel, though there was not a Man of his Company detached with him.

When the Bathurst District was discontinued, he was nominated to another Command, that of Norfolk Island, though none of the Men of his Company were there. He declined it, as if insulted by the offer of a Situation which others had been solicitous to obtain, and asked Leave to return Home. It was granted, and he refused to go. The injurious tendency of his proceedings then obliged me to order him to Newcastle, where I hoped being exposed to less excitement than in Sydney, he might be restored to a better State of mind. If it should not appear by what I have now stated, I feel myself called on to add that Captain Robison's continuance in the Service cannot fail to prove in the last degree injurious to it.

R. D. DARLING.

3d April, 1828.

GOVERNOR DARLING TO RIGHT HON. W. HUSKISSON.
(Despatch No. 63, per ship Eliza; acknowledged by Sir George Murray, 17th December, 1828.)

Sir,

Government House, 3d April, 1828.

I do myself the honor to transmit for your information the enclosed Copy of a Report respecting the repair of the Military Barracks,* which I have received from the Civil Engineer and the Officer Superintending the Artificers of the Royal Staff Corps.

These Officers State, and I am satisfied of the fact, that they cannot with any degree of accuracy specify the probable Amount of the Expense. The Building is very extensive, being calculated to contain two Regiments and never having received a thorough repair; and, being composed of green and Unseasoned Materials, it is impossible to say until they uncover the

* Note 35.
defective parts, to what extent the repairs may be found necessary. But you may be assured, Sir, that nothing more shall be done than is absolutely required for the preservation of the Building and the necessary Comfort of the Troops.

In order to insure these objects, I have been under the necessity of commencing the Work without waiting for Your Authority. But the arrangement, I have made, will prevent the Expense being considerable. The Men of the Staff Corps having been found unfit for the purpose of Overseers as reported in a late Despatch, I have appointed the Artificers of that Company and some of the Veterans to this duty, which is carried on under one of the Subalterns. There will consequently be no Expense on Account of Workmen, while these Men will be advantageously employed. Most of the Materials, the Timber and Stone, will be procured from the Government Establishments, and the other articles will, as far as possible, be obtained from the Public Stores, so that the actual Money Expense will be confined to the purchase of Lime and Bricks.

You will observe, Sir, that a Wash House has been ordered for each Regiment. These are rendered indispensable by the Number of Women in Barracks and the impossibility of preventing their Washing in the Rooms, which is injurious in every point of view. The Expense of the two Wash Houses is only £61 7s. 3½d. as will be seen by the accompanying Estimate.

I, Sir, request your Authority for Undertaking the Work which I have now had the honor to report.

I have, &c.,

RA. DARLING.

[Enclosure No. 1.]

MESSRS. DUMARESQ AND WILFORD TO CAPTAIN STURT.

Sir, Sydney, 3rd April, 1828.

His Excellency the Governor having called upon us to furnish an Estimate of the probable Expenditure, which will be necessary in carrying into effect the repairs of the Military Barracks, together with the additions, suggested in the Report of the late Board of Survey ordered by His Excellency, We have the honor to state that the only New Buildings, which have been authorised, are a Wash House for each Regiment (two), the Expense of which is £61 7s. 3½d. as shewn by the accompanying Estimate.

With reference to the repair of the Barracks, we have to observe that, from the length of time the Barracks have been built, and left without a thorough Repair, the bad Workmanship in some instances, and in all the unfit state of the Timber made use of from not being properly seasoned, it is quite impossible
1828.
3 April.
Inability to prepare detailed estimate for repairs to military barracks.

The Carpenter’s Work requires general Repair, and in carrying it on, it is difficult to say that unavoidable injury may not be done to certain parts of the Building, which do not at present appear defective.

The Plastering requires to be almost entirely renewed, also the Flagging of the Passages, Verandahs, etc. The Door Locks are in bad order, as likewise the Windows.

The Roof, although it has lately been partially Shingled, requires repair, and must from the great extent of it be constantly attended to.

The whole of the Building should be coloured, and the Wood Work Painted.

We trust that this explanation will account for our not having it in our power to give in a satisfactory or Detailed Estimate. One might have been framed, but, under the circumstances we have stated, it could not have been prepared with any degree of accuracy. We have therefore thought it better to state the fact.

As all Stores Expended are most carefully accounted for and no Work undertaken that is not specifically authorised, no unnecessary Expense can possibly take place.

We have, &c.,
WM. DUMARESQ, Civil Engineer.
E. C. WILFORD, Lieut., Royal Staff Corps.

[Enclosure No. 2.]

[This was a detailed estimate of shingles, bricks, etc., amounting to £61 7s. 3½d.]

GOVERNOR DARLING TO RIGHT HON. W. HUSKisson.
(Despatch No. 64, per ship Eliza.)

Sir,

Government House, 3d April, 1828.

I do myself the honor to transmit the accompanying Lists of Female Convicts lately arrived by the Ship Elizabeth from Ireland, considering from the question they involve that they may prove of some importance to the Public.

List No. 1 contains the Names of 19 Women, whose Husbands or Relations are already in the Colony. No. 2 is a List of 11 Women, whose Husbands are Under Sentence of Transportation but have not yet arrived.

Whether these Women committed the Offences for which they have been Transported as a means of joining their Husbands...
and relations, or whether they are the Victims of Crime unconnected with this object, is perhaps not altogether unimportant. In the former Case, it may be a question whether an attempt should not be made to put a stop to such proceeding, though the means may not be convenient or easily devised. It might be well to consider whether it would be best effected by sending out the Wives of Convicts soon after their Husbands are transported, or by not transporting any Woman whose Husband had been sent out as a Convict. These appear to be the only means of effecting the object. The first would certainly render the punishment of Transportation less abhorrent and might operate as an encouragement to Crime.

The Second would perhaps be the more advisable course, as it might possibly prevent the Commission of Crime on the part of the Women who were anxious to join their Husbands; and the Men would, as at present, still have an inducement to behave well in the hope from that circumstance that their Wives would be permitted to join them.

I have, &c,

RA. DARLING.

[Enclosures.]

GOVERNOR DARLING TO UNDER SECRETARY HAY.

(Despatch marked "Private and confidential," per ship Eliza.)

My dear Sir,

Sydney, 3rd April, 1828.

I adverted in my Letter of the 5th last month to the circumstance of Mr. Forbes having appointed an additional Clerk in the Office of the Supreme Court, the necessity of which, though I was not then aware of the immediate object, I had strong reasons to doubt. Mr. Forbes would have it believed that his Arrangements are directed with a view to economy. But I am not satisfied that this is his real motive. When he proposed the discontinuance of the Office of Master, he stated it would occasion a saving of £600 a Year, as will be seen by the correspondence which I have transmitted on the subject, but immediately recommended an addition to the Salaries of two of the Clerks, amounting to £250. And, as I mentioned in my last letter, has since appointed another Clerk at a Salary of £200 a Year. The Appointment of this latter person, if at all necessary, had, I have no doubt, also another object, that of securing the support of Mr. Dowling with whom this person came out and whose private Clerk he is. You are aware from circumstances how desirable it must be for Mr. Forbes to receive Mr. Dowling's support; and he is too crafty not to use any means in his power
to obtain it. I cannot consider Mr. Dowling's yielding the precedence to Mr. Justice Stephen, after the communications I made to him both verbally and in writing, as you may see by my Despatch on the subject, as at all consistent. But Mr. Forbes from the first professed to doubt the Authority of a Secretary of State's Despatch in such a case. He said the precedence should have been given in Mr. Dowling's Warrant under the Sign manual. I had occasion not long since to point out that it appeared, by my Commission* under the Great Seal, that any Instructions, conveyed in the King's name by the Secretary of State, were to be considered the same as Orders under the Sign manual. I cannot abstain from repeating that Mr. Forbes's constant aim has been to set the Government aside, and to shew that the Chief Justice and the Supreme Court alone are competent to decide here. Everything, which occurs, according to his view be made matter of legal inquiry and be referred to the Courts of Law. I hope Mr. Dowling will prove that he possesses sufficient firmness to resist him, until matters shall be put on a proper footing, and that he will not allow himself to be made such a Tool as his Associate.

I hesitated writing to you, as you have transferred the details of this troublesome Government† to other hands; but, as the subject is connected with my last letter to you, I have thought it better to conclude it in this manner.

I will not take my leave of you without thanking you for the attention you have shewn to my communications, and I assure you I am very sensible of the patience and kindness you have evinced in considering them.

I remain, &c,

RA. DARLING.

GOVERNOR DARLING TO RIGHT HON. W. HUSKISSON.

(Despatch No. 65, per ship Eliza.)

Sir,

Government House, 5th April, 1828.

I do myself the honor to forward herewith a Memorandum, which has been prepared by the Colonial Secretary at my desire, in order to bring under your Notice the very defective nature of the "Indents" of Convicts sent out from England and Ireland.

I will satisfy myself by stating generally, that the inconvenience, arising from this circumstance, is very great. But I will not intrude on your time, Sir, by repeating here what is so clearly explained in the Memorandum, further than to add that the information required would not only prove extremely convenient, but be important in some cases.

I have, &c,

RA. DARLING.

* Note 36. † Note 37.
MEMORANDUM respecting the defective state of the Indents of Convicts sent from England and Ireland.

1. The Indents or Assignments of Convicts by the Lord Lieutenant of Ireland to the Governor of New South Wales, specify the Term of Years for which each Convict is Sentenced to be Transferred, but do not mention the time of Trial, or the Day from which the Term of Transportation is to be reckoned. Consequently when Convicts from Ireland apply for Certificates of Freedom, their own Statements of the times of Trial are necessarily adopted in the Colonial Secretary’s Office as the periods from which their Sentences are to be calculated. It is not necessary to make any remark upon this state of things; but, as an instance of its Impropriety, the recent case of John Clancy may be mentioned. This Man arrived in the Colony on board of the Ship “Mangles” in February, 1826, and, although stated in the assignment to have been transported for Seven Years, he now demands a Certificate of his Freedom, declaring that he was tried five years before he was transported.

2. It appears to have been formerly the practice to mention in the Irish Assignments, the Assizes at which each Prisoner was tried, as “Lent Assizes,” “Summer Assizes,” etc.; but it is evident that to enable the Government of this Colony to do justice to the persons transported for a certain term of years, it is indispensably necessary that the Day and Month, from which the Sentence is to be reckoned, should be expressly stated.

3. Besides this very essential defect in the Irish Assignment Lists, it is remarked that they are exceedingly incorrect, and the descriptions of the persons of the Prisoners are worse than useless, because they are generally so erroneous as to occasion great doubt respecting the identity of the Prisoners. Differences of from 2 to 4 Inches in Stature and from 10 to 50 Years in Age frequently occur.

4. Bridget Leonard or Doyle, who arrived per “Lady Rowena” in May, 1826, is stated in the Assignment to have been transported for Seven Years; and, in the same Assignment, the name of Ann Byrne tried for the same offence is mentioned as also transported for Seven Years. But Ann Byrne was then left behind; and, when she arrived in February, 1827, P. “Brothers,” her sentence is stated in the Assignment by that Ship to be for Life. She declares that she was tried for Shop lifting in August, 1825, and that she was sentenced to be transported for Seven Years.

5. Michael O’Donnell, who arrived per “Eliza” in November last, states that he was tried at Limerick on the 16th March, 1827, for Manslaughter, and was sentenced to be transported for Seven Years; but, in the Assignment, he is stated to have been tried for Stealing in a Dwelling House and to be transported for Life.

6. It is extremely desirable not only that correct information respecting these particular Cases should be obtained, but also that a correct List should be transmitted hither, as soon as possible, of all Convicts sent from Ireland to this Colony for 14 Years since the 1st of January, 1815, and for Seven Years since the 1st January, 1822, distinguishing the Day, Month, and Year from which each sentence is to be reckoned.
7. It is also very desirable that Columns should be added specifying whether each Prisoner be married or single, and containing other particulars, as detailed below.

8. With respect to the Lists received with Convicts from England, it must be allowed that, although they do contain the very essential Information of the Dates of Convictions, they are yet more defective than the Irish Lists. The Prisoners from Ireland are formally assigned under the hand and Seal of the Lord Lieutenant; but all Prisoners from England are sent hither, accompanied merely by Lists on two or more loose Sheets of Paper without any Signature or other mark of Official Authority or authenticity, and there is great reason to fear that this informality will even occasion some unpleasant discussion in Our Courts, as recent events have encouraged Prisoners to apply for Writs of Habeas Corpus in expectation that identity or right of detention cannot be proved against them.

9. The English Lists at present contain four Columns, viz., "Names," "Where Convicted," "When" and "Term." To these it is particularly desirable that Columns should be added for "Offences," "Ages," and whether "Single," "Married or Widowed." And it is very important, for many reasons, that as much as possible of the previous history of every Prisoner should be known here; it is to be wished that particulars should be stated of his Trade or usual occupation; and also whether he has been previously transported or convicted and how often, with a Report of his behaviour in Gaol and on board the Hulks.

10. Some of this information is now given by the Commanders of the Hulks to the Surgeon Superintendent of the Convict Ships, but on detached Lists, which are not always forthcoming. The whole ought to be included in the Indents or Assignment Lists, and these it is submitted ought to be written on Parchment, and authenticated in some way, so as to prove in a Court of Law that the Individuals therein named are actually sent hither in pursuance of their respective Sentences.

ALEX. MCLEAY.

Colonial Secretary's Office, Sydney, New South Wales, 5th April, 1828.

It would be convenient if the Religion of each Individual was stated.

R.D.

GOVERNOR DARLING TO RIGHT HON. W. HUSKISSON.

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

Sir,

Sydney, 5th April, 1828.

I regret to have occasion to report the death of Mr. Throsby, Member of the Legislative Council, who put an end to his existence on the 2nd inst.

This Gentleman for some time past had suffered from a depression of spirits occasioned, as was supposed, by the circumstance of his having been adjudged by the Supreme Court to pay a Sum of £4,000.
About seventeen Years since, he became Security for the Purchase Money of a Vessel, bought by a Mr. Blaxcell,* who is now dead, and Mr. Throsby was in consequence called on to pay the Principal and Interest.

The circumstance appears the more extraordinary, as Mr. Throsby was possessed of considerable Landed Property, two fine Estates containing about 20,000 Acres, as likewise of large and valuable Herds of Cattle.

I am sorry, Sir, it is not in my power at this moment to submit to you the name of a Person to succeed the late Mr. Throsby as Member of the Legislative Council; but I shall do so by the first opportunity. The fact is, I have found considerable difficulty in making a selection from the Agricultural Body, which may serve as some proof of the means the Colony possesses of furnishing Members for a Legislative Assembly on an extended Scale.

I had some thought of appointing a Mr. Browne, a very respectable Gentleman who came here some Years since from India and is a Magistrate of long standing. But I have heard just now of his having attempted to destroy himself this morning in a fit of Derangement. He has been placed under the necessary restraint, and is confined in the Hospital.

I may be permitted to observe that Persons, who have suffered from any temporary aberration of mind, should not be sent to this Colony. If there is nothing in the Climate which induces absolute derangement, there is undoubtedly something peculiar which affects the spirits and produces extraordinary depression. It may possibly be accounted for in some degree by the sudden Transitions from Heat to Cold and vice versa, which are frequently experienced here. But I shall not attempt to enter further into the subject.

I have, &c.,

RA. DARLING.

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GOVERNOR DARLING TO UNDER SECRETARY STANLEY.

(S-despatch marked "Private," per ship Eliza.)

Sir,

Sydney, 5th April, 1828.

It has occurred to me that it may be necessary to advert to a proceeding, which has lately taken place, in which Mr. Macarthur the Member of the Legislative Council has been concerned. But I do so only with a view of apprising you that I have studiously avoided interfering in the matter from its commencement to the present moment. This declaration appears necessary, as, from the Character the business has assumed, the

* Note 38.
Chief Justice may endeavour to make it appear that I have been concerned in it. I assure you, Sir, most unequivocally that I have not moved in it either directly or indirectly.

When it commenced, and I believe Mr. Macarthur was actuated by the best motives to prevent an indigent family from being oppressed, he waited on me, and informed me of the circumstance. I told him the Law was open to him and the Government could not interfere. The Attorney General happened to be at Government House at the time. I sent for him and in my presence he pointed out to Mr. Macarthur the course which, it appeared to him, ought to be pursued. Various proceedings took place after this, and it appears that the Supreme Court, in refusing a rule to the opposite Party to file a criminal Information* against Mr. Macarthur, ordered at the same time that he should pay all Costs. Mr. Macarthur considering this decision inconsistent and oppressive, intimated his intention of Impeaching the Chief Justice, and wished that the Information should be conveyed to him, through the Government. I afterwards saw him and he immediately determined on writing to the Chief Justice himself, which I understand he accordingly did; and I have neither seen Mr. Macarthur since, or heard anything further on the subject. One of his Sons is going Home by this opportunity relative to the business of the Australian Company, and has directions, I understand, to proceed in the case of the Chief Justice, if it shall appear necessary.

I have, &c.,

RA. DARLING.

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Sir,

Mr. Macarthur, the Member of Council, having called on me yesterday to submit a proposition with respect to the formation of the Executive and Legislative Councils, on which subject it is probable his Son will interest himself at Home, I am induced in consequence to advert to the matter before closing my Despatches, though I must do so hastily as the Ship is now getting under weigh.

Mr. McArthur proposes an Executive Council of nine Members, the Legislative to consist of 21, that is twelve Members in addition to those of the Executive Council.

The number proposed for the Executive appears out of all reason and the Composition is unusual and objectionable. He
recommends that it should consist of five officers of Government, the Principal Surgeon being one, whose situation in my opinion gives him no claim whatever to any such distinction and four Proprietors of Land.

In a private Letter (of the 9th February, 1827), to Mr. Hay, I submitted three Sketches for consideration, either of which might be adopted under certain circumstances. It is but just to Mr. Macarthur to state that no one can be better disposed towards the Government than he appears to be. But he is uncertain, and my opinion is from his proposing the Principal Surgeon, who is his Son in Law, and four Proprietors as Members of the Executive Council, that he is anxious to introduce himself and his immediate Friends, which would give him a preponderancy, that might hereafter prove extremely inconvenient to the Government.

The point, Sir, which I am most desirous to recommend to your consideration, is the exclusion of the Chief Justice from both Councils. In my Letter to Mr. Hay above referred to, I suggested that the Chief Justice should not be a Member of the Legislative Council, and, in the "Remarks on the new Bill," which I transmitted to Mr. Hay with my Letter of the 17th December last, and to which I requested your attention in the Letter I had the honor to address to you on the 1st of last Month, I think it is rendered pretty clear (in Paragraph 4) that he should not have a Seat in the Executive Council. The power, which he derives from this, having the whole Judicial Authority in his hands, and the large portion he possesses as a Member of the Legislative Council, enable him so completely to control the Governor, as to leave him little more than the semblance of the Supreme Authority. I should respectfully submit, Sir, that the Executive Council ought to be formed more according to the Councils of the Presidencies in India than this is, which consist of the Governor General, the Officer commanding the Troops, and two Members, the Governor having, I understand, the casting Vote. In every question brought before the Executive Council, Mr. Forbes's object has been to give it a legal turn, remotely, if not immediately, so as to shew that a Lawyer only could properly judge of it. You will perceive, Sir, the effect of this is to give the Chief Justice extraordinary powers in the Government. I am not satisfied that the Executive Council would not be better constituted without a legal person of any description, as the Judges and Crown Lawyers could be referred to when necessary; a competent Attorney General might however be useful; but the Chief Justice should I think be confined to his own immediate Branch as in India, and not be introduced into any other Department of the Government.
I would therefore, Sir, respectfully submit for your consideration that the Executive Council consist of four Members; the Officer next in Command being the person, whom I presume it is intended should succeed to the temporary charge of the Government in the event of a Vacancy, The Colonial Secretary, the Surveyor General and the Attorney General. If the form of the Councils in India be adopted as the model, and I can see no objection, the Attorney General would in that case be omitted. I am free to admit that the Governor would be less controlled by this arrangement than he is at present, and I also think, if he is deserving of the confidence of His Majesty’s Government, that he ought to be relieved from the undue control to which he is subjected under present circumstances.

I trust you will excuse the freedom with which I have expressed my Sentiments on this important subject.

I have, &c.,

RA. DARLING.

GOVERNOR DARLING TO RIGHT HON. W. HUSKISSON.

(Despatch No. 66, per ship Cape Packet; acknowledged by Sir George Murray, 19th April, 1829.)

10 April. Sir, Government House, 10th April, 1828.

1st. I have the honor of transmitting herewith the half Yearly Tables required by the Circular Despatch, dated the 11th September, 1826, for the Year ended 31st December, 1827.

2d. A Multiplicity of other urgent Business and the important Nature of the Several Subjects, which are required to be reported on by the above Despatch, have prevented my forwarding these Tables at an earlier period.

3d. My attention has continued to be directed to the completion of the regulations, which had previously been adopted for carrying into effect the New Organisation of the Public Departments.

4th. I have had occasion, as recently reported, to revise the Arrangement of the Business in the Office of the Colonial Secretary and the result has been the transfer from that Office of a great variety of Details, properly belonging to the Commissariat and the Convict Departments. This will relieve the Colonial Secretary and render him, as I have already Stated, available for the more important Duties of the Government.

5th. I have had the honor of addressing to you several special representations relative to the Clerks, and I have only to express
my hope that the advantage of the Arrangements proposed will be apparent. It is peculiarly important in this Colony that the Individuals selected for these Situations should be of respectable Character. The first step to this is to render their Situations comfortable and to hold out to them an increase of Income as a reward for assiduity and good conduct. There are but few Situations into which a Convict should be admitted as a Clerk.

6th. The Department of the Surveyor General, the Duties of which are most important in this Country, must, notwithstanding the number of Assistants who arrived last Year, continue to be much in arrear, and, without a very considerable augmentation, it will be in fact impossible to bring up the business and keep pace with the demands for the Services of the Officers of that Department. I propose reporting specially on this head.

7th. Every attention has been paid to maturing the arrangements of the Customs Department. But it is a Matter of considerable Magnitude, and the total absence of every thing like System or arrangement in the former Establishment has rendered the undertaking arduous in the extreme. The present Measures are purely experimental, and the Establishment cannot be permanently fixed without further experience. The Coast Trade between this and Newcastle has rendered it necessary to Station an Officer at that Settlement, whose appointment will be specially reported.

8th. I have had occasion to report particularly on the Establishment of an Office for the Collection of the Internal Revenue, which I trust, being of very great importance to the Government, will be confirmed. Utility and economy unite to recommend its adoption. It will assist in a great degree in rendering the present system complete.

9th. The Audit Office is also greatly in arrear and will require both time and labour to bring up the business. It existed only in Name on my arrival and the Crude and undigested State of the Several Departments and Establishments rendered it, until these were in some degree organised, useless and inoperative. I trust it will now assume a different Character, the Duties of that Office in this Government being highly important.

10th. I have reported from time to time so fully and indeed recently on the Department of the Civil Engineer and of Roads and Bridges, that I am not aware it is in my power to add anything else in this place. I am now proceeding with every possible Despatch in reducing, to the utmost that Circumstances will permit, the Engineer Establishments, both at Sydney and the Out Stations, with a view of relieving Government from the Charge of the Prisoners employed in them; and I shall be glad to find
that the experiment succeeds, though there appears much reason to doubt whether competent Persons can be found to Undertake such Works as may be required by the Government.

11. A Town Surveyor has been appointed and duly reported for the purpose of attending to the order and regularity of the Buildings and preventing encroachments on the Streets. As the Town of Sydney increases, which it is now rapidly doing, and Houses of a good description, at least I may say Handsome Structure, are succeeding the temporary Tenements originally erected, this office, which will have to provide for the Cleanliness and Comfort of the Town, will be one of great importance.

12th. An Inland Post has been recently established, but, being still in an incipient State, it is consequently Susceptible of improvement. So far however it has succeeded as well as could be expected, and there is no reason to doubt its continuing to do so.

13th. I may perhaps be excused, before closing this branch of my report, for adverting to the various and laborious Duties which the present Administration has had to perform. On my Arrival, the Government was a perfect Chaos. There was neither System nor regularity, and every Department acted of itself without reference to another. The Correction of these radical defects has been a principal object with the present Government, and I have no doubt the result will be a satisfactory proof of the exertions which have been used. I had hoped that ere this the Arrangements would have been Completed; but I was not aware of the task the Government had to perform. In short, every thing remained to be done. Matters were in an infinitely worse State than if no Government had existed; and I apprehend the exertions, which some Individuals have been required to make, and the observance of regularity and order, which has been imposed on Others, have by no means tended to reconcile them to the present state of things. The extra Duties, which some have had to perform and which in some cases have been and still continues to be, to a very considerable extent, in forming Boards and Making the enquiries and investigations necessary to the general organisation, which is progressively carrying into effect, have interrupted the current Business of their own Departments and thrown a great additional Burthen upon them. It is however satisfactory to think that when once completed the System will work well, as the just combination of the Several Departments cannot fail to render their respective Duties comparatively light.

Revenue and Expenditure.

14th. The Revenue of the Year 1827, Ordinary and Extra-ordinary, shows a total Increase over that of 1826 of about £7,000,
the increase of the Ordinary Revenue forming about £3,000 of this Amount. The Increase in this Branch, the Ordinary, would I have no doubt have been much more considerable had it not been for the high Price of Spirits imported, owing to the limited Supply received, which must have operated materially to lessen the consumption. This cause having recently ceased by increased Importations, this Branch of the Revenue for the last two Months has considerably improved.

15th. It is hoped that the arrangement, which has been made and reported for the appropriation of the produce of the Several Government Establishments to the Funds of the Commissariat, as a Means of assisting in the Maintenance of Convicts, will be approved. The Revenue applicable to Colonial Purposes will of course be proportionally diminished; But the appropriation of this Extraordinary Branch to the purpose above pointed out appears strictly consistent and proper.

16th. The Increase in the general Expenditure of the Colony will until explained appear considerable; But it may be satisfactorily accounted for as follows, Vizt.:

1. The purchase of large Supplies of Colonial Salt Meat in consequence of the discontinuing to send out Salt Provisions from England, a measure extremely desirable to the Colony as affording the Settlers the means of disposing of their Stock, for which there was before comparatively no demand.

2d. The Arrival of a much larger Number of Convicts in the year 1827 than in the preceding Year.

3d. The delay in receiving Stores from England for the Service of the Year 1827, which rendered it necessary to purchase on the Spot, at the Colonial prices, such Stores as were required for the Public Service.

4th. The Establishing New Settlements on the Coast and providing and keeping up the necessary means (purchasing and hiring Vessels) of supplying and communicating with them, of which ample details have been already transmitted Home.*

* The following Abstract shows the Amount of the Revenue and Expenditure for the last Year, under their general Heads, Vizt.—Revenue.—Ordinary, £70,206; Extraordinary, £9,103; Total, £79,309. Expenditure.—Civil Government, £76,000; Maintenance of Convicts paid by the Home Govt., £132,572; Military, £61,556; Total, £270,128. Deduct Colonial Revenue, £79,309. Amount chargeable to the Home Government, £190,819.

The Sum (Civil Government) £76,000 includes an advance to the Church Corporation for the payment of the Stipends of the Clergy and other indispensable purposes which they have not Funds at present to meet, £14,000; Also one Eighth of a Certain branch of the Revenue granted for the Support of the Orphan Schools, say, £5,000; Total, £19,000.

It is presumed that although the Revenue of the present Year is charged with these Items, that it will hereafter be relieved from them.
Military Establishments.

17. The Military Establishments have lately undergone but little alteration further than such as appeared necessary in the Distribution and relief of Detachments at the Several Stations. When it is taken into consideration that, exclusively of the Ordinary Duties at Head Quarters and at the Detached Stations in the Interior, the Troops in this Command are necessarily employed for the protection and Police of the Penal and other Out Settlements, that Several of these Stations are at a great distance from each other, requiring in some Cases two or three Months to communicate with the Seat of Government, it will be seen that the present Military Establishment is much too limited, and that an Augmentation is not only desirable but necessary to the Security of a Colony, situated at so great a distance as this is from the Mother Country, and of which the greater portion of its population were originally transported Felons.

18th. On the representation of Deputy Commissary General Laidley, who in June last succeeded to the charge of the Commissariat Department, an enquiry was instituted by the Orders of the Lords Commissioners of His Majesty's Treasury into the efficiency of that Department for the discharge of the duties assigned to it.

It appeared that for Several Years past this Department had been adequate to little more than the carrying on the Current Duties within the Colony, which are very extensive and important; and that consequently arrears and delay had taken place in the Making up and transmission both of the Commissariat Accounts and of the Returns and other Documents required to be sent to England by the Treasury Instructions. The Augmentation in this Department, which I have been induced to sanction for the purpose of removing the inconvenience which the Public Service must suffer from any delay in Making up the Public Accounts, are such as were considered Necessary by the Board and the Deputy Commissary General, and are not, as far as I have the means of judging, greater than are necessary considering the extensive range of the Department.

Judicial.

19. The Principal Changes in this Department are the arrival of Mr. Baxter, the present Attorney General, on an increased Salary of £1,400 per Annum, and the Appointment of Mr. Foster to Act as Solicitor General, which was also attended with additional Expense. The latter appointment had remained vacant since the advancement of Mr. Stephen to be one of the Judges of
the Supreme Court. On the representation of the Attorney General, Mr. Foster was appointed to fill the Vacancy for the purpose of assisting that Officer in the execution of his duties, which are at all times arduous, and which had been rendered more particularly so at the time of the appointment owing to the licentious State of the opposition Press.

20. The Number and description of the Population, consisting chiefly of small Settlers and Persons who had formerly been Convicts, in the Districts of Airds, Appin and Upper and Lower Minto, had so much increased the business of the Court of Magistrates at Campbell town (which is situated in the first mentioned District) that the attendance of the Magistrates, most of whom reside at a distance, could not be given so often as was desirable; and it was in consequence found necessary, for the regular discharge of the Police Duties of those Districts, to appoint a Stipendiary Police Magistrate, as has been already specially reported, who should be resident in the Town.

21. My attention was early directed after my arrival to the Police reorganisation of the important Department of Police, and I have every reason to be satisfied with the result of the Arrangements which I was led to adopt and which has been approved and sanctioned. In proof of its efficiency, it may be stated that any Crime of a serious nature very rarely escapes detection.

Ecclesiastical Establishment.

22. Two Chaplains have been added to this Establishment and lately arrived from England, the Reverend Mr. Smith and the Revd. Mr. Vincent. It is no doubt extremely desirable that the Inhabitants of every part of the Colony should have an opportunity of receiving religious Instruction. But it is evident that the State of the Church Funds does not at present admit of this Establishment being increased. There are now 14 Chaplains and 5 Catechists employed, who are Stationed in the most populous Districts, and I should doubt whether any Material benefit would result from placing others in the more remote parts of the Country where the Inhabitants are thinly scattered. The Settlers cannot conveniently go any distance from their Homes, nor is it for obvious reasons desirable that they should.

23. It may be observed as Matter of Regret that, even where Clergymen are established, the Churches in general are not well attended. It appears by the Returns furnished that the Number generally attending the churches already established, being Seven in Number, Amount to no more than about 1,800, though those Churches are calculated to afford accommodation to 4,200 Persons.
24. This fact of itself renders it of the utmost consequence that, in the appointment of Clergymen for this Colony, Men of the most respectable Character should be selected, who, by their influence, example and abilities, might be the means of recommending the practice of the duties of religion and a more frequent and numerous attendance at the places of Divine Worship. It may be proper to observe, while on this subject, that many of the Clergymen here are remarkable for the zealous discharge of their duties and merit the warmest commendation. It has been suggested I think by Lieut. Governor Arthur that Catechists might be beneficially employed at the several Penal Settlements, and I am fully of opinion that, generally speaking, Persons of that description would prove more useful at those Settlements than the Established Clergy.

Manufactures.

25. As may readily be supposed in a New Colony where Capital and Population bear so small a proportion to the extent of land remaining uncultivated, and where labour is consequently high, Manufactures have not yet made any considerable progress, nor are they likely to do so for many years to come.

26. Coarse Cloth remarkable for its superior durability is manufactured for the Clothing of the Convict Population at the Government Weaving Establishment at Parramatta, by a few Individuals in the Vicinity of Sydney, and by some of the more opulent Settlers for the use of their assigned Servants. The preference given to this description of Cloth over that, which is imported, in Consequence of its greater durability and the low price of the Coarser Sorts of Wool, will most probably lead to an extension of this Manufacture, which furnishes profitable means of employing Weavers who are transported hither.

27. The superior quality of the Soda, obtained from the incineration of the Mangroves at Botany Bay and other parts of the Coast, has led to the Establishment of two or three Manufactures of Soap, one of which, Mr. Dickson's, is on a large Scale. The Soap Manufactured is of a good quality, little inferior to that received from England, and is offered for Sale at a cheap rate, about 5d. per lb. when taken in large quantities. It may be doubted, however, whether the profits of Capital applied to this Manufacture will be equal to those which may be obtained by employing it in various other Channels which present themselves. If not, these Manufactures will consequently be neglected.
28. The greater portion of the Candles for internal consumption are also Manufactured within the Colony, chiefly at Sydney, but also by individual Settlers for their own use.

29. Three Steam Engines,* two at Sydney and one near Parramatta, are advantageously employed in grinding and dressing grain, and another is now in the Course of being erected at Sydney. Several additional Wind Mills have also been recently erected, and both Water and Wind Mills for grinding and Dressing grain are worked in various Districts of the Colony.

30. A very considerable quantity of Salt has during the last Year been Manufactured at the Works of Mr. John Blaxland on the Parramatta River, and Salt is also made in the Vicinity of New Castle. The Salt produced is of a sufficient Quality for common purposes, but, for curing Meat intended to be Kept, the Liverpool and other imported Salt is preferred, the process of purifying Colonial made Salt sufficiently for the purpose having hitherto found too expensive.

31. Brewing has made considerable progress during the last Year, and promises to lessen the Consumption of Ardent Spirits which would be a most desirable result. Two large and very expensive Distilleries have been erected in the Neighbourhood of Sydney, and another on a Small Scale has been set to Work at Bathurst; but the Price of Grain this Season, in Consequence of the failure of the Crops, has necessarily impeded their operations.

32. Cheese is made in every part of the Colony and of the best quality, being generally preferred to the Cheese received from England. It is sold at 1s. 3d. per pound.

33. A Tannery has been established by an enterprising Individual at Sydney where Leather of a good quality is Manufactured. Several of the more opulent Settlers in the Interior also Manufacture Leather for Harness and Farm Use. The Bark of the Mimosa decurrens or Black Wattle and of some of the other Trees of the Colony is favorable to the extension of this Manufacture.

34. The Manufacture of Tobacco the growth of the Colony into the description called Negro Head has been lately much advanced and improved and bids fair to supersede the importation of that Article from the Brazils or elsewhere. It is my intention in consequence to increase the duty on imported Tobacco, in order to encourage the Cultivation of Tobacco in the Colony.

Mines and Quarries.

35. The Coal Mines at Newcastle produced last year 3,500 Production Tons; a small proportion of the produce was exported,† the
1828. 10 April.

Sandstone.

Limestone.

Granite and marble.

Fisheries.

Commerce.

remains being chiefly consumed at Sydney. These Mines will increase in Value as the Timber in the neighbourhood of Sydney used as Fuel diminishes. But there is not at present any opportunity of rendering the Coals produced an Article of Exportation.

36. Quarries of compact White Sand Stone of a good quality for Building are worked in the very heart of Sydney, as well as in its vicinity, and this description of Stone is readily procurable in most of the Settled Districts.

37. Lime Stone is very generally diffused at some distance from the Coast, but, as it is used only for Building, Quarries are not worked for the purpose of procuring it.

38. Masses of Granite, which have been found to answer as Mill Stones, are said to be procurable amongst the Blue Mountains, and Marble has been observed in Argyle and other places, which in the progress of time may become of Value for Building.

Fisheries.

39. The advantages, which the geographical position of this Colony gives it for carrying on the Oil and Seal Skin Fisheries in the adjacent Seas, have been pointed out under the Head of Exports. The attention lately attracted to this Subject in the Colony will most likely be the means of placing them in a train of being more fully appreciated. Fish for daily consumption of a good but not superior quality is procured in Sydney Cove, Botany Bay and on other parts of the Coast; but the Means resorted to for procuring it are very limited in consequence of the abundant Supply of Butcher's Meat.

Commerce.

40. On an inspection of the Statements of Imports and Exports for the Year 1827, the feature which appears the most striking is the excess of the former over the latter. The estimated value of the Imports is £362,324; of Exports only £76,314, showing a balance against the Colony of no less than £286,010.

41. Previously to the establishment of the Custom House in April last year, the correctness of the Statements of Exports and Imports cannot be at all relied upon; but there can be no doubt of the excess of Imports having last Year been very considerable.

42. Deducting even from the Excess as above Stated the Amount of Commissariat Bills drawn in the Course of the Year, being about £175,000, and that of private bills drawn by Paymasters, Military Officers and others, say £10,000, there would
still remain a Balance to the debit of the Colony of about £100,000, for which there appear no adequate means of Making Returns.

43. Though at first sight this Balance against the Colony may indicate a degree of embarrassment in its affairs, a further consideration will lead to an inference of a less unpromising nature.

44. There is no reason to conclude, from any legal or other proceedings which have become before the Public, that the Importers of Goods or the Consignees of Imports have failed to satisfy the Calls of their Correspondents in England.

45. It appears therefore fair to infer, from the Circumstance of the Value of the Imports so much exceeding that of any visible means of adequate returns, that Capital is in the course of being transferred to the Colony, either directly by Persons Emigrating as Settlers, or indirectly by the extension of Credit to Importing Merchants and others, and that for part at least of the Capital thus advanced, those furnishing it are Satisfied with receiving Interest.

46. This transfer of Capital, while it indicates that the Colony has established for itself a Credit in England and elsewhere, cannot fail to advance its prosperity by calling forth its resources and ultimately enabling it to extend its Exports, and in this point of view this Excess of Imports into a New and rising Colony ought to be regarded rather as a favorable prognostic than the reverse.

47. Up to the present Moment, the confidence which may be supposed to have induced this excess of Importation seems to continue unabated, the value of Imports for the first Quarter of the present Year having exceeding £100,000.

48. Of the Items of Imports during last Year, the following Articles of import appear to be the most remarkable:—

Sugar (Estimated Value), £21,313; Tea, £14,618; Spirits, £28,101; Wine, £24,546; Beer, Ale and Porter, £10,731; Tobacco, £5,747; Soap, £8,149; Wheat, £18,849; Total, £130,054; the other Articles to the Amount of £155,956, consisted chiefly of British Manufactures.

49. From the above Enumeration, it may be inferred that as great a portion of Luxuries, at least, of Articles not generally reckoned of the first necessity, are consumed in this Colony in proportion to its population as in any Country of the Globe.

50. Taking the first Article "Sugar" as an instance, and reckoning the average entered Value 3d. per pound and the Population of the Colony at 50,000, there will appear to be consumed annually thirty four pounds of Sugar by every Member of the population.
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51. The great consumption of the Articles referred to arises from their general use by every class of the community. The high price of Labour enables the lowest of the Free Population to command an ample Share of such Articles, and, by long established Custom, the Articles of Tea, Sugar and Tobacco are supplied to the Convict Population as a Stimulus to labour, or as rewards for good Conduct.

52. In the enumeration above alluded to, the value of Spirits imported will appear great, and it may be therefore proper to remark that the Amount of the estimated value includes that of 30,425 Gallons imported for the use of the Troops valued at £4,082, which reduces the value of those for general consumption to £24,231. It would indeed appear that the Consumption of Spirits in the Year 1827 was not so great as in the preceding Year, owing probably in part to an increase in the Consumption of Wine and Beer, which is a Circumstance of a very gratifying nature and highly important in this community.

53. The Value of Wheat, imported last Year from Van Diemen's Land, was it will be seen very considerable. This large importation was the effect of the long drought which has been experienced, and the consequent failure of the Crops in this Colony, which must be severely felt by the Inhabitants generally for some time to come.

54. Van Diemen's Land however is capable of furnishing Wheat for the Consumption of New South Wales and will probably long continue to supply this Colony. The productive Districts of this Colony are generally so far Inland that the Expense of Carriage would much exceed that of transporting by Sea to Sydney the Wheat grown in the Districts adjacent to Port Dalrymple on the North of Van Diemen's Land, and indeed the Proceeds of Sale at Sydney would not in many cases repay the Expenses of land Carriage.

55. By far the greater part of the Imports into this Colony are derived from the Mother Country. The Articles procured elsewhere are chiefly Tea from China, Sugar from the Mauritius, Wheat from Van Diemen's Land, Tobacco from the Brazils, and Wine from the Cape of Good Hope. China, the Mauritius and Van Diemen's Land may be Considered as almost exclusively supplying the Colony with the three first Mentioned Articles; but a Considerable portion of the two last are also imported from England. Occasionally Vessels from India and Batavia also import some of these and other Articles, but the intercourse with the last mentioned places is very limited and irregular.
56. A Kind of Trading Establishment* has lately been formed by two Merchants of Sydney at the Port of Shukianga on the North West Coast of New Zealand for the purpose of procuring New Zealand Flax and Pine Logs, which promises some success.

57. The traders, sent thither for the purpose of bartering with the Natives Axes, Tomahawks, Tobacco, Musquets, Powder, etc., for Flax and Timber, were joined by some of the Mechanics sent out by the New Zealand Company,* who Voluntarily returned from Sydney to that Island, after the projects of the Company had been abandoned; and the Establishment thus augmented, besides continuing to Trade for Flax and Timber, have lately constructed and sent hither a small Vessel of Forty Tons for the New Zealand Trade, and they are now employed in Building a Schooner of 150 Tons.

58. The Natives it appears so far from Molesting have hitherto readily assisted them, and, as the Establishment consists now of about thirty Individuals, they begin to feel a Confidence in being able to protect each other.

59. It is Stated that the extension of the Supply of Flax, to be procured at New Zealand, is limited only by the confined Wants of the Natives, and, as these wants must gradually encrease by their intercourse with Europeans, it is probable that the quantities procurable will be proportionately augmented.

60. A Vessel (the Harmony) has lately been despatched direct from Shukianga to England, with a Cargo of Pines and New Zealand Flax, which by the assistance of the Natives was readily procured.

61. The Returns for Imports from China, the Mauritius and Brazils are made chiefly in Commissariat Bills, the resources of the Colony not yet furnishing other Articles of Exchange with these Places, or at least not to any considerable extent.

62. Coals have however occasionally been sent from this Port Export of coal, timber and shingles. to the Mauritius and Rio Janeiro, and Timber and Shingles have lately been Shipped as a Means of Remittance to the former.

63. Sandal Wood and other Articles procurable at some of the South Sea Islands may in the course of time furnish means of Exchange with China for Teas imported from thence, but the prospect of adequate Returns in the Shape of Exports to China is as yet very remote. There is however little doubt that several of the Articles of Import, before enumerated, will in time be produced within the Colony and leave the Capital now expended on their importation disposable for other objects.

64. The Soil and Climate of this Colony are suited to produce as good Tobacco as those of any other Country and the "

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* Note 42.
Cultivation of this Article has been lately so much extended that, in a very few years, the Colony may be expected to supply itself with this Commodity.

65. The Distilleries, which are now prepared for distillation from Grain raised within the Colony, may also be expected, unless prevented by a continuation of seasons like the present, gradually to diminish the demand for imported Spirits, and the improvement lately effected in Brewing from Colonial Grain and Hops to supersede in a great degree the importation of Malt Liquors.

66. The Barilla, obtained from the Mangroves which line parts of the Coast and Creeks communicating with the Sea, is found to be of so superior a quality for Making Soap that two Manufac­tures of this Article, one of them on a large Scale, have been established at Sydney and offer to furnish Soap of a good quality at 4d. to 5d. a pound by the Ton.

67. The production of Wine within the Colony has not been attended with the Success at first anticipated; but it is scarcely to be doubted that, with the varieties of Soil and Climate which this Country presents, the Making of Wine will ultimately form a Branch of Colonial Industry.

68. The Experiment made at Port Macquarie to ascertain the practicability of raising Sugar leaves no doubt that the Colony will in time be able to supply itself with this Article, and two Settlers, one of them a Sugar Planter from the West Indies, are preparing to cultivate the Cane and Manufacture Sugar on the Banks of the River Manning.

69. The most prominent Articles in the Statement of Exports will be found to be—

Wool, estimated Value, £24,306; Sperm Oil, £20,560; Black Oil, £4,265; Seal Skins, £6,471; Cedar, Blue Gum and other Timber, £12,472; Raw Hides and Horns, £1,147; New Zealand Flax, £1,806.

70. The Exports of Wool for last Year appear to be considerably less than in the year preceding. This however is not caused by a falling off in the quantity of Wool produced, as the produce of last year from the natural increase in the number of sheep must have considerably exceeded that of the Year preceding, but is entirely attributable to the circumstance of the greater proportion of the Wool of last Year's shearing not having been Shipped till after the close of that year. That this is the real cause of the apparent deficiency is evident from the fact that the Export of Wool, since the commencement of the present year, already exceeds 500,000 Lbs. Indeed, there can be no doubt, from the encreased attention to the improvement of the quality
of the Wool by the introduction of the best Spanish and Saxon Sheep, of which a considerable number was imported last Year, as well as to the raising of Wool generally, that the Value of this Staple Article of Export will be gradually if not rapidly augmented.

71. The Produce of the Fisheries of the Circumjacent Seas formed, it will be perceived, the most important Branch of the Exports of last year, the total estimated value of Oil and Fur Seal Skins Exported being £31,296, of which Amount £20,560 is the estimated value of the Export of Sperm Oil alone.

72. The, Sperm Fishery has hitherto been prosecuted here Whaling. almost exclusively by the House of Jones and Walker of this Place, who at present employ Five Vessels in the Fishery. The Success, which has attended the enterprise, has excited a strong impression of the importance of this Fishery, and another Merchant has lately fitted out a Vessel and embarked in the same undertaking.

73. New South Wales indeed, from its situation in the Vicinity of the Seas which the Sperm Whales frequent, possesses advantages for carrying on this Fishery superior perhaps to any other Country, and the Whale Fishery will probably at no very distant day prove one of the greatest sources of its prosperity.

74. Ships from any other quarter have a long voyage to perform before they arrive at the Fishing grounds, and their owners are subjected to much anxiety from the delay which takes place before they can receive any returns for their Capital. Despatched from Sydney, the Fishing Vessels are at once in the Seas for carrying on their operations, and, as soon as their Cargo is completed, they return hither, discharge, refit and proceed in quest of another Cargo without being subjected to any other delay. The advantages of this saving of time and of the more frequent and effectual Superintendence which the Merchant, residing in Sydney, is thus able to bestow on the refitting and keeping his Vessels constantly employed, is estimated by those conversant with the Subject to be equal to at least from 20 to 25 per Cent. in the profits over those of Owners resident in England; and it is looked upon as a Matter of surprise that the latter has so long overlooked advantages so considerable and so obvious.

75. The Exports of Blue Gum and Timber of a similar description have lately been almost entirely discontinued, in consequence of the low price obtained for them in England. The Export of Cedar however was greater in the last than in the preceding year, the estimated value having been about £10,000.

76. The value of Exports in Raw Hides and New Zealand Flax and of hides and flax may be expected gradually to encrease.
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Standardised currency.

77. As connected with commerce, it may be proper to state that the arrangements, which, with a view to give effect to the Instructions of Government, I was led to adopt in the year 1826 for improving the Currency of the Colony, may be considered after Six Months' further experience as having completely succeeded. The Colony now possesses a Standard of Currency conformable to that in England, public Accounts and pecuniary engagements and transactions of every description have been advantageously simplified, and the inconveniences and intricacies of the former system almost entirely done away.

78. The two Banks continue in Credit, particularly the Bank of Australia, which has gained considerably on the older Bank of New South Wales, owing to the election of Individuals to the direction of the latter who do not possess the Confidence of the Public.

79. The New South Wales Bank has in consequence prudently diminished its Discounts, so that, with a Capital actually paid up of about £20,000, the Amount of Bills it possesses, on which Discounts have been effected, is under £40,000, while the Bank of Australia with the like Amount of Capital holds discounted Bills to the Amount of Upwards of £60,000. Were it not for the high degree of credit in which the Bank of Australia stands at present, it might be supposed that it has discounted to too large an amount.

80. The only point in regard to the Currency, which would now seem to admit of improvement, would be to rid it of the Dollars, three quarter and quarter Dollar Pieces, which continue still to circulate and proportionately to diminish the circulation of British Silver Money. To effect this, it would be necessary to receive these Pieces in exchange for Bills, or, on the same principle as is usually resorted to in England for effecting the introduction of a New Coinage, to hold out some inducement to their being brought in and exchanged for British Silver Money, and when collected to dispose of them for Exportation or send them Home to the Mint for recoinage. But, no particular inconvenience having been brought under my notice as connected with their circulation, I have not deemed it necessary to interfere.

Agriculture.

81. The last year has been remarkable for a Drought, which with the exception of some partial Thunder Showers continued uninterrupted during the whole of the year. The consequence has been a failure estimated at one half of the ordinary average Crop of Wheat, and a still more considerable deficiency in that of Maize. The Crops of other Species of Grain and cultivated
Grasses suffered proportionately. The failure was not equally felt in all parts of the Colony. On dry elevated Soils, scarcely any produce was obtained, while Grain sown in low humid situations, such as the Banks of the Hawkesbury and Hunter's River, yielded a tolerable return. The pressure, which the late failure of the Crops has occasioned, must be long severely felt, particularly by New Settlers in the more remote Districts, some of whom are now obliged to convey their Supplies of Flour from Sydney, a distance of from 150 to 200 Miles, or to purchase it from their Neighbours at 20s. a Bushel.

82. It is the general opinion however that the Wheat already imported, or in the course of Importation from Van Diemen's Land, added to that expected to arrive by three Vessels which have been despatched by the Merchants to South America for Cargoes, may be considered as having removed all cause for apprehension that the scarcity will occasion any great distress before the next Crop comes in. Should this Crop also fail, the consequences must indeed be very serious.

83. The effects of a Scanty Harvest are greatly aggravated in this Colony from peculiar circumstances. When the Crop is abundant, there being no advantageous Market for the Surplus Produce, the prices fall so low as not to remunerate the grower. In such case, the improvidence of most of the small settlers obliges them to dispose of their Grain almost at any price to pay off the Debts for which the Crop has been pledged; and even the more prudent feel the less disposed to reserve their Grain, in consequence of the heavy loss to which it is liable while kept in an unground state from the attacks of the Weavil and other insects, which they have not yet discovered the means of effectually preventing. When a deficient Harvest occurs, the pressure is consequently little alleviated by the reserved Grain of a season of greater abundance.

84. This precarious State of the Colony in regard to the Supply of Articles of the first necessity is however in the course of being gradually remedied. The preparations, which have recently been completed for distillation from Grain, by taking off the Surplus and preventing a ruinous fall of price in years of plenty, will encourage a more extended production in every Season and thus provide a Supply which would diminish the distress of an unproductive Harvest.

85. Besides Colonial Distillation, other means calculated to prevent or lessen the evils of scarcity are in the course of gradual development. It is now generally admitted that with proper care in the drying and grinding of the Wheat of the Colony, and in the packing and cooperage of the Flour produced, the keeping of
1828.
10 April.
Stabilising market by storing flour.

Probable improvements in agricultural conditions.

Agricultural districts.

the latter may be ensured for a sufficient length of time, and the Wind, Water, Draught and Steam Mills, which are fast increasing in number, may be expected shortly to furnish efficacious means of reducing the Wheat into Flour with sufficient promptitude to prevent the heavy loss hitherto sustained by the attacks of the Weavil on the former while kept for a length of time in Store in an unground State. Capacious Store Houses have also recently been erected by the more opulent Millers and Corn Dealers, and the Success of this useful Class has attracted Capital to the Business, which must tend ultimately to render the supply and prices of Grain and Flour more steady and equable than could possibly be expected before these arrangements, so important in every community, had come into operation.

86. It is on the operation under the powerful incitement of individual interest and the gradual development of these measures for extending the Market for the products of the Soil and giving Steadiness to the price of grain, on which any well grounded reliance can be placed either for preventing or alleviating the pressure of Scarcity or for exciting that increased attention to Agriculture and the Cultivation of the Soil so essential to their improvement. The opening in short of New Markets by Colonial Distillation, or such other means as present themselves, the leaving the Commerce in Grain free and unfettered, and the operation of those changes which naturally spring up in a new and advancing Country in the division of labour, the profits of Capital and the increase of Population, may be regarded as the only sure means of promoting those improvements in agriculture, which must in time change the face of the Country, and shew the effects of an advanced State of Cultivation.

87. The Districts, in which Grain is chiefly raised and agriculture consequently the farthest advanced, are situated at a distance from Sydney, the grand Mart for that Commodity.

88. In a Westerly direction, little Grain is produced owing to the inferior quality of the Soil, till you advance beyond Parramatta to the distance of about twenty Miles from Sydney. To the West and South West of the former, Grain has long been cultivated in the cleared portions of the Districts of Prospect and Baulkham and Pennant Hills; but, from over cropping and the dry elevated Situation of the Soil, the produce does not much exceed the internal consumption of those Districts.

89. Advancing beyond Liverpool to a distance of about twenty five Miles South West of Sydney, you enter the Cultivated Districts of Airds, Bunbury Curran, Appin, Cooke and Minto, where, unless in Seasons of Drought, considerable quantities of
Grain are produced chiefly by the Small Farmers who have been attracted by the fertility of the Soil to this beautifully undulated part of the Country.

90. Beyond these on the Banks of the Nepean, good Returns of Grain are obtained on the low Plains which have been fertilised by its Waters. It is, however, on the Banks of the Hawkesbury above and below Windsor, where the greater proportion of Grain for the Sydney Market has hitherto been supplied. The Alluvial Soil on its Banks is of the best description and yields abundantly without much care in the culture.

91. The Coast District of Illawarra, adjoining the Shoal Haven River about Seventy Miles from Sydney, contains, between the Coast and the Range of Mountains on the West, a considerable extent of fertile cultivated Land, and, as this District is accessible by Sea, it may shortly be expected to export Grain in considerable quantity to the Sydney Market.

92. Wallis Plains, situated on Hunter's River about twenty Miles, and Paterson's Plains, on the Second Branch of that River about thirty Miles from New Castle, are both of them also accessible by Water Conveyance. They are chiefly occupied by Small Farmers and furnish considerable quantities of Grain beyond their own Consumption, part of which is exported to Sydney.

93. Onwards in the Interior beyond the Districts which have been adverted to, the quality of the Soil in many Situations is much Superior to that of the most of the Land nearer the Coast, but the expense of Transport renders it unprofitable to raise more Grain than is requisite for the immediate Wants of the Neighbourhood.

94. The Principal Grain District, that of the Banks of the Hawkesbury, is at a distance of at least thirty six Miles from the Sydney Market, and consequently under a disadvantage as to land Carriage of an expense nearly if not quite equal to that of Freight by Sea from Van Diemen's Land. Owing to this disadvantage and the superior adaptation of the Soil and Climate of Van Diemen's Land for the production of Wheat, which the Country in the vicinity of the Port of Launceston to the North of that Island possesses, large quantities of that Grain are imported from thence to the Sydney Market. The importation last year amounted to about 60,000 Bushels, and, owing to the failure of the Crops, the quantity, which will probably be imported this year, may be expected to be much more considerable. It may be estimated that on an average the Port of Launceston supplies the Sydney Market with about one fifth of its consumption, and the superior quality of the Grain thence imported, owing not more
1828. 10 April.

Defective methods of agriculture.

Causes of imperfect system.

Preference for grazing over agriculture.

perhaps to the difference of Soil and Climate than to the improved Cultivation introduced by the more Skilful Settlers in its Neighbourhood, will probably enable them to enter into still more successful competition with the growers in New South Wales.

95. The System of Agriculture pursued in this Colony is by no means of an improved description. Endeavours to renovate or support the powers of the Soil by Rotation of Crops or other artificial means are seldom if ever practised. On the Banks of the Hawkesbury and some other situations, lands are met with which have been cropped for twenty years successively with Wheat and Maize. Care in the Selection and change of Seed is also much neglected. Several varieties of the same Grain are often sown together and consequently the Crop does not ripen evenly. The Causes of so imperfect a System are sufficiently obvious. The greater part of the population, by whom the immediate operations of Agriculture are performed, consist of convicts, whose employment, previously to their arrival, had been quite Foreign to the Cultivation of the Soil, and their Skill in such operations, acquired by Necessity and at an advanced period of Life, is consequently imperfect. Besides the want of a sufficiently remunerating Market for Grain and the high price of labour, in conjunction with the boundless extent of Land suitable for Pasturage without care or culture, and the consequent more advantageous returns of Capital employed in grazing, have attracted the attention of the more opulent and intelligent Settlers from Agriculture as a principal pursuit, leaving the production of Grain chiefly in the hands of Small Farmers, many of whom, having been originally Convicts, possess neither the Skill, Capital nor provident and industrious habits to fit them for introducing or pursuing an improved system, or turning the lands which they possess to the best account.

96. This preference of grazing to agriculture will probably continue for some time to come. The former is prosecuted with comparatively little expense in labour, and the Market for Wool is unlimited; whereas the Cultivation of Grain is necessarily attended with a great expense in labour, and the returns from the want of an assured Market and the consequent fluctuations of price are subject to much uncertainty. How desirable soever it may at first view appear to direct a greater share of the Capital and intelligence in the Colony from Grazing to Agriculture, I am satisfied that any Measure of the Government, either in the form of land regulations or otherwise, to effect such an object would prove as Nugatory as it would be found impolitic; of lawful pursuits, the one most profitable to the Individual will be
found in most cases the most beneficial to the Public, and so long as the facilities and profits of grazing are superior to those of Agriculture, so long may it be expected the preference of the former will be the most generally advantageous. The present comparative profits between Grazing and Agriculture however must gradually undergo very sensible Modification. The operation of causes, which promise to extend and to give greater Steadiness to the price of Grain, has already been adverted to, and, as these produce their effect, as consumption and the supply of labour increase with the increase of Population, it may be fully expected that the more opulent Settlers will find it their interest to direct more of their attention and Capital to the Cultivation of the Soil, and that those improvements in Agriculture, which have so long been an object of the solicitude of Government, will spontaneously be introduced in the natural course of events.

97. Of the Products of the Soil cultivated in the Colony, Wheat and Maize form by far the greater proportion. The consumption of the former is general by every class of the community, the Free as well as the Convict. The Ordinary Ration allowed by the Settler to the latter is a Peck a Week. Wheat in general Weighs from 56 to 60 Lbs. a Bushel. On the best Lands, forty Bushels per Acre is obtained, but the average Produce is reckoned to be less than 20 Bushels.

98. Maize succeeds well on good Soils, yielding from 60 to 70 Bushels an Acre. Its price is generally about half that of Wheat, or from 3s. to 4s. a Bushel; but last year, owing to the failure of the Crop, its price has equalled or rather exceeded that of Wheat, having been from 8s. to 10s. a Bushel. Maize is the chief and almost the only Grain used for the food of Horses and Poultry, and for fattening Swine, which, fed on this Grain, produce Pork equal if not Superior to that of any other Country. It is also used as Food by the poorer Class of Settlers, though not generally from choice. The improvident habits of many of this class oblige them to sell their Wheat at almost any price immediately after Harvest to meet engagements, contracted in many instances to gratify their taste for Spirits and other Luxuries, and, when their Wheat is exhausted, Maize from necessity is resorted to as a substitute.

99. A portion of Maize Meal has also within these few years constituted a portion of the regular ration of Convicts in the employment of Government. It forms with Sugar a Nutritive Breakfast, and, tho' at first it is generally disliked, use reconciles it to their taste. Several varieties of Wheat are cultivated, but chiefly the kinds known as Red and White Lammas and
Creeping Wheat. Neglect in changing the seed and in preparing it for sowing occasion smut and other diseases incidental to Grain, which by proper attention in these respects might be prevented.

100. The Cultivation of Oats, Barley, Peas and Rye is inconsiderable, the demand being limited. It is probable the Distilleries may produce a Market for some of these Kinds of Grain, which would naturally lead to their more extensive Cultivation.

101. Potatoes are grown in the lower Districts, chiefly for the Table and of an excellent quality, but little inferior to those of Van Diemen's Land and New Zealand, whence, particularly from the former, considerable quantities are imported. Culinary Vegetables of every description succeed well, but the Cultivation has not been attended to so much as might have been expected, the Price being high. The same remark applies to Fruits of various kinds, such as Oranges, Peaches, Pears, Apples, etc.

102. Turnips have been introduced and, where properly cultivated, thrive well; but they are not raised to any great extent.

103. English Grasses, Clovers and Lucerne have also been tried and with Success. Profitable Returns have lately been obtained by raising them as Provender for the Supply of Sydney, where last Year from £18 to £20 a ton was usually given for Hay. Apprehensions are entertained that the late Drought will have proved destructive or at least greatly detrimental to this incipient Branch of Rural economy.

104. The experiments made in growing Flax and Hops prove that they can be cultivated with advantage on favorable Soils.

105. Success in the culture of Tobacco is no longer problematical and is fast extending, and it has been found that Cotton of a very superior quality may be produced in Situations near the Coast.

106. Sanguine expectations are entertained from the Samples of Sugar produced at the Government Plantation at Port Macquarie that, as soon as this Settlement and the Unappropriated Lands to the Northward are opened to Settlers, a Supply of this article sufficient for internal consumption at least may be readily raised within the Colony, and that this, added to the distillation from the Sugar Cane, will afford a profitable means of investing Capital.

107. An Experiment to raise Tropical Productions is now in the course of being made by two enterprising New Settlers on the Banks of the Manning to the North of Port Stephens; and, if this should succeed, the probability of Still greater success in situations near the Tropics would be placed beyond a doubt. No apprehension need be entertained that such undertakings
would interfere with the cultivation of the lands suitable for raising Grain. They would on the contrary greatly stimulate and advance Cultivation in those Districts by the impulse of a New and extended Market, which the interchange of commodities would create, independently of their effect in attracting Capital and Emigrants from the Mother Country, consequent on the New and Wider field which would thus be opened for the employment and exertions of both one and the other.

108. It is not however to Products raised immediately by the Cultivation of the Soil, to which the energies and views of the Settlers have hitherto been chiefly directed. *Grazing,* as has already been remarked, continues the favorite pursuit. The unlimited extent of ungranted Land, the abundance and goodness of the Natural Grasses, and the favorable nature of the Climate for the production of Wool, added to the comparatively higher proportion of labour and expense essential to the cultivation of the Soil, have Naturally attracted a great Majority of the Capital and intelligence in the Colony to Grazing. The exertions to improve the quality of the Wool during last Year have been fully evinced by Several Importations of *Saxon* and *Merino* Sheep, the general eagerness with which these and the offspring of fine Woolled Sheep previously imported have been purchased as well as the superior prices which Sheep of an improved Breed have commanded.

109. On the subject of the adaptation of this Colony for producing fine Wool, there is now only one opinion, and the increased activity of the Spirit of improvement in this pursuit leaves nothing to be desired. The recent introduction of the finest description of Saxon Sheep, both by the “Australian Agricultural Company” and private Individuals, has afforded such gratifying prospects of success as to leave little doubt that the Wool of this Colony will at no distant day rival if not surpass in quality the produce of any other Country in this respect.

110. Almost equal eagerness is manifested for improving the Breed of *Horses* and *Cattle,* particularly the former. In proof of this, it may be remarked that several Horses of high blood have lately been imported, and that the possession of a Serviceable English Horse of known high qualities affords of itself for a certain time a handsome Revenue to the Owner.

111. The rapid Multiplication of *Horned Cattle* will probably in a short time Considerably lower their value, particularly of those for the Butcher. This value has been mainly supported by the large quantity of Salt Beef (upwards of 150 Tons annually) required in the last and the present year for the Supply
of the Commissariat Stores, an Additional Market which has greatly benefited the Proprietors of Live Stock.

112. Should Butcher's Meat fall in Price, the produce of the Dairy will probably be more attended to, for which indeed the present prices 3s. a pound for Butter and 1s. 3d. for Cheese hold out ample encouragement.

113. This increase in the Numbers of Live Stock will, in conjunction with other causes which have been adverted to, most probably direct a greater proportion of the Capital, industry and intelligence in the Colony to Agriculture, and consequently lead to the improvement of the Country and the fulfilment of the wishes of His Majesty's Government in this respect.

114. As soon as the Measures now in progress for obtaining a Return of the lands in cultivation have been carried into effect, I hope to be able to render my report on the State of Agriculture more complete and satisfactory.

115. I have not adverted in this report to the subject of "Education" or "Public Works," having very recently written fully on both.

116. Nor am I sufficiently prepared at this moment to communicate, as I should wish to do, with respect to "Land" and "Population" as required by your Circular Letter; But I trust the Measures in progress will enable me to do so ere long. I have however been inattentive to the important duties, which attach to my situation, or wanting in industry or application to fulfil them. But it would be presumptuous in me to suppose that, in the short period of two years, I have acquired a full knowledge of the various and contending interests, which should be promoted and reconciled, or of the natural means and capabilities of this infant country, which, though rapidly advancing, require time to develop themselves, and cannot without due experience be fully understood.

I have, &c.,

RA. DARLING.

GOVERNOR DARLING TO RIGHT HON. W. HUSKISSON.
(Despatch per ship Cape Packet.)

Sir,

Sydney, 10th April, 1828.

Being desirous of affording you the fullest information in my power respecting the progress, actual State and Capabilities of this Colony, as far as the short experience, I have had, has enabled me to form a judgment, I have, with this view, bestowed all the attention in my power in preparing the Report, which accompanies the Statistical Tables for the last Year. And I have taken this mode of communicating the Report as the best means
DARLING TO HUSKISSON.

GOVERNOR DARLING TO RIGHT HON. W. HUSKISSON.

(Sdespatch No. 67, per ship Cape Packet.)

Sir, Government House, 11th April, 1828.

I do myself the honor in reference to Earl Bathurst's Despatch No. 55, dated the 4th August, 1826, to transmit, agreeably to the wish of the Reverend Mr. Marsden, the accompanying Letter containing a Statement of his Case, which he has expressed an anxious desire should be brought under your immediate consideration.

I have, &c.,

RA. DARLING.

[Enclosure.]

REVD. SAMUEL MARSDEN TO RIGHT HON. W. HUSKISSON.

Parramatta, 3rd April, 1828.

I take the liberty of forwarding to you as His Majesty's Secretary of State for the Colonies a statement of the greatest possible importance to my Character as a Minister of the Church of England, together with certain documents which are well authenticated and which most clearly establish my innocence in a case, wherein I have been condemned unheard, and wherein false and unfounded assertions have been supported by the most false and garbled evidence and have been published to the world as facts.

I allude to certain charges* of torture and cruelty brought forward against me in the Year 1825, which were examined into privately before the Council, without my having any knowledge of their proceedings or being called upon for my defence further than will appear in the Attorney General's letters of the 10th and 15th September, 1825, marked A and B respectively, to which, with my answers of the 14th and 16th marked C and D and the Attorney General's reply of the 17th marked E, I beg leave to refer you.

These letters having made a charge against me, I communicated to the Attorney General a complete refutation of the accusation, which refutation I conceived had proved satisfactory

SER. I. VOL. XIV—K  * Note 43.
1328, 11 April.

Charges made with reply by Revd. S. Marsden.

Letter and memorial sent to England.

Reprimand received from Earl Bathurst.

Necessity for refutation of charges.

HISTORICAL RECORDS OF AUSTRALIA.

To him as I heard nothing further from him on the subject; I beg leave to request your particular attention to that communication, which is contained in my letter, dated the 21st September marked F, which I published at the time in one of the public Newspapers.

From this period, I heard no more of the accusation till September 16th, 1826, when the report* of the Council appeared in the Sydney Gazette, as extracted from a return made to the Honorable the House of Commons and printed by their order in April, 1826.

The charges so made against me will be seen under title G in the appendix, and my answers and the documents in the support are set forth under title H.

On seeing this publication and from a fear that I should not get justice in this Colony by an appeal to the Supreme Court, where the same individual presided as Judge, who had in his capacity as Member of the Council prejudged me without giving me an opportunity of defending myself, I adopted the only resource I had. I addressed a letter to Wilmot Horton, Esqr., relative to the case of my Servant Jas. Ring on the 24th September, 1825, marked I, and, on the 4th October, 1826, I addressed a respectful memorial to the Right Honorable the Earl Bathurst setting forth the whole of the circumstances, and craving that Justice should be done to me; a Copy of this letter marked J will be seen in the appendix; sometime in December, 1826, I was desired by His Excellency Governor Darling to wait upon him, which I did; when His Excellency shewed me a reprimand— he had been desired by the Right Honorable the Earl Bathurst to convey to me on the subject of these alleged acts of Cruelty, and also Ring's Case. I cannot forward a Copy of that part of His Lordship's letter, as His Excellency did not feel himself at liberty to give it to me, and as His Lordship had stated that he did not wish that reprimand to be made public.

To the above mentioned letters, I have received no reply; so that to this hour a stain rests upon my Character, which I flatter myself has been without blemish during the period of 35 years that I have exercised my functions in this Colony as a Minister of the Church of England.

I owe it to that sacred body, to my friends both here and in England, many of whom are among the most respectable and virtuous of men, and who would never permit their names to be any longer connected with mine whilst such a disgrace attaches itself to me; I owe it to my Family, to society, and myself to seek an opportunity of refuting, by clear legal proofs, those charges, which have been so unfairly, so illegally, and so oppressively and cruelly made and proceeded upon against me.

* Note 44. † Note 45.
I humbly hope, Sir, that you will enable me to have these charges again investigated; that I may be allowed to answer them; and that the result may, for the vindication of my Character, be made as public as circumstances will admit.

I cannot hope here to undo the injury that I have received, and shall yet receive from these charges having been made public; but I trust to your sense of Honor and Justice and to the desire you have ever shewn to maintain the principles of the British Constitution, that you will not lend your sanction to my being condemned unheard.

I have, &c.,

SAMUEL MARSDEN.

[Sub-enclosure.]

The following statement contains an account of what took place before the Court of inquiry at Parramatta, New South Wales, on July 14th, 1825, which, by virtue of and in obedience to the following letter, had been appointed to investigate a charge of illegal punishment alleged to have been preferred against Dr. Douglass by the Revd. Samuel Marsden, Senior Chaplain of the Colony.

[Here followed a copy of the despatch from Earl Bathurst to Sir T. Brisbane, dated 3rd January, 1825; see page 462 et seq., volume XI.]

It is necessary to premise that Mr. Marsden never did send any statement on the subject to Lord Bathurst, nor was he in any manner acquainted with the fact that such a statement had been made. It is probable that Mr. Marsden's name may have been used by some person, but certainly never with his permission or knowledge as being the accuser of Dr. Douglass. Mr. Marsden admits that he might have mentioned the circumstance to a friend in England, but never with the idea of making a charge against Dr. Douglass. As Lord Bathurst directed a reference to be made to Mr. Marsden on the subject "of the alleged fact of Dr. Douglass having directed a Convict to be flogged, with a view of extorting confession from him" these remarks will be confined to what took place in respect to that direction of his Lordship.

The following paragraph, which appeared in the Sydney Gazette on the 28th September, 1825, enables one to form a conjecture as to the source whence this accusation originated and the probability of its correctness is very strong when it is known that at that time the Editor of the paper alluded to was in the entire confidence of the Government. "Bradley, who was removed from his situation at the instance of Dr. Douglass became the Doctor's avowed enemy, which induced the said Bradley to make certain representations to England."

The Court was composed of the Governor Sir Thomas Brisbane, Chief Justice Forbes, and the Venerable Archdeacon Scott. Mr. Marsden was summoned to attend, and he appeared before the Court at the time appointed. The paragraph in Lord Bathurst's Instructions was read, containing the above charge, and Mr. Marsden was called upon to produce the written statement which Lord Bathurst had in his letter said Mr. Marsden had transmitted to England. In reply, Mr. Marsden stated that he was not Dr. Douglass' public accuser nor ever wished to be, and that he had never sent the statement in question to Lord Bathurst, nor to any
other of His Majesty's Ministers, but that, as Lord Bathurst had involved his name in the question and referred the Court to him for proof, he Mr. Marsden was prepared to establish the charge against Dr. Douglass, lest his Lordship should suppose that he Mr. Marsden shrank from a fair enquiry, which would prejudice him in his Lordship's opinion. The Court observed that, unless Mr. Marsden produced the statement itself or a copy of it, the Court would not enter upon the investigation. Mr. Marsden assured the Court that it was utterly impossible for him to do this, as that document had never passed through his hands; but the Court still insisted on his producing the statement or a copy.

Mr. Marsden deemed it necessary to write to the Court, in order to shew Lord Bathurst his readiness to comply with his Lordship's instructions as far as it was in his power, and that he was ready to prove the facts contained in that statement, which Mr. Marsden conceived was all that Lord Bathurst wished to ascertain, which will appear from the following correspondence.

[Here followed copies of the following letters:—Revd. S. Marsden to court of inquiry, 15th, 16th, 28th, and 30th July, 1825, and F. Stephen to Revd. S. Marsden, 15th, 16th, 29th and 30th July, 1825; see page 798 et seq., volume XL.]

The evidences, Mr. Marsden had summoned to prove the charge in the case of Henry Bayne and who were ready to be examined, were the Clerk of the Bench who had recorded the Judgment, the Constable who was ordered to see the sentence carried into execution, the Flogger who inflicted the punishment, the Gaoler who daily counted the lashes, and Henry Bayne who had suffered the punishment; the fact was well known and could as easily have been proved as that the Governor was alive, yet Dr. Douglass was acquitted, and by his acquittal Mr. Marsden was condemned as will appear by the following communication in "Howe's Commercial Express."

[Here followed a letter from J. Ovens to H. G. Douglass (undated), which will be found in the statement* printed and published by Revd. S. Marsden.)

The notification appeared in the public papers, doubts were entertained whether the Venerable Archdeacon Scott had approved or not of the acquittal of Dr. Douglass; it had been alleged that the Venerable Archdeacon had not affixed his signature to the acquittal of Dr. Douglass; in consequence of this on the 15th September, the following paragraph appeared in the Sydney Gazette:—

"Our veracity has again been questioned in reference to the signature affixed to the acquittal of Dr. Douglass, it being said that only those of the Governor and Chief Justice were subscribed to this document; but we again iterate and reiterate the fact that the names of the three distinguished Commissioners were affixed to the said acquittal, which were unequivocally favourable, and these three signatures are unaccompanied with any alleged protest."

The Editor then goes on to say:—"Let the charges be ever so complicated and tremendous, still it is clear that the accused has passed through the ordeal allotted to him by Earl Bathurst, and the result has been unequivocally favourable, which terms are nothing more or less than a decided and honorable acquittal."

I would ask, would this have been the case if the Court had allowed Mr. Marsden's witnesses to have been examined on the charge of illegal punishment.

* Note 46.
Dr. Douglass was acquitted, not because he was an innocent man, but because there was no evidence on record before the Court upon which they could ground a conviction, which evidence could most easily have been produced to substantiate the facts with which Dr. Douglass had been charged, but because forsooth Mr. Marsden could not produce a paper, which Lord Bathurst had himself informed the Court of Enquiry had been sent to England, and which Mr. Marsden could not therefore have produced, even if he had sent the charge home to Lord Bathurst; the Court refused to investigate the fact, which Lord Bathurst in his letter declared formed the substance of that statement.

This was rejecting the kernel because they could not have the husk. The statement was not a declaration nor an indictment, which must be produced, to shew that the allegations were to be proved; but this was a very convenient mode of getting rid of the enquiry and screening a friend.

The Grand Jury shortly afterwards at the quarter Sessions, both at Sydney and Parramatta, found true Bills against Dr. Douglass for punishing Henry Bayne to extort confession. Surely these presentments were no proof of his innocence, nor was the refusal of the Court of Enquiry to hear any evidence against him any proof of his innocence.

On the appointment of Dr. Douglass to the situation of Clerk of the Council as noticed before, almost daily, libellous anonymous letters were addressed to Lord Bathurst by the friends of Dr. Douglass through the medium of the Sydney Gazette, and to cast unmerited odium and disgrace upon Mr. Marsden. More false, malicious and scandalous libels could not have been published. Thus have approbrium and disgrace been heaped upon Mr. Marsden, and he has been set up as a mark to be aimed at by every low fellow who wished to please Dr. Douglass, and to obtain favours from the Governor Sir Thomas Brisbane, with whom and Mr. Forbes the Chief Justice, he seemed always to have considerable influence.

Could Mr. Marsden be blamed for feeling shocked at the report General of the Gaoler at Parramatta, on one of his professional visits at the Gaol, that "he was afraid Bayne would die for his back was rotten"? Was it not natural in writing to a friend in England who would wish to know the state of things here to mention this? And is it just towards Mr. Marsden that he should have been, for so doing, represented and brought forward as a public accuser and made to incur the odium of such a situation? Ought he not to have been protected by the Government, if there was proved to be some foundation for the charges? And that there was this foundation, the finding of the Grand Jury and the uncontradicted statements in Mr. Marsden's letter fully shew. Should the Governor have proclaimed that the result of the Court of Enquiry was favourable? Was the Government authorised in its official paper stating that Dr. Douglass was honourably acquitted? What must the world have thought of Mr. Marsden? What they did think is obvious; for Mr. Marsden received from Lord Bathurst a reprimand as being the disturber of the public peace, etc. Mr. Marsden regrets that he didn't publish this reprimand as it was conveyed through the present Governor by order of Lord Bathurst, and no copy was allowed to be taken. But that this reprimand had been conveyed was soon circulated through the country by Dr. Douglass or his friends, as it was noticed by the Editor of the Sydney Gazette. It

* Note 47.
150 HISTORICAL RECORDS OF AUSTRALIA.

1828.
11 April.

Alleged retaliation by H. G. Douglass.

Bill of indemnity passed.

Alleged secret charges against Revd. S. Marsden.

Denial of charges.

Petition for justice.

may be asked whether Dr. Douglass was acquitted by the Petit Jury on the trial of those bills, which had been preferred against him. What will the world say when it is informed that a bill of indemnity* was introduced into and passed the Council to screen Dr. Douglass from the effects of those sentences? Dr. Douglass was the Clerk of the Council. But this was not half the mischief produced by that measure. Mr. Marsden and some other Magistrates by way of retaliation were charged by Dr. Douglass with similar acts of cruelty. Mr. Marsden had not called for useless documents, which he knew could not be produced, before he should be called upon for his defence, far less to prevent any charge being made against him, he had courted enquiry, he had requested a public trial. In the case of Downs and Carroll, a charge of torture was preferred to the Grand Jury by Dr. Douglass against Mr. Marsden, but it was thrown out as there was no evidence to support it. Yet, just at that time, this bill of indemnity is introduced to screen Dr. Douglass, Mr. Marsden and one or two other Magistrates who are there named. This was a masterpiece of insidiousness! But what is the result? Hear it and wonder; Dr. Douglass is declared to be honourably acquitted and is rewarded with a place of £500 per annum as Clerk of the Council. Mr. Marsden has charges made against him secretly before the Council; he is not allowed to defend himself; but the report of the Council is sent home to Lord Bathurst and published by order of the House of Commons.† By this report for the first time Mr. Marsden is made acquainted of what he has been accused. How the charges were supported, that most of them were fabrications and forgeries of Records which Records contradict the charges, and that in no one case has Mr. Marsden acted illegally as he could most clearly prove; and yet he has been condemned on these charges as if they had been proved! ! He has at last furnished the Right Honble. the Secretary of State the whole evidence in refutation of the accusation, and he doubts not that justice will be done him. Mr. Marsden cannot have the injury, which has been done to his feelings and to his character wholly repaired; but, for the sake of his situation as the Principal Chaplain of the Colony, and as a Minister of thirty five years standing, as a Father, and as a man of unblemished character, he hopes that the stain will be from this time removed; That Justice and only Justice may be done him. That he may have the rights of a British Subject to be heard before he is condemned. And may this case have the happy effect of preventing the appointment of Courts of Enquiry or at least of shewing the necessity of refusing to publish the results unless the Party accused shall have had the opportunity of defending himself.

[Here were appended the following documents:—


[C and D] S. Marsden to S. Bannister, 14th and 16th September, 1825.


[F] S. Marsden to Editors of "Australian," 21st September, 1825; Ext. Marriage Register (St. Michael's), 27th June, 1822; Cert. of J. and A. Cross, 19th September, 1825; Cert. of W. Cox, 19th September, 1825.

Copies of these will be found in the statements printed and published by Revd. S. Marsden.]

* Note 48. † Note 49. ‡ Note 46.
This is a very novel way of reasoning that because I was present on the 5th I must have been present on the 6th. It may convince those who were determined to be convinced and will serve to the feelings of my accusers. As the case occurred so long ago as April, 1815, it is impossible that I should have any very clear recollection of the circumstances, particularly as several hundred cases were brought before me every year.

From the recollection however of my general feelings and my knowledge of and mode of conducting my Magisterial Duties, I can safely venture to assert that there was nothing in that case in which I acted at all illegally. I cannot say where I was on the 5th; but, as my name was not mentioned, an omission of which was not likely to have been made, as I was at the time the Principal Magistrate in the neighbourhood, and as there was but one other Magistrate, my presence there would not have been overlooked nor my signature be dispensed with particularly as the coming in of a second Magistrate gave the Court a much greater weight and authority. I might or might not have been there on the 5th; but, if I were, I am confident no such sentence was either passed or sanctioned by me.

As to the mention of my name at the Head of the Extract, it was no difficult matter to get that interlined. I can therefore only argue on the Case as it appears, merely observing that at that early period of the Colony Records were not so much attended to as they are at this time, and that the Clerk has evidently mixed up two charges and sentences together.

It appears that there were two charges made against Parsons, one for robbing John Tarleton and the other for a deficiency of his Government Weekly labor. "For the first he was sentenced to receive 25 Lashes," and restore the remainder of the stolen property being found upon him. The latter part of the sentence was nugatory as there was no penalty attached in case of neglect to restore it; but these observations or orders of Magistrates have the effect often of getting the party to return the property, which otherwise might be a serious loss to the owner. It is known that the Police Magistrates in England make extrajudicial remark to answer the ends of justice and which can do no harm.

The second sentence was "every Saturday to compleat his Gov. Work" for that week, and also to make up the deficiency of his Government labour out of his own time, vizt., every Saturday. He had been proved on the testimony of the Overseer of the Sawyers of whom Parsons was one to have been deficient in the quantum of labor required of him for Government.

1816, June 29th:—Henry Smith, Convict.

Nature of offence.—Charged by John Palmer, Esqr. with making away with a valuable Gold watch, worth £30 Stg.; entrusted to him to repair as a Watch maker; Also with making away with four other watches given to him for the same purpose.
The prisoner says in his defence that he was robbed of them on the Sydney Road.

Punishment.—Sentenced to receive 50 lashes.

Certified to be a true Extract from the return lodged in this Office, Colonial Secretary's Office, Sydney, N.S.W., 27th March, 1828. ALEXANDER MCLEAY,
Secretary and Registrar of Records for the Colony of N.S.W.

This case seems to have been very superficially examined before the Court or they would have hesitated in making it the condition of a charge against me. The Council in their Report state the variance between the Record and Smith's private statement as to the 400 lashes, and also shew that what he stated about being sent to Newcastle was false. Which was entitled to most credit, a Record or the statement of a felon privately examined and wishing to criminate the Magistrate that had sentenced him? He is, as appears by the Record, sentenced to receive 50 lashes; he does receive 50 lashes and no more; if he had been sentenced to receive 400, how comes it that he received no more than 50, and that reliance should have been placed in this statement when immediately after they detect him in a gross falsehood on the same subject.


Thomas Ford (Bond) per Ship John Barry.

Nature of Offence.—Charged with absenting himself from his Gang being found with a false Certificate or Pass.

Sentence.—Ordered to be worked in the Gaol Gang 2 months on half ration.

Remarks.—belonging to Rose's Gang.

Certified to be a true Extract from the Return lodged in this Office, Colonial Secretary's Office, Sydney, N.S.W., 27th March, 1828. ALEXANDER MCLEAY, Secretary and Registrar of Records for the Colony of New South Wales.

I consider the judgement passed in this case to be legal, the offence and sentence were both specific. It is always considered a serious crime to forge a Certificate of Freedom or a Pass. By forged Tickets of Freedom, felons sometimes make their escape from the Colony. This crime the Executive authority have at all times deemed it necessary to punish. It is an offence attended with many serious consequences, particularly to Settlers in the Interior. Convicts, who pass through the country with forged Certificates of freedom, generally live by robbery; and, if resistance is made to their lawless depredations, the unprotected Emigrant is often put in bodily fear, stripped of his property or murdered.

Blackburn's case.—This is a compleat Forgery. As to this case I can most expressly take upon me to declare, with as much sincerity and truth as if I were on my oath, that it is a charge totally without foundation; that James Blackburn was never brought before me as a Magistrate on any charge whatsoever, nor is there any record of his punishment in the proceedings of the Bench at Parramatta. This is supported by the following Certificate.

[Here followed a certificate by E. Lockyer, printed in the statement* published by Revd. S. Marsden, and the trial of J. Downs and H. Carroll; see page 875, volume XI.]

* Note 46.
DARLING TO HUSKISSON.

My answer to this case is to be found in my letter of the 21st September, 1825, which is supported by the several Documents following.

[Here followed a letter from A. McLeay to Revd. S. Marsden, dated 28th March, 1828, printed in the published statement.]

To this case my name also is forged as far as I am concerned, and shews how little pains were taken to sift the evidences of the cases brought against me. The following extract of the Record as certified will shew that I was not on the Bench when Earles was tried, and I do solemnly declare I had nothing to do with the case as a Magistrate.

[Here followed the trial of W. Earles; see page 876, volume XI.]


[These letters have been omitted, being principally repetitions of statements in other letters and documents.]

GOVERNOR DARLING TO RIGHT HON. W. HUSKISSON.

(Despatch No. 68, per ship Cape Packet.)

Sir, Government House, 14th April, 1828.

I do myself the honor to report to you that I have nominated, until His Majesty's pleasure shall be known, Alexander Berry, Esqr., to be a Member of the Legislative Council in the room of the late Mr. Throsby, whose Death was Notified in my Despatch Marked "Separate" dated 5th Inst.

Mr. Berry is a considerable landed Proprietor and the head of a Mercantile House under the Firm of "Berry and Wollstonecraft," which is closing its concerns, the Partners intending to confine themselves to the cultivation of their land* and the improvement of their Flocks and Herds. I have only to add that Mr. Berry is a well informed Man of Sound principles and a Most respectable character.

I have, &c.,

RA. DARLING.

GOVERNOR DARLING TO RIGHT HON. W. HUSKISSON.

(Despatch No. 69, per ship Cape Packet; acknowledged by Sir George Murray, 26th November, 1828.)

Sir, Government House, 15th April, 1828.

I have the honor to transmit for your information the accompanying Copy of a Precis explanatory of the circumstances of a claim of Mr. Lord's on the local Government on Account of a Piece of Ground,† which he relinquished in "Macquarie Place" at the desire of Governor Macquarie, in order to its being converted into a Place of Recreation for the Public, in lieu of which he received a Waterside Allotment in Sydney Cove, which he was afterwards under the necessity of also giving up, it being required for Public purposes; As likewise his Claim for taking

* Note 50.  † Note 51.
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HISTORICAL RECORDS OF AUSTRALIA.

1828.
15 April.
Submission of claim to arbitration.

The question having been suffered to lay over for a period of Seventeen Years, and Mr. Lord's demands on the Government having encreased considerably from the delay which had taken place in adjusting them, I considered it of importance to prevent any further addition to them, and therefore judged it best to submit the matter to arbitration as had been proposed by Sir Thomas Brisbane in the Surveyor General's letter to Mr. Lord, dated the 2d of March, 1825.

The result as appears by the Precis was that Mr. Lord should receive the Sum of £6,562 10s. on Account of the Buildings and land in question. The Attorney and Solicitor General were then consulted, as they had been from the Commencement, and, having given their Opinion that the payment could not be legally resisted, it remained only to effect it on terms the most convenient to the Government: Mr. Lord, who is much embarrassed, stated that a less sum than £4,000 in Cash would not answer the demands of his Creditors, which he had entered into Bond immediately to satisfy; but, after some Negotiation, he was induced to receive £3,000 in Money and the Balance being £3,562 10s. in land at the Rate of 4s. per Acre, to be taken in lots of not less than three Square Miles or 1,920 Acres, free of Quit Rent, the same as if purchased.

These Sir are the terms on which Mr. Lord's claims have been disposed of, and I have now only to express my hope that you will approve, under the circumstances of the Case, of my having acted on this occasion without waiting for Instructions. Had the Matter been referred Home an additional Expense of at least £600 would have been incurred, as Mr. Lord apprised me he should expect the usual Colonial Interest, which is from 8 to 10 per Cent., until the Debt was discharged. Besides which, the reference would have answered no purpose, as the Crown lawyers assured me the sum awarded must ultimately be paid.

It may be proper to observe that I endeavoured to agree for the transfer of the land at 5s. per Acre, but Mr. Lord positively refused to receive it at that rate, urging that the land in this Case would be received in lieu of Money to which he had an immediate claim; whereas purchasers under ordinary circumstances were allowed a period of two years to make their payments, and were therefore better enabled to pay a larger Sum. I have besides reason to think from some late discussions which have taken place, that 5s. per Acre is considered, except for very choice spots, an exorbitant Valuation.

I have, &c.,

RA. DARLING.
DARLING TO HUSKISSON.

[Enclosure No. 1.]  

CLAIM by Simeon Lord on Account of an Allotment in Macquarie Place.

In compliance with a Public Notice, requiring all claims against the Government to be presented by 1st September, 1825, Mr. Lord gave in a Statement on 31st August of that Year, in which is included a claim purporting to be:—

"Agreeably to the Late Governor (Macquarie's) Agreement with him for a Grant of a piece of Land* in Macquarie Place, immediately adjoining the spot on which the Governor's Wharf formerly stood, in exchange for which, at the particular desire of the Late Governor, he surrendered to Government a large piece of Land on which his House, Warehouses, Offices, etc., formerly stood, and which is now fenced in and forms a part of Macquarie Place"; also "a claim of £2,000 or its equivalent in Land, that Sum being the Value of the Buildings, which nearly fourteen Years before the expiration of the Lease, he pulled down, and removed from the Land last above mentioned, and for which he never received any Remuneration whatever"; and further "for the loss he sustained, by having been, for near the five Years previous, prevented from Building, or otherwise improving upon the Land near the Old Wharf."

The progress of the transactions alluded to appears to have been this.

A considerable time ago Mr. Lord held a Lease of certain Premises in Macquarie Place, which, in the Year 1811, it was found necessary to resume, in order to reduce that Piece of ground to its present regular shape. For this, there appears to have been no agreement for any definite compensation at the time, Mr. Lord relying upon the terms on which he stood with the Governor, and contenting himself with the promise of a certain Piece of Ground adjoining the Governor's Wharf. But, on 14th February, 1822, Governor Macquarie having relinquished the Government on 1st December previous, and being then on the eve of quitting the Colony, Mr. James Meehan, the Assistant Surveyor, submitted, at Mr. Lord's request, the propriety of furnishing him with some Certificate to enable him to retain possession of the Piece of Ground, of which "His Excellency had put him in possession, being the only remuneration given him on pulling down his Dwelling House and Offices, with a large Warehouse."

* Note 51.
Governor Macquarie accordingly wrote on board Ship the
Certificate of which the following is a Copy:—

"I do hereby Certify that Simeon Lord, Esqr., is strictly and
justly entitled to a Grant of the Allotment of Ground in Mac­
quarie Place alluded to in the foregoing Letter (Mr. Meehan's),
he having at my particular request relinquished to Government
a Lease of Premises held by him of a Valuable allotment of
Ground in the said Macquarie Place, and for which I promised
him a Grant of the piece of Ground immediately adjoining the
Governor's Wharf in Macquarie Place."

L. MACQUARIE,

Late Governor of New South Wales.

Ship Surry, Port Jackson, 15th February, 1822.

The Allotment here alluded to (adjoining the Governor's
Wharf) being required for Public Purposes, as well as the one
in lieu of which it had been promised, notice to that effect was
given by Mr. Oxley, the Surveyor General, and, on the 23rd Sep­
tember, 1822, Mr. Lord consented to surrender his claim on
receiving an Equivalent.

No further steps seem to have been taken until 4th June, 1824,
when, in consequence of Mr. Lord's repeated Solicitations, an
offer was made by Major Ovens, then Private Secretary, that, to
fix the Value of the Allotment in question, two Persons should
be mutually chosen with power to call in a third in case of dis­
agreement, and that the Value so fixed should be paid in Land
at its common Price in the Colony.

On 2nd March, 1825, Mr. Oxley again made the offer of sub­
mitting the Value of the allotment adjoining the Governor's
Wharf to Arbitration, as the proceeding best calculated to obtain
for Mr. Lord its utmost value, "without needless reference to
the circumstances under which he became possessed of it."

These several offers, Mr. Lord appears to have declined in
consequence of their not embracing the question of the Com­
pensation due to him for the Buildings he had pulled down, in
addition to the Value of the Land on which they stood.

On 31st August, 1825, as above stated, Mr. Lord renewed his
application for a Settlement of his claims, and again on 14th
December, 1826, in consequence of which a negotiation was
entered into with that view, and, on 11th June, 1827, it was at
length agreed on the part of the Government to refer to arbitra­
tion "all matters relating to Land which were then in dispute
and unsettled between the Government and Mr. Lord."

Various delays having taken place with respect to the Persons
to be appointed Arbitrators and other matters, reference was
made to the Attorney General for his opinion, and Mr. Lord
having renewed his Solicitations for an adjustment, stating his Claim at between eleven thousand and sixteen thousand Pounds, Bonds were executed on 5th November, 1827, upon the recommendation of the Attorney General, and Messrs. Richard Jones and George Bunn, two respectable Merchants and Magistrates, appointed on the part of the Government, and Messrs. Thomas Raine and John McQueen also Merchants on the part of Mr. Lord. But unavoidable delay having occurred, chiefly owing to the bad health and absence from Sydney of Mr. Bunn, the time originally fixed was extended, and at last the matter was finally referred on 18th January, 1828, to Mr. Jones on the one part and Mr. McQueen on the other.

The Arbitrators last named, after having extended by mutual consent the time originally fixed, delivered their Award, dated 2nd February, 1828, to the following effect, vizt.:—

1. That, on 2nd April, 1828, the Government should pay Mr. Lord the Sum of Six thousand five hundred and sixty two Pounds, ten Shillings Sterling.
2. That the Government should pay the said Arbitrators the Sum of Twenty Seven Pounds for their loss of time, etc.
3. That all other Expences should be paid by the Parties incurring the same.

In payment of the above Sum of Six thousand, five hundred and Sixty two Pounds, ten Shillings, it was further agreed on 18th April, 1828:

1. That Mr. Lord should receive immediately the Sum of Three thousand Pounds, in Cash, from the Colonial Treasury.
2. That, for the remaining three thousand, five hundred and sixty two Pounds, ten Shillings, he should receive Land Valued at Four Shillings an Acre, or Seventeen thousand, eight hundred and thirteen Acres in all.
3. That the said Lands should be selected and notified to the Surveyor General by 1st May, 1829, or the portion not then selected be forfeited; that they should be taken within the Boundaries now open to the Public generally, in Lots of not less than Nineteen hundred and twenty acres each, Measured according to the Regulations, and subject to the usual Reservations respecting Roads and Bridges and Materials for the same, but only to a Pepper Corn Quit Rent.

Mr. Lord, having signed on 1st May, 1828, the Acquittance drawn up by the Solicitor General, received the Warrant No. 68,
Proposal to submit resumption of land to arbitration.

1828.
15 April.

Proposal to submit resumption of land to arbitration.

[Enclosure No. 2.]

SURVEYOR-GENERAL OXLEY TO MR. S. LORD.


I duly submitted your Letter of the 12th Ultimo to His Excellency, relative to the Allotment of Land in Macquarie Place, and I am directed to inform you that it will be impossible for His Excellency to accede to the Terms, proposed by you in your Letter of 8th June last, and referred to in your Letter of 12th February; but, considering that a great Public Improvement is contemplated in the extension of the Public Wharfs and Landing Place, which would render the possession of the Land given you by Governor Macquarie as matter of much importance to the Government on account of the Public Interests and convenience involved therein, His Excellency has commanded me to inform you that the only principle, on which the Land is sought for by the Crown, is by Purchase or Exchange at a fair and liberal Valuation by two Persons, one to be named by His Excellency and the other by you, these two Persons previously agreeing upon an Umpire; and His Excellency hopes that you will see no reasonable objection to consent to adopt the course of proceeding now proposed to you, as one every way calculated to obtain for you the utmost Value of the Land in Question without needless reference to the circumstances under which you became possessed of it.

I have, &c,

JOHN OXLEY, Survr. General.

GOVERNOR DARLING TO RIGHT HON. W. HUSKISSON.

(Despatch No. 70, per ship Cape Packet.)

Sir, Government House, 16th April, 1828.

I do myself the honor to report that it has become necessary, from the increase of the Coast Trade occasioned by the numerous Settlers established on Hunter's River, to place a landing Waiter as a Branch of the Customs Department at Newcastle. It is understood that the employment of small craft for the above purpose and bringing coals to Sydney has led to smuggling to some extent, which there was no other means of checking than by the Appointment of a Competent Officer on the Spot.

I beg to state that I have nominated Mr. John Rush Moore to Act in the Situation above alluded to, Landing Waiter at
Newcastle, at a Salary of £250, being the same as the Officers of that Class receive in Sydney, until a person shall be sent from Home to fill the Appointment.

I have, &c.,

RA. DARLING.

P.S.—Having since closing this communication found a Return in my Office which I had occasion to call for some time since, shewing the Number of Vessels which had arrived at and sailed from New Castle during the four Months ended the 30th of October last, I do myself the honor to forward for your information a Copy of the Return alluded to, which may prove so far useful as shewing the expediency of the Appointment recommended.

R.D.

<table>
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<tr>
<th>General</th>
<th>No. in</th>
<th>Description of Vessels</th>
<th>Name of Vessels</th>
<th>Date of Arrival</th>
<th>Cargo Imported</th>
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[Enclosure.]
### Return specifying the Names and descriptions of Vessels—cont'd.

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Commandant's Office, Newcastle,  
SAMUEL WRIGHT, J.P.  
22nd October, 1827.

**Right Hon. W. Huskisson to Governor Darling.**  
(Despatch No. 20, per ship Countess of Harcourt; acknowledged by Governor Darling, 18th November, 1828.)

Sir,  
Downing Street, 26 April, 1828.

With reference to my Letter* of the 1st December, 1826,  
I am directed by Mr. Secretary Huskisson* to inform you that  
an application has lately been made to this Department by Sir

* Note 52.
HUSKISSON TO DARLING.

Thomas Brisbane relative to the payment, which he was to receive from the Colonial Government of New South Wales, for certain Astronomical Instruments which had been purchased from him for the use of the Colony. It is scarcely to be expected that any Communication on the subject should have been received from you in the time which has elapsed since the transmission of that Dispatch; but I am directed to request that, in the event of your not having already taken any steps upon the subject, you will give directions for the final arrangement of the payment in question.

I have, &c.

W. HUSKISSON.

RIGHT HON. W. HUSKISSON TO GOVERNOR DARLING.

(Despatch No. 21, per ship Countess of Harcourt.)

Dear Sir,

Downing Street, 27 April, 1828.

I have received and have laid before the King your Dispatch, dated the 6th November last, with which you have transmitted to me Five Conditional Pardons for His Majesty's Approval and allowance, in conformity with the Statute in the 4th Year of His Majesty's Reign, Cap. 96, Sec. 35.

The names of the Persons, in favor of whom these Pardons have been granted, are enumerated in the Margin.

I have received His Majesty's Command to signify to you that, in pursuance of the before-mentioned Statute, and in exercise of the authority thereby vested in him, His Majesty is graciously pleased to approve and allow the Five Conditional Pardons transmitted with your before-mentioned Dispatch, and that the same are approved and allowed accordingly.

I have, &c.

W. HUSKISSON.

RIGHT HON. W. HUSKISSON TO GOVERNOR DARLING.

(Despatch No. 22, per ship Countess of Harcourt.)

Sir,

Downing Street, 28 April, 1828.

I have received your Dispatch of the 7th of August last, in which you request the Sanction of His Majesty's Government to your issuing to Mr. Kinghorne a Salary at the rate of £800 a year, during the short time he acted as Civil Engineer, as likewise a remuneration to Captain Dumaresq of 20s. per day, that Officer having continued to act in consequence of the Person before alluded to having proved inadequate to the duty. In reply, I have the honor to acquaint you that I shall not object to the payment of the Sum in question to Mr. Kinghorne during the time he held this employment, provided the claim of Captain...
1828.

28 April.

Payment of salary to civil engineer.

29 April.

Approval of refusal to complete R.C. chapel;

and of temporary accommodation granted by archdeacon.

Dumaresq for the allowance of 20s. a day shall include no part of the time for which you recommend that Mr. Kinghorne should be paid, as I do not think that the latter can reasonably expect to receive the full amount of such allowance, whilst another Officer has been obliged to discharge a part of his duty. You will, therefore, in such case make a proportionate deduction from Mr. Kinghorne's Salary for the purpose of remunerating Captain Dumaresq at the rate which you have proposed; and you will continue to issue the same allowance to him so long as he shall discharge the duty in question.

I take this opportunity of acquainting you that an Officer will be sent out to the Colony to take charge of this Department, so soon as one can be selected, possessing all the requisite qualifications, whom I can, with confidence, place in that appointment.

I have, &c,

W. HUSKISSON.

RIGHT HON. W. HUSKISSON TO GOVERNOR DARLING.
(Despatch No. 23, per ship Countess of Harcourt.)

Sir, Downing Street, 29 April, 1828.

I have the honor of acquainting you, with reference to your Letter of the 13th of August last addressed to my Under Secretary, that I fully approve, under the circumstances detailed in that Communication, of your having declined to authorize the completion of the Roman Catholic Chapel, as it does not appear to have been the intention of the late Secretary of State, when he addressed to Sir Thomas Brisbane his Dispatch No. 41 of the 20th June, 1825, that any expense should have been incurred on their account beyond the mere covering in of the Building; nor do I consider that the Government would have even consented to bear that expense, had there appeared any prospect that the Roman Catholic Inhabitants would, of themselves, have been able to complete it.

Notwithstanding the amount of the Estimate, I trust that by their exertions this object will be ultimately effected. In the mean time, the Archdeacon's Conduct, in affording to the Roman Catholics the means of attending Divine Worship by the temporary appropriation to the use of the Communicants of a part of one* of the Public School Houses, is highly creditable to him. Nothing can tend more to prevent the seeds of Religious animosity from taking root in New South Wales; and I have great satisfaction, therefore, in taking this opportunity of expressing my entire and cordial approbation of the judicious and liberal conduct of the Archdeacon.

I have, &c,

W. HUSKISSON.

* Note 53.
DARLING TO HUSKISSON.

RIGHT HON. W. HUSKISSON TO GOVERNOR DARLING.
(Despatch No. 24, per ship Countess of Harcourt.)

Sir,
Downing Street, 30 April, 1828.

I have received your Dispatch of the 12th of April last, representing the necessity of separating the Office of Accounts, which has hitherto been held by Assistant Commissary General Lithgow, together with that of Colonial Auditor, and placing the two in distinct hands, an arrangement which you propose to carry into effect by appointing Mr. Lithgow to discharge the Duties of the Colonial Auditor, only assigning to him a Salary of £800 per annum, instead of the remuneration which he previously received for discharging the duty of both offices, amounting together to £542 3s. 9d.

The Lords of the Treasury having acquiesced in the separation of the two Offices as proposed by you, they have directed Mr. Spurrier of the Commissariat Department at the Mauritius to proceed to New South Wales to succeed Mr. Lithgow as Assistant Commissary of Accounts in that Colony.

In respect to the Salary which you recommend for the Office of Colonial Auditor, when separated from that of Commissary of Accounts, it appears to me to be more than is called for with reference to the nature and extent of its duties, or to the amount of the Salary assigned to the other Colonial Offices of equal importance and responsibility. I have, therefore, to direct that the arrangement which you have recommended on the subject of Mr. Lithgow's Appointment may be carried into effect, assigning to him a Salary of £650 a year.

In assenting, however, to this arrangement, I beg that it may be expressly understood that, while Mr. Lithgow is in the receipt of Salary on account of the above Situation, he is to receive no Pay, Half-Pay or allowance of any description of a Commissariat Officer.

I have, &c.,

W. HUSKISSON.

GOVERNOR DARLING TO RIGHT HON. W. HUSKISSON.
(Despatch No. 71, per ship Cape Packet; acknowledged by Sir George Murray, 26th November, 1828.)

Sir,
Government House, 10th May, 1828.

I had the honor to report in my Despatch No. 51, dated the 28th of March last, the arrangement which had been made with respect to the Establishment of the Principal Superintendence of Convicts, who is charged with the general Superintendence of the several Convict Establishments.
I have now the honor, Sir, to transmit for Your information and consideration the Copy of a Minute which I have issued regulating the Convict Establishment of Hyde Park Barracks.*

The Superintendent of these Barracks has the immediate charge of all the Prisoners maintained by the Government in Sydney, the Average Number of which may be estimated at 1,200. A Man who had been a prisoner filled the Situation until lately, when it became necessary to remove him in consequence of his dishonest proceedings.

The present Superintendent is a person of respectable Character, who is not likely to be diverted from the proper discharge of his duty. And I trust Sir, You will be satisfied that, considering the nature and extent of the Establishment, the Salaries to the Superintendent and Storekeeper and the Gratuities to the Prisoners employed as Overseers and Constables have been fixed on the most economical Scale consistent with the Responsibility and duties which attach to the respective Individuals.

I have, &c,

RA. DARLING.

[Enclosure.]

**Minute No. 59 to the Colonial Secretary.**

Government House, 8th May, 1828.

The Principal Superintendent of Convicts having represented the difficulty which is experienced in carrying on the Duties of Hyde Park Barracks, and recommended that fixed Gratuities may be allowed to the Individuals Appointed to the several Situations of Trust. Let it be notified that the Establishment is to be fixed as follows, taking effect from the 1st of April last, Vizt.:

<table>
<thead>
<tr>
<th>Position</th>
<th>Salary</th>
</tr>
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<tbody>
<tr>
<td>1 Superintendent</td>
<td>£150</td>
</tr>
<tr>
<td>1 Storekeeper</td>
<td>75</td>
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<tr>
<td>1 Barrack Clerk of the 1st Class</td>
<td>22 16</td>
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<tr>
<td>1 Assistant do of the 2nd</td>
<td>15 4</td>
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<tr>
<td>1 Barrack Overseer of 1st Class</td>
<td>22 16</td>
</tr>
<tr>
<td>1 Overseer of Shoemakers 1st do</td>
<td>22 16</td>
</tr>
<tr>
<td>1 Do of Tailors 1st do</td>
<td>22 16</td>
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<tr>
<td>4 Day Constables 1st do</td>
<td>91 5</td>
</tr>
<tr>
<td>4 Night Constables 2nd do</td>
<td>60 16</td>
</tr>
<tr>
<td>4 Messengers of Escorts 3rd do</td>
<td>36 10</td>
</tr>
<tr>
<td>1 Scourger on the 2nd do</td>
<td>15 4</td>
</tr>
</tbody>
</table>

Total £535 5 0

It is to be understood that the above is intended to shew the Maximum of the Salaries and Gratuities attached to each Appointment, but that it will depend upon the merits of the Individuals who fill the Situations, and the recommendation of the Principal Superintendent of Convicts, whether they are allowed any part of the Indulgence, which is hereby extended to them as an encouragement to good Conduct and the faithful discharge of their Duties.

RA. DARLING.

* Note 54.
GOVERNOR DARLING TO RIGHT HON. W. HUSKISSON.

(Despatch No. 72, per ship Cape Packet: acknowledged by Sir George Murray, 1st May, 1829.)

Sir,

Government House, 11th May, 1828.

I have the honor to forward to you at the desire of the Wife of Lockaye a Prisoner of the Crown (the subject of Earl Bathurst's Despatch No. 42, dated the 20th of June, 1825, and of my reply dated the 29th of April, 1826, No. 12), who signs herself "E. Edwards," the accompanying Letters on which I have only generally to remark that the Statements they contain are so totally groundless that it would be in vain, as it must be Unnecessary to reply to them.

If the identity of Lockaye required any confirmation beyond that conveyed in my Despatch above referred to, it might be satisfactory to state that Colonel Morissett, the present Superintendent of Police, on his being lately brought forward, immediately recognised him as the Convict "Lockaye," who had been formerly under his charge when Commandant at New Castle.

So far from having treated him or his Wife with Severity or harshness, they have both received every possible indulgence. She was permitted to reside with him at the Penal Settlement of Port Macquarie, and, on her representation that her Health had suffered from the Heat of that Climate, he was released and sent to Bathurst, where he was subjected to no further restraint than that of not leaving the Settlement. The Magistrates however soon found it necessary to apply for his removal, as, having been bred an Attorney, he was intriguing with the Prisoners and occasioning much trouble and dissatisfaction in the District. He was then Ordered to Wellington Valley, directions being given, as there were no means of obtaining daily Supplies at that Place, which is in the Interior, that his Wife and Children should receive Rations gratis from the Public Stores. She then applied to the Magistrates at Bathurst to allow them three or four days to prepare for their departure, which, being granted, Lockaye immediately absconded and came to Sydney, no doubt with a view of again making his escape from the Colony.

His Wife remained perfectly quiet at Bathurst, the better to conceal his flight. But, it being discovered on the third or fourth day, a Reward was offered for his Apprehension and he was taken in Sydney. You will be able to judge, Sir, from this Statement whether these people have been treated with harshness or unmerited indulgence.

I have, &c.,

RA. DARLING.
1828. 11 May.

Correspondence re A. Lockaye alias W. Edwards.

MRS. E. EDWARDS TO RIGHT HON. W. HUSKisson.

Sir,

When, through the intimacy that subsisted between Admiral Bartie, his Daughter and Officers, and my late Father, Mr. Petrus Reus at the Cape of Good Hope, I became intimate with the worth of the British Character; and when, through reading English Books, I comprehend the genius of a People which could make the plausible improbability of Shylock, I prayed that, for my Husband, I might have one of this great Nation, and, although I have met nothing but Misfortune since my Marriage, I still consider myself happy in the fate which united me to Mr. William Edwards an English Notary in Cape Town.

Besides the above, General Pigot and the Officers of the 21st Light Dragoons will inform you of the worth and honor of my Family; so, without further introduction, I will state my heartrending Situation and seek from the real English Gentleman that compassion and justice which is not to be had from any of another Cast.

My Husband was employed professionally to prosecute Lord Charles Somerset as Judge of the Court of Appeal; he took the first steps in our Law, and made a Notarial Notification to His Lordship, for Which Dutch Judges (I am descended from the Germans) condemned him to Seven Years' Transportation here.

On our arrival, he claimed to be exempt from the Law affecting English Convicts, and, the Government finding he could not be held under it, a Supretendent pretence that he was one Lockaye, a runaway, and People were procured who swore that it was so; we were then sent to a Penal Settlement, and after having been detained near three Years, on the high recommendation of two successive Commandants as to my Husband's good Character, we were recalled and sent to Bathurst, a Settlement in the Interior, where the Colonial Secretary, in the Name of His Excellency General Darling, immediately informed the Superintendent that my Husband was a Man of bad and dangerous Character; in consequence of this Letter, so decidedly at variance with the alleged reason for relieving us from the Penal Settlement, we were persecuted beyond measure by a Military Officer of the place, who prevailed on General Darling to send us 100 Miles farther into the Wilderness, because my Husband (who was obliged to earn our Bread by his Pen) had been solicited to write the Brief of a Man Committed for Trial. Although he refused to comply, knowing the Man was disliked by Government Officers; the Person has been subsequently acquitted.

My Husband wrote to explain his Offence to the Colonial Secretary, but it was unnoticed; I wrote to the Private Secretary a Letter which was laid before General Darling, who, without reading it, answered that he was not to be troubled about us; so without offending and unheard, we were Condemned by Governor Darling to be placed in the Mountains 100 Miles beyond the reach of Medical assistance to my ill health, or the means of getting Bread for our Children.

Rendered desperate by our Persecutions, my Husband appealed to the Supreme Court, and informed the Chief Justice he should attend on his Honor; in consequence of which, he left home on the 1st January last, and repaired to Sydney.
DARLING TO HUSKISSON.

The Judge being at his Farm, he waited for his return; but, after 10 days, the Governor, pretending to believe that he was leaving the Colony, offered £50 reward for him, being twenty five times more than has ever before been paid for a Man only charged with absenting himself, and he was sentenced to be sent for three years to Norfolk Island, six months' work on the roads being the severest sentence heretofore passed on any case of simple absentee.

Distracted at the thought of leaving myself and children unprotected in a strange country, my loved husband authorised me to make any concession that might be asked, and assured me he would for our sake submit to whatever was required, though he declared to me that the pretence of his being Lockaye was false.

In his name and my own, I offered every concession; but I was told by the secretary he did not speak his sentiments.

Whilst I accidentally learnt that our gracious sovereign had more than two years ago commanded the governor to release my husband, on proving that he was not Lockaye, Mr. Shuell an English gentleman informed me of a person, who had recently conversed with the real Lockaye, working for Government on the roads.

I communicated this latter fact to the governor, but it was not noticed; Mr. Shuell has made an affidavit of it before the supreme court, and my poverty alone prevents me sending you the copy of his affidavit.

I have since found that the person who saw Lockaye has been silently released from prison, and Lockaye removed from the place where he was seen.

When my husband was brought to trial, the lowest and basest of people were called to swear that he was Lockaye (except two government surgeons), who all on cross examination so contradicted themselves and each other, as to shew that he was not the man; but, the magistrates having refused to take down these cross examinations, I sent them to general darling in March, 1826, and I hope you will require the documents from him as the police clerk, after reading it, assured me it was a most correct report, and it will refute all the falsehoods of all our hard hearted persecutors.

Every time my husband has been taken before the magistrates for what they here call "a trial," he has been taken unprepared at a moment's warning, after having been for a long time previously closely precluded from conversing with any person, and latterly I have been for more than a month denied the happiness of conversing with him.

To get rid of this horrible state of sufferings, I proposed that, if we were allowed to live in some remote part of the colony under the strictest surveillance, my husband should within two years procure from England the proof his majesty had required, or for ever bear the sentence of Lockaye; but it was refused, as nothing would satisfy these christian rulers but to separate us, or to take from me what Shylock demanded.

I have also proposed that my husband and myself with our children will go to England, in any way the governor shall choose, that, when we be landed and he at large, he may be taken there, and, if he is Lockaye, be tried and hanged; this also was refused, because no such ready witnesses or complying magistrates are there to be found or would there be required.
Nothing will assist General Darling which will give us a fair Trial; he thinks by persecuting my wretched Husband to please the Beaufort Family, and procure himself a powerful Patron, as if such Patrons were before a clear conscience and the patronage of a just and Merciful God, and a great and benevolent Monarch, whilst I on the contrary think that, by laying my Melancholy case before you, I shall procure the patronage of a real Gentleman of England, unswayed by prejudices or passion, and through you the kind Consideration of our Gracious Sovereign towards my persecuted husband, my Children and myself.

I cannot help bewailing the cruel persecutions I have endured under General Darling. He Published a general Amnesty to Prisoners at Penal Settlements, under illegal Sentences; my husband was the only exception out of 700.

He offered to all free married Women of good Character an Assignment of their Husbands; I was the Solitary exception, although I can challenge General Darling to shew a Wife Or a Mother in the Colony with a better Character; in fact he has made so many orders, Notices and Proclamations, from which he has immediately deviated, it is become the general opinion that his notions are not Intended to act here, but to have Stage effect in England, and some People compare them to Houses, children build with Soiled Cards.

The Secretary, Mr. McLeay, said my Husband did not speak his true sentiments, when he spoke humbly and respectfully of the Governor, and that General Darling was convinced of it; I will not pretend to judge whether General Darling draws this Conclusion from a Conviction that he did not merit it, or from a suspicion that, like his Letters of recalc from Port Macquarie and our removal to Bathurst, he said one thing whilst he meant another; General Darling employed the Police to intercept and seize my Husband's Papers, and I hope you will require him to forward them all for your Inspection, and also the Letters of my Husband, 14th January, 1828, soliciting their restoration, and then, Sir, you may compare the Noble Sentiments of my Husband's application, with the pitiful prying action of His Most Sacred Majesty's Representative, condescending to peep into the purloined secrets of misfortune.

Several humane Gentlemen here have endeavoured to intercede for me, that my husband might not be torn from me, and they have informed me that General Darling invariably flies into so great a passion on our Name being mentioned, that they dare not speak of us again. Great God is it possible that this Governor can be made in the same mould as the Noble Poet who says: "What are Judges who give way to passion, They are not Men, they are Assassins!" Indeed, Sir, I am convinced that General Darling does not believe that my Husband is Lookaye, as he has invariably shrunk from seeing me, when I have waited on him at Government House on his days of Business, and that he knows, if he were in our Situation, and some other Governor wished to prosecute him, the same Persons, who have now Sworn against us, would Swear they had known him as a Felon; if such were not his opinion, why did he not communicate to us His Majesty's gracious Pleasure 2 Years ago, and require us to rebut the idle pretence that Mr. Edwards is Lookaye or suffer as such? Why did he not seek Lookaye when I told him where the Felon was to be found? Why
was he and the Man who saw him silently removed out of my knowledge? Why always keep Mr. Edwards so closely confined before Trial and ignorant of the intention to put him on his Trial? Why refuse me, his Wife, to see him for a Month? Why refuse to see me on his day of Business, as I have not soiled my fair fame, unless he may think I do it by a virtuous adherence to a Worthy Husband? and why shrink from his Public Duty in hearing what I could say in our defence?

I could proceed at great length in this matter, but I fear I shall grow tiresome; so I will cease, convinced that I shall at your hands meet the Justice and mercy which is due to my sufferings, and that by you my Husband will be put in a Situation to have a fair Trial in England beyond the reach of persecuting obstinacy; fearful that General Darling may omit to send the whole of the Papers taken from my Husband, which will shew how we have been persecuted. I shall send his Journal, in which they are all neatly copied to his Brother John Edwards, as soon as I can procure it from the Person in whose hands I left it at Bathurst, to be laid before you; so unrelenting has been the vindictive persecutions with which General Darling has persecuted my unoffending husband, that he has not only set at nought the fine system of classification of Felons in England, but has condescended to give orders to the keepers of the Jail and Hulk, which puts a Man of honesty, liberal Education, and polished Manners, on a level with the worst Malefactors.

Perhaps you may think I am too anxious and too bold in expressing myself; but, if you had known how much I have suffered from General Darling's revenge, if you had seen how large my heart of darling grief, if you had seen a Sister or a friend left with two helpless babes in a Foreign Country to starve, for three Years forcibly separated from a dear husband, if you could comprehend the loss of my dear husband, but this, none but one can comprehend.

For to have known my loss, you must have known his worth, his truth and tenderness of Love.

If you could have known all my sufferings, you could not feel offended at the warmth of my sorrow.

I have the honor to be, &c.,

E. E. Edwards—Geboren Reus.

P.S.—As all the Malice of our Enemies has been unable to charge my Husband or myself with one immoral, dishonest or unworthy action, I entreat of you, by your love of Justice and Mercy, to require from General Darling some other reason than a wish to please the Beaufort Family, why he has so cruelly persecuted us, and why I have been for several Weeks refused the comfort, due to a Chaste Wife and virtuous Mother, of conversing with a beloved Husband, whilst the Indulgence has been granted to every other Woman who required it, although many of them have been Felons of very loose Morals and bad character; and I ask you to judge if this is not a vindictive and obstinate revenge.

I also take the liberty of sending you a Letter, which my Husband wrote to me, the moment after his last mockery of a Trial, and I hope you will require from General Darling the Letter Mr. Edwards sent to the Colonial Secretary Mr. McLeay on the 13 day of January last.

If you can spare a few moments from your Children, I shall find great happiness in receiving a visit from you in the sad place from which I write to inform you, that I was this morning taken to the Police Office and wish to see you lest you may be alarmed by Public report of my fate.

When I was placed at the Bar, a Government Law Officer made a deposition that the Proceedings of my former Trial had been lost; he also swore to an Extract from the Judge's Minutes, as a rule of Court. Conceiving the decision of the 22nd instant in my case, which ordered that I should be again brought before the Magistrates to have my Sentence completed by affixing a time to it.

Upon this Colonel Morisset said that, as the proceedings had been lost, he thought it necessary to put me again on Trial; and, perceiving that this step was illegal, I resolved not to open my lips but to watch for objections, should my sentence be beyond the ordinary Punishment for offences like mine; and I was encouraged to this by the recollection that Col. Morisset had formerly ordered me to hold my Tongue, when I objected to Chapman's Evidence.

Chapman, whose testimony against me was discredited and impugned in March, 1826, was called, and he swore he had known me for Several Years, when he was Overseer of the Hyde Park Barrack and Constable of the Lumber Yard, my name being Lookaye.

Elliott, who was removed from his office at Newcastle by Colonel Morisset for some Misdemeanor, and who was Committed to Gaol for Stealing a Pig, when we were at Newcastle in February, 1826, swore that he there Mustered me three times a day for three years from 1820 to 1823, and my Name was Lookaye.

Mr. Plomer, the respectable Government Storekeeper to whom I was known in 1826, swore that he and Lookaye were Clerks, and he never knew me but by the Name of Edwards, and, if I was Lookaye, I was so much altered that it was impossible to know me.

Jilks swore than he got £50 for taking me, as if that increased my offence, and I was Sentenced to be sent to a Penal Settlement for three Years.

As I passed down George Street, I overtook Captain Bunn, one of my Judges, and he told me he did not doubt that it was the Governor's intention to send me to Norfolk Island.

I strictly followed the advice you received from Mr. Berry, one of my Judges, and humbled myself so much as to be ashamed of doing so. But what would I not do for your Sake?

This second Trial and Sentence is not only decidedly illegal, but contrary to the decision of the Supreme Court, because it takes effect from this day, whereas it ought to commence from the 14 January last, the day of my first Trial, as by this means the Magistracy, who are restrained in their Punishment to three Years, have transported me 3 Years, 2 Months, and 15 days; so, if I find it needful, it may yet be reversed.

You must not let this decision that I am Lookaye annoy you; because you cannot forget that, by an Extract from the Secretary's Books in 1826, I proved that Lookaye could not be known to Chapman or Elliott as they pretend. Lookaye came to this Colony in
November, 1819, and was removed immediately to Newcastle, where
he remained until March or April, 1821, when he returned to Sydney,
and runaway in 1822. Elliott was appointed Superintendent at
Newcastle in July, 1821, and then first went there, so that he
could only be known to those two Persons 6 or 7 Months, suppose
he had been constantly under their eyes, whilst he was at their
respective Stations. Thus their Years are dwindled into Months.
and you should recollect that a Man, who deceives in part, is un-
worthy of belief in toto, if these Men were of good Character—
but bad as if their Name, think nothing of what they say. I will
refute them when it is needful.

Then look at the description of myself and Lookaye in the
Secretary's Books; nothing could be more dissimilar: yet the cor-
rectness of mine vouches for the accuracy of Lookaye's.

And again ask yourself why was not the real Lookaye brought
from the Cowpastures; but I will cease arguing, because, after all,
I really think my Sentence has been made so uncommonly severe
in order to give the Governor an opportunity to exercise the
generosity of his disposition, that he may claim our gratitude and
affection, and perhaps we may be sent to some other part of the
Colony, where we are unknown, and no prejudice will be raised
against us, as was at Port Macquarie and Bathurst. My Paper cuts
me off writing more than to say, God bless you and my dear babes,
and preserve you for your True

WM. EDWARDS.

[Enclosure No. 3.]

MRS. E. EDWARDS TO RIGHT HON. W. HUSKISSON.

Right Honble. Sir,
Sydney, 21st April, 1828.

In addition to the Letter which I had the honor of forwarding
to you, through His Excellency General Darling on the 15th
instant, I wish also to inform you that, after his Public Notice that
all Married Women of good Character should have their Husbands
assigned to them as a Support to their Families, I applied for
mine, and, although neither he or I have been ever charged with
one dishonest Act, my request was refused on the pretence of his
having formerly run away, whilst William Gerrard, who has been
all his Life a Notorious Thief, often Convicted, and had really
runaway from this Colony, and came back in the same Ship with
me, was assigned to his Wife, a Woman who had been a common
Street Walker in London, and has been since herself imprisoned;
this Man and many others of the same Class was also relieved
from Port Macquarie under the Proclamation to which I was made
an exception.

Another glaring instance has lately occurred. Andrew Gardener,
whose Wife has been a most notorious Receiver of Stolen Prop-
erty, and has a bad Character in another way, was lately tried
and Convicted as a receiver of Property, Stolen by a Servant from
his Master, having two Indictments against him; yet his Wife got
him off after a few Weeks' Imprisonment on board the Hulk, where
my Husband is detained out of my sight.

Whilst these things occur in great numbers, I am left in a Foreign
Country with two Children to support by my Labor, unprotected
and almost unknown; but I have lately found reason from an
insult, offered to me by a Soldier Sergeant, that, if I were of the same cast as the generality of those Women who procure favor in this Colony, my Husband also might be favored, though I thank my Creator that we are both of the same temper, that we can bear separation and starvation rather than forfeit our Souls to procure so base a reward.

E. Edwards—Geboren Reus.

RIGHT HON. W. HUSKISSON TO GOVERNOR DARLING.

(Despatch No. 25, per ship Albion; acknowledged by Governor Darling, 7th April, 1829.)

12 May. Downing Street, 12 May, 1828.

Sir,

I have the honor to transmit to you the Copy of a Letter from the Secretary to the Treasury, enclosing a Copy of a Communication from the Deputy Acting Commissary General at New South Wales, containing a Statement which had been sent home by him in compliance with Instructions which were issued by the Lords Commissioners of the Treasury to Officers in charge of the Department of Accounts to report how far any Expenditure, which may have come under their examination, may be dispensed with; and I have to request that you will furnish me with such observations as you may have to offer on the suggestions contained in Deputy Acting Commissary Maddox’s Communication to the Lords Commissioners of the Treasury.

I have, &c.,

W. Huskisson.

[Enclosure.]

MR. G. R. DAWSON TO UNDER SECRETARY HAY.

Treasury Chambers, 26th April, 1828.

Sir,

I have it in command, from The Lords Commissioners of His Majesty’s Treasury, to transmit to you the accompanying copy of a Letter from Depy. Actg. Comy. Genl. Maddox, dated New South Wales, the 4th Novr., 1827, in regard to the Instructions to the Officers in Charge of the Department of Accounts to Report how far any Expenditure that may come under their Examination might be dispensed with; and I am to request that you will submit the same to Mr. Secretary Huskisson and move him to cause it to be conveyed to the Governor of New South Wales for such observations thereon as he may wish to offer; but My Lords apprehend that, if the arrangements recommended by Mr. Maddox were so obvious or practicable as he supposes them to be, the Governor would himself have adopted them or have recommended them for adoption.

I am, &c.,

Geo. R. Dawson.
DEP. ACTG. COMMISSARY GENL. MADDOX TO MR. W. HILL.
Commissariat of Accounts Office,
Sir, New South Wales, 4th Novr., 1827.

I beg leave to observe that I have considered it advisable to transmit the enclosed suggestions in my own hand writing and not through the Office; I have the Copy with my confidential communications.

I have, &c,

GEO. THOS. MADDOX.

DEP. ACTG. COMMISSARY GENL. MADDOX TO MR. W. HILL.
Commissariat of Accounts Office,
Sir, New South Wales, 4th Novr., 1827.

With reference to their Lordships' Instructions to the Officers in Charge of the Department of Accounts, directing them to report how far any Expenditure that may come under their Examination might be dispensed with, I beg leave to report that I have ascertained that a considerable proportion of the expense incurred in maintaining and clothing the Prisoners of the Crown might be saved; and, provided the measure which I have the honor to submit to the consideration of their Lordships, is borne out by the Returns and Estimates transmitted from this Colony, its adoption would prove equally beneficial to the Government and to the Colony. I beg leave to refer their Lordships to the Estimates and Returns transmitted by this Mail, and their Lordships will observe that the maintenance of about one Thousand three hundred Military forms but a small proportion of the estimated expenditure; the maintenance and clothing of the Convicts exceeds eighty Thousand pounds per annum; the pay and allowances of the Commissariat and other Establishments necessarily formed in consequence, together with the destruction of the Provisions and Stores from Vermin and other causes, the maintenance and clothing of the Convicts in this Colony has not up to the present period been less than one hundred Thousand pounds per annum; and, when the value of the labour of the Convicts is compared with the Expense of maintaining them, the Government do not, from causes which I shall beg leave to explain, receive in return a balance or corresponding value of one sixth of the Expenditure.

A considerable proportion of the labour of 4,400, maintained at the Public expense, is expended on themselves in making their own clothing, and providing for incidental Expenses and occurrences, which they create and which would not exist, if they were otherwise provided for.

The small proportion of labour, obtained from so large a number of Convicts, proceeds in some measure from despondency arising from their being retained in Government Employ; and also I conceive from the food, which they receive from Government not being sufficient to support them as labourers; the Weather in this climate for a considerable proportion of the Year is oppressive and the Labourer requires food to support him in proportion to the labour required of him; the Convict receives his allowance of Food in two proportions, at 5 o'Clock in the morning and 12 at Noon, leaving an interval of sixteen hours; their allowance of 1 lb. of Meat, 1 lb. of...
flour, and ½ lb. of Maize, with nothing but water to drink, may be considered one of the principal causes of the public works not proceeding in proportion to the number employed on them.

If an addition of one fourth was added to the Convicts' Allowances, it would increase the expense of maintaining them £20,000 per Annum without affording the slightest prospect of any corresponding return; the Magistrates and Authorities, who regulated their Allowances, ascertained that no additional exertions had been obtained from the Convicts by any increase of Allowances they have hitherto received at the hands of Government; consequently having ascertained this fact, it became imperatively their duty not to incur any further expense than was considered actually necessary for their support; I beg leave to observe that, altho’ the ration is considered sufficient for their support as Convicts (and if it has any defect it is too liberal), yet it is the reverse for a labouring man in this Colony.

It would be attended with too great expense and trouble, and leave the Government open to innumerable frauds to make any distinction of Allowances in so many detached working parties. I beg leave to submit that the whole of these obstacles are removed and a corresponding value for the maintenance and clothing ensured in every instance where they have been assigned to the Settlers; Milk, Vegetables and fresh meat being the natural produce of the settlers' Estates, the prisoner obtains generally as much as he requires. And the indulgencies and kind treatment, which the Settler is interested in allowing the prisoner, produce an earlier reformation in his habits and conduct than any other the Government have hitherto adopted. The settlers' Estates, becoming every day more extended, deprives the Convicts of the facilities they now have of associating with each other. It is considered that none but those whose refractory conduct renders coercive measures necessary should be retained in Government Employ.

I beg leave to submit that it is generally allowed that the greatest obstacle to the prosperity of the Colony is the great scarcity of labourers and Mechanics. The adoption of the measure I propose would in a great degree obviate this defect, as it might be considered that the Colony would receive an addition to them, the daily labour of at least three Thousand men.

I beg leave to report that I have ascertained that at the present period the settlers would find it their interest to take nearly the whole of the expense of the maintenance of the Convicts out of the hands of Government for their labour; but, as it is probable that they would not retain them for any longer period than answered their interests, and as no law or arrangements could be made to oblige them to retain them for any longer period, and as none but the refuse and refractory would be retained by the Government, precautionary measures must be used to provide against all these contingencies; and the Government must remain prepared to receive them, should they at any future period be returned.

I beg leave to submit that, as one hundred thousand pounds per annum is below the expense hitherto incurred in maintaining the prisoners of the Crown for the last Ten Years, it might safely be fixed at that ratio for the next three Years; And that His Excellency the Governor should be instructed to convert such Balance as should remain at the end of each Quarter, over and above the actual expense incurred in maintaining the Convicts retained in

1828.
12 May.

Proposed plan for reduction in expenditure on convicts.
HUSKISSON TO DARLING.

Government Employ, in the erection of such Public Works and Improvements as he may consider necessary, or to apply it in protecting the Colony against those contingencies, which now exist and may ultimately be the results of the importation into the Colony of so many desperate characters. I beg leave to submit that all the Public Works and improvements commenced in consequence of this arrangement should be performed by contract, and that no public work or improvement should be commenced unless the means of completing it has been ascertained by the balance of the preceeding Quarter. And I beg leave to suggest that, in such proportions as the Settlers should return the Convicts to be maintained and clothed by Government, in the same proportion the works and improvements should cease and the money be applied as usual. Their Lordships are informed of three public Buildings required and which (as I am informed) are delayed for want of Funds to complete them; when the great number of Convicts and desperate characters are considered, the completion of the New Gaol becomes every day more important; the increasing Commerce of the Colony renders an eligible Custom House and Wharf necessary, and the important duties, which His Excellency the Governor has to perform, requires a suitable Residence; It has been Estimated that it will require one hundred and fifty thousand pounds to complete these buildings.

In submitting this arrangement to the consideration of their Lordships, they will perceive that all parties concerned are mutually benefitted without incurring any additional expense; and the result would be that the Colony would be benefitted at the end of three Years with public Works and Improvements to the Value of £200,000; whereas by the present System that amount will be exhausted without any return.

I beg leave to state that I have as far as practicable visited the several Establishments for the purpose of ascertaining these facts and to report if any part of the expense incurred might be dispensed with; I found the whole of the establishments regulated with strictest order and economy, and I could not in a single instance discover where any improvement could be suggested.

I have, &c.

GEO. THOS. MADDON.

RIGHT HON. W. HUSKISSON TO GOVERNOR DARLING.

(Despatch No. 26, per ship Albion.)

Sir, Downing Street, 13 May, 1828.

With reference to my letter of the 28th Ultimo, I have the honor to acquaint you that, Major Mitchell having been represented to me as being peculiarly qualified by his attainments for discharging the duties of Civil Engineer, I have appointed him to that Situation with a Salary at the rate of £700 per annum, of which he will be entitled to receive one moiety from the date of embarkation, until such time as he shall report his arrival in the Colony.

The above Salary of £700 agrees with that alluded to in my Dispatch of the 31st of March; but, as it so much exceeds the
amount originally intended for the remuneration of the Officer who might be selected for that appointment, I have explained to Major Mitchell that he is not to expect to receive any allowances in addition to the Salary above stated. I have, &c.,

W. Huskisson.

GOVERNOR DARLING TO RIGHT HON. W. Huskisson.

(Despatch No. 73, per ship Cape Packet; acknowledged by Sir George Murray, 26th November, 1828.)


The inconvenience, which continues to be experienced from the present State of the Survey of the Colony and the inadequacy of the means of the Surveyor General’s Department to the duties it has to perform, have induced me to consult Major Mitchell, Mr. Oxley having for some time past been unable to attend to any Public Business, as to the best course to be pursued under the above Circumstances.

Major Mitchell is decidedly of opinion that a Trigonometrical Survey should be immediately commenced as a Necessary foundation to the more particular Survey of the Colony. I have in consequence Authorised the employment of a few of the Assistant Surveyors for that purpose, and they have lately proceeded with him to Argyle and that neighbourhood. This will also afford him an opportunity of becoming acquainted with the Country which circumstances have not hitherto permitted.

This proceeding, while it forwards the general Survey, will of course interfere with the immediate location of lands by withdrawing a portion of the Surveyors from that object, and may occasion some dissatisfaction amongst the Settlers who generally complain of the inconvenience they experience from the Circumstance of not receiving their Title Deeds, which cannot be made out until their Farms have been Measured; and it will further have the effect of preventing the Government collecting the Quit Rent on the Unsurveyed Grants for a proportionately longer period.

Considering it highly desirable after my Communication with Major Mitchell to ascertain more particularly what prospect there was of the general Survey being brought Up, I requested he would Maturely Consider the subject and furnish me with Such data as would enable me to bring it fully Under Your view, so that His Majesty’s Government might have the means of judging as to the extent to which additional assistance would be Necessary and to determine whether that assistance could be afforded.
The enclosed Memoranda was prepared in Consequence, and I am sorry to observe places the object, the general Survey of the Country, in Such a point of view as to render its Attainment without very considerable additional means totally impracticable.

The embarrassments, which must result from this, will be attended with the most serious consequences. At present in many Cases, the Settlers are not assured of the extent or limits of their Property; their Boundaries, when their Farms come to be Measured will no doubt be found in many cases to interfere, owing to the Vague descriptions they give in, when reporting the selections they have made. Others again Settle upon land to which they have no Claim, and having established themselves are not disposed to yield to those who obtain a Grant of it.

I have been anxious, in order to remove a portion of the embarrassment which is experienced, the Settlers being naturally anxious to know to a Certainty the exact Sum at which their lands are to be rated, to devise some expedient for valuing the land so as to answer instead of the Valuation by the Commissioners; and it appears that a general average Valuation, as the Settlers are allowed to Select their land, would be free from objection, would answer the purpose effectually, and would in every respect be highly beneficial and convenient. I am now preparing to bring this with other matters connected with the subject of land under the consideration of the Executive Council, and I hope, Sir, to be enabled in a short time to submit the result for your Consideration.

I have thought it necessary, the better to afford you the means of judging of the extent to which it may be proper to increase the Establishment of the Survey Department, to transmit a List shewing the Number of Surveyors, etc., employed in the Year 1826 and at the present time.

It will be observed that, notwithstanding the Six Assistants lately sent out, the Numbers employed at the time of my arrival and at present are nearly equal, while the Current Business of the Department, independent of the enormous Arrears, is to a very considerable extent, and would require a Numerous body of Surveyors to attend to it.

The demand for Draughtsmen is equally urgent. Preparing the County and Parish Maps alone, which it is necessary should be completed with great Care and Skill and are extremely Numerous, three of each being necessary as Records, independent of those required for the use of the Public Departments and the information of Settlers. It will be seen that the preparation of these would occupy several competent hands, there being 64 Parishes on an average in each County. As the Survey of
1828. 13 May.

Parishes advances, almost any Number of Draughtsmen could be employed. There are at present only four, but I have not felt myself at liberty to encrease the Number.

I cannot, Sir, too earnestly recommend this Subject to your Consideration. If means are not used speedily to advance the Survey of the Colony and facilitate the more regular location of Settlers, the embarrassments, which already exist, must become irreparable and the foundation of others will be laid, as injurious to the Public as to the interests of private Individuals.

I have, &c.,

RA. DARLING.

Memorandum.

1. The present limits* of the Colony of New South Wales comprise about 33,180 Square Miles.
2. This Territory may be divided according to The King's Instructions into Sixteen Counties.
3. A Medium County should measure 40 Miles Square, and would consequently contain 1,600 Square Miles.
4. A Medium Parish should contain 25 Square Miles, consequently a County of 1,600 Square Miles would comprise 64 Parishes.
5. A Seventh part in extent and Value of each County is to be set off “in one continuous and unbroken Tract” for the Clergy and School Estate. The Parishes are to be separated by Natural Boundaries, and divided into Sections of Square Miles.
6. A Survey must be made before the Commissioners can determine the Superficial extent, or decide on the proportion thereof to be allotted for the Clergy and School Estate, or subdivide the same into hundreds and Parishes of given superficial dimensions.
7. The Surveyor General's Department consists of Nine effective Surveyors, who have been hitherto fully occupied in the Measurement of Grants.
8. The Country now required to be Surveyed is of greater extent than Ireland, which including its Lakes contains only 32,301 Square Miles (According to Wakefield).
9. In the Trigonometrical Survey of that Country now in progress, the Surveyors employed by Contract Survey Annually 150 Square Miles.
10. At this rate, were this Country free from Woods like Ireland, and no Grants were to be Measured, it might be calculated that the Survey should be accomplished by the present hands in Twenty four Years.

* Note 55.
11. In Britain and Ireland the Country is in general sufficiently clear of Wood for the purpose of Surveying; In this Country the Woods render even the practicability of such Survey doubtful.

12. In Ireland, the number of Surveyors employed is very considerable, and no Man knows when the Undertaking will be completed. This Country, being of greater extent and under the above impediment, is required to be Surveyed by Nine Surveyors whose strength has never been equal to their more immediate Duties, the Measurement of Farms.

13. The objects of the Work required will not admit of progressive performance; the Church and School Estate, to be in one continuous and unbroken Tract, must be set off before Selections have been made in a County, otherwise an unbroken Tract of sufficient extent may not be found in any new County.

14. Good Land is now Selected wherever it can be found, and it is so scarce that, even with the present small Population, various Selections have already been made beyond the prescribed Limits.


Sydney, 29th April, 1828.

[Enclosure No. 2.]

List of Assistant Surveyors and Clerks in the Surveyor General's Department at the Commencement of the Year 1826 and at the present time.

Assistant Surveyors.
1826.—Messrs. Harpur, Dangar, Cavenagh, Hoddle, Richards, McBrien, Rodd, Finch, Ralfe.

Draftsmen.
1826.—Mr. Stewart.
1828.—Messrs. Thompson, Knapp, Bemi, Brown.

Clerks.
1826.—Messrs. Jackson, O'Hara, Stock.
1828.—Messrs. Duncombe, White (to be employed as Draftsmen), Halloran (a Junior Clerk).

Note.—In transmitting the above List shewing the relative strength of this Department at present and at the Commencement of the Year 1826, I beg to observe that the Assistant Surveyors in the Field, being generally employed at a much greater distance from hence and in more Mountainous Districts, meet with many difficulties and delays which were not formerly experienced. They are less under the Eye of the Head of the Department.

The Draftsmen in the Office also have been for some time principally occupied in preparing Maps of Parishes, etc., for the Commissioners for apportioning the Territory. There were besides at the former period two experienced Clerks attached to the Office, whose places have been hitherto filled by two Boys, whilst the Business is more than doubled.
In 1826, besides the Surveyor General, there were many individuals in the Office personally acquainted with the Applicants generally, and who, recollecting every occurrence connected with the Department, were perfectly at home in any question which required reference.


**Lord Francis Leveson Gower to Governor Darling.**

Sir, Downing Street, 14 May, 1828.

This Letter will be presented to you by Mr. Berman Langa, who, at the recommendation of Mr. Huskisson, has been appointed by the Lords Commissioners of the Treasury Comptroller of the Customs at New South Wales; and I am directed by Mr. Huskisson to introduce this Gentleman to your protection and good offices.

I am, &c,

F. Leveson Gower.

**Governor Darling to Right Hon. W. Huskisson.**

(Despatch No. 74, per ship Cape Packet; acknowledged by Sir George Murray, 30th August, 1829.)

Sir, Government House, 14th May, 1828.

I am induced to submit to your consideration the great convenience and advantage which would result to the Service by discontinuing the Houses allowed for the residence of the Civil Servants of the Government.

2d. It would be attended with convenience as relieving Government from the Superintendence and Repair of such Buildings and would I have no doubt prove a Measure of economy.

3d. At present the Chief Justice, Colonial Secretary and Surveyor General are in possession of excellent Substantial Houses, which, from the Situation of the two former in particular with reference to Government House and that part of the Town where Business is carried on, might with great advantage and without Expense be appropriated to the accommodation of the Executive and Legislative Councils, and some of the Public Offices.

4th. The Surveyor General's House and Office are in separate Buildings and in a distant part of the Town from those above mentioned. I should therefore propose, as soon as possession could be obtained of the Chief Justice's and the Colonial Secretary's Houses, to dispose of the Surveyor General's House and Office, which might then without inconvenience be dispensed with.

5th. When any Building should be required hereafter for a Public Office, I should recommend its being erected in Macquarie

* Note 3.  † Note 56.  ‡ Note 57.
DAELING TO HUSKISSON.

14 May, 181

Place immediately opposite the Range now proposed for the Public Offices, as will be seen by reference to the accompanying Sketch.

6th. The Public Establishments and Offices to be provided for are as follows, which, as soon as the measure can be fully carried into effect, I should propose arranging in the manner I now beg leave to point out, Vizt.:

1. Executive Council; 2. Legislative Council; 3. Audit Office—To occupy the Chief Justice's House; 4. Colonial Secretary's Office—The Colonial Secretary's House to be appropriated to this; 5. Surveyor General's Office—The Colonial Secretary's present Office to be allotted as the Surveyor General's; 6. Treasury—To remain as at present, being within the Barrack Square in a Building, where the Military Cash Department is kept, Vaults having been already constructed for the Security of the Respective Chests; 7. Custom House—To remain as at present, being in a Government Building; but, as it is not conveniently Situated with reference to the Wharfs, and the Government is at Considerable Expense (£750 a Year) in hiring Warehouses, I propose submitting, as soon as I can find time, a Plan of a Custom House, with the necessary Accommodation for the Reception of Goods to be placed in Bond, etc.; 8. Internal Revenue Office; 9. Land Board—The Necessary Accommodation to be allotted in the first Floor of the present Custom House.

7th. It will be perceived that this arrangement cannot be fully carried into effect until the Chief Justice, the Colonial Secretary and the Surveyor General have given up their Houses. But, should any one of these fall vacant, I should, presuming from the advantage of the arrangement that it would receive your approval, avail myself of the opportunity and act on it as far as circumstances would permit.

8th. I beg to observe that some arrangements, such as is proposed, is absolutely necessary for the more convenient accommodation of the Public Establishments. The Executive and Legislative Councils for example have but one Miserable Apartment between them, which appears derogatory to the Character of such Bodies. Besides this, some of the Military Departments are in the same Building with the Civil Offices and Vice Versa, and the separation might be conveniently effected by the proposed Arrangement, which circumstances have not hitherto permitted.
1828.
14 May.

Allowances proposed in lieu of official residences.

Proposed sale of house and office of surveyor-general.

Official residence of superintendent of police.

Special instructions to be awaited.

9th. It would, I take for granted, be necessary to make the Officers, who are to be deprived of their Houses, an Allowance to enable them to provide the necessary Accommodation, supposing their Salaries to have been fixed with an Understanding that they were to occupy Government Buildings free of Expense. But any Allowance so granted need not be continued to any future Colonial Secretary, and I should recommend the Allowance for a House to the Chief Justice and Surveyor General being included in their Salaries. I should also propose the Allowances under present circumstances to these Officers being as follows, Vizt.:

Chief Justice, £250; Colonial Secretary, £200; Surveyor General, £150.

According to this, the utmost Expense would not exceed £600 a year, and this might be Materially reduced if not entirely got rid of, when New Appointments should be made.

10th. On the other hand, the Surveyor General's House and Office would be disposable, and, being both good Buildings and situated near Hyde Park, would, I have no doubt, produce a considerable Sum, as Ground and Houses in Sydney sell at present at very high Prices.

11th. There is still Another House in possession of one of the Civil Servants, which is occupied by the Principal Superintendent of Police; but, as, from its Situation, it is not available as a Public Office, it is not necessary to appropriate it otherwise than it is at present. It occupies however one of the most desirable spots* in Sydney, and, being a Commodious House, having lately undergone a thorough Repair, would, I have no doubt, sell very advantageously. Should this be ordered with a view of establishing the principle that None of the Civil Servants should be allowed Houses, which appears to me desirable, the Principal Superintendent of Police should, I think, be allowed £100 a year on this account.

12th. I beg Sir to observe that, though I should Act on the proposed Arrangement, should any change take place in the Persons now holding the Appointments of Chief Justice, Colonial Secretary or Surveyor General, I should not venture to Authorise the sale of the Surveyor General's House and Office without Special Instructions to that effect.

I have, &c.,

R.A. DARLING.

[Enclosure.]

[A copy of the plan will be found in the volume of charts and plans.]

* Note 58.
Sir,

Downing Street, 15 May, 1828.

I have received your Dispatch of the 22nd of September last, reporting (with reference to the arrangements which you had made respecting the Custom House) the resignation by Mr. Onslow of the Situation of Searcher and Surveyor, and the appointment of Mr. Raymond in his place; and you take the opportunity of requesting to be informed, in case Mr. Raymond should not be confirmed in that Office, in what manner you are to dispose of him.

As the confirmation of the Appointment in question rests with the Lords of the Treasury, in pursuance of arrangements entered into on the part of my Predecessors with their Lordships, I am unable to do more in favour of Mr. Raymond than to communicate to them the circumstances under which he went out to the Colony, in the hope that they may not be disposed to disturb the arrangement which you had made. With reference, however, to that part of your Dispatch representing the perseverance with which Mr. Raymond considers himself and family as Dependents upon the Government, I have only to refer you to what my Predecessors have already stated upon that subject, in order that Mr. Raymond may be prepared to depend upon his own resources for the support of himself and his family, should he be eventually reduced to that alternative from his unfitness for any official employment which it may be in your power to confer upon him, and in the event of his not being continued in that which he now holds.

I have, &c.,

W. Huskisson.

GOVERNOR DARLING TO RIGHT HON. W. HUSKISSON.

(Despatch No. 75, per ship Cape Packet; acknowledged by Sir George Murray, 20th December, 1828.)

Sir,


I do Myself the honor to transmit for your information the accompany. Ground Plan and Elevation of the Female Factory at Parramatta, together with Copy of a Report prepared by Captain Dumaresq the Civil Engineer and one of the Committee of Management, explanatory of the additions and Alterations which have been found necessary with a view to the more complete Separation of the Classes and to that system of discipline which it had been deemed expedient to adopt.
2d. The whole computed Expense (including the Charge for the maintenance of the Convicts employed and the Materials collected and prepared by them) of these additions and alterations is about £2,687 13s. 5d.; but the actual Money Expenditure is comparatively trifling, not exceeding £300, being chiefly for the purchase of Lime, which could not be conveniently procured by the means of Convict Labour.

3d. I have now great satisfaction in Reporting that the Establishment is at length rendered as complete as could be expected; and I trust the efficiency of the Measures which have been adopted will be admitted, when it is considered so large a Number of Female Prisoners of the Worst Character (there being at this Moment 490 in the Factory, which is occasioned by the unusual importations which have taken place) the Refuse of the English and Irish Jails, are retained in subjection by an Establishment consisting of only five Women, "Vizt."

1 Matron, at the head of the Establishment; 3 Monitresses, one for each Class; 1 Portress, in addition to whom two Men are employed, one as a Clerk, the other as a Storekeeper, the whole of whose Salaries together do not exceed £430 a year.

4th. In submitting this Statement to you, I presume to think, Sir, that no instance can be produced in any part of the world of a like Number of Prisoners being retained in due subjection by such slender means, or at so very trifling an Expense. And, as to the order and regularity of the Establishment, I may venture to assure you they cannot be surpassed.

5th. It appears unnecessary to say any thing more respecting the Establishment, further than that the Merit of the present Arrangements and of the excellence of the System, which has been so successfully adopted, belongs exclusively to the Committee of Management who are unwearied in their exertions, and to Mrs. Gordon, the present Matron, who has most Zealously performed the duties which attach to her very important Situation.

6th. I now do myself the honor to forward for your information a Copy of the last Half yearly Report of the general Board, by which it appears that, although so unusual a Number as 504 Women had arrived from England and Ireland during the Year, the Actual encrease to the Numbers in the Factory at the termination of the Year did not exceed 137, so that 367 were distributed throughout the Colony over and above the Number that had been previously disposed of.

7th. Having closed my observations as far as regards the State of the Factory to the end of last Year, I am under the necessity
of observing that the Establishment has received a very large and I must say inconvenient addition since the commencement of the present Year by the arrival of 192 Women in the Ship Elizabeth from Ireland. The Applications for these Women not being numerous, and this Ship having brought out at once double the Number usually embarked, it has had the effect of Crowding the Factory to excess, and, had it not been for the good order which is so well preserved in the Establishment, the Consequences would have been extremely embarrassing, there being no other place eligible for the proper accommodation of the Women.

I have, &c.,

RA. DARLING.

[Enclosure No. 1.]

[A copy of the plan will be found in the volume of charts and plans.]

[Enclosure No. 2.]

REPORT on the Alterations, etc., which have taken place at the Female Factory, Parramatta.

A Board having been appointed to report upon the State of the Female Factory and draw up and propose such regulations as appeared to them desirable, very considerable alterations and some additions were proposed to the Building in order to the Plan suggested by them being carried into effect.

The division of the Establishment into Classes was considered essential, and, to enable each to have their separate Kitchen, Workshops and other accommodations, several alterations became necessary; Store-keeper's Rooms and Offices, a Porter's Room, etc., were constructed at the Outer Gate, preventing the necessity of these people going inside the Building at all, the inner Gate being kept by a Portress.

The Penal part of the Establishment, the Penitentiary, being extremely crowded it became necessary to erect Workshops for them. Also a Dining Hall, it being considered liable to cause disease, spinning Wool, eating and sleeping all in the same Rooms, which was before necessarily the case.

The accompanying Plan of the Building will shew the Alterations which have been made, being distinguished by the red lines by which will be seen the addition that has taken place to the Penitentiary.

To prevent the necessity of sending the Women outside the Building to obtain the supply of Water required, a Force Pump has been erected, and arrangements made for conducting Water to all parts of the Establishment, thereby obviating the necessity of there being any intercourse between the different Classes.

The Surrounding Wall having been considered much too low, not being more than 11 feet, it has been heightened to about 16 feet.

I deem it unnecessary further to detail the alterations and additions that have been made, considering that they are better illustrated by the Plan which accompanies this report. I have a confident
hope that, when the whole Plan shall be completely carried into effect, considerable benefit will be experienced in the Management of this Establishment.

WM. DUMARESQ, Civ. Engineer.

[Enclosure No. 3.]

REPORT of the Board for the Management of the Female Factory, as directed in His Excellency the Governor's Minute No. 123 for its appointment, dated 12th August, 1826.

Female Factory, Parramatta, 2d January, 1828.


The Board in pursuance of the Regulations have the honor to report for His Excellency the Governor's Information.

1st. The Number of Women received into and discharged from the Establishment from the 1st of July to the 31st December, 1827, inclusively, is as follows:—

Prisoners In the Establishment 30th June 290

Received from—

<table>
<thead>
<tr>
<th>Ship</th>
<th>Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>Princess Charlotte</td>
<td>21</td>
</tr>
<tr>
<td>Harmony</td>
<td>13</td>
</tr>
<tr>
<td>Louisa</td>
<td>29</td>
</tr>
<tr>
<td>Private Service to 1st Class</td>
<td>167</td>
</tr>
<tr>
<td>Do to 2d Class</td>
<td>29</td>
</tr>
<tr>
<td>Do to 3d Do</td>
<td>254</td>
</tr>
<tr>
<td>Total</td>
<td>513</td>
</tr>
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Discharged to—

<table>
<thead>
<tr>
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<th>Number</th>
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<tbody>
<tr>
<td>Private Service</td>
<td>378</td>
</tr>
<tr>
<td>Free by Servitude</td>
<td>3</td>
</tr>
<tr>
<td>Escaped and not Apprehended</td>
<td>3</td>
</tr>
<tr>
<td>Dead</td>
<td>4</td>
</tr>
<tr>
<td>Married</td>
<td>13</td>
</tr>
<tr>
<td>Returned to their Husbands</td>
<td>437</td>
</tr>
</tbody>
</table>

Remains 31st December, 1827—Women 366

Children in the Establishment 30th June 15

Increase 20

Remains 31st December, 1827—Children 35

Free Women, convicted in the Colony, in the Establishment on the 30th June, 1827 26

Received 61

Total 87

Discharged 57

Remains 31st December, 1827—Free Women 30

Do Prisoners 366

Total 396

It appears by the foregoing Statement that there has been an Increase in the Establishment during the last half year of 80 Women,
DARLING TO HUSKISSON.

and in the whole year of 137, occasioned by the arrival of 504 Female Prisoners during that period, leaving a distribution of 367; there are, at present in the 1st Class unassigned, and eligible for assignment, 48, of which 26 are necessary in the Establishment as Servants, Overseers, etc.; the remainder are about to be sent to their assigned Service, are old, or infirm, or, being either pregnant or having young Children, cannot be sent away from the Establishment, though the number of Women in the Establishment is considerable, and much larger than the previous year, it is occasioned by Prisoners committed for offences, and cannot be diminished, except by Improvement in the morals of the People generally.

The Board beg leave to observe that there appears too great a Portion of Women sent into the 1st Class from Service, who it must be presumed have for the most part committed some offence, or they would not have been discharged; and, in so doing, it must prove injurious, as they are immediately eligible for reassignment; a statement of several cases of this description accompanies for His Excellency's more particular Information.

The Women appear in a most healthy State, no complaint having been made on the part of any of the Inmates; and the Board have much satisfaction in forwarding the Surgeon's Report, together with the Half yearly Return of the Sick, which they think will warrant their most favorable Representation.

The Establishment has been orderly with the exception of the disturbance some time ago in the Penitentiary, and, of the number which then escaped, only three are now at large.

The discipline of the Establishment is considered to have been improved and is improving and the Regulations to have been enforced as far as practicable. It is however to be regretted that the arrangements of the Building are still incomplete though considerable advancement has been made; the entire Separation of the Classes therefore has not taken Place.

The Board have reason to be satisfied with the regularity and cleanliness observed in the Building, and have hopes, when the arrangements are completed, that much benefit will result from the order and regularity which can then only be enforced.

The Matron reports that Prayers for the Protestants have been regularly read morning and evening by herself, also for the Catholics under the observation of the Matron of the 1st Class, and that they are attentive. In the 3d Class also, the Matron has had divine Service regularly performed.

An Abstract of the Punishments during the half year is herewith transmitted; it appears there have been 312 Cases of punishment during that period, which, considering the Class of people and that there have been 800 Prisoners in the Establishment, the Board do not think excessive.

The Board have not yet been able to find a Clerk for the purpose of auditing the affairs of the Establishment.

ALEXR. MCLEAY. GEO. THOS. PALMER.
WM. LITIGOW. WM. DUMARESQ.
SAMUEL MARSDEN. T. DE LA CONDAMINE.
EDWD. LOCKYER. M. ANDERSON.
RIGHT HON. W. HUSKISSON TO GOVERNOR DARLING.

(Despatch No. 28, per ship Albion.)

Sir, Downing Street, 16th May, 1828.

I have the honor to acknowledge the receipt of your Dispatch of the 23rd of September last, accompanied by the following Estimates, vizt.:—

1. Estimate of the annual expense of defraying the Police Establishment according to the present scale of Salaries and Numbers.

2. Estimate of the annual expense of printing the Government Orders and Notices, Blank Forms and other Public Documents for the Government.

As these Estimates are accompanied by the assurance that you will lose no available opportunity of diminishing the expense of this part of the Establishment, and impressed with the importance of keeping up an efficient Police as the only effectual means of checking those irregularities, which must necessarily take place in a Community composed like that at New South Wales, I have recommended to the Lords Commissioners of the Treasury the propriety of admitting these Charges; but, as so many of your recent dispatches contain proposals for the increase of the Salaries of the Officers of your Government, I cannot omit this opportunity of observing that, although I have hitherto acquiesced in most of the arrangements which you have suggested for placing the Emoluments of those Officers upon a more liberal footing, yet you must not expect that an equally favorable result will attend all future recommendations to the same effect; and it will, therefore, be advisable that you should disapprove all applications which have a tendency to increase, without the most urgent necessity, the Civil Expenses of your Government.

I have, &c.,

W. HUSKISSON.

GOVERNOR DARLING TO RIGHT HON. W. HUSKISSON.

(Despatch No. 76, per ship Cape Packet; acknowledged by Sir George Murray, 27th November, 1828.)

Sir, Government House, 16th May, 1828.

I do myself the honor to acquaint you that the very serious inconvenience, which has been experienced, and the trouble imposed on the Public Departments by issuing Clothing to the Prisoners of the Crown at irregular periods, have induced me, with a view of simplifying the accounts and relieving the several Government Establishments from what appeared unnecessary trouble, to order the issue of the Clothing at two fixed periods in...
DARLING TO HUSKISSON.

the year, Namely, on the 1st of May, being considered the commencement of the Winter Half Year, and, on the 1st of November, the period when Summer usually commences in this Country.

I do myself the honor to transmit for your consideration the Copies of two Minutes, which have been issued in consequence, the one regulating the issue of Clothing at the Penal Settlements, and the other to the Prisoners generally at other Establishments; and I trust you will be pleased to approve of the arrangements which have been made in this respect.

I have, &c.,

RA. DARLING.

[Enclosure No. 1.]

MINUTE No. 9.


THE Prisoners at the Penal Settlements and detached Stations, specified in the Margin*, are in future to receive their Clothing at two Stated Periods in the Year, Vizt., on the 1st of May and the 1st of November. The Deputy Commissary General will in consequence forward, by the first opportunity to the respective Settlements, the Supplies of Clothing necessary for this purpose.

The Commandants will Muster the Prisoners on the above days, in the presence of the Principal Superintendent of Convicts and the officer or Person in charge of the Commissariat, and he will see each Man Supplied with a Suit of Clothing according to Regulations. The Officer in charge of the Commissariat will account for the Issue to the Deputy Commissary General, the Commandant affixing his Signature to the Muster Roll that each Individual was supplied in his presence.

The above Arrangement will relieve the Principal Superintendent of Convicts from any Charge and responsibility with respect to the Clothing of the Prisoners at the Several Settlements and Stations above pointed out.

The Deputy Commissary General will forward Blankets from time to time to the above Settlements, that the Prisoners may be supplied agreeably to the Regulations on this Head.

RA. DARLING.

[Enclosure No. 2.]

MINUTE No. 23.

Government House, 20th February, 1828.

It appearing that the Regulations under which the Convicts employed by Government are now Clothed occasion great inconvenience and much unnecessary trouble to the Departments concerned, it becomes necessary to revise the same and to adopt a more simple method of issuing Clothing to the Prisoners of the Crown. Let it therefore be notified that hence forward all Prisoners Maintained by the Government are to receive their

* Marginal note.—Port Macquarie, Moreton Bay, Norfolk Island, Port Raffles, Melville Island, King George's Sound, Western Port.
Clothing at two stated Periods in the Year, vizt., on the 1st of May and 1st of November, without reference to the time when they may have been received upon the strength of any Establishment.

Prisoners, arriving from England in the Month of April or October, will not however be entitled to Clothing on the day of issue immediately following, for, having received a complete Suit on landing, it is presumed that they cannot require it.

The Superintendents of Convict Establishments will Muster the Prisoners under their Charge on the above Days respectively, in the presence of an Officer of the Commissariat, whenever it is possible, who will see each Man supplied with a Suit of Clothing according to Regulations, and affix his Signature in the Muster Roll, certifying that each Individual has been supplied in his presence.

In order to provide for the Regular Issue of Clothing to the Prisoners on the days Appointed, the Principal Superintendent of Convicts will be responsible that the several Convict Establishments are duly supplied, and it will be his Duty to require of all Persons, in the immediate Charge of Convicts, an Account of the manner in which the Clothing so forwarded has been applied, within One Month after each issue.

It is not intended that the above should interfere with the Regulation laid down in Minute No. 9 of the present Year, neither will it apply to the Boys at the Carters' Barracks, who receive Clothing under the Regulations laid down in Memorandum, dated 6th December, 1826.

RA. DARLING.

RIGHT HON. W. HUSKISSON TO GOVERNOR DARLING.

(Despatch No. 29, per ship Albion.)

Sir,

Downing Street, 17 May, 1828.

I have the honor to acknowledge the receipt of your Dispatch of the 25th September last reporting the Death of Mr. Holland, Commissioner of the Courts of Requests, and the arrangements which you had made in consequence for the performance of the duties of that Situation.

I have much pleasure in acquainting you that His Majesty approves of the transfer of Dr. Douglass from the Office of Clerk of the Council to that of Commissioner of the Courts of Requests, the duties of which he had before discharged to the satisfaction of your Predecessor. I am prevented, however, from complying with your request in regard to the vacant Office of Clerk of the Council, to which you are desirous of nominating; as the very circumstances which induce you to make the application are those which render it necessary in my opinion that the Appointment should be filled by a person sent out from England, who, from being unconnected with any of those parties which have already occasioned so much embarrassment to your Government, would be able to enter upon his duties with much greater prospect of advantage to the Public than if those duties were to be placed in the hands of one selected in the Colony,
however desirable in other respects may be the arrangement which you may intend to recommend. I have accordingly ap- pointed Mr. Edward Deas Thomson to be Clerk of the Legisla-
tive and Executive Councils, with a Salary at the rate of £600 per annum, which (although so much less than that originally attached to this Situation) I consider fully adequate for any duties which he will have to perform. As you will probably have found it necessary to make some temporary arrangement for discharging these functions, I have acquainted Mr. Thomp-
son that he will not receive any part of his Salary until he shall have arrived in the Colony.

With respect to the Sum which you have authorized to be issued from the Colonial Treasury for the passage of Mrs. Hol-
l and to England, I have, under the circumstances of the case, to approve of the measure; but, as Mrs. Holland's application appears to have been made as well as to have been granted upon the ground that the same principle was adopted for providing the means of conveyance to England of the family of the late Mr. Butler, Registrar of the Supreme Court of Van Diemen's Land, who died soon after his arrival there; and, lest you should be induced to follow the same course, should a similar misfortune occur to any person hereafter, I think it necessary to state that, in the case above adverted to, the person who succeeded to the vacant Office gave up a portion of his Income in order to its being appropriated to the purpose in question, so that on the former occasion, which, I apprehend, is not the case on the present, no additional expense resulted to the Public from the arrangement.

I have, &c.,

W. HUSKISSON.

GOVERNOR DARLING TO RIGHT HON. W. HUSKISSON.

(Despatch No. 77, per ship Cape Packet; acknowledged by Sir George Murray, 27th November, 1828.)

Sir, Sydney, 17th May, 1828.

I do myself the honor to submit for your consideration whether it might not be advisable to permit the Officers in the Service of the East India Company to receive Land in these Colonies, under similar Regulations to those established for the Officers of His Majesty's Navy and Army.

2nd. It appears to me it would prove very advantageous as holding out encouragement to those Officers to settle here, who, on their retiring from the Service, are in general possessed of considerable pecuniary means, and the introduction of Capital in the present State of the Colony being a matter of much importance.

* Note 59.  † Note 60.
18 May.
Proposed concessions to officers of E.I. company.

19 May.
Approval of employment of J. T. Morisset.

HISTORICAL RECORDS OF AUSTRALIA.

3d. I have understood that the measure proposed would be likely to induce several Officers of that Service to retire to these Colonies, instead of retiring Home, and some of them have requested their Friends here to ascertain whether there was any probability of the indulgence alluded to being extended to them in the event of their doing so.

I have, &c.,
RA. DARLING.

RIGHT HON. W. HUSKISSON TO GOVERNOR DARLING.  
(Despatch No. 30, per ship Albion.)

Sir, Downing Street, 18 May, 1828.

I have received your Dispatch of the 27th September last, forwarding a Memorial addressed to the late Secretary of State by Mr. George Cookney, who formerly held the Situation of Colonial Architect; and I have to desire that you will acquaint this Gentleman that I do not consider that there is any ground for the claim for compensation, which he has brought forward; but that, even had there appeared to be any hardship in his case from the circumstance of his services having been discontinued, I should not have been disposed to acquiesce in his receiving any further Sum than that which you have already caused to be issued to him.

I have, &c.,
W. HUSKISSON.

RIGHT HON. W. HUSKISSON TO GOVERNOR DARLING.  
(Despatch No. 31, per ship Albion.)

Sir, Downing Street, 19 May, 1828.

I have received your Dispatch of the 23rd October last, reporting that you had, in pursuance of the intention expressed in a previous Dispatch, appointed Lieutenant Colonel Morisset to the temporary charge of the Police Department. I see no objection to the manner in which you have disposed of the Services of this Officer; but, as the arrangements of the Lords Commissioners of the Treasury, connected with the Department of the Customs, have not admitted of their confirming Captain Rossi in the Office of Comptroller, I apprehend that it will become necessary for the latter Officer to resume the duties of Superintendent of Police, in which case I fear Colonel Morisset must proceed to Norfolk Island to take upon himself the duties of Commandant, as originally intended. The reasons, however, which induced you to retain Colonel Morisset at Sydney so long as you had the means of employing him there, are satisfactory, and such as would have led to my directing that you should
abstain from carrying into effect Lord Bathurst's Instructions with respect to this Appointment, had there appeared to me to be any other mode of disposing of that Officer, without adding unnecessarily to the public Expense. I have, &c.,

W. Huskisson.

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RIGHT HON. W. Huskisson to Governor Darling.
(Despatch No. 32, per ship Albion.)

Sir,
Downing Street, 21 May, 1828.

I have the honor to acquaint you, in reply, to your Dispatch of the 26th of October, that the Appointment which you have therein reported of Mr. John Stephen to succeed the late Mr. Campbell as one of the Commissioners for apportioning and valuing the Land of the Colony is approved by His Majesty's Government.

I have, &c.,

W. Huskisson.

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RIGHT HON. W. Huskisson to Governor Darling.
(Despatch No. 33, per ship Albion.)

Sir,
Downing Street, 22nd May, 1828.

I have received your Dispatch No. 111 of the 1st November last, enclosing a Statement of the Monies received by the Collector of Internal Revenue for a period of Six Months, amounting to the Sum of £16,526 9s. 7½d. and expressing your hope that the gross amount and number of distinct heads of collection will appear fully to justify the arrangement which you had previously proposed.

In my reply to your Dispatch of the 7th of April, I acquainted you with the grounds on which I deemed it advisable to direct that you should adhere to the Instructions conveyed to you by the late Secretary of State, regarding the employment of an Officer of the Surveyor General's Department to perform this particular duty, and I am sorry that I do not now see any reason for altering the opinion which I then expressed upon that subject.

I am, &c.,

W. Huskisson.

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Governor Darling to Under Secretary Stanley.
(Despatch per ship Cape Packet.)

Sir,
Sydney, 22nd May, 1828.

With reference to my Despatch No. 36 of the present Year, transmitting a List of Convicts, who were desirous that their Wives should be sent to this Colony, I do myself the honor to
acquaint you that one of the Individuals named (John Bow by
the Ship Asia 4) has recently absconded from the Colony, and I
therefore beg that his Wife may not be allowed a Passage by
the Government.

_____
RA. DARLING.

RIGHT HON. W. HUSKISSON TO GOVERNOR DARLING.
(Despatch No. 34, per ship Albion.)

Sir,
Downing Street, 23 May, 1828.

I have received your Dispatch of the 2nd November last,
reporting the circumstances under which it had become neces­
sary to incur an Expenditure amounting to the Sum of £1,300
for the purchase of a House at Campbell Town for the purpose
of holding the Quarter Sessions and Courts of Requests there,
including the expense of making the necessary alterations in the
Building in order to provide accommodation for the Detach­
ment of Mounted Police stationed in that Town.

Although the Sum seems to be large for which the Premises
have been purchased, yet the agreement entered into with the
Parties, by which they have consented to receive payment in
Land, removes any objection which His Majesty's Government
might, otherwise, have entertained to the measure on account
of the expense; and I have, therefore, much pleasure in acquaint­
ing you that the purchase in question, with a view to the object
pointed out in your Dispatch, is accordingly approved.

I have, &c,
W. HUSKISSON.

GOVERNOR DARLING TO RIGHT HON. W. HUSKISSON.
(Despatch marked "Private," per ship Cape Packet.)

Sir,
Sydney, 23rd May, 1828.

I beg leave to enclose a Pamphlet,* which the Reverend Mr.
Marsden has just published, being a Statement of his Case,
which is similar to that contained in the Letter I have trans­
mittted to you officially with my Despatch No. 67 by this opportu­
nity at the desire of that Gentleman.

Though I have not before adverted to the Investigation, which
is the subject of the present communication, I have never been
satisfied with respect to the proceedings or Dr. Douglass's
Acquittal.† From the State of Parties at the time of my Arrival,
I thought it necessary to the public peace not to interfere with
past Events, and entertaining the hope that the effects might
by silence gradually subside and in time be altogether forgotten.
Being disappointed in this expectation, I feel that I cannot, consis­
tently with what is due to myself and the representations I

* Note 46.  † Note 61.
have from time felt it my duty to make respecting Mr. Forbes and Doctor Douglass, abstain on the present occasion from requesting your attentive perusal of Mr. Marsden’s Statement. You will then judge of the justice of Doctor Douglass’s Acquittal and more particularly of the principles and rectitude of the Chief Justice, who conducted and managed the Proceedings; and I cannot hesitate to think that the inference will be strongly in support of the representations I have made respecting these Individuals.

It may not be irrelevant to observe that the Proceedings in this Case appear to furnish additional reasons to those I have already given, why the Chief Justice or any Person of that Profession, high in Authority, should not be a Member of Council.

The influence of such Person must preponderate. There are few who would oppose their opinions to those of a Chief Justice, who by management, as Mr. Forbes always does, might give almost any question brought forward a legal Character, either immediately or in its result, and secure to himself the disposal of the Case though apparently determined by the Council. I can only repeat that, as this Government is at present constituted, the Chief Justice is in effect the ruling Authority.

I have, &c.,
RA. DARLING.

LORD FRANCIS LEVESON GOWER TO GOVERNOR DARLING.
(Despatch per ship Eliza; acknowledged by Governor Darling, 21st January, 1829.)

Sir,
Downing Street, 24 May, 1828.

I am directed by Mr. Secretary Huskisson to acquaint you that, in consequence of the representations contained in your Letter of the 3rd November last, respecting the inefficient state of the Veteran Companies, he recommended to the General Commanding in Chief the propriety of those Corps being disbanded, or at least such parts of them as you might think proper; and you will accordingly receive directions from the Horse Guards upon that subject. I have, &c.,

F. LEVESON GOWER.

LORD FRANCIS LEVESON GOWER TO GOVERNOR DARLING.
(Despatch per ship Competitor.)

Sir,
Downing Street, 24 May, 1828.

An application having been made to the Secretary of State by the Marquis of Sligo and by Mr. James Browne, M.P., for an extensive Grant of Land in the interior of New South Wales, in the cultivation of which they propose to expend
Land grants for marquis of Sligo and J. Browne.

Land grant for T. Kent as reward for export of extract of wattle bark.

considerable funds and to employ resident Agents and Overseers in superintending the same, and, Mr. Huskisson having acceded to their request, I am to signify to you his desire that a Grant of 10,000 Acres may be made to each of those Gentlemen, in such part of the Interior of the Colony as may be fixed upon by the person who may be commissioned to make the selection on their behalf, with a reservation to each of the parties of 10,000 adjoining Acres for the purpose of being granted to them respectively when the original Grant shall be brought into full and successful cultivation; and I am to request that you will cause every facility to be afforded to the Agent who may be employed upon this occasion.

It is of course to be understood that the Land in question can only be granted according to the principle and upon the conditions upon which Land is granted to ordinary Settlers.

I have, &c,

F. LEVESON GOWER.

LORD FRANCIS LEVESON GOWER TO GOVERNOR DARLING.*

Sir, Downing Street, 24 May, 1828.

This letter will be presented to you by Mr. Thomas Kent, who is about to proceed to New South Wales for the purpose of carrying into effect a project, which he had formed, of preparing for exportation from that Colony an Extract from the Mimosa Bark to be used in the process of Tanning. When Mr. Kent first brought this subject† under the consideration of the Secretary of State, a promise was made to him that, besides the indulgence of Tonnage for his Machinery, etc., he should receive on his arrival in the Colony a Grant of Land consisting of 5,000 Acres, and that 5,000 Acres in addition should be reserved to be made over to him, whenever he had exported 50 Tons of the Extract in question from his former Grant; and I was directed by Mr. Secretary Huskisson to desire that you will make to Mr. Kent a Grant of Land, in pursuance of this arrangement, upon the usual terms, affording to him every facility in the selection of it that may be consistent with existing regulations.

I am, &c,

F. LEVESON GOWER.

GOVERNOR DARLING TO UNDER SECRETARY STANLEY.

(Despatch marked “Private,” per ship Cape Packet.)

Sir, Sydney, 24th May, 1828.

1st. I should not venture to trouble you with the enclosed printed Statement‡ of the Reverend Mr. Marsden’s Case, were I not desirous of satisfying His Majesty’s Government that the

* Note 3. † Note 62. ‡ Note 46.
conduct of Chief Justice Forbes and Doctor Douglass stands impugned on other testimony than mine for Acts not very creditable to their Character, before I was entrusted with the Administration of this Government.

2nd. Without entering particularly into the merits of the Question, it would appear to be pretty well established, by the Correspondence between the Court of Enquiry and the Reverend Mr. Marsden, that the Court would not allow or afford him an opportunity of proving what he stated he was prepared to prove and could have supported by the most incontrovertible Evidence, the immediate Parties, because he would not produce a Statement, which it was in fact impossible he could produce.

3rd. In speaking of the Court, I allude more particularly to Mr. Forbes, as the subject referred to its consideration, being of a legal Character, it is probable the other Members were deterred from interfering, and I must think that the Proceedings fully establish his, Mr. Forbes, having prostituted his public Situation to answer Party purposes.

4th. Let this be coupled with the assertions contained in his Letter* to Mr. Huskisson, dated the 26th February last, on the subject of the Appointment of Mr. John Stephen as Registrar, that I did him the honor to forward to your Office, the Draft of the New South Wales Bill in October, 1826; and further that he received my Letter on the subject of that Appointment at the time when the Appointment was under his Judicial Consideration, both being directly contrary to the fact, as is shewn by my "Remarks" on his Statement, transmitted with my private Letter dated the 28th of February; and there can be but one opinion as to the Character and eligibility of the Man for the high and important Station, he unfortunately holds at this moment.

5th. It is rumoured that Dr. Douglass, who is also the subject of Mr. Marsden's Pamphlet, has been busy in obtaining Statements and Depositions with respect to my conduct. I should be indifferent respecting any attempts he might make, if I had an opportunity of ascertaining the nature of them. But, as he has made no communication to me on the subject, I take for granted he will be referred to the Notice, published some time since by Earl Bathurst's orders, directing that all Charges or Representations against the Government should be transmitted to the Secretary of State thro' the Governor.

6th. I also understand that Doctor Douglass complains of the ill treatment he has experienced respecting his Land. I assure you he has not the slightest cause, tho' he may think himself aggrieved, because the Regulations have not been broken to

* Note 63.
Indebtedness of H. G. Douglass to government.

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HISTORICAL RECORDS OF AUSTRALIA.

1829.
24 May.

Indebtedness of H. G. Douglass to government.

answer his private Interest. I would ask him on what ground he considers himself entitled to complain. Whether in being permitted to leave the Colony, as the Possessor of upwards of 8,000 Acres of Land (besides other Lands obtained from Individuals) having had Authority to purchase 5,000 more from the Government, which he now appears to have declined, because he was not allowed to select this quantity, contrary to Regulation and having actually disposed of all his Stock. So that, altho' a considerable Landed Proprietor, he possesses no Capital in the Country and is further in debt to the Government for 4,000 Acres of this Land purchased in the Year 1825, and also owes a large Quantity of Wheat on account of Clearing Gangs, obtained from Government on certain conditions,* which he has failed to fulfil, and which Gangs were employed to clear the Land in question.

7th. You may judge, Sir, from this Statement of Dr. Douglass's claim to attention. I will further assure you, that no man ever left a Country, who was less regretted. He is respected by no one, not even by those who made use of or associated with him; and his Character is held in universal contempt, as a busy, intriguing fellow, who, having arrived here as an Assistant Surgeon on Half Pay about Six Years ago, is now retiring from the Colony, having realised in this short period an Income of £1,000 a Year, being besides in possession of considerable Landed Property.

The Community will be materially benefitted by his departure, and I hope soon to rid the Service of another of the same faction and of an equally mischievous but a more turbulent Character. I allude to Captain Robison of the Veteran Companies, whom I intend to bring to Trial by a Court Martial, his conduct being of a very dangerous tendency. I consider it a misfortune to have had this task imposed on me; but, as a public duty, I shall not shrink from it, feeling that I shall benefit the Service by relieving it from such unworthy Members.

8th. Having in my Letter of the 3rd April to the Secretary of State, marked "Separate," adverted to the Letter† written by Mr. Mackaness to Mr. Forbes, in which he intimates that he is about to leave the Colony immediately, I might have stated I had been informed that that Letter was written at the desire of Mr. Forbes, in the hope of diverting my attention from the circumstance of his having been concerned in preparing the Charges against me, which Captain Robison had transmitted Home. This is in some degree confirmed, as Mr. Mackaness does not appear to have any intention of leaving the Colony, tho' there have been several opportunities and his compliance

* Note 64. † Note 65.
with Mr. Forbes's wishes in writing a Letter of the Character, alluded to, will account for the Certificates which I understand Mr. Mackaness has received and transmitted Home from the Chief Justice and Mr. Justice Stephen, of the correct and satisfactory manner in which he performed his duty as Sheriff.

9th. I take the opportunity of mentioning, before closing my Letter, that Captain Robison has acknowledged that he did transmit representations against me to his Friends, in order to their being communicated to the Secretary of State and his obtaining the necessary redress. His Offence is the same, whether his Friends communicate his Representations or not, as the Subterfuge of not having forwarded them direct cannot avail him.

I have, &c.,
RA. DARLING.

GOVERNOR DARLING TO UNDER SECRETARY STANLEY.
(Despatch per ship "Cape Packet").

Sir, Sydney, 25th May, 1828.

Mr. Wilmot Horton having requested, in a Letter under date of the 20th October last, that I would report my opinion of an Expedition proposed by Mr. Ballantyne for exploring the Interior of New Holland, I am induced to state to you, without entering into the details of Mr. Ballantyne's proposition,* that I should not conceive the object would justify the Expence and that the Undertaking would be attended with infinite difficulty and hazard.

I have had it in contemplation for some time past to employ an Officer† in this Service, who has expressed a strong desire to undertake it; but I have been prevented detaching him by the want of Officers to carry on the duties of the Garrison. I entertain the hope however that circumstances will soon permit of my availing myself of his Services.

I take the opportunity of adding that Mr. Cunningham the Botanist is about proceeding on another Expedition, in order to ascertain and lay down the Country from the Northern Extremity of his last Tour, as reported in my Despatch No. 119, dated the 12th Novr., 1827, to Moreton Bay.

I have, &c.,
RA. DARLING.

RIGHT HON. W. HUSKISSON TO GOVERNOR DARLING.
(Despatch No. 35, per ship Albion.)

Sir,
Downing Street, 26 May, 1828.

I have received your Dispatch of the 12th of November last No. 118, in which you state that the remaining part of the

* Note 66. † Note 67.
Detention of military detachments.

Buff, which were at New South Wales, would immediately proceed to Calcutta, but that you had found it necessary to retain two detachments of the 30th and 47th Regiments to supply their place; and as it does not appear that, under the circumstances of the case, you had any other alternative to adopt, it only remains for me to direct you to send home the detachments in question as soon as you shall find it possible to spare them.

I have, &c.,
W. Huskisson.

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Report requested re E. Hardinge.

Lord Francis Leveson Gower to Governor Darling.

(Despatch per ship Competitor.)

Sir, Downing Street, 26th May, 1828.

I am directed by Mr. Secretary Huskisson to transmit to you the accompanying Copy of a letter from Mary Hardinge, soliciting information relative to the fate of her Son, formerly a Private in the 98th Regiment, whom she states to have been transported from the Cape of Good Hope in the Year 1827; and I am to request that, should the Individual in question be now in New South Wales, you will transmit the desired information.

I have, &c.,
F. Leveson Gower.

[Enclosure.]

[This petition has been omitted as unimportant. The private's name was Edward Hardinge.]

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Governor Darling to Under Secretary Stanley.

(Despatch per ship Cape Packet; acknowledged by under secretary Twiss, 30th November, 1828.)

Sir, Sydney, 26th May, 1828.

I request to be informed whether any Order of Precedence has been established for the Colonies, which might be considered applicable to this Colony, or what rule it might be proper to observe in this respect.

It is directed by the New South Wales Act that the Members of Council, the Legislative Council only being in contemplation at the time, shall take Precedence next after the Judges of the Supreme Courts (and the Commander in Chief), there being at the time no other Judge but the Chief Justices of this Colony and Van Diemen's Land. It therefore appears necessary to determine, whether the Members of both Councils, the Executive and Legislative, take precedence of the Puisné Judges as in India (where the Council performs the double function), two
Puisné Judges having been appointed to this Government since the framing of the New South Wales Act. Considering the Rule established in India in this respect as unobjectionable, I have usually observed it, though I think the Members of the Executive Council only should take precedence of the Puisné Judges.

The Orders, which had been received here previous to my Arrival, direct that the Members of Council shall wear a particular Uniform.* I beg to be informed whether I am correct in supposing this to apply to the Executive Council only, being composed of Officers in the Service of Government?

I am aware of the difficulty of arranging in a satisfactory manner the precedence of the Officers of the Civil Service, and should therefore be very glad if it were regulated at Home.

I should be disposed to class the Principal Officers as follows; but I do not pretend to much knowledge in these matters, Vizt.:

- The Attorney General; Sheriff; Surveyor General; Treasurer; Auditor; Solicitor General; Collector of Customs; Collector of Internal Revenue; Principal Surgeon; Civil Engineer; Clerk of the Council; Commissioner of the Courts of Requests.

I have only further to request you will be pleased to inform me whether Persons having Rank in England should take precedence of the Members of the Executive and Legislative Councils?

I have, &c,

RA. DARLING.
found who might be depended on to perform their engagements. But the Mechanics and Artificers retained in Sydney are by no means to a large Amount, as will be seen by the accompanying List, and are in fact not equal to keep the existing Buildings, which in general were originally badly constructed, in repair.

3d. I beg at the same time to observe that the completion of a portion of the New Jail is urgently required. The old one is very insecure, and from its delapidated state is constantly under repair, and has uniformly been made a subject of Presentment by the Grand Juries which have visited it. The Ground on which it stands is extensive, and, from its local situation, would I am satisfied sell for a considerable Sum.

4th. You will perceive, Sir, by the Engineer's Report that these other Buildings, and some of them on an extensive Scale, such as the Custom House for example, which are also necessary to the Public Service. The Country Magistrates are very pressing respecting the Court Houses. But, from the want of means to complete them and the impossibility of obtaining substantial Contractors, I have deferred making any application on the subject.

5th. I have directed the Engineer to prepare an Estimate of the Expense for completing the Jail as far as be necessary for immediate purposes, which I shall do myself the honor to transmit by the next opportunity; but it may not be possible to obtain a Contract according to any estimate to be made out by the Officers of Government.

I have, &c,

RA. DARLING.

[Enclosure No. 1.]

REPORT on the present state of the New Gaol commenced in the neighbourhood of Sydney.

1. The Plan, on which this Gaol has been laid out, is that of the published design of Mr. Ainslie.

2. The whole of the Drains necessary to the Building are nearly completed in a very sufficient manner, also the excavation required for the foundations of the Buildings.

3. The circumscribing Wall enclosing an Area of 400 feet square, the entrance under an Archway with a Porter's Lodge on each side is finished with the exception of the Pediments to the latter. The Wall is 21 feet high and two feet six inches thick, exclusive of the external Piers.

4. The Work hitherto done is substantial and well executed, and is estimated to be worth (if Valued at the price of Free Labour in the Colony) at least £11,000.

5. It appears to me the entire Plan of Mr. Ainslie's Gaol is larger than the necessities of the Colony at present call for; but it possesses the advantage that it may be limited in its extent, by only commencing with two or more of the Wings, until the whole is successively completed, as the wants of the Colony encrease.

* Note 69.
6. The present disposable means of the Government is by no means calculated to carry on a Building of this nature, in conjunction with the other pressing demand for Labour in keeping in repair and replacing worn out Buildings.

7. Many are of Opinion the period is arrived when Works of this nature may be undertaken by Contractors, and I am disposed to support it, if the Government will give some assistance in the Loan of Mechanics.

8. This measure would I imagine be more congenial to the feelings of the Inhabitants than the retention of the Government Establishments of such Numbers of Mechanics as would be required in such undertakings as this Gaol, and a New Custom House, which is much required, besides many Buildings in Country Places, Viz.: Court House at the Stone Quarry Creek; do Penrith; do Wallis Plains or Paterson's Plains; do Parramatta; Jail at do.

All requiring Buildings in which the Public Business should be conducted.

W. DUMARESQ, Civl. Engineer.

Engineer's Office, 26th May, 1828.

[Enclosure No. 2.]

RETURN of Mechanics of the undermentioned Trades attached to the Engineer Department, Sydney.

Carpenters, 29; Painters, 3; Plumber, 1; Blacksmiths, 12; Stone Setters, 4; Stone Cutters, 10; Bricklayers, 9; Brickmakers, 12; Plasterers, 5; Quarrymen, 8; Total, 93.

W. DUMARESQ, Civl. Engr.

Engineer Office, 29th May, 1828.

GOVERNOR DARLING TO RIGHT HON. W. HUSKISSON.

(Despatch No. 79, per ship Cape Packet; acknowledged by Sir George Murray, 23rd December, 1829.)

Sir,

Government House, 27th May, 1828.

I do myself the honor to forward for your information the accompanying Copy of a Report from the Civil Engineer, with a Plan and Elevation of the Public Hospital erecting at Liverpool, though I conclude every necessary Communication was made by the Government previous to the Work having been undertaken.

2d. As this Building was ordered during Governor Macquarie's Administration and commenced in Sir Thomas Brisbane's, it did not appear to me necessary to make any report on the Subject after my arrival, having merely continued the Work I found in progress at the time. When completed it will certainly be a most Valuable Building. It is both substantial and elegant, affording every accommodation that can be required for a numerous body of Sick. As to the necessity of an Hospital on such a Scale at Liverpool, there may be some doubt, there being already a very commodious one at Sydney. But, as this is going rapidly to decay, I should propose, when the Hospital at Liverpool is completed, to transfer the principal Establishment to that place.
1828, 27 May.

Military hospital at Sydney.

Liverpool hospital to be completed.

System of hospital administration.

Hospitals maintained by government.

Hospital at Windsor.

Necessity for Independence of settlers.

which was probably Governor Macquarie's intention, and appropriate a part of the Hospital in Sydney to some other purpose, concluding it will always be necessary to keep an Establishment of this Nature, though on a smaller scale at the Seat of Government. One of the Wings of this Building* is at present occupied as an Hospital by the 39th Regiment and has for some time past been appropriated to one of the Corps in Garrison.

3d. I propose completing the Hospital at Liverpool according to the Original Plan, which I conclude was duly communicated to the Secretary of State at the time and approved, though I conceive it may be occupied if required before the Wings alluded to in Paragraph 3 of the Report are built.

4th. While on the Subject of the Public Hospitals, I would request to be informed of the intentions of His Majesty's Government in this respect; Whether Hospitals are to be kept up on the present system? According to the existing practice, the Settlers send in their Servants to the Nearest Hospital, where they remain at the Expense of Government until recovered and discharged, when they are returned to their Master.

5th. There are Hospitals at—

Sydney; Parramatta; Windsor; Liverpool; New Castle and Bathurst

independent of those at the Penal and other Settlements on the Coast. These were no doubt formed in the first instance in consequence of the Government Establishments at those places, and the Inhabitants and Settlers were allowed to make use of them. But the necessity of keeping them up, when the Government Establishments have been discontinued, merits consideration.

6th. I am induced to ask the question more immediately with reference to Windsor, where the Surgeon's House is no longer habitable and the improper Scite of the Hospital, which is also in a State of Decay, has been frequently represented to me; being desirous of receiving your commands whether other Buildings should be erected in their Room and the Surgeon continued, there being no Government Establishment at Windsor which can render it necessary.

7. The discontinuance of this Hospital or indeed of any other would no doubt occasion inconvenience to the Settlers, but it appears to me the Colony is now sufficiently advanced, the period is arrived, when the Settlers should be taught to think for themselves and not look to the Government to be supplied with whatever they require.

I have, &c.,

RA. DARLING.

* Note 70.
DARLING TO HUSKISSON.

[Enclosure.]

REPORT on the New Hospital at Liverpool now in progress, according to the accompanying Plan and Elevation.

1. This Building I am led to understand was originally determined on by Governor Macquarie, but the Plan, on which it is now being built, was approved and commenced by Sir Thomas Brisbane, at whose departure from the Colony the Walls were up, and the Roof in some forwardness, since which time the Building has been gradually carried on.

2. The Number of Mechanics employed at present is 20, and Labourers in making Bricks, Quarrying Stone, etc., is 34 in addition.

3. I am in much hopes that, in about Six or Nine Months, the Building, as shewn in the Plan, will be ready for occupation; but I have to remark that, in the original Plan, Two Wings were designed and a Building behind the centre for a Kitchen; one of the Wings for the Quarters of the Medical Attendants, the other for a Dispensary, Stores, etc.

4. The Establishment is calculated to contain One Hundred and twenty Patients; and, in the event of a pressing necessity, about Ninety more may be received.

5. It is substantial and well Built, and when completed will be a very handsome Establishment.

WM. DUMARESQ, Civil Engineer.

Engineer's Office, 26 May, 1828.

GOVERNOR DARLING TO RIGHT HON. W. HUSKISSON.

(Despatch No. 80, per ship Cape Packet; acknowledged by Sir George Murray, 12th December, 1828.)

Sir,

Government House, 28th May, 1828.

I have to report the death of Mr. Oxley, the Surveyor General, which took place at Kirkham, his Country residence, on the 26th instant, and I do so with the more regret as his loss as a public Officer, who had filled one of the most important Situations under this Government during a period of Sixteen Years, will long be felt.

2d. Mr. Oxley had been in a declining state of health for some considerable time past, his constitution having been materially injured by the privations which he suffered during the Several Expeditions* on which he was employed in exploring the Interior, but more particularly on the last, which continued for a period of Six months, when his sufferings, from the want of proper food, were of more than an ordinary character.

3d. It will be my duty, Sir, to bring under your consideration by the next opportunity the situation of Mr. Oxley's Widow and Family, in order that they may receive such aid as may be necessary to their support, and to mark the sense which His Majesty's Government entertains of Mr. Oxley's services.

I have, &c.,

RA. DARLING.

* Note 71.
206 HISTORICAL RECORDS OF AUSTRALIA.

GOVERNOR DARLING TO RIGHT HON. W. HUSKISSON.

(Despatch marked "Separate," per ship Cape Packet; acknowledged by Sir George Murray, 6th January, 1829.)

Sir,

Sydney, 28th May, 1828.

Having adverted, in my Despatch No. 6 dated the 8th of January last, to the large Sum due to the Government for the purchase of Land in the Year 1825, during Sir Thomas Brisbane's Administration, I now do myself the honor to transmit for your information a Copy of a Memorial, which I have received from several Individuals, declaring their inability to pay the Balance due and requesting they may be allowed to retain the Land so purchased on such other terms as may be adopted for the disposal of Land under present circumstances.

Not considering myself at liberty to alter the conditions on which they had agreed to purchase the Land from the late Government, and being further of opinion that it is desirable the Public should be taught to understand that the Engagements, they enter into with the Government, are something more than mere matter of form and not liable to be broken as they may find convenient, I addressed a Letter in Answer to their Memorial, agreeably to the enclosed Copy. I have not received a reply and am informed they have not taken any Steps to avail themselves of the indulgence held out.

I should observe that several of these Individuals, amongst whose names will be found some of the greatest Landed Proprietors in the Colony, are also largely indebted on account of the Employment* of "Clearing Gangs" on their Estates, but who do not appear to have any intention of paying what they owe to the Government. I have in consequence desired it to be intimated to such persons, applying for Land, that His Majesty's Government has laid it down as a Principle that Land can be granted only in proportion to the available Capital which the Applicants possess, and that Persons in Debt to the Government can therefore have no claim to additional Land. It will be seen that, although this may prevent the improper accumulation of Land in the hands of such Individuals, it possibly may not have the effect of inducing Payment of their Debts and the Government will thus be subjected to the loss of a large Sum of Money.

I propose renewing the subject shortly, so that I may clearly understand what the Government has to expect, as under present circumstances I should not willingly have recourse to compulsory measures to enforce Payment, except some extraordinary circumstance should appear to render it necessary.

I have, &c.,

RA. DARLING.

* Note 64.
DARLING TO HUSKISSON.

[Enclosure No. 1.]

LANDHOLDERS TO GOVERNOR DARLING.

May it please your Excellency.

Sir,

We respectfully beg leave to submit to your Excellency that the large Amount of Forty thousand pounds will become due on or before the Month of August to Government from ourselves and other respectable landed proprietors on Account of Lands purchased from the Crown during the administration of Sir Thomas Brisbane.

At the period when this debt was contracted, high prices had been obtained in the English Markets for the Wool and Timber exported from the Colony, insomuch that the most circumspect were induced to indulge sanguine expectations of a continued advantageous return, and the annually increasing proceeds of Our Estates induced us to acquiesce in the high value of Five Shillings per Acre affixed as the price of the Lands then sold.

On this price, Ten pounds per Cent. was immediately paid to the Government, and, had the Market for our Produce remained Stationery, we should have been prepared without serious inconvenience, or the necessity of checking the progressive improvements in which all are more or less engaged, to fulfil our engagements.

Events, we neither foresaw nor could control, have so disordered the manufacturing and commercial interests in Great Britain, that our Timber barely pays the Expense of Transport and the value of our Wool has sunk at least fifty per cent.

In addition to this unprecedented diminution in the Amount of Our Incomes, your Excellency is a Witness of the failure of our Crops and the reduced condition of our Live Stock from the deficiency of pasturage owing to the unusual want of rain.

Under the pressure of so many difficulties, we appeal with confidence to your Excellency for relief.

Unacquainted as we are with the intentions of your Excellency relative to the future disposal of Land, we are nevertheless assured that, whatever plan may be adopted by your Excellency, it will be intended equally to promote the Interest of the Government and the Settler. We therefore respectfully hope, if it should not be inconsistent with your Excellency's views, that our present engagements may be placed on a similar Basis, or, if that presumed relief cannot be granted without interfering with your Excellency's arrangements, that we may be permitted an extended credit on our obligations on condition of paying the Government Interest on the same.
1828.
28 May.
Memorial from
landholders for
relief in
payment of
instalments on
purchase of
land.

Fully confident that at your Excellency's hands our respectful
request will meet with every consideration.
We beg leave to subscribe ourselves with the utmost deference,
&c.,

CHARLES THROSBY.
THOMAS MOORE.
THOMAS MACVITIE.
T. W. M. WINDER.
EDWARD WOLLSTONECRAFT.
JAMES NORTON.
ALEXR. BERRY.
(for Robert Scott and Helenus
Scott) J. MITCHELL.
H. MACARTHUR.
J. J. MOORE.
WILLIAM DAVIS.
A. B. SPARK.
W. BALCOMBE.

WILLM. CARTER.
J. BOWMAN.
DON. MACLEOD.
JAS. MACARTHUR.
L. MACALISTER.
SAMUEL MARSDEN
(for himself and Son).
CHARLES MARSDEN.
CHARLES THROSBY, Jnr.
EDWD. REDMOND.
A. K. MACKENZIE
for self and
Jno. P. Mackenzie.

[Enclosure No. 2.]

GOVERNOR DARLING TO LANDHOLDERS.

Gentlemen,

I have the honor to acknowledge the receipt of your Me­
memorial without date, pointing out the circumstances which have
prevented your fulfilling the Conditions under which you pur­
chased certain Crown Lands during the Administration of my
Predecessor, and requesting that the Terms may be assimilated
to those which you understand it is intended to adopt for the
Sale of Land in future, or that the period of payment may be
extended on your obligation to pay the Government Interest.

Regretting as I do the disappointment you have experienced
in the Sale of your Produce, and the effects which must result
from the late unfavorable Season, I shall only state generally
that the local Government must experience very serious incon­
venience from the circumstance of your not fulfilling your
engagements; you will be satisfied of this, when I inform you
that, in a communication which I made to His Majesty's Govern­
ment some time since, I signified that the Monies due for the
purchase of Land being considerable, I saw no reason to doubt
that such a portion would be received as would render it un­
necessary to have recourse to any extraordinary means to meet the
Public Expence of the Colony. The total failure of this expecta­
tion must therefore embarrass the Government in no inconsider­
able degree.
With respect to the proposition you have submitted as to the liquidation of your Debts, I have only to state that, having no Authority to alter the conditions under which the Crown Lands were disposed of during the Administration of my Predecessor, it would be impossible to give a retrospective effect to any regulations which might now be adopted to the Sales in question. But under the circumstance of your alleged inability to pay in immediately the Sums respectively due by you, the Collector of the Internal Revenue will be instructed to take your Engagements to pay the same by three half Yearly Instalments of equal Amount, you paying the Colonial Interest of the time, when each Instalment becomes due.

I have, &c.,

RA. DARLING.

GOVERNOR DARLING TO RIGHT HON. W. HUSKISSON.

(Despatch No. 81, per ship Cape Packet; acknowledged by Sir George Murray, 12th December, 1828.)

Sir,

Sydney, 29th May, 1828.

1st. In reference to my Despatch No. 80, dated the 28th inst. reporting the death of Mr. Oxley, the late Surveyor General, I have the honor to state that, in obedience to the Instructions contained in Earl Bathurst’s Despatch No. 8, dated the 20th February, Major Mitchell, the Deputy Surveyor General, who is at this moment on duty in the Interior, will be appointed to the Office of Surveyor General.

2nd. I beg leave to submit for your consideration the names of the four Senior Assistants, with the dates of their Appointments, in the event of its being your intention to fill up the Vacant Situation of Deputy from the Assistants belonging to the Department, Vizt.:

- Mr. Robert Hoddle, 18th Sepr., 1823; Mr. James B. Richards, 21st July, 1824; Mr. Hemage Finch, 2nd Febry., 1825;
- Mr. James Ralph, 18th May, 1825.

3rd. I should observe that Major Mitchell being absent, and having myself no knowledge of these Gentlemen, who have generally been employed on Detached Duties, it is not in my power to offer an Opinion as to their Qualifications or Merits.

4th. It is necessary at the same time I should inform you that Mr. Oxley’s declining State of Health having induced me to think he was not likely to recover, so as to be able to resume his duties, I wrote lately to Mr. Frankland, the Surveyor General at Van Diemen’s Land, to know whether, from the circumstance of this Colony affording a wider range for Employment than Van Diemen’s Land, he would be induced to accept the
1828.
29 May.

Qualifications for deputy surveyor-general.

Appropriation of residence of surveyor-general.

Allowance for house rent to T. L. Mitchell.

5th. Having so recently written on the subject of the Survey of the Colony, I need not point out how desirable it is that none but a zealous and perfectly competent Person should be selected for the Appointment of Deputy Surveyor General.

6th. I have only further to add that I now propose acting on the Arrangement, which I had the honor of communicating in my Despatch No. 74, by allotting the House, lately occupied by the Surveyor General, for the accommodation of some of the Public Offices, until the further Arrangement can be effected on the Houses of the Chief Justice and Colonial Secretary becoming vacant. Major Mitchell, as Surveyor General, will consequently receive an Allowance of £150 a Year for House Rent, until I receive your Commands on this Subject.

I have, &c,
RA. DARLING.

GOVERNOR DARLING TO RIGHT HON. W. HUSKISSON.
(Despatch No. 82, per ship Cape Packet; acknowledged by Sir George Murray, 14th January, 1829.)

Sir,
Government House, 29th May, 1828.

I do myself the honor to forward herewith fifteen conditional Pardons in Conformity with the 35th Section of the New South Wales Act, and I beg humbly to recommend the cases of these Individuals for His Majesty's gracious Approbation and Allowance.

I have selected these cases from Numerous Applications as the most deserving attention and I do myself the honor to submit an Abstract for your information, together with the Petitions of the Several Applicants, which, Sir, will enable you to form a judgment of their Claims to the indulgence for which I have recommended them.

I have, &c,
RA. DARLING.

GOVERNOR DARLING TO RIGHT HON. W. HUSKISSON.
(Despatch No. 83, per ship Cape Packet; acknowledged by Sir George Murray, 21st December, 1828.)

Sir,
Government House, 29th May, 1828.

I have the honor to transmit the accompanying Ground Plan and Elevation of a Court House, which I have been under the necessity of Authorising to be built without waiting for Special Authority as required by my Instructions. The fact is I had hoped that arrangements might be made so as to dispense
with this Building altogether and the Magistrates much to their credit have submitted to great inconvenience ever since the Building, which had been heretofore used by them and the other Courts which assemble at Liverpool, had been appropriated for the accommodation of the Lunatics, consisting at present of 32 Men and 12 Women.

2d. These unfortunate people were formerly kept at Castle Hill, Six Miles beyond Parramatta; but, as the Land on which the Building stood was given up to the Church, it became necessary to provide for them elsewhere. The Court House at Liverpool, which is a Government Building, afforded the best, indeed the only means of accommodating them at the Moment, and it was given up accordingly.

Since that time, almost a Year and a Half ago, the General and Quarter Sessions and Court of Requests have been accommodated in the best manner that circumstances have permitted; but, it having been found impossible any longer to delay making the necessary provision for their accommodation, I have been under the necessity of authorising the erection of the Building now alluded to, which has been undertaken by private contract for the Sum of £1,700 Sterling.

3d. Though the Building is on a Small Scale the result will afford some means of judging of the practicability of completing Works by contract. According to the opinion of the Civil Engineer, if this Building were to be put up by the Government, the Expense would not exceed a thousand Pounds; But the Government does not possess the means and cannot possibly answer the demands which are made upon it, without augmenting the Public Establishments, which every effort is now making to discontinue or reduce.

I have, &c,

RA. DARLING.

GOVERNOR DARLING TO UNDER SECRETARY STANLEY.
(Despatch per ship Cape Packet.)

Sir,

Sydney, 29th May, 1828.

Having written on the subject of the Appointment of Deputy Surveyor General, and having formerly recommended Capt. Dumaresq of the Staff Corps for that Appointment, I am induced to mention that he would not accept it under present circumstances, as, being a Senior Officer, he could not serve under Major Mitchell and he would have no chance of ever obtaining
the Situation of Surveyor General. I beg to enclose the "Sydney General Trade List," which it may be satisfactory to look into.

I have, &c.,
RA. DARLING.

GOVERNOR DARLING TO UNDER SECRETARY STANLEY.
(Despatch per ship Cape Packet.)

Sir,
Government House, 29th May, 1828.

I cannot close my Despatches without expressing my disappointment that it is not in my power to make any further communication, than that conveyed in my Despatch No. 23 of the present Year, respecting the Settlements of Fort Wellington and Melville Island. I have already reported the Measures, which had been adopted for supplying these Settlements, and, though I am under no apprehension as to their receiving the Supplies which have been forwarded and the Medical Aid of which they stood so much in need, still it is impossible not to feel anxious for later Accounts of the State of the Settlements than those which had been received* when I wrote last, and which came down only to the beginning of November.

I beg you will assure the Secretary of State that I shall lose no opportunity of attending to these Settlements, which, however, as far as I am enabled to judge, appear to involve a very serious and unnecessary Expenditure, or of communicating for his information such information as I may receive.

I have, &c.,
RA. DARLING.

GOVERNOR DARLING TO UNDER SECRETARY STANLEY.
(Despatch per ship Cape Packet; acknowledged by under secretary Hay, 12th December, 1828.)

Sir,
Sydney, 29th May, 1828.

I cannot forward Mr. Rodd's application without apprising you that he is totally unequal to the duties of any active Situation and has no claim that I am aware of to additional Land (being already in possession of 2,000 Acres) for his Services in this Government.

He has in fact never been employed and was from his Age totally unequal to the duties of Assistant Surveyor, which he originally undertook to perform, as will appear by the Surveyor General's Letter herewith enclosed. I placed him lately in the Situation of Superintendant of the Establishment at New Castle, in consequence of Earl Bathurst's Despatch No. 100, dated the

* Note 72.
4th Decr., 1826, solely with a view of providing for him in compliance with his Lordship’s Commands. But, as I perceive by his Letter to the Secretary of State that he is looking for some more considerable Appointment or Remuneration, I beg to observe that, on perusing his Letter (having repeatedly stated, tho’ unequal to Duties in the Field, he was perfectly competent to those of Draughtsman), I immediately offered him that Appointment which would have placed him in a similar Situation to that in which he came out; but you will perceive by the enclosed Copy of a Letter received from him, that he prefers the Situation at New Castle. I cannot therefore think that Government is at all bound to provide for him on the Scale according to which he appears to estimate his Services, or that he has any further claim.

I have, &c.,

RA. DARLING.

[Enclosure No. 1.]

SURVEYOR-GENERAL OXLEY TO COLONIAL SECRETARY MACLEAY.

Sir, Surveyor General’s Office, 31st October, 1826.

In reference to a communication from the Private Secretary, requesting to know the periods of Assistant Surveyor Rodd’s actual employment since his arrival, and the length of time he has been unable to attend his duty.

Mr. Rodd was placed on the Establishment on the 30th of June, 1825, and has remained unemployed until the present time. From June to January, I had no Instruments wherewith to supply the Field Surveyors, and the only duty subsequently executed by Mr. Rodd is a Map of Parramatta and Environs; Mr. Rodd has been incapable of duty for the last six months, and still remains so.

On Mr. Rodd’s arrival, I stated to him my apprehension that his years and then apparent infirmities would incapacitate him for active Field employment, and I have no expectation that he will ever become an efficient Assistant Surveyor.

I have, &c.,

J. OXLEY, Surveyor General.

[Enclosure No. 2.]

MR. J. RODD TO MR. T. DE LA CONDAMINE.

Sir, Sydney, 28th May, 1828.

In reply to your Letter of this day’s date, stating that you were directed to offer me the Situation of Draughtsman in the Surveyor General’s Office in the room of the Situation of Superintendent of Public Works, I beg leave to inform you, for the
information of His Excellency the Governor, that I prefer the latter employment, and am waiting to enter on its duties, as soon as His Excellency is pleased to command me.

I have, &c.,

J. RODD.

30 May.

Appointment of Sir G. Murray as secretary of state.

SIR GEORGE MURRAY TO GOVERNOR DARLING.

(Despatch marked "Circular No. 1," per ship Competitor; acknowledged by Governor Darling, 8th November, 1828.)

Sir, Downing Street, 30th May, 1828.

His Majesty having been pleased to honor me with the Seals of the Colonial and War Department, in the room of the Right Honorable William Huskisson, I take the earliest opportunity of acquainting you therewith.

It will give me great satisfaction to be able to fulfil His Majesty's Gracious Intentions in this Appointment; and, as it is His Majesty's Pleasure that your Dispatches should for the future be addressed to me, I shall not fail to lay them immediately before the King, and to transmit to you such Orders as His Majesty shall think fit to give thereupon.

I have, &c.,

G. MURRAY.

31 May.

Despatches re settlements in north Australia.

SIR GEORGE MURRAY TO GOVERNOR DARLING.

(Despatch No. 1, per ship Competitor; acknowledged by Governor Darling, 13th December, 1828.)

Sir, Downing Street, 31 May, 1828.

I have had the honor of receiving your Dispatches of the dates and numbers mentioned in the margin,* the first accompanied by a Report from Captain Stirling of His Majesty's Ship "Success" of his proceedings in pursuance of his Instructions to establish a Settlement on the Northern Coast of New Holland to the Eastward of Melville Island, the second relating to the several Settlements on the Coast, and the expense resulting to the Government from the necessity of keeping up a Communication between those Settlements and the Seat of Government.

Independently of the great disadvantage of Melville Island, which must always operate against its becoming a prosperous Settlement, and the unhealthiness of the Climate owing to the dense forest, the Swamps and the Mangrove, together with the oppressiveness of the heat, it seems to have failed in the object which led materially to its first formation; a Trade with the

Malays who, it now appears, never advance so far to the Westward as the Merchants, who pressed* for the making an Establishment there, at first supposed. Under these circumstances, and, as the position occupied by Captain Stirling on the Eastern Side of Raffles Bay appears in every point of view to be more favorable, no doubt can be entertained as to the propriety, as well as policy of immediately abandoning Melville Island, and transferring the Settlement to Raffles Bay; and you will, therefore, take the necessary steps for removing the Establishment from the former to the latter place accordingly.

The purchase of the Brig "Lucy Anne," communicated in your Dispatch No. 106, on account of the Government is approved; but, as the withdrawing of the Establishment from Melville Island will place at your disposal for other Services one, if not two, of the Vessels hitherto employed in supplying that place with provisions, His Majesty's Government entertain the hope that you will no longer find it necessary to retain the same number of Vessels as was previously required; at the same time I am far from intending to interfere with any arrangements which you may have made for keeping up the same regular Intercourse between the Seat of Government and the New Establishment at Raffles Bay, as that which you have maintained with so much consideration to their necessities and comforts in the case of the persons who composed the Settlement at the former place.

I have, &c.,
G. MURRAY.

SIR GEORGE MURRAY TO GOVERNOR DARLING.
(Despatch No. 2, per ship Competitor.)

Sir,
Downing Street, 31 May, 1828.

I have received your Dispatch of the 1st of October last on the subject of Grants or Reserves of Land to persons "who go out to the Colony for the moment, or authorize Individuals residing there to lay out a little money in the purchase of Stock for them," a practice which you have thought it advisable to discontinue.

The practice alluded to has no doubt existed to a very injurious extent, and I have therefore to approve of the Regulations, which you have established with a view to prevent persons of that description from receiving Lands in the Colony, subject, however, to the observations contained in the Letters addressed to you by the desire of my Predecessor, dated the 6th of July and 6th November, 1827.

* Note 73.
The prohibition, which you have also enforced in regard to those persons who are engaged in Business or Trade, and whose Capital wholly consists in the value of their Merchandize, likewise meets my approbation; but, in the latter case, you will of course be careful not to exclude persons from acquiring Land merely on the ground of their being engaged in a Mercantile profession, as, notwithstanding such employment, they may have a considerable Capital at their disposal, which, being willing to apply to Agricultural objects, it would be neither just nor politic to refuse to them the opportunity of so applying at their discretion.

With reference to that part of your Dispatch, which relates to the period for which residence is to be prescribed, I am of opinion that the period which you have fixed in your minute, viz., three years, will fully answer the object intended.

The case, however, with Officers of the Army who have been allowed to quit the Service, on condition of their becoming permanent Settlers in the Colony, is different, inasmuch as they have been admitted to advantages in which others are not permitted to participate; and it therefore becomes necessary that additional Security should be given to the Public, by such Individuals, for the due fulfilment of their part of the conditions. For these reasons I am not disposed to alter the terms of the Bond, into which the latter persons are required by the Regulations to enter, namely, that they will reside in the Colony for a period of Seven Years from the time of their securing their Grant.

I have, &c.,

G. Murray.

SIR GEORGE MURRAY TO GOVERNOR DARLING.

(Despatch No. 3, per ship Competitor.)

Sir,

Downing Street, 31 May, 1828.

I have received your Dispatch No. 96 of the 2nd of October last enclosing the Report of a Board, assembled under your authority for the purpose of examining into the Business of the Office of the Principal Superintendent of Convicts, and stating that, in consequence of the suggestions of the Board, you have adopted a different arrangement from that which previously existed with respect to the supplying with clothing the Prisoners maintained by the Government, and have employed two Additional free Clerks in the Office of the Superintendent.

The arrangement of supplying the Prisoners with their clothing at regular periods of the Year, instead of issuing the articles
to each Prisoner respectively as they may fall due, appears to be a very great improvement upon the former system; and I shall, therefore, be happy to find that you have been enabled to effect this desirable measure, "without," as is expressed by the Board, "occasioning loss to the Public, or injury to individual Convicts."

The observations also of the Board as to the "inexpediency of confiding to Individuals of the same Class, some of the more important Duties and Records connected with the Clothing, Victualling and Characters of the Convicts," appear equally deserving of attention, and, in approving therefore of the additional assistance which it is proposed to afford to the Department of the Superintendant, with a view to the more efficient discharge of the numerous details of the Convict Business, I have, at the same time, to convey to you the authority of His Majesty's Government for extending gradually throughout the other Departments of your Government the same principle as is here recommended.

I have, &c.,
G. Murray.

Sir George Murray to Governor Darling.

(Despatch No. 4, per ship Competitor.)

1828.

SIR,
Downing Street, 31 May, 1828.

I have the honor to acknowledge the receipt of your Despatch No. 110 of the 27th of October last, reporting that the arrangements, adopted in the Year 1826, for conducting the Business of the Colonial Secretary's Office, not having been found to answer the purpose desired, you had found it necessary to make other arrangements with respect to that Department, the effect of which will be, I am sorry to observe, to occasion an additional charge upon the Public. Under the circumstances which are detailed in your Dispatch and accompanying Papers, namely, the difficulty, on the one hand, of getting proper persons to discharge the duties of Clerks, and the expediency, on the other, of relieving the Colonial Secretary from a part of his duties, in order that he may be able to attend to others of greater importance, I have felt myself called upon to sanction the proposed measure; but I cannot avoid expressing, at the same time, the earnest hope of His Majesty's Government that the Establishments of the Colony, organized anew as they have lately been, have now reached that perfect state of efficiency, as to enable you
SIR GEORGE MURRAY TO GOVERNOR DARLING.

(Despatch No. 5, per ship Competitor.)

Sir, Downing Street, 31 May, 1828.

My Under Secretary having laid before me a Letter, which you addressed to him under date of the 29th of October last, reporting the issue of £100 to the Revd. Mr. Power in addition to his Salary for the Year 1827, with the recommendation that he should be allowed, after that year, an addition of £50 per annum, until the Roman Catholic Chapel shall be completed, I have to acquaint you that His Majesty's Government have approved under the circumstances of the case of the payments in question.

I beg further to inform you that the Revd. Mr. Murphy, whom you report not to have arrived, having been implicated in certain transactions of a political nature, which occurred in Ireland soon after he obtained the Situation which he was destined to hold at New South Wales, it was deemed necessary to Cancel the Appointment; consequently Mr. Murphy will not now proceed to the Colony.

I have, &c.,

G. MURRAY.

SIR GEORGE MURRAY TO GOVERNOR DARLING.

(Despatch marked “Circular No. 2,” per ship Royal Sovereign.)

Sir, Downing Street, 31 May, 1828.

I have the honor to acquaint you that it has appeared to His Majesty's Government to be expedient that the Governors of the Colonial Possessions of the Crown should fall under the same rule of restriction in respect to the duration of Service, which prevails in the Indian Governments and with respect to various Public Functionaries.

It is intended, therefore, that it shall for the future be understood that, at the expiration of Six years, a Governor of a Colony shall, as a matter of course, retire from his Government, unless there should be some especial reasons for retaining him there, and that the way should thus be opened for the employment of others who may have claims to the notice of His Majesty's Government.
HAY TO DARLING.

In following up this system, you will have the goodness to understand that, at the period which I have mentioned, you will be liable to receive His Majesty's Commands for delivering up your Government to the person who may be appointed by His Majesty to succeed you.

The chance of your remaining in the Government of New South Wales after that period must depend upon circumstances, in respect to which it is impossible to anticipate the decision of His Majesty's Government.

I have, &c.,

G. MURRAY.

UNDER SECRETARY HAY TO GOVERNOR DARLING.

(Despatch per ship Competitor.)

Dear Sir,

Downing Street, 1 June, 1828.

In transmitting to you the enclosed Copy of a Letter from Lieutenant Colonel Wall, together with the Extract of one from Sir Herbert Taylor, I beg to state that, if the Grant possessed already by that Officer should not exceed the quantity which his pecuniary means may enable him to do justice to, the Secretary of State will be glad to assist his views by authorizing such an addition to be made to his present Grant as you shall deem reasonable.

I am, &c.,

R. W. HAY.

[Enclosure No. 1.]

LIEUT.-COLONEL WALL TO VISCOUNT GODERICH.

My Lord,

Sydney, N. S. Wales, 10th November, 1827.

I do myself the Honor to address Your Lordship to solicit the favor of your Order to receive from this Government Two Thousand Acres of Land in addition to the usual Grant, which I am now in possession of; my Capital is about Five Thousand Pounds Sterg. to enable me to Stock and improve it.

I hope that your Lordship will deem me worthy of this indulgence, having served on full Pay in the Army, upwards of Thirty One Years, from which I have been induced to retire and to accept of a Grant of Land in this Colony in consequence of having my large family; trusting that Your Lordship will take my request into favorable consideration.

I have, &c.,

G. W. WALL, late Lt. Colonel, Buffs.

[Enclosure No. 2.]

EXTRACT of a Letter from Lieut.-General Sir Herbert Taylor to Mr. Secretary Hay, dated April 8, 1828.

I send you a letter for Lord Goderich (as Colonial Secretary of State) from Lieut. Col. Wall, late Major of the Buffs, a very respectable Man, who has sold out of the Army to become a Settler.
1828.
1 June.

Refusal of increase of salary for H. Steel.

Refusal of increase of salary for H. Steel. It reached me yesterday with a request from him that I would forward it; and, in so doing, I have only to request that you will have the goodness to reply to it as you may think fit.

SIR GEORGE MURRAY TO GOVERNOR DARLING.
(Despatch No. 6, per ship Competitor.)

Sir, Downing Street, 3 June, 1828.

I have received your Dispatch No. 98 of the 4th October, 1827, accompanied by a Memorial from Mr. Steel, principal Gaoler in Sydney, praying that an addition of £50 per annum may be made to his Salary; and he urges his application partly upon the ground that the person, who holds a similar Situation at Hobart Town, receives a higher Salary than that which he enjoys.

Having, in consequence of the above observation, referred to the Returns of the Civil Establishment annually sent home by Lieutenant Governor Arthur, I do not find the fact to be such as Mr. Steel has represented, the principal Gaoler at that place having a Salary only of £200 a Year, with fees amounting to about £40 more. Without attaching, however, any importance to this trifling inaccuracy in Mr. Steel's Statement, which I feel confident was purely accidental, I regret that I am compelled to decline authorizing any augmentation of Salary to be made to that Officer, whom I consider to be sufficiently well paid for the duties required of him, and whose Salary, therefore, I should not feel justified in increasing on account of his former condition in life having been superior to the Situation which he at present occupies.

I have, &c,
G. MURRAY.

4 June.

Instructions re salary of J. Busby.

SIR GEORGE MURRAY TO GOVERNOR DARLING.
(Despatch No. 7, per ship Competitor.)

Sir, Downing Street, 4 June, 1828.

I have received your Dispatch No. 102, dated the 9th October last, respecting the remuneration granted to Mr. Busby.

My Predecessor, in reply to your Dispatch No. 48 of the 8th of April, 1827, conveyed to you the Sentiments of His Majesty's Government with respect to the Appointment held by Mr. Busby, and the remuneration which it was considered proper to assign to him; and I have, therefore, nothing further to observe upon this subject in reply to your Dispatch now under acknowledgment.

I have, &c,
G. MURRAY.
SIR GEORGE MURRAY TO GOVERNOR DARLING.

(Despatch marked “Finance Separate” per ship Surry; acknowledged by Governor Darling, 25th January, 1829.)

Sir,

Downing Street, London, 5th June, 1828.

I herewith transmit for your information a Book,* which my Predecessor has caused to be printed, containing the Financial Accounts, Return of Establishments and Statements of other matters, relating to the Colony under your Government, and which I have this day directed to be laid before the Committee appointed by the House of Commons to enquire into the existing state of the Revenue and of the Expenditure of the Empire.

Whether these papers, generally, contain all the information, which the Committee of the House of Commons may require, and whether it will be found that such information has been furnished in the most accurate manner I cannot of course determine.

As it is not very probable, however, that the Committee will be enabled to enter upon a minute enquiry into the Establishment of His Majesty’s Colonial Possessions during the present Session of Parliament, you will have an opportunity of giving your close attention to the papers, which I now transmit to you, with the view of their being corrected, perfected, and returned to me at an early period of the ensuing year, and as you will have it in your power to supply, with respect to many points, more recent information than these papers contain, I should be glad, if you could make arrangements for reprinting the papers, after they shall have been corrected, of which you will take care to send at least Thirty Copies.

I am, &c.,
G. MURRAY.

UNDER SECRETARY HAY TO GOVERNOR DARLING.†

Dear Sir,

Downing Street, 5 June, 1828.

This Letter will be presented to you by Lieutenant Arthur Davies, R.N., who is about to establish himself at New South Wales as a Settler. Lieut. Davies is an Officer of 20 Years standing, and married the niece of the late and present Lord Nelson. He has in his possession the strongest Testimonials from the several Admirals and Captains under whom he has served; and I have only to add that I shall feel myself obliged by any attention and assistance which you may be able to render this Gentleman.

I am, &c.,
R. W. HAY.

* Note 71. † Note 3.
1828, 6 June.

SIR GEORGE MURRAY TO GOVERNOR DARLING.

(Despatch marked "Circular Finance No. 3," per ship Surry.)

Sir,

Downing Street, London, 6 June, 1828.

I take this opportunity of transmitting to you a Book of blank Returns for the purpose of being filled up at the end of the present year. I, also, annex a copy of Lord Bathurst's original instructions, signifying the King's Commands that these Returns should be sent home annually; it being understood that the Financial statement is to contain an abstract of the Receipts of every description and of the expenditure of the Year which has expired (in this case it will be of the present year); and the Establishment, a return of the Civil, Judicial, Ecclesiastical and petty Officers of your Government, classed methodically according to their rank, as they may be borne on such Establishment at the commencement of the year (in this case of course on the first of January next). The object of this arrangement is to obtain the most recent information of the actual current state of the burthens for which your Government has to provide, to be compared with the latest accounts which can be given of the Financial Resources of the Colony.

By reference to Lord Bathurst's instructions you will perceive that it was, thereby, directed that the Financial Statements should be accompanied by such observations as might serve to explain the causes and point out the remedy of any deficiency in the Revenue or excess in the Expenditure not contemplated or sanctioned in the Fixed Establishment of the Colony, it being, thereby, intended that His Majesty's Government should, at an early period in every year, possess the means of knowing the extent of the charges for which the Government of New South Wales would have to provide in the course of the year.

It is impossible for me to imagine why so little care seems hitherto to have been taken to send home the Blue Book regularly and in due time, and generally unaccompanied by any Report upon the Charges and Resources of your Government. This omission cannot, surely, have arisen from inattention to a subject of such deep interest; and yet the slightest inspection of any one of the Financial Abstracts, which have been transmitted from the Colony, affords abundant proof how much is left to be explained upon points, which are not susceptible of being made intelligible by figures alone.

I, therefore, state to you that it is the expectation and positive desire of the King's Government that His Majesty's Commands, as signified by Lord Bathurst, should be strictly attended to by
you; and I anxiously hope that you will not render it necessary for me to remind you again of His Majesty's Pleasure upon this subject.

I have further to desire that you will specially entrust the Chief Secretary to your Government with the duty, under your direction, of collecting and inserting in the Blue Book the statements and details there required; and it will, I think, save considerable trouble and expense, if you take measures for having the Returns, of which the Book consists and the details regarding the Fixed Establishment, printed in the Colony, care being taken to adhere strictly to the form and size of the Returns, the accuracy of which must be certified by the Secretary.

I am, &c.,

G. Murray.

[Enclosure.]

EARL BATHURST TO GOVERNOR OF NEW SOUTH WALES.

Circular.

Sir, Downing Street, 31st March, 1822.

I have had occasion to remark that a want of a regular form of transmission of detailed information respecting the financial resources of His Majesty's Colonies, and the several branches of their expenditure, is a deficiency which creates much inconvenience to the public Service.

I transmit to you herewith the form, in which it appears to me that the information alluded to may be most usefully arranged; and I am to signify to you His Majesty's pleasure that these returns should be filled up in the manner pointed out, and forthwith transmitted to me for His Majesty's information.

Under the first division, "Abstract of the net Revenue and Expenditure," you will insert, under general heads, the Receipts and disbursements of your Government, so as to exhibit distinctly and separately the sources from which the receipts have been derived on the one hand, and on the other the total expense incurred by each department of the Government, distinguishing the ordinary established charges of the several offices from their contingent and accidental expenses.

In addition to these Abstracts, you will transmit such observations as you may judge sufficient to explain the causes, and point to the remedy of any deficiency in the Revenue or excess in the Expenditure.

Under the second division, "Schedule of Taxes, duties," etc., etc., will be contained a detailed account of all the taxes and duties collected within your Government, specifying the several authorities under which the same have been levied, whether by Act of Parliament or by Order of the King in Council, by Act of the Colonial Legislature, Ordinance, or other Authority of whatever description.

To this statement should be annexed any additional information, you may be able to furnish, respecting all the different sources of the public Revenue.

Under the third division, "Military Expenditure," will be inserted an account of the Military Posts and Works, specifying whether the same are under the control of the Ordnance department,
with details of the expense incurred on account thereof by the Colony, a general return of the Militia and of any other local Corps with the charge for the same, the pecuniary allowances (if any) granted to the King's troops and the value of Rations, Quarters or other advantages received by them and forming a charge on the Colony.

The 4th Division, Establishment, will comprise the general Establishment of your Government, arranged according to departments, and including every individual employed therein, with all the particulars specified in the several Columns of the return relative to the nature of their duties, their emoluments, length of services, etc., also a return under similar heads of those public Officers who may not be attached to any particular department.

The returns hitherto transmitted to this office are in general defective in many of these particulars, to which the public service requires that there should be the means of ready reference, and there are not wanting considerations connected with the interests of the public Servants themselves, which render it no less desirable that this information should be fully and regularly furnished.

The fifth division, "Schedules of the Fees, etc.," will contain tables of all the fees received by the respective Officers, together with the authorities under which they are demanded.

It is His Majesty's pleasure that a report of this description should be made as soon as possible to this department after the close of every year; and I am to desire that the forms which accompany this despatch may be filled up for the year 1821 under your immediate inspection, and returned to me forthwith in original and duplicate, when it will be considered whether any alteration or additions may hereafter be requisite. In case any cause should retard the completion of these documents, you will not fail to inform me of the reasons why you have not been able to comply with His Majesty's Instructions.

The several heads or divisions of this return may be easily extended to any space required, adhering to the same forms, and any information or explanation not particularly specified in it, which it may be in your power to afford, may be transmitted at the same time in a separate report.

I have, &c,

BATHURST.

UNDER SECRETARY HAY TO GOVERNOR DARLING.

(Despatch marked "Private," per ship Competitor; acknowledged by Governor Darling, 28th August, 1829.)

My dear Sir,

Downing Street, 9th June, 1828.

I shall be very much obliged to you for any information, which you may be able to convey to me upon the enclosed Memorandum from Mrs. George Frankland which has been put into my hands by Lord Fitzroy Somerset.

I am, &c,

R. W. HAY.

[Enclosure.]

MEMORANDUM.

George Jackson Frankland about five or six years ago obtained a grant of Land in New South Wales, and died there leaving a widow and three sons, who have returned to England; Mrs.
Frankland thinks the grant was never perfected, as the stipulated sum of money, charged for it, has not been paid or applied for, and consequently no document was given to Mr. Frankland, but he was let into possession of the land.

Mr. Frankland, previous to his leaving England made a Will, disposing of all his property for the benefit of his wife and children, and, as he had not a grant at that time, the land in New South Wales was not noticed in it. If the grant has not been completed, Mrs. Frankland is anxious it should be made in accordance with the Will, as it was Mr. Frankland's intention his wife and children should enjoy the land in the same manner as his other property. If the grant has been perfected, can Mrs. Frankland's wish be complied with, or any alteration be made in the terms of the original contract; or will the property descend to the eldest son, subject to Mrs. Frankland's dower?

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**UNDER SECRETARY HAY TO GOVERNOR DARLING.**

(Despatch per ship Competitor.)

Dear Sir,

Downing Street, 10th June, 1828.

Understanding that it is the intention of Lady Brisbane, the widow of the late Commander Sir James Brisbane, to send a marble tablet to be erected in memory of her husband, I have to request that you will afford every facility in placing the tablet in any of the churches Lady Brisbane may select for that purpose.

I am, &c.,

R. W. Hay.

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**SIR GEORGE MURRAY TO GOVERNOR DARLING.**

(Despatch marked “Separate,” received via Hobart Town.)

Sir,

Downing Street, 12th June, 1828.

I have the honor of acquainting you that His Majesty has been pleased to confer upon Mr. Algernon Montagu the appointment of Commissioner of the Courts of Requests, in the room of Dr. Douglass, whom you have intimated your determination, for the reasons reported in your despatch of the 15th December last, to remove from that situation.

If however, as is not improbable, Mr. Montagu's services should be required at Van Diemen's Land, in which case he will not proceed to your Colony, you will, upon receiving a communication to that effect from Colonel Arthur, make such temporary arrangements as you may deem proper for discharging the duties of Commissioner of the Courts of Requests, until you shall receive further instructions from His Majesty’s Government with respect to that appointment.

I have, &c.,

G. Murray.

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Ser. I. Vol. XIV—P * Note 75.
1828.
12 June.

RECOMMENDATION IN FAVOR OF A. MONTAGU.

SIR GEORGE MURRAY TO GOVERNOR DARLING.
(Despatch marked "Private," received via Hobart town.)

Dear Sir,

Downing Street, 12th June, 1828.

From the accompanying correspondence with Colonel Arthur, and from my separate Dispatch of this date, you will perceive the circumstances,* under which Mr. Montagu has proceeded to New South Wales; and I have great pleasure in bringing the name of this gentleman under your favorable notice, feeling assured that the same motives which induced him, at my request, to consent to a change of Destination, and to accept, with so much readiness, a situation of lower Emolument than that originally conferred upon him by my Predecessor, will continue to influence Mr. Montagu's conduct, and that you will thus find in him a most zealous and useful Member of your Government.

I remain, &c,

G. MURRAY.

[Enclosures.]

[These were despatches to lieut.-governor Arthur from the secretary of state, dated 29th April and 10th June, 1828, and from under secretary Twiss, dated 10th June, 1828.]

17 June.

INTRODUCTION OF B. LANGA.

UNDER SECRETARY HAY TO GOVERNOR DARLING.

Sir,

Downing Street, 17th June, 1828.

This letter will be presented to you by Mr. Berman Langa who, at the recommendation of the late Secretary of State, was appointed, by the Lords Commissioners of the Treasury, Comptroller of the Customs at New South Wales, and I am directed by Secretary Sir George Murray to introduce this gentleman to your protection and good offices.

I am, &c,

R. W. HAY.

18 June.

RECOMMENDATION IN FAVOR OF FLINDELL FAMILY.

UNDER SECRETARY TWISS TO GOVERNOR DARLING.

Dear Sir,

Downing Street, 18th June, 1828.

I have the honor of transmitting to you the enclosed copy of a memorial, which was addressed to Mr. Huskisson previously to his resigning the Seals of this Department by a family named Flindell.

You will observe by the reply addressed to Captain Bastard (who, together with his brother the Member for Devonshire and many other persons to whom the parties are personally known, has taken an extraordinary interest in their behalf) that there existed on the part of this Department a very strong disposition to assist in the furtherance of their views.

* Note 76.  † Note 3.
DARLING TO HUSKISSON.

It is to be apprehended that, after defraying the expenses of their passage out to the Colony, this family, if they all proceed to the Colony together, will have very little if any money remaining to contribute towards their support after their arrival; but, as the education, which the whole of them have received, will admit of their making themselves useful in private families, if no opportunity should offer for employing them with advantage in the public service, Sir George Murray has rather encouraged than otherwise the execution of their plans, conceiving that, in a Community of the nature of that of which New South Wales is composed, the emigration of persons of this description will be attended with no less advantage to themselves than to the Colony itself. Under these circumstances, I am directed to recommend the individuals in question to your protection, with the request that you will make to them a small grant of land, and in the hope that you will be able to afford them such other assistance as will enable them to establish themselves successfully in the Colony.

I have, &c.,

HORACE TWISS.

P.S.—As there is considerable difficulty about the means of conveyance perhaps a part of the family will go out first and endeavour to prepare the way for the subsequent arrival and establishment of the rest.

[Enclosures.]

[Copies of these papers are not available.]
GOVERNOR DARLING TO LORD FITZROY SOMERSET.

My Lord,

Government House, 19th June, 1828.

I do myself the honor to acquaint you for the information of the Commander in Chief, in reference to my Despatch No. 1 of the present Year, that, being desirous to ascertain whether the Services of any part of the 40th Regiment could be dispensed with by the Government of Van Diemen's Land, I addressed a Letter to the Lieutenant Governor expressing my desire to carry into effect the Orders I had received by forwarding that Regiment to India, and proposing to commence, by detaching in the first instance such a portion of the Corps, as could be conveniently spared until the arrival of additional Troops from England should enable me to forward the whole Regiment.

I now beg your Lordship will be pleased to bring under the consideration of the Commander in Chief the accompanying Copy of a Letter, which I have received from Lieutenant Governor Arthur in reply to my communication, by which it will appear that it is not in the power of that Government to dispense under present circumstances with any part of the 40th.

The Right Honble. The Secretary of State for the Colonies will be enabled to inform the Commander in Chief of the present state of Van Diemen's Land, occasioned by the hostility of the Aborigines; and I have only to request that you will assure The Commander in Chief that I shall not fail to detach a part of the 40th to India, as soon as circumstances shall permit of my reducing the Garrison of Van Diemen's Land. I beg at the same time to express my opinion that 500 Rank and File at the least will, even under ordinary circumstances, be necessary for the protection of that Colony, and that, if the various Settlements at present dependent on this Government are to be continued, a Force of 1,400 Men will be necessary for the common Garrison Duties of New South Wales.

I do myself the honor to enclose a Return of the Strength and Distribution of the 39th and 57th Regiments. The Return of the 14th will be found with the Enclosure No. 1.

I have, &c.,

RA. DARLING.

[Enclosure No. 2.]

[A copy of lieut.-governor Arthur's despatch, dated 24th May, 1828, will be found in a volume in series III.]
RETURN of the Troops shewing the number of each Corps at Head Quarters and at the respective out-Stations.

Sydney, 20th June, 1828.

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<th>Lieut. Colonels</th>
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<th>Subalterns</th>
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CHARLES HUNT, Major of Brigade.

GOVERNOR DARLING TO RIGHT HON. W. HUSKISSON.

(Despatch marked "Separate," per brig Margaret.)

Sydney, 19th June, 1828.

Sir,

Having had occasion to advert, in my correspondence relative to Dr. Douglass, to the intimacy which subsisted between him and Mr. Wentworth, and he having persisted in denying the existence of any such intimacy, I cannot perhaps furnish a more incontrovertible proof of the little attention he has a claim to on the score of veracity, than by forwarding the accompanying Copy of an application, received from Mr. Wentworth through the Superintendent of Police, for the temporary Services

Intimacy between R. G. Douglass and W. G. Wentworth.
of a Painter, who had been transferred to him by Doctor Douglass previously to his leaving the Colony.

The Case, as will be seen by the Enclosures, is briefly as follows:—Payne, the Man alluded to, a Painter, was lent to Dr. Douglass for a short time according to the practice of the Government. It appears that Dr. Douglass, instead of returning him as he was bound to do (more particularly as an Officer of the Government) when no longer requiring his Services, kept him until he was leaving the Colony, and then handed him over to Mr. Wentworth, as a proof no doubt of his often repeated assertions that his intimacy with Mr. Wentworth had long since ceased. The fact, now alluded to, having been accidentally communicated by his friend Mr. Wentworth, will derive more weight from this circumstance, and will serve to prove more satisfactorily than any observations of mine, the little Credit which is due to any Statement Dr. Douglass may be induced to make on his Arrival in England to answer Party purposes, while it shews a very reprehensible want of attention on his part as a Public Officer to the Government Regulations. But it is further not unfair to presume that he transferred Payne to Mr. Wentworth, with a view of embarrassing the Government, probably conceiving, from the Opinion given by the Chief Justice that the Governor had no authority over assigned Servants, that Mr. Wentworth would have resisted giving him up, evincing at the same time his utter disregard of the Sentiments of the Government by affording Mr. Wentworth the assistance of Payne's Services, after he had been in fact suspended from Office for the countenance he had already shewn to Mr. Wentworth, who had in the most public manner abused both the Governor and the Government.

I have, &c,
RA. DARLING.

[Enclosure No. 1.]

MR. F. A. HELY TO COLONIAL SECRETARY MACLEAY.

Sir,  
Principal Supt. of Convicts Office, 12th June, 1828.

In transmitting, for the purpose of being submitted to the Governor, the Enclosed Application from Mr. C. Wentworth for the Services for One Month of the Prisoner named in the Marginal note.* I beg leave to acquaint you for the information of His Excellency that Payne had been lent to Dr. Douglass for a short period, and never had been returned to Government by that Gentleman.

I am not aware of any existing objection to Mr. Wentworth's request being complied with, if approved by His Excellency.

I have, &c,
F. A. HELY.

* Marginal note.—Bryant Payne, Ship Earl St. Vincent, a Painter.
MR. W. C. WENTWORTH TO MR. F. A. HELY.

George Street, 11th June, 1828.

When Dr. Douglass was leaving the Colony, he lent me the
Services of a Man called Bryant Payne (who I understood to be
his Assigned Servant) in order that he might paint my House at
Vaucluse. The day before yesterday he was taken up by the Con-
stables as a Runaway by your direction, as I understood from you
this morning. He has been employed at Vaucluse for about a Fort-
night, during which time he has been exclusively engaged in Pain-
ting and has nearly completed my Drawing Room, which by his
sudden apprehension remains of course in an unfinished state, and
so that no other Painter probably could complete according to the
Original design.

This Man I understand has been in Dr. Douglass's Service for
the last Thirteen Months, but, as he was not duly assigned to me
by Dr. Douglass, I have no wish to enter into the Question whether,
after such a length of Service, he can be now considered a Run-
away or not. I have however to request that he may be allowed to
fulfil that arrangement with me, which Dr. Douglass entered into,
and which will not occupy him for more than a Month longer, at
the end of which time I will see that he is returned to Government.

I have, &c.,

W. C. WENTWORTH.

GOVERNOR DARLING TO RIGHT HON. W. HUSKISSON.

Government House, 20th June, 1828.

I regret having to communicate that the long continued
Drought, which has unfortunately been experienced, has sub-
jected the Colony to very serious inconvenience. The Crops of
Grain, Wheat and Maize have in some Districts almost entirely
failed, while, in others even the most favorable, they have been
reduced to less than half the usual produce.

This event and the improvidence of the lower Class of Settlers,
who never make provision for a season of scarcity when they are
so fortunate as to have an Abundant Harvest, have exposed this
Class in particular to very serious inconvenience on the pre-
sent occasion.

They in general depend on their maize for immediate sup-
port, disposing of the Wheat which they raise in the Sydney
Market. And, when the Maize Crop has run short, they have
made up the deficiency by the substitution of Potatoes and other
Vegetables. In the present instance, the failure has been general
and they are as destitute of Potatoes as of Maize.

Foreseeing the present event, several of the Merchants des-
patched Vessels some time since for Supplies of Grain, four
to Valparaiso and Two to the Cape of Good Hope. Three of
1828.
20 June.
Price of grain and bread.

Reduction of bread ration for assigned convicts.

Abundance of meat.

Suspension of duties on grain and flour.

Grain to be imported from Tasmania.

these are immediately expected, which, (trusting they will meet with no accident to prevent their early return) with the Supplies coming from Van Diemen's Land, though much less plentiful than heretofore, the late Crops in that Colony having also fallen short, will prevent the Colony suffering any serious distress. At present the price of Wheat in the Market is not higher than 15s. and Maize is selling at 10s. a Bushel. Bread has consequently risen, the price of the two pound loaf, which sold not long since for 4½d., being 9½d. at present.

I do myself the honor to transmit to you the Copy of a "Government Notice," which I have issued to enable the Inhabitants to reduce the Ration of Bread to their Convict Servants, having understood they felt some hesitation in resorting to this measure without such authority, lest their Men should have been dissatisfied.

The Allowance, given by the Settlers generally to Men Servants, has been very liberal, being a Peck of Wheat per Week, which is understood to yield about 12 lbs. of Flour. Half this quantity will supply the present ration of Bread, which is Seven pounds; so that a very considerable saving will be accomplished and the equivalent for the reserved portion of Flour will be easily furnished. Butcher's Meat being abundant, the price of Cattle having fallen in consequence of the great scarcity of Grass.

I have, Sir, further the honor to transmit the Copy of a Proclamation which I have issued, suspending the levy of the Advalorem Duty of 5 per Cent. and Wharfage Dues on such Foreign Grain and Flour as may be imported in the course of the next Six Months. This has been permitted, not so much with a view to the relief of our present Necessities, as to provide against a failure of the ensuing Crop, which is apprehended, should the Drought continue much longer, and there is certainly no appearance of rain at present.

I was unwilling for some time to take any step on the part of the Government to obtain a Supply of Grain, being satisfied that whatever might be disposable at Van Diemen's Land would be procured by the Merchants of Sydney; but, as many of the Settlers would probably return their Convict Servants to the Government in the event of serious distress, I have written to procure a Supply to Meet such an emergency.

I beg Sir to add that, in the whole of the proceedings on this occasion, I have consulted and acted with the advice of the Executive Council.

I have, &c.,

RA. DARLING.
DARLING TO HUSKISSON.

[Enclosure No. 1.]

GOVERNMENT NOTICE.

Colonial Secretary's Office, Sydney, 12th June, 1828.

His Excellency the Governor, finding that the Importation of Wheat, to make up for the deficiency of the late Crop, is not so great as there was reason to expect, and that consequently it is to be apprehended that there will be a scarcity of Bread in the Colony before the reaping of the next Harvest, considers it to be of great Importance that, for the present, the strictest economy should be observed in the Consumption of Wheat; and, having with this view ordered the weekly Ration to Prisoners in the Service of government to be reduced to Seven Pounds of Bread;

His Excellency strongly recommends to all Settlers and other Persons, having Convict Servants, to reduce their Ration of Wheat and Flour to the same scale during the ensuing Six Months, and to make up for this reduction by increasing the Ration of Meat, or in any other way that may be most convenient to the several Parties.

The Consumption of Bread and Flour in Private Families may generally be so easily reduced, by the substitution of other wholesome and nourishing Food, that His Excellency trusts that it is unnecessary for him further to urge the great importance of this subject; and that even those Families, who may have the means of procuring a more ample Supply, will, for the sake of example and the Public Good, immediately limit their Establishments to as moderate a Consumption of these Articles as possible.

His Excellency requests of the Magistrates to give all possible publicity to this notice in their several Districts without delay, and to report to the Colonial Secretary from time to time how far they have reason to believe that His Excellency's Recommendation is observed.

By His Excellency's Command,

ALEXANDER MCLEAY.

[Enclosure No. 2.]

PROCLAMATION.

BY His Excellency Lieutenant General Ralph Darling Commanding His Majesty's Forces, Captain General and Governor in Chief of the Territory of New South Wales and its Dependencies, and Vice Admiral of the same, etc., etc., etc.

Whereas, in the present state of this Colony, it is expedient to encourage the Importation of Foreign Grain and Flour: I, The Governor, do hereby declare and order that all Wheat, Flour, Maize, and other Grain, which shall be Imported in Ships or Vessels duly authorised into the Colony of New South Wales, before the expiration of Six Calendar Months from and after the Date of this my Proclamation, shall be permitted to be landed in the Port of Sydney, free of all Duty and Charges of Wharfage; and the Acting Collector of the Customs is hereby authorised to exempt all such Grain and Flour from the payment of any Duty or Charge for Wharfage accordingly.

Given under my Hand and Seal at Government House, Sydney, the Nineteenth day of June, in the Year of Our Lord One thousand Eight Hundred and twenty eight.

RALPH DARLING.

By His Excellency's Command,

ALEXANDER MCLEAY.
Governor Darling to Right Hon. W. Huskisson.

(Send dispatch marked "Separate," per brig Margaret.)

Sir,

Sydney, 21st June, 1828.

I do myself the honor to forward to you, at the desire of Archdeacon Scott, the accompanying Copy of a Letter, which he has addressed to me in reference to the "Statement" lately published* by the Reverend Mr. Marsden, a Copy of which I beg leave also to enclose.

I have referred to the Draft of the Minute of Proceedings† of the Court of Enquiry, appointed by Earl Bathurst to investigate the matters relative to Dr. Douglass and the Reverend Mr. Marsden; but I do not find any reference to the accompanying Protest‡ (Enclosure No. 1) which the Archdeacon states he delivered in the Court, when signing the Report.

The Archdeacon has further called on me this morning with the Accompanying Paper, containing an Extract of his Reasons for declining to sanction the Bill of Indemnity, as it is generally termed, and he has assured me that as to the case of James Blackburn, to which the Revd. Mr. Marsden was supposed to be a Party, the most satisfactory testimony was lying on the Council Table, at the time, of Mr. Marsden’s Absence from Parramatta, when the Punishment was ordered.

I have, &c.,

RA. DARLING.

[Enclosure No. 1.]

Archdeacon Scott to Governor Darling.

Sir,

Sydney, 17th June, 1828.

On my return from holding my Visitation in Van Die- men’s Land a Week ago, the Reverend Mr. Marsden placed in my hands a printed “Statement including a correspondence relative to a Charge of illegal punishment.”

The Statement has been only printed for private distribution amongst Mr. Marsden’s friends, as he has stated to me for his own justification.

I do not think it becoming the station, to which His Majesty has been graciously pleased to raise me, to enter into disputes before the World on subjects which my own conscience clearly acquits me of having done any Wrong; and it is for this reason I have most carefully abstained from noticing the libels and calumnies with which the Newspapers of this Colony have been filled against me from the very day I landed to the present Moment.

I think it would have been courteous in Mr. Marsden, considering the terms of friendship between us, as well as our relative situations here, to have made me acquainted with his

* Note 46. † Note 77.
intention, and to have given me at least the option of making any remarks or reply.

I do not however lay any stress on that subject, for I can well feel for the injustice he has received and the deep injury he considers he has sustained.

It is a difficult matter, as it concerns myself with His Majesty's Government and my Ecclesiastical Superiors, to whom I am bound to give an account of my conduct, being aware that, if I err unintentionally, I am subject to be cautioned, if wilfully, to severe and just displeasure and punishment.

In pursuing the Inquiry on which I was placed, there were points on which I differed with the other Members of the Court and, on these occasions after some discussion, I had my opinions recorded on the proceedings.

At the termination of the enquiry as well as I recollect, the three charges were made the subject of three different Reports. To the two first, which I think were the "habitual drunkenness" of Dr. Douglas, in the absence of all affirmative evidence and upon the evidence of a Most Respectable body of Witnesses he negatived the charge, and therefore I "unequivocally" (to use Lord Bathurst's own Words) acquitted him.

Upon the case of Ring, there was such contradictory evidence, and the subject was so involved in obscurity, that I felt great difficulty at coming to a general conclusion; and therefore on that subject, as well as the charge of "having ordered a Convict to be flogged with a view of extorting confession from him," I signed the Report subject to a protest or reasons for differing with the other Members.

At this distance from the time when the Inquiry took place, I cannot charge my Memory precisely (and not having been furnished with a Copy of the Reports I cannot refer to them); but I think it will be found on reference that, towards the latter part of the Report, my reasons are referred to respecting this transaction, and, some where towards the middle of the Report on Ring's case, a reference is made to the evidence I thought necessary to be obtained, but which was refused.

I should presume that the Original or an Office Copy remains with the Papers left by your Excellency's predecessor and can be referred to; or that there is one in the Colonial Department in England.

I would however beg leave to enclose for Your Excellency's perusal a Copy of my Opinion, which I saw several times appended to the Reports in the possession of the late Major Ovens, T. H. Scott, then Private Secretary to the Governor, before they were finally transmitted to England.
If Your Excellency does not consider it to be too much trouble, I should feel obliged by your transmitting to the Secretary of State for the Colonies a Copy of this Letter with its enclosures.

I have, &c.,
T. H. Scott.

[Sub-enclosure No. 1.]

[This was a copy of the opinion by archdeacon Scott; see page 780 et seq., volume XI.]

[Sub-enclosure No. 2.]

EXTRACT from the reasons of Archdeacon Scott, against "an Act of the Sixth George 4, No. 18, intituled, An Ordinance to stay Proceedings against Justices of the Peace in New South Wales and its Dependencies acting in execution of their Office, dated 5th October, 1825.

"8. And because, from the Year 1815 to the Year 1820 both inclusive and embracing a period of Six Years, out of 2,121 Punishments inflicted by the Parramatta Bench, there do not appear more than twenty two indefinite Sentences pronounced, as reported to the Council, whereas, in the Year 1823, there are 48 Warrants for indefinite punishments, at which time Dr. Douglass was Police Magistrate at Parramatta; and, though the former cannot be justified, yet the great increase of the latter does aggravate the Offence against the Constitutional Law of England; and because from the Year 1817 to 1820, both inclusive, there were 2,892 punishments at Sydney, and from the Year 1818 to 1820, both inclusive, there were 1,436 punishments at Windsor, yet no case of indefinite corporal punishment has been discovered."

Note.—Thus in Six Years, there are 2,121, 2,892, 1,436, Total 6,449 punishments recorded, and only 22 cases said to have been discovered, many of which have been disproved, and in One Year only, Vizt., 1823, 48 Warrants have been discovered (and there are more) of illegal punishment while Dr. Douglass was Police Magistrate.

"10. Because I consider the Records of the Magistrates, which have been kept, are so irregular and defective, as to invalidate them as Evidence; it appearing that, in the Parramatta Bench Records, a case is erroneous, in which the name of the Reverend Samuel Marsden as Magistrate appears, who has satisfactorily proved his absence, and whose name does not appear with others in the Warrant of Commitment; in the Records of the Penrith Bench, a Blank of four pages still exists of a date so far back as the 6th April, 1822, neither does any entry appear to have been made since the 7th June last; and the Liverpool Records contain only a period from 14th February, 1824, to the 24th July, 1824, and the Magistrates have avowed in a Letter the former Records are in a mutilated and imperfect State."

[Enclosure No. 2.]

[This was a copy of the printed pamphlet by Revd. S. Marsden.]