GODERICH TO BOURKE.

1831.
29 Sept.
Compensation to be granted on reduction.

1831.
29 Sept.
Compensation re compensation.

Persons who have been born in the Colony, or who, having gone from this Country, have obtained Grants of land, or have devoted themselves to any gainful pursuit which is likely to detain them in the Colony, you will consider as sufficiently provided for by a gratuity of one or of two years' Salary, according as they have been more or less than Ten years in the Public Service.

Those, on the contrary, who have given up their whole time to the Public Service, and have accepted employment in the Colony, not with the view of permanently settling there, but in order to earn the means of ultimately retiring in their Native Country, you will provide with a passage home at the public expense, assigning them Pensions to continue until other employment can be offered to them. The Pensions of those Officers, who have served Ten years and upwards, will be regulated according to the scale fixed by the Superannuation Act, a copy of which I enclose. But, to Officers of less than Ten years' service, Pensions equal to one Fourth only of their Emoluments can be allowed.

No claim can be admitted for compensation for the loss of an Office, if the person holding it is discharging the duties of any other Civil situation for which a separate remuneration is received. In such cases, the utmost indulgence, which can be shewn, is to give a notice of six months before the reduction is effected.

Having thus stated to you the principles on which His Majesty's Government have determined that reductions of Establishment are to be carried into effect, I will proceed to notice, in their order, the various recommendations of the Commissioners, as contained in the Report and in the Appendix:

1st. The first subject, to which they have adverted, is the advantage of adhering to the principle of remunerating every individual employed in the public service by a fixed payment in money to the exclusion of Houses and every other emolument whatever.

In this recommendation I entirely concur; and it has, I am happy to find, been already recognised in the Instructions sent to General Darling. On this I have, therefore, only to observe that the Governor of New South Wales has at present two places of residence allowed to him. This appears to me to be unnecessary; and you will therefore give your consideration to the best means of disposing of the House hitherto kept up at Paramatta.
As I am, however, informed that the Government House at Sydney is in a very bad state of repair, and that it is in a situation in which it occasions great inconvenience to the Town, while it may be sold to great advantage, you will consider yourself at liberty to retain the House at Paramatta until you shall have been able to ascertain whether I have been correctly informed; and, if this should turn out to be the case, until you can submit for my consideration what you may conceive to be the most convenient and economical plan for providing the Governor with one suitable residence.

2nd. The next suggestion contained in the Report is that of imposing a tax upon Convicts, a subject to which I have already adverted in my Despatch to General Darling of the 23d January last. It is one which deserves the most careful considerations of yourself and the Council, as, though difficulties may no doubt be met with in carrying such a principle into effect, I am strongly convinced that that portion of the value of the labor of Convicts, which, if they were free, would be received by themselves, should belong to the Public. The great scarcity of labourers in the Colony makes the assignment of a Convict not less advantageous to a Settler than a donation of money; and it is on every account desirable that the Executive Government should not give away gratuitously that which is of so much value.

3d. With respect to the Arrears of Quit-rents and the Clergy and School Reserves, I have nothing to add to the Instructions contained in my Despatches to General Darling of the 23d January and 14th February last, in which both these subjects were fully considered.

4th. The next observation of the Commissioners relates to the Surveyor General’s Department. For the reasons already stated in my Despatches before referred to, I do not concur with them in the propriety of granting Land upon Quit-rent, a scheme which has already been fully tried and found not to answer both in the North American and Australian Colonies. In this part of the report, I do not perceive any other recommendation, which has not been either anticipated by the Instructions issued from this Department or by the measures which have since been reported to be in progress. I will therefore only remark in reference to this subject that the strength of the Surveyor General’s Department was augmented for a special purpose, and that its reduction will of course take place, as soon as that purpose shall have been accomplished.

Acting upon this principle, I have not taken any measures, as you were informed in my despatch of the 26th Instant No. 24,
for filling up the Vacancies reported by General Darling in his communication of the 21st January last, No. 6.

In addition to the half-yearly reports of the progress made in the survey of the Colony, which you are directed to send home by your general Instructions, you will take care to forward to me Maps, or tracings of the Maps, illustrative of such surveys, with the Latitude and Longitude of each place correctly laid down, in order that the Hydrographer of this Department, who is engaged in preparing a general Map of the Colony (the want of which has hitherto been seriously felt) may be able to avail himself of the information thus afforded.

These Reports and Maps will enable me to judge of the progress, which may be made from time to time in the survey of the Territory, and to decide to what extent the present permanent charge of this Department can be diminished.

5th. The Commissioners next observe that there are several different fees charged to the Settler at six different Offices on every Grant of land now made, and they recommend that these Fees should be consolidated and paid in one sum at one Office. I do not entirely coincide in the opinion thus expressed. It appears to me that these fees were originally imposed in order to secure a regular observance of the proper formalities in the manner of making out and registering the Patents by which Land is granted, and that this object would not be answered by the proposed consolidation. I am however of opinion that the amount of the fees should be regulated by the necessary expense of making out and registering the Patent. Should you, therefore, find upon enquiry into this subject, that the fees now charged to the Grantee exceed what is required for this purpose, you will reduce them accordingly; and, under any circumstances, their amount must not exceed that stated in the printed paper issued from this Office, viz.:

40s. to the Colonial Secretary for making out the Patent.
5s. to the Registrar of the Supreme Court for enrolling it.
2s. 6d. to the Surveyor General on his supplying the form of application.

You will signify The King's Command upon this subject to all public Officers, who are at present in the receipt of any Fees beyond those above stated, if unsanctioned by any Colonial Act; and, if so sanctioned, you will avail yourself of the earliest opportunity of signifying to the Legislative Council His Majesty's recommendation and desire that such Act should be repealed.

Had the old system respecting the granting of lands been persevered in, I should have entertained serious doubts as to the propriety of abolishing the Land Board, a measure which the
Commissioners have recommended. The future disposal of lands by sale will however supersede the duties, which the Members of the Land Board have hitherto discharged, and you will therefore discontinue their services.

5th. I entirely agree with the Commissioners that "all subordinate Settlements, for which Civil, Ecclesiastical or Military Establishments are to be provided by the Public, should be restricted within certain limits," so far as these observations of the Commissioners apply to any Establishments, which are not kept up under special instructions from home, or to those which have been formed as places of secondary punishment for Convicts, either convicted of Offences in the Colony, or for those whose dispositions are of that turbulent nature as to render their confinement at a distance from the rest of the Community essential to the peace and tranquillity of the Colony. These penal Settlements must of course, for the present at least, be continued. At the same time, the whole system upon which they are conducted appears to me, from considerations quite independent of the expense they occasion, to require early and careful revision. I shall, therefore, be most anxious to receive from you any suggestions either for dispensing with these Establishments, or for placing them on a less objectionable footing.

The measure, which forms the subject of my despatch to General Darling of the 9th January last, will correspond with that part of the Commissioners' recommendation, which proposes to restrict the Settlers in their locations within a narrower limit than that to which they have heretofore been accustomed to confine themselves, as, under the present Regulations, I imagine but few persons will be desirous of purchasing land at any very considerable distance from the settled Districts; especially as much land within these Districts will be rendered available for cultivation by the sale of that, which has hitherto been retained in the hands of Government.

Having already in the letter, which my Under Secretary addressed to General Darling, under date of the 14th December, 1830, in reference to the present system of retaining a large number of the Convict Mechanics and Artificers in the Government Service, expressed my conviction that a very considerable saving would be effected by undertaking all works of a public nature by Contract, it is not necessary that I should do more, in calling your attention to the observations of the Commissioners on the same subject, than to desire that you will lose no time (if the new system has not been commenced already by General Darling) in carrying a measure into effect, the expediency of which the evidence derived from so many quarters would seem to establish.
I am not aware that there is any other part of the Report itself, to which it will be necessary for me further to advert; and I shall therefore now proceed to examine into the recommendations of the Commissioners contained in the Appendix.

1. The Governor and Staff.

The saving proposed by the Commissioners under this head of expense is estimated at £1,060 14s. 7d. arising from the reduction of the Governor's Staff Pay as Major General, the discontinuance of one of his Aides-de-Camp, the difference between the proposed Salary of the Assistant Military Secretary and the present Salary of the Private Secretary, and the reduction of the Salaries of two of the Clerks employed by the latter Officer, one of whom I observe, by General Darling's despatch No. 18 of the 5th February, 1831, has been transferred to the Colonial Secretary's Office.

This Establishment cannot be adopted without considerable modifications. The Staff-pay of a Major-General, received by your Predecessor, will be discontinued; but it has been determined that your Civil Salary as Governor instead of amounting to £4,200 a year (with the Allowances specified in the margin* to which the Commissioners have not adverted) shall be fixed at £5,000 a year, without any allowances or advantages whatever, thus occasioning a difference of about £328 between the sum recommended by the Commissioners and that which, in the opinion of His Majesty's Government, ought to be assigned to that appointment.

The Private Secretary will be continued, in consequence of the strong representations I have received from Colonel Arthur, from General Darling, and from yourself of the absolute necessity of such an appointment in New South Wales and Van Diemen's Land; but, by dispensing with the two Clerks whom the Commissioners propose to allow, the affording to you the assistance of a private Secretary will only occasion an additional expense of £59 15s. beyond that contemplated by the Commissioners. I am also disposed to believe (though, until the report you have been directed to make upon the state of the Staff shall have been received, I shall give no positive instructions on the subject) that the Establishment suggested by the Commissioners might be further departed from with advantage by appointing a Staff Surgeon instead of an Assistant Staff Surgeon. The pay of the former would exceed that of the latter by 6s. 6d. a day; but it is conceived that this increase of expense would be more than made up by the advantage of having an Officer, whose rank will

* Marginal note.—Provisions, £78 14s.; forage, £256 10s.; coal and candles, £94 13s.—£471 17s.
enable him to exercise a control over the whole medical Establishment in the Colony, the Director General of the Army Medical Board having expressed an opinion that such a superintending authority is required.

2. Colonial Secretary.

According to the establishment proposed by the Commissioners to be adopted in this Department, a saving will take place to the amount of £1,375 arising from a reduction in the Salary of the Colonial Secretary and of the number of Clerks employed.

On this subject, I have only to refer to the observations contained in the former part of this Despatch. The Salary attached to the Office of Colonial Secretary will be reduced when a Vacancy shall occur. In the mean time, you will inform Mr. McLeay that, although his Salary will be continued at its present rate, it will no longer be in my power to continue to him the advantage of a residence, which he therefore must be called upon immediately to relinquish; and I regret that I cannot authorise any allowance in lieu of the accommodation of which he will thus lose the advantage. On referring to General Darling’s Despatch of the 14th May, 1828, I observe a proposal for appropriating the house occupied by Mr. McLeay as an Office for conducting the business of that gentleman’s Department, whenever circumstances should place this Building at the disposal of the Government. You will carry the arrangement then contemplated into effect, as soon as Mr. McLeay is able to provide himself with another residence. In consequence of the strong opinion expressed by General Darling in many of his despatches, and particularly in his letter to Mr. Hay, dated 30th September, 1830, in reference to the present establishment of Clerks in the Colonial Secretary’s Office, which, instead of being larger than is necessary, is stated to be inadequate to the business which has to be transacted, I do not feel myself justified in directing its reduction to the scale recommended by the Commissioners. The alteration, however, in the land granting system, and the reduction of the number of Convicts retained in the hands of Government, will relieve the Colonial Secretary from a great portion of the correspondence before imposed upon him; and I should wish you to give your attention to this circumstance in determining whether the continuance of a larger establishment, than is recommended by the Commissioners, is indispensable, the only ground which will be deemed sufficient for keeping it up to its present strength.

3. Surveyor General’s Department.

I have little to add upon the subject of this Department, to what is stated at the commencement of this Despatch. The
Commissioners for apportioning the Colony were ordered to be reduced by Sir Geo. Murray's Despatch of 6th May, 1830, and the Land Board, for which there will no longer be any occasion by the new arrangements respecting land, will also be abolished by the directions which I have already given. In the meantime, I shall not object to the Salary of £130 a year, which General Darling reports, in his despatch No. 18 of 5th Febt. last, to have assigned to the person whom he has found it necessary to engage as Clerk to the Board.

The present rates of Salaries, received by the Officers of this Department, do not appear to have called for any observations from the Commissioners; and it is not therefore my intention to make any alterations, for the present at least, in the scale fixed for their remuneration. The house, occupied by the Predecessor of the present Surveyor General, appears to have been appropriated to the accommodation of certain Public Offices, and an allowance of £1,000 per Annum assigned to him as Salary, including House Rent and all other advantages. You will, however, consider whether a prospective reduction in the Salary of the Surveyor General is practicable, and whether the sum, at which it was fixed by Lord Bathurst's despatch of 6th Decr., 1826, is sufficient for the remuneration of the person appointed to discharge the duties of this situation. Whilst advertting to this Department, I think the occasion a favorable one for calling your attention to the manner in which the several exploring Expeditions have been lately undertaken. The arrangements, connected with these Expeditions, more properly belong to the Officer in charge of the Surveyor General's Department. If his other duties do not admit of his accomplishing such objects himself, he should at least be the person to manage, under your direction, all the details with the means which his Department may afford. A very considerable expense would, I am satisfied, be saved in this manner, and a field would thus be open to the Assistant Surveyors, not only for distinguishing themselves in the line of their profession, but for rendering their discoveries of greater practical advantage to the Colony.

These observations are by no means intended as any disparagement of the exertions and ability, which Captain Sturt has displayed in the late important discoveries which he has made from the Mirumbidgee River on the South Eastern part of the Colony to Encounter Bay on the Southern Coast.

4. Colonial Treasurers; Auditor; Customs.

The Commissioners state that they are not prepared to propose any other alteration in these Departments than an addition of one Clerk to the Treasurer's Department, in consequence of the
Abolition of office of collector of internal revenue.

Reduction in salaries of postmaster and surveyor of distilleries.

Reductions in departments of public works and of roads and bridges.

1831.
29 Sept.

1. Abolition of office of collector of internal revenue.

Transfer to that Office of the duties of Collector of Internal Revenue, which latter situation they propose should be done away with. By this arrangement, a saving to the Public would result amounting to £486. Upon an examination of the correspondence in this Department relating to New South Wales, I find that the Office of Collector of Internal Revenues was established in the year 1827 on General Darling’s representation of the necessity of relieving the Department of the Surveyor General from that branch of duty, and that the Officer, who now holds the situation of Collector, was sent specially from England to fill that appointment. It may be necessary to continue this Officer in his present situation until some arrangement shall be effected with respect to the arrears of Quit-rents, which are due to the Government; but, when this shall be accomplished, the proposed reduction must take place; and you will unite the duties which are now discharged by Mr. Macpherson, to those performed by the Colonial Treasurer, to whom you will afford the aid of an additional Clerk, as proposed in the report, to enable him the better to meet the extra business which will be thrown upon him.

5. Post Office; Distilleries; Slaughter-house.

The only saving, which the Commissioners propose in these Departments (the Superintendent of the Government Slaughter-house having been already discontinued), is a reduction of £100 per Annum in the Salaries of the Post Master and Surveyor of Distilleries. In this recommendation I concur. With respect to the Post Office, I learn, from General Darling’s despatch No. 18 of 5 Feb. last, that it was found necessary, on the retirement of the Clerk attached to that Office, to appoint two others with Salaries of £120 and £80, causing an increased expense of £30 a year. If you should be of opinion that the services of these Clerks are absolutely required, and that their Salaries are not open to reduction, I should be unwilling to disturb their appointments; but, if it be possible to effect a further saving by diminishing the number of Clerks employed not only in the Post Office but in the Department of the Surveyor of Distilleries, you will not fail to do so from the 1st Jany., 1832.

6. Department of Public Works; Roads and Bridges; Mineral Surveyor.

According to the arrangements proposed by the Commissioners for executing the duties of the above Offices, a saving to the amount of £1,175 15s. will, as they suppose, be produced.

I am happy to find, by the measure adopted by Sir George Murray in his despatch of 26th May, 1829, No. 114, so much of
the recommendation of the Commissioners as relates to the discontinuance of the Department of Surveyor of Roads and Bridges and the transfer of its duties to that of the Surveyor General has been anticipated. I am of opinion that it would be equally desirable to carry into effect the other reductions which they propose, particularly as, by the assignment of the Government Convicts and the erection of all Public Works by Contract, there would appear to be no further use for the several Officers, whose services it has been necessary, under the former system, to retain for purposes of direction and superintendence. You will, therefore, make such reduction in this Department as you may find to be practicable, only retaining the services of a sufficient number of persons to superintend the operations of Contractors engaged in Public Works and to secure their adherence to the terms of their Engagements.

7. Judicial Establishment; Law Officers.

Although the Commissioners state that they are not prepared to propose any alterations in these Establishments, I cannot pass over, wholly without observation, this part of their Report, perceiving that the Chief Justice has a house provided for him at the public expense. I see no reason for granting to him an advantage, which does not appear to be enjoyed by either of the Puisne Judges, and which I have directed to be discontinued in the case of the Colonial Secretary. You will, therefore, intimate to the Chief Judge that, from the 1st July, 1832, he will be required to give up the House, which he at present occupies, for the purpose of its being applied to the accommodation of the Executive and Legislative Councils and of the Audit Office, according to the arrangement proposed in General Darling’s despatch of the 14th May, 1828. On reference to a correspondence, which took place between General Darling and the Chief Justice in the year 1828, when the question connected with the provisional appointment of Registrar of the Supreme Court was discussed, I observe an opinion expressed by the Chief Justice that the duties of that Office might be provided for in a way more economical than that by which they are at present performed. If such an arrangement be practicable, you will not fail to carry it into effect.

With respect to the Office of Master in Chancery, you will receive a separate communication by the present opportunity.

The Salary of the Attorney General, as General Darling was informed by Sir Geo. Murray’s despatch of the 23d July, 1830, has been reduced from £1,400 to £1,200 per Annum.
8. Department of Sheriff.

In the Office of Sheriff, I consider a reduction of £200 a year practicable, and it will be hereafter effected on the principle I have already laid down.


The Commissioners propose no alteration in these Establishments, and I am aware of none which is required, as, although the general subject of Colonial Agencies requires investigation, the duties attached to the situation of Agent for the Australian Colonies are of such an important character, that I do not anticipate that any saving of expense will be practicable by the reduction of that Officer's Salary.

10. Convict and Agricultural Establishments.

Since the Returns were received which have formed the basis of the Commissioners' observations, several alterations, as explained in General Darling's despatches, have apparently been adopted, and the agricultural establishments have, I am aware, undergone considerable reduction.

On referring however to one of General Darling's late despatches upon this subject, I perceive that there are still two farms, exclusive of those kept up at the Penal Settlements of Port Macquarie and Norfolk Island, maintained by the Colonial Government, viz.: Emu Plains, Moreton Bay.

I have therefore to desire that you will immediately carry into effect the wishes, so often expressed by my Predecessors in Office upon this subject, by reducing, after the 1st July, 1832, every Establishment of this nature, with the exception of those at the two Penal Settlements above-mentioned, putting up to sale the land of which these Farms are composed, according to the Instructions which have lately been communicated to you.

The augmentation of the Salary of the Superintendent of Carters' Barracks from £127 15s. to £150 per annum (reported in General Darling's despatch No. 18 of 5th Feb., 1831) I have no objection to sanction, should you be of opinion that the above Officer was not adequately remunerated before, or that the effect of the late arrangement for the assignment of the Convicts, hitherto employed in the service of Government on the Public Works, will not have so far reduced his duties as to do away with the grounds on which this augmentation of his Salary has been recommended.


The only expense, which, as it seems to me, can be dispensed with at either of these Settlements, is that incurred on account of the Salary of the Superintendent of Sugar Plantations at Port Macquarie. I am aware that the Climate at this particular spot
is peculiarly adapted to the growth of the Sugar Cane, and that it has been considered an object worthy the attention of Government to undertake experiments with a view to augment the productions of the Colony. But, in the present state of the Sugar market, I consider the policy of the measure very questionable even if the expense was less a subject for consideration; and you will therefore immediately break up any Establishment which may have been formed with this object. The Settlements at Melville Island and Fort Wellington, although included in the Establishments as noticed by the Commissioners, have been already withdrawn, and an annual saving has thereby resulted to the Public of £761, exclusive of the expense which will be avoided of keeping up a constant communication, by means of Colonial Vessels, between those Settlements and Sydney.


No alterations appear to be suggested by the Commissioners in this Department. But I trust that the investigation, which General Darling reports, in his Despatch No. 36 of 12 April last, that he has instituted into the state of the Constabulary and Police with a view to their revision, will shew that those Establishments admit of being reduced with safety to the Colony. On reference to General Darling’s despatch of the 14th May, 1828, No. 74, I observe that it is there recommended that the House occupied by the Principal Superintendant of Police should be sold and an allowance of £100 a year granted to him in lieu of it. You will therefore carry that measure into effect as soon as may be practicable.


I should hesitate in at once adopting the recommendation of the Commissioners in respect to this Establishment, as the recent communications from General Darling lead me to fear that the Force now stationed in the Colony is already insufficient for the protection of the Settlers, and that, if the number of Convicts should go on increasing, a considerable addition to it may be required.

14. Gaol Establishment and Hulk.

The Commissioners propose a saving in this Establishment by the reduction of the Salary of the principal Gaoler from £300 per Annum (including an allowance of £50 for a House) to £200 per Annum. This arrangement would reduce the emoluments of the principal Gaoler to a scale very little higher than that of the Deputy Gaoler, who is provided with apartments in the Prison, and would therefore be objectionable, if it be necessary to have, in addition to the person who resides in the Prison, an
15. Medical Establishment.

The only observations, which this Establishment appear to have called forth from the Commissioners, relate to the Houses which the Medical Officers are reported to occupy, and which, as they presume, are merely such Military Quarters as they would be entitled to according to their Rank. If this be as the Commissioners suppose, I should not be disposed to debar them from retaining this advantage in addition to their fixed pay; but, if the accommodation enjoyed by them is of a nature to entail upon the Public an expense exceeding that which ordinary Quarters would occasion, you will of course make some alteration with a view of meeting the recommendation contained in this part of the Commissioners' Report. I am of opinion that a Salary at the rate of £600 per annum, exclusive of any other advantages, will be sufficient remuneration for the principal Surgeon, whose present emoluments will hereafter be reduced to that amount.


A reduction of £100 a year in the Salary of the Master Attendant and Harbour Master is the only alteration, which the Commissioners suggest in this Department. This reduction I think may be effected, in addition to the diminution of expense already effected by General Darling (to the amount of £118 5s.) by the discontinuance of the Office of Storekeeper, as reported in his Despatch No. 18 of 5th Feb. last.


At the time the Commissioners drew up their report, there were no less than six Colonial Vessels maintained by the Public, the expense of five of which, for the pay alone of the Officers and Men, appears to have amounted to the annual sum of £3,119 15s. On referring, however, to General Darling’s Despatch of 19th January, 1831, I find that, of these Vessels, two have been wrecked, and that, on the completion of the service in which the “Lucy Ann” was then engaged, it was his intention to dispose by sale of another; so that, by the time this Despatch shall
reach the Colony, there will probably be but three Vessels maintained for the service of the Government. I am aware of the necessity, which exists of keeping up frequent communication by Sea with the several Penal Settlements and others situated at a distance from Sydney, with the view of supplying them with Provisions and other necessaries which cannot otherwise be obtained. It appears however to His Majesty's Government that the services, which these Vessels perform, might be equally well done and at a much cheaper rate, by the employment of private Vessels in freight, and that, in this matter, the expense now incurred under the Head of "Colonial Marine" might be materially reduced, as well as that which the same system occasions under the head of "Dockyard." Until I shall have received a report from you, in reference to the above opinion, I shall abstain from directing any further reduction of the Vessels in question. But I must observe that of course this expense will be borne in mind in considering the propriety of continuing the Penal Settlements on their present footing.

GODERICH.

[Enclosure.]

[This was a copy of the statute, 3 Geo. IV, c. cxiii.]

VISCOUNT HOWICK TO GOVERNOR BOURKE.

(Per ship Asia.) 30 Sept.

LORD HOWICK presents his Compliments to Major General Bourke and is directed by Viscount Goderich to request that a few copies of the New South Wales Almanac published in the Colony may be annually transmitted to this Department.

Downing Street, 30 Sept., 1831.

GOVERNOR DARLING TO VISCOUNT GODERICH.

(Despatch No. 83, per ship Renown.)

My Lord,

Government House, 1st October, 1831.

I have the honor to transmit to Your Lordship, in obedience to the directions contained in Your Lordship's Despatch dated the 30th December last, No. 8, a Letter from the Registrar of the Supreme Court, with an Abstract of the Intestate Estates Committed to his care, and to acquaint Your Lordship that the Registrar has been instructed to make up in future a similar Return Quarterly for the purpose required by Your Lordship's Despatch.

I have, &c.,

RA. DARLING.

[Enclosure.]

[This return contained the details of twenty-seven intestate estates.]

My Lord, I have the honor to acquaint Your Lordship, in reference to my Letter of the 10th of last Month, that I have just seen Captain Sturt, who has recently returned from Norfolk Island, who informs me that the Flax Plant, the same as that which grows at New Zealand, may be procured in any quantity at the former place. As, in the present State of Europe, it may be of importance that His Majesty's Government should have the means of obtaining Flax without difficulty, and as it appears it may be procured from Norfolk Island at a very Moderate Cost, in fact for the Expense of dressing it, I have directed that steps be immediately taken to engage persons, if any Can be found, who Understand the process, or to induce Some of the Natives of New Zealand to go to Norfolk Island for a time, so as to afford the Prisoners and any other persons, who may be desirous of being instructed, an opportunity of acquiring the necessary information as to the mode of preparing the Flax.

Your Lordship will be able to judge whether it may be advisable to send out any Persons qualified for the Undertaking.

I have, &c,

RA. DARLING.


My Lord, Having referred to a Board the Several Communications addressed to me from Your Lordship's Office, as stated in the Margin,* respecting the Scale of Rations issued to Convicts, and having Subsequently taken the Report of the Board into Consideration in Council, I now do myself the honor to transmit to Your Lordship, Copy of the Regulations which have been established in Consequence.

2nd. I beg to observe that several of the points, alluded to in the Communications from the Treasury, had been long previously carried into effect by my own directions, Such as discontinuing the issue of Rations to the Civil Officers and their Servants, as also the allowance of Rations and Clothing to the Magistrates for four Servants each, which was ordered Soon after my taking Charge of the Government.

3rd. It appears by the Communications from the Treasury that the Comptrollers of Colonial Accounts recommended that the

* Marginal note.—Letter from the Secy, of State of 11th Novr., 1829; Letter from the Under Secretary of State of the 19th Feb., 1830. and 6th Jan., 1830.
Ration to Convicts should be confined to 1 one Lb. of Wheaten Bread; 8 Eight oz. of Maize Meal; 10 Ten oz. of Meat, and that a Money payment of twopence a day should be granted in lieu of any other Article.

4th. It will be seen that the Ration fixed in Council No. 1 Consists of 1½ lb. Wheaten Bread; 8 Oz. Maize Meal; 1 lb. of Meat; ½ oz. Salt; 1 oz. Sugar; 2 oz. Soap per Week; and that no Money allowance is granted, except in very particular Cases, it being Considered, as well by the Council as by the Board, that such an allowance would be attended with very injurious Consequences.

5th. It may be observed that the Ration proposed by the Comptrollers, with an allowance of two pence a day to provide the Smaller Articles, would be more expensive than the established Ration, which, I beg further to observe, is much Smaller than the Ration usually given by the Settlers to their Assigned Servants.

6th. It had been the practice to allow Married Men, who reside out of Barracks with their Families, and work for their own benefit on Fridays and Saturdays, Rations for the whole week. This has now been discontinued, and no Man is permitted to draw Rations except for the days which he is actually employed by the Government.

7th. The Ledgers as they are termed, adopted on the recommendation of Mr. Maddox of the Accounts Branch of the Commissariat, having been found totally useless, have been discontinued. They had in fact become a dead Letter, as the Convict Overseers having Charge of the Road Parties were unable to keep them, nor could they have been kept in a manner to have rendered them useful, but by the employment of efficient Clerks with the Several Parties.

8th. I beg to observe that one of the Principal objects I have had in view, Considering it the best means of simplifying the public accounts, has been to reduce the Scale of Rations to the Smallest Number of which Circumstances permit.

9th. There are now Seven distinct Rations, which provide for all Classes and descriptions of Persons, Men, Women, and Children, in every Situation in which they are liable to be placed. When the Nature and Circumstances of the Colony are Considered, it will be seen that that Number does not admit of any reduction. The Money allowance would no doubt have had the effect of still further Simplifying the arrangement, had Circumstances permitted of its adoption as a general measure; But there are many Situations in which the Convicts are employed, where Money would be totally useless; and, even where they...
might have an opportunity of disposing of it in a beneficial manner, there can be no doubt, from the Character of those people, that the greater Number would expend it in the purchase of Spirits.

10th. I beg in Conclusion to assure Your Lordship that the whole matter has Undergone the most Careful revision and Consideration, and that I believe the present arrangements as perfect as Circumstances permit.

I have, &c.,

RA. DARLING.

[Enclosure.]

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

GOVERNOR DARLING TO VISCOUNT GODERICH.

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

My Lord,

Government House, 3rd October, 1831.

I have waited, tho' not without some degree of impatience, for the fulfilment of the promise conveyed to me in Your Lordship's Despatch of the 15th March last, that I should be informed in due time of the period at which my Successor might be expected to reach the Colony. As I have not yet been informed by Your Lordship of Major General Bourke's Appointment, though he appears to have taken his Passage in a Ship, which was to sail early in the month of July and may therefore be shortly expected (a Vessel having just now arrived, after a passage of three months and three days) I have been under the necessity, rather than delay my departure until his arrival, to engage accommodation for myself and family in a Ship which proceeds by the circuitous route of China, and will leave this about the 20th of the present month.

Your Lordship seems to have supposed, by the observation in the concluding Paragraph of the Despatch above alluded to, that the close of my Administration might possibly be attended with some embarrassment. The only molestation, I have to apprehend, is from Mr. Wentworth and Mr. Mackaness. Without at all meaning to boast of the indifference with which I have heard of the menaces of these men, still, considering the Station I have filled in this Colony, it appears desirable to avoid the embarrassment, which would be occasioned by any attempt on their part to carry their threats into execution. I am, therefore, reduced by Your Lordship's Proceedings to the painful alternative of embarking Mrs. Darling at the risk of her Life, as, were I to remain here until after her Confinement, which is expected to take place in November, it would be impossible to remove her with any degree of safety in less than 3 or 4 months subsequent to that
event; her sufferings having on all similar occasions been extreme, though on Shore she of course had every accommodation which her Situation could require. But, my Lord, God’s will be done.

It must be unnecessary to say any thing of Mr. Wentworth to prove the malignity of his mind. As to Mr. Mackaness, it will be sufficient to refer to Your Lordship’s Despatch of the 16th July, 1827, No. 31, to shew that his removal from the Office of Sheriff was suggested if not immediately ordered by Your Lordship.

Having taken the liberty of pointing out to Your Lordship, in my letter of the 26th July last, the use which Mr. Hall would make of my recall, I now do myself the honor to enclose the Monitor of the 1st inst, in which Your Lordship will perceive (Page 2, Columns 2 and 3) a Statement* (which I have reason to believe is correct) that Mr. Hume has written to the Editor to the effect that my Removal is in consequence of his private Representations to Your Lordship, and ascribing to Mr. Hall the merit of having led to that event by his perseverance in exposing my misrule.

It is impossible to suppose, my Lord, that the Administration, of which Your Lordship is a Member, could have been intimidated by Mr. Hume, or that I have been offered as a Sacrifice to appease or conciliate him. Nor can I persuade myself, after the assurance conveyed in Your Lordship’s Despatch, that the efforts which had been made to establish Charges against my Administration had entirely failed, and that Your Lordship considered me free from the blame imputed to me, that any private appeal, on the part of Mr. Hume, could have induced Your Lordship to resort to the measure which has occasioned the Letter quoted in the Monitor, in which my Administration is so grossly misrepresented.

As to the credit due to Mr. Hume’s assertions, other more suitable occasions will arrive of bringing it to the test. But I cannot close this communication without warning Your Lordship that the measures, consequent on Mr. Hall’s proceedings, must be attended with the most fatal consequences. Any one who looks at the enclosed Paper will see that his triumph is complete and no Governor, who would not discharge his duty at the risk of his Office, can henceforth dare to oppose him. If this Settlement, my Lord, is worth retaining, I conjure you to reflect maturely on the course which has been pursued, as Your Lordship may find, when too late, which God forbid, that, in the endeavour to conciliate Messrs. Hume and Hall, the ruin of this Colony has not been the only consequence, but that a foundation

* Note 118.
Reason alleged for non-removal of A. Macleay.

has been laid, which will ultimately lead to the destruction of every Colonial Government in the British Dominions.

I would, in conclusion, take the liberty of requesting Your Lordship's particular attention to the observation in the enclosed Paper respecting Mr. McLeay, the Colonial Secretary. It intimates that that Gentleman has not been removed, "Because the same earnest Appeal was not made against him which was made against the General." These are Mr. Hall's own words. As he has now ascertained that his Appeals, through his Co-adjutor Mr. Hume, are not made in vain to Your Lordship, it may be asked what honest Public Officer will be safe in New South Wales? Your Lordship has disgraced me in the very face of the people whom I have now governed for nearly six Years. There was little chance of any one being deceived by the application of Mr. Huskisson's convenient rule* to my Case; it will at any rate be seen that Mr. Hall has taken care to prevent it.

I can indeed hardly persuade myself that Your Lordship could have been aware of the ruinous consequences to my public reputation and private Character of the measure, which as it now appears, Mr. Hume has prevailed on Your Lordship to adopt with respect to me. Had Your Lordship reflected but for a moment, You would have seen that, by dismissing me from this Government, You at once stamped with the Authority of Your Lordship's name, as a Minister of the Crown, the gross Calumnies which Mr. Hall had published against me in the Colony and which were repeated and exaggerated by Mr. Hume in the House of Commons last Year, and circulated by Mr. Hall's other Agents throughout England. It is only doing justice to Your Lordship's Character to believe, if you have perused the Statement which I forwarded to Sir George Murray in the month of December last, that you will regret having acted under the influence of Mr. Hume. But Your Lordship will now be better prepared when he shall require another Victim, and will perhaps pause before you again consent to gratify him. Depend on it, my Lord, that Messrs. Hume and Hall, having now ascertained their power, will compel you sooner or later to make a stand. The sooner Your Lordship does so, the better will you consult the true interests of the Mother Country and her Colonies.

I have, &c.,
RA. DARLING.

[Enclosure.]
[This was a copy of the issue of the "Monitor," dated 1st October, 1831.]

* Note 109.
Viscount Goderich to Governor Bourke.

(Despatch No. 28, per ship Pyramus.)

Sir,

Downing Street, 10th October, 1831.

With reference to my despatch of the 24th Ultimo No. 22, respecting the removal of Mr. McDowell from the office of Solicitor General of New South Wales, I have the honor to acquaint you that His Majesty has been pleased to appoint Mr. John Plunket to succeed that Gentleman. I am, &c.,

Goderich.

Governor Darling to Viscount Goderich.

(Despatch No. 87, per ship Australia; acknowledged by Viscount Goderich, 12th May, 1832.)

My Lord, Government House, 10th October, 1831.

I have the Honor to transmit, for Your information and approval, the accompanying Abstract of Expenses which have been incurred in Carrying on the Legal Business of the Government.

I can only repeat the Expression of my regret in having been under the necessity of bringing Applications of this nature so frequently under the Consideration of Your Lordship's Department.

The Cause of it is so fully Explained in the Despatches, which I had the honor of addressing to Your Lordship in the month of June last, Nos. 53 and 55, that I shall not take up Your Lordship's time by repeating it in this place. It may, however, be proper to point out, that the Expenses have been Considerably increased by the resignation of Mr. Baxter the late Attorney General, whose Salary, however, has been saved and may be Considered as a set off against some of the Expenses now brought forward.

2nd. It is my duty to Explain the circumstance, which led to the Three Actions brought by England, Coombes and Mackay against the Sheriff, and the actions by the same Parties against Captain Sandilands of His Majesty's Sloop Comet, the Expenses of which altogether amount to no less a Sum than £1,137 15s. 6d. I alluded incidentally to these cases in the Despatch, which I had the honor to address to Sir G. Murray on the 2nd of February last, No. 16, in which the facts are briefly stated.

Lieutt. Governor Stirling forwarded the Three Men in question by the Comet, supposing them to be runaway Convicts either from this Colony or Van Diemen's Land, having, as he informed me, committed a Felony at Swan River, for which however they could not be brought to Trial there, as the Charter of Justice had not then been received. On the arrival of the
Comet, these Men were received as matter of course by the Sheriff, and not a moment was lost in endeavouring to ascertain whether they had absconded from this Place.

They immediately commenced Proceedings against the Sheriff for having detained them; and, though the fact of their being Free was so doubtful as to render it Expedient to commit them, until it could be satisfactorily ascertained, the Jury pronounced a Verdict for the Plaintiffs, with damages in two cases to the amount of £200 each. The same Parties then commenced Actions against Captain Sandilands, who, having acted for the good of the Public Service, I felt it my duty to assist, more especially as he was proceeding at the moment to Pitcairns Island, under the orders of His Majesty's Government, to remove its Inhabitants to Otaheite, which would have been interrupted to the inconvenience of the Service, had I declined to interfere, as the Expedition was then ready to proceed to Sea.

The Expenses in these last Three Cases, which form a part of the Sum above mentioned, amounted to £159 14s. 6d.

Your Lordship will determine whether, under the Circumstances stated, this Government should not be relieved from the Expenses attending these Proceedings, and the amount be reimbursed by the Government of Swan River. As the Colonial Revenue cannot be charged with it, I have directed that it be paid from the Military Chest, as the most convenient mode of having it transferred to the accounts of Swan River.

3. It will be observed that there are two cases in which Girard is concerned. In the first, which was defended by Mr. Moore, the Crown Solicitor, Girard was Plaintiff and obtained Damages with costs to the amount of £157 11s. 10d. This was occasioned entirely by Mr. Moore's negligence, who, though the proceeding for which Girard sought redress, was adopted on the advise of the Attorney General, took no one step to prove the right of the Crown to the Land* which Girard had taken possession of, not merely without authority, but which he persisted in retaining, though repeatedly required to surrender it. Mr. Moore's conduct is clearly shewn by the result of the second trial. In consequence of the first, a prosecution was commenced by the Government against Girard himself, the conduct of which was not intrusted to Mr. Moore, and the Defendant, as matter of course, was Cast.

I have long Endeavoured to relieve the Government of the Expense of Employing the Crown Solicitor, but without effect; As I am now no longer personally interested, my representations may perhaps be attended to. I feel it a duty, which I owe to the station I have filled, and to my Successor, again to state my opinion that Mr. Moore, from his principles, his connexions and

* Note 119.
DARLING TO GODERICH.

the notorious indolence of his character, is unfit for Employment under the Government.

4th. It will be perceived that several attempts have been made to oblige the Editors of the Monitor and Australian News Papers to Enter into recognizances, required by the local Ordinance, which is similar to the Law of England.

The two first were abandoned in consequence of the Pardon granted to Hall on the King's Accession.

It was then expected that he would conform to the Law. As he did not do so, after that act of lenity, the subsequent proceedings cannot be attributed to the Arbitrary disposition of the Colonial Govt. But I gave up the matter on the receipt of Your Lordship's Despatch of the 6th of January last, No. 10, to which I replied on the 20th July, knowing that, unsupported by Your Lordship's authority, any attempt on my part to Enforce the Laws would be fruitless. The Example which this case furnishes is not undeserving Your Lordship's attention.

5. I shall not trouble Your Lordship with any further remark on the Enclosed Abstract, Except in the case of "the King versus Stewart."

Stewart was the Master of the Elizabeth, whose inhuman and atrocious Conduct at New Zealand has been reported to Your Lordship, and cannot easily be forgotten. The case was put into Mr. Moore's hands, as Your Lordship will perceive by the Minute of Council, transmitted with my Despatch of the 13th April last, No. 37, and, though repeatedly urged to proceed, he delayed doing so until the Witnesses for the Prosecution and others, implicated in the transaction which took place at New Zealand, had effected their escape from the Colony. If I am correctly informed, Mr. Moore was in possession of a Bench Warrant for taking all the Parties concerned into Custody, on a Saturday (the date is not important) which he was urged to have immediately carried into effect. It was not, however, put in possession of the Police, until the Monday following, the Parties and Witnesses having, in the meantime, all disappeared, with the Exception of Stewart, the Master, who was bound under recognizances to stand his trial. The trial was, in consequence of the absence of the Witnesses, abandoned for the time, and it has been stated to the Colonial Secretary by Lieutenant Macdonnell, Royal Navy, Commanding the Ship, Sir G. Murray, that Stewart himself has just now left the Colony, as advised by Mr. Wentworth; the circumstances attending the Murder of Marrannui being much more horrible than were at first reported.

I have, &c.,

RA. DARLING.

* Note 120.
**Enclosure.**

**Abstract of Law Expenses authorised to be paid by His Excellency The Governor, since the 1st March, 1829, up to the present date with the exception of those for the recovery of Debts due to the Crown.**

<table>
<thead>
<tr>
<th>Nature of the Action</th>
<th>Name of the Case</th>
<th>When Tried</th>
<th>Counsel</th>
<th>Verdict for</th>
<th>Costs</th>
<th>Damages</th>
<th>Total</th>
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<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td>Plaintiffs</td>
<td>Defendants</td>
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<tr>
<td><strong>Actions against Public Officers.</strong></td>
<td>Raine versus Bushy—-</td>
<td>3rd Term 1831</td>
<td>Moore &amp; Moore—</td>
<td>Crown Law Officers—</td>
<td>Plaintiff</td>
<td>£ 50 10</td>
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<tr>
<td></td>
<td>Plaintiff's Gig having been overturned in consequence of a Mound of Earth, which had been excavated from a Public Well.</td>
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<td></td>
<td>Hogan versus Hely and Lackey—</td>
<td>1st Term 1831</td>
<td>Keith—</td>
<td>Chambers—</td>
<td>Defendant</td>
<td>£ 50 10</td>
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<td></td>
<td>For False Imprisonment.</td>
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<td></td>
<td>Girard versus White and others—</td>
<td>1st Term 1831</td>
<td>Wentworth &amp; Keith—</td>
<td>Moore—</td>
<td>Plaintiff</td>
<td>£ 50 10</td>
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<td></td>
<td>For a Trespass.</td>
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<td></td>
<td>England versus Macquaid and another.</td>
<td>1st Term 1831</td>
<td>Foster &amp; Rowe—</td>
<td>Chambers—</td>
<td>Plaintiff</td>
<td>£ 50 10</td>
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<tr>
<td><strong>Actions brought by men sent from Swan River, supposed to be Runaway Convicts.</strong></td>
<td>Coombs versus same</td>
<td>do</td>
<td>do</td>
<td>Moore—</td>
<td>do</td>
<td>£ 50 10</td>
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<td>Mackay versus same</td>
<td>do</td>
<td>do</td>
<td>do—</td>
<td>do</td>
<td>£ 50 10</td>
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<td></td>
<td>England versus Sandilands</td>
<td>do</td>
<td>do</td>
<td>Chambers—</td>
<td>do</td>
<td>£ 50 10</td>
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<td></td>
<td>Coombs versus same</td>
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<td>Mackay versus same</td>
<td>do</td>
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<td>do—</td>
<td>do</td>
<td>£ 50 10</td>
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### Enclosure—continued.

**Abstract of Law Expenses authorised to be paid, etc.—(continued).**

<table>
<thead>
<tr>
<th>Nature of the Action</th>
<th>Name of the Case</th>
<th>When Tried</th>
<th>Counsel</th>
<th>Verdict for</th>
<th>Costs</th>
<th>Damages</th>
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<tr>
<td><strong>Prosecution for Libel.</strong></td>
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<td>Hely versus Hall ......</td>
<td>1st Term 1830.</td>
<td>Wardell.</td>
<td>Plaintiff</td>
<td>£ 5 15 0</td>
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<td>The King versus Paine ...</td>
<td>2nd Term 1831.</td>
<td>Therry.</td>
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<td>31 15 0</td>
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<tr>
<td><strong>Prosecution for Encroachment, and Intrusion.</strong></td>
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<tr>
<td>Busby versus Paine ......</td>
<td>1st Term 1828 &amp; 1829</td>
<td>Moore &amp; Moore</td>
<td>Non-suited</td>
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<td>The King versus Thompson</td>
<td>1st Term 1831</td>
<td>Chambers</td>
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<td>The King versus Girard ...</td>
<td>2nd Term 1831</td>
<td>Chambers</td>
<td>Plaintiff</td>
<td>52 15 8</td>
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<td>The King versus Hall ......</td>
<td>1st Term 1831</td>
<td>Chambers</td>
<td>Abandoned.</td>
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<td>Same ......</td>
<td>2nd Term 1831</td>
<td>do</td>
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<td>17 11 6</td>
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<tr>
<td>The King versus Hayes ...</td>
<td>1831</td>
<td>do</td>
<td>do</td>
<td>30 3 0</td>
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<tr>
<td>The King versus Wright, on the prosecution of E. S. Hall.</td>
<td>October 1829</td>
<td>Wentworth Norton &amp; Rowe</td>
<td>Acquitted.</td>
<td>49 8 2</td>
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<td>49 8 2</td>
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<td>The King versus Stewart.</td>
<td>16 May 1831</td>
<td>Moore &amp; Therry</td>
<td>Wardell.</td>
<td>Abandoned.</td>
<td>10 10 0</td>
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Audit Office, Sydney, 3rd October, 1831.

WM. LITSCOW, Auditor General.
Viscount Goderich to Governor Bourke.
(Despatch No. 29, per ship Portland.)

Sir,

Downing Street, 12th October, 1831.

With reference to my Dispatch of the 28th September, I have now the honor of transmitting to you copies of the Report addressed to me by the Commissioners of Emigration on the subject of the encouragement to be afforded to Female Emigrants, and of the Regulations they have drawn up on that Subject. The mode of proceeding, which they propose, is so simple that I trust they will have no difficulty in carrying it into effect.

I also transmit a former Report from the Commissioners for Emigration, detailing a Plan for assisting another Class of Emigrants, which Report, having, as you will perceive by the accompanying correspondence between my Under Secretary and Mr. Stewart, received the sanction of the Lords Commissioners of the Treasury, will likewise forthwith be acted upon.

The documents themselves and the dispatches, I have already addressed to yourself and to General Darling, so fully explain the views of His Majesty's Government, that I am not aware that any further observations are required. I have therefore only to inform you that I hope a first Detachment of Emigrants may arrive in the Colony not long after you receive this Communication.

I have, &c,

GODERICH.

[Enclosure No. 1.]

Commissioners of Emigration to Viscount Goderich.

My Lord,

Colonial Office, 10th October, 1831.

Having had under our Consideration by your Lordship's desire the decision of His Majesty's Government that the Revenue arising out of the sale of Crown Lands in New South Wales and Van Diemen's Land shall be appropriated to the encouragement of the Emigration of Females to those Colonies, and that the Sum of £10,000 shall be immediately applied in execution of that purpose, We have the Honour to submit herewith the Regulations under which We recommend that the intentions of His Majesty's Government on this subject should be carried into effect.

We have, &c,

RICHMOND. F. BARING.

Howick. H. ELLIS.

R. W. HAY.

[Sub-enclosure.]

Regulations.

Colonial Office, October, 1831.

His Majesty's Government having resolved that the Sums produced by the Sale of Land in New South Wales and Van Diemen's Land should be appropriated to the encouragement of the Emigration of Females in those Colonies, the Commissioners for Emigration have
been directed to publish the following account of the Regulations, under which this money will be applied:—

1st. The Commissioners will contribute £8 (which it is supposed will be about one half of the total expense) towards the passage of unmarried Female Emigrants.

2ndly. When Emigrants of the above description, and between the Ages of 15 and 30, are Members of Families which are about to proceed to New South Wales or Van Dieman’s Land, they will, on applying to the Commissioners for Emigration, be furnished with Orders, payable in the Colony, for the above mentioned Sum of £8. This Money will be paid at the option of the Emigrants either to the Heads of their Families or to the Captains of the Ships in which they are conveyed; but it will be necessary that they should make their option before departing from this Country, as the Orders will be framed accordingly.

3rdly. Females desirous to Emigrate to New South Wales or Van Dieman’s Land, and not forming part of any family proceeding to those Colonies, are required to send in an account of the particulars enumerated in the annexed Paper. If they be between the Ages of 18 and 30, and possess the Funds which would be necessary, in addition to the Sum allowed by the Commissioners, to complete the price of their Passage, they will be admitted as candidates for the Bounty of Government; as soon as a sufficient number of such Persons shall have signified their wish to Emigrate, they will be called upon to pay into the Hands of an Officer appointed for that purpose their share of the charge of the Passage, and the Commissioners will then take up a Vessel (into which no other Passengers will be admitted) for the conveyance of these Emigrants to their destination.

4thly. Should the number of applications to the Commissioners be greater than the Funds at their disposal will enable them to comply with, the preference will be given, first to Females Emigrating as described in Par. 2, in company with their Families; and next, to those who are qualified to make themselves useful as Servants in a Farmer’s Family. Females, who may offer to pay a larger proportion than others of the cost of their Passage, will also be considered entitled to a preference. In the absence of all other distinctions, priority of Application will form the rule of Selection.

Form for Females desirous of being assisted by the Commissioners for Emigration to emigrate to New South Wales and Van Diemen’s Land.

To be filled up and returned to the Secretary to the Commissioners, under a Cover addressed to the Secretary of State Colonial Department, London.

<table>
<thead>
<tr>
<th>Name and address of the applicant</th>
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<tbody>
<tr>
<td>Age of the Applicant</td>
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<tr>
<td>Amount which the Applicant is prepared to contribute towards the expense of Conveyance</td>
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</table>
[Enclosure No. 2.]

COMMISSIONERS OF EMIGRATION TO VISCOUNT GODERICH.

My Lord,

Colonial Office, 24th September, 1831.

In reference to our Report of the 20th July last, pointing out the Reasons on account of which no Emigration can be effected at the present Season to other Places than New South Wales and Van Diemen's Land, we have the honour to inform your Lordship that we have since received many applications from Persons desirous of Emigrating to those Colonies, but that few have applied to us with the Funds necessary for defraying their Passage. The greater number state their inability to defray the charge of their own conveyance, and propose that they should be furnished with the means of doing so, upon condition of repaying the Advance out of the Wages of their Labour in the Colony.

From these applications, and from the tenor of all the communications we have received on the subject, we draw the conclusion that there is no want of a disposition to Emigrate to New South Wales and Van Diemen's Land, but that it is impossible for People belonging to the Working Classes to pay their Passage to those Colonies without some aid in addition to their own resources. We think it our duty, therefore, to inquire whether Government could afford such Aid with a reasonable prospect of repayment. And we feel this inquiry to be the more important because, owing to the circumstances which limit the period suitable to Emigration to the North American Colonies, the question is not merely whether there shall be an Emigration to New South Wales and Van Diemen's Land, but whether there shall be any Emigration whatever from this Country at other Seasons than the Spring and Summer.

In short, unless the difficulty of reaching the Australian Colonies can be diminished, no Place will be open to Emigrants at the termination of the Harvest, a Period when the earnings of one large Class of People may be supposed to render them best able to remove themselves, and when the approach of Winter at home renders it most desirable for their interests that they should effect that removal.

We do not feel any doubt of the ability of the Emigrant to repay out of his Wages any moderate Advance, which might be made to him for the purpose of providing his Passage to New South Wales or Van Diemen's Land. All the accounts from those Colonies agree in stating that Working People generally, and more especially Mechanics, earn considerably more than is sufficient for their subsistence.
Nor do we see any reason to suppose that, under a proper arrangement, there would be either any general disposition amongst Emigrants of this description to evade the payment of a just Debt, or any difficulty in controuling such a disposition in those cases in which it might exist. A contrary opinion might indeed be created by the ill success of some Colonial Proprietors, who have provided Emigrants with their conveyance on condition of enjoying their Services for a stated Period at reduced Wages; but we believe that the failure of these enterprizes may be traced to causes, which would not be felt under different arrangements. The Emigrant, in the Cases to which we allude, has bound himself, previously to his departure from this Country to serve his Employer for a time at Wages, which, though higher than those he could have obtained at home, were much below the ordinary rate in the Colony. No attempt has been made to render the advantage obtained by the Employer in this manner an equivalent for the expense he has incurred in carrying out the Emigrants; and it can scarce be doubted that in many instances the Bargain, if strictly adhered to, would have been more than reasonably profitable to the Employer. Indeed it has been the principal fault of these arrangements, that the engagement of the Emigrant has not been on either side regarded as a mere undertaking to repay the expense incurred in his conveyance; and hence he has often been led to look upon the transaction as a disadvantageous hiring of himself, into which he had been misled by his ignorance of the circumstances of the Place to which he was going. This has been the frequent cause of discontent on the part of indentured Servants; and their Masters, unable to derive any advantage from unwilling Labourers, have found it in their interest to discharge these Servants to insist on the right conveyed by their Bond. It is obvious that no increased severity in the legal enactments for the protection of Contracts could prevent those, which we have described, from being thus dissolved, for they have been so not from any insufficiency in the obligations by which the Emigrants have been bound, but from the impossibility of rendering such obligations worth preserving, when one of the Parties strongly desires them to be cancelled.

All the circumstances, however, which we have recapitulated, only afford additional proof that Emigrants would be able to repay out of their Earnings the expense of their conveyance to the Australian Colonies. Unless the usual Wages in the Colony had considerably exceeded what was requisite for the maintenance of Labourers, indentured Servants would have had no motive for so eagerly striving to break their engagements. The objects therefore to be accomplished are to diminish the disposition of the Emigrant to evade the performance of the obligation he may incur by being conveyed to the Colony, and also to diminish his means of succeeding in that evasion. We believe that both these objects would be most easily attained by merely requiring the Emigrant to repay as an ordinary debt the expense incurred on his account.

To recover these Debts, it would be requisite first that the Person making the Loan should acquire a claim over the Emigrant's Wages, and secondly, that local Agents should be found, who would duly apply that claim to the recovery of the debt. With respect to a local Agency, we have merely to remark that no difficulty can arise, since
the peculiar condition of the Australian Colonies ensures the existence of as many Public Officers in the different Districts as could be required for this purpose.

With respect to the Claim which it would be necessary to acquire over the Wages of the Emigrants, we understand that the Forms of legal procedure in the Colonies afford the Solution of a considerable difficulty, which might at first sight be apprehended on this subject. By the general Laws of England, a Creditor can seize in execution only the Goods and the Person of his Debtor. But, in the British Colonies, and especially in New South Wales and Van Diemen's Land, the creditor can further attach in the hands of third Persons, or even take in execution, any money owing to the Debtor by them. This is done by a Process called "Foreign Attachment," which is borrowed with some amplification from a process existing in the City of London and some other Corporate Towns in this Country. By means of this process, the Wages of the Emigrant, whenever any were due, would be a subject of Attachment, and they might be taken in execution either to the whole extent of what should be due or to any less extent as in the particular case might be thought proper.

The Courts of Requests, which exist in the Australian Colonies, afford a Tribunal by which cases arising out of the exercise of this Right might be decided promptly and without any disproportionate expense. It is possible indeed, although we are not aware of the Fact, that the use of the process of "Foreign Attachment" may have hitherto been confined to the Supreme Court; but, even supposing this to be the case, the Process of the Courts of Requests is regulated by the Government and Judges, and there is no reason to doubt that, for an important Public object, these Officers would direct those Petty Courts to follow the practice of the Supreme Court as regards the use of "Foreign Attachment."

Whether the Emigrant should betake himself to labour for Wages or to any petty Traffic, this Remedy could be enforced. Should he hire and cultivate Land, he would have visible effects capable of seizure, and an ordinary execution would be available. There is no way in which he could acquire either the possession of Property or the right to Property, but that he might be compelled to apply it to the satisfaction of his debt.

The Principles, on which the Agents of Government should proceed in exerting the Power that we have indicated for the recovery of these debts, would be a matter of subsequent and detailed regulation. At present, it may suffice to suggest that all Emigrants, to whom Loans might be made, should be registered in the Colony, and that they should be required to give notice to Public Officers, named for that purpose, of every change in their employment, and, so long as they worked at Wages for particular Masters, of the Terms of their engagement.

As soon as their probable Earnings could be ascertained, the most convenient mode of proceeding in the Colony would probably be to fix a certain weekly payment for each Emigrant according to his Abilities, allowing him of course the option of making a larger payment whenever it might be convenient to him to do so. At the Time of receiving the Loan, the Emigrant should be made to understand that the law of the Colony would enable the Crown by its Agents to intercept his earnings, but that, so long as he was considered honestly to make his repayments according to his means,
that Power would not be exercised, and further that the Power would never be exercised to such an extent to deprive him of his necessary means of support.

These are the means, which have occurred to us, for obliging the Emigrant to make a repayment, which we have also stated our opinion that he would be able to make. But we are sensible of the uncertainty which must attend all Plans for the recovery of very extensive advances; and we would not venture to recommend the trial of any such Plan to His Majesty's Government unless there were some Fund on which the loss, if the experiment should not succeed, might properly fall. We believe that in the present instance we can point out such a Fund.

It appears that your Lordship has lately instructed the Governors of New South Wales and Van Diemen's Land to recommend to their respective Councils the imposition of a Tax upon the Labour of Convicts with the express view of raising a Revenue for the encouragement of Emigration; and we are informed that no difficulty is apprehended, either in concerting the details of such a measure, or in obtaining for it the concurrence of the Colonial Councils. There are not sufficient grounds for making a precise Statement of the Annual Amount likely to be raised in this manner; but, owing to the eager competition for Convict Labour, we suppose that the proceeds of the Tax may be assumed to amount to an average of £1 a head on all the Male Convicts in these Colonies, without distinction of Age or Class. As the number of Male Convicts in New South Wales is stated to be between 14,000 and 15,000, and of those in Van Diemen’s Land to be between 7,000 and 8,000 the Convict Tax would on these calculations yield a Revenue exceeding £20,000.

Upon the security of the Fund to be derived from this source, we think that His Majesty's Government might furnish 1,000 families with an advance of £20 per Family towards the expense of their conveyance to the Australian Colonies. In the first instance, however, and until the plan has been subjected to the Test of experience, we would recommend that the Advances should be confined to Persons skilled in some of the ordinary Mechanical Arts.

We propose that the Emigrants should pay in this Country their proportion of the expense, and that Government should undertake to pay the remaining £20 in the Colony on the arrival there of the Ship containing the Emigrants. We have ascertained that this mode of Payment would not be objected to by Shipowners engaged in Trade with New South Wales and Van Diemen's Land; but that, on the contrary, it would be more convenient to them than that which they are accustomed to accept for the conveyance of Convicts.

If, upon the trial of this experiment, the Advances made to Emigrants should not be repaid, no expense will have been charged on the People of this Country, and the Tax raised in the Colony will have been applied in a manner greatly to the benefit of the Colonists, and in exact conformity with the purpose for which it was originally created. If on the contrary the advances be duly repaid, the Fund arising from the Tax upon Convicts will be restored, together with an increase in its Amount by the produce of the next Year's Revenue; and thus will arise a continually increasing Fund, in proportion to which the Advances recommended to be made to Emigrants can be increased and extended.
In conclusion we would observe that, should Private Individuals be disposed to make pecuniary Advances to Persons in this Country in order to enable them to Emigrate, we should see no objection to extending to those Cases the benefit of the arrangements, which may be adopted for the recovery of Advances made by Government. For this purpose, however, it would be necessary that the Sums advanced should be received and applied by us, and that we should afterwards remit to the several Parties, from time to time, the Amount of the repayments made by the Individuals they had assisted to Emigrate.

We should of course only undertake to return the actual Amounts, which might be recovered by means of the arrangements we have described, without in any degree rendering ourselves answerable for the whole Advance.

We have now laid before your Lordship the considerations, which our experience up to this time has suggested respecting the prospects of effectually promoting Emigration to the Australian Colonies. We regret that the length of the Passage seems to render it impossible that, without some assistance from independent Sources, these Colonies should be reached by the largest Class of Persons whose circumstances render it desirable for them to Emigrate from this Country.

Should your Lordship, however, be disposed to sanction a trial of the Plan, which we have proposed for the Allowance of such aid by Government, we hope that it may be found the means of conferring immediately a considerable benefit on the Australian Colonies, and perhaps ultimately of operating to so great an extent as to be felt beneficially in this Country.

We have, &c.,

RICHMOND. R. W. HAY.
HOWICK. F. BARING.
H. ELLIS.

[Enclosure No. 3.]

VISCOUNT HOWICK TO HON. J. STEWART.

Sir,

Downing Street, 7th October, 1831.

I am directed by Viscount Goderich to transmit to you the enclosed Report from the Commissioners for Emigration, proposing that a limited number of Mechanics should be allowed a certain advance in aid of their means of emigrating to the Australian Colonies, and that the advances should be paid from the proceeds of a Tax, which Lord Goderich has recommended to be imposed upon the labour of Convict Servants in those Colonies. I also enclose the Despatches in which this recommendation was contained.

I am directed to acquaint you that Lord Goderich is very desirous to sanction the Plan suggested by the Commissioners for Emigration; and that, with respect to the Tax on Convicts, his Lordship can scarcely doubt that it will be adopted by the Colonial Councils, and be productive of the amount estimated by the Commissioners. These results may be confidently inferred from the Official reports in this Department, as well as from the private representations of Individuals connected with the Australian Colonies. As, however, no answers have yet been received to the Despatches written to the Governors on this Subject, it might, at first sight, appear the most convenient course to defer the decision on the recommendation of the Commissioners for Emigration until notice
should arrive from the Colonies of the actual imposition of the Convict Tax; but Lord Goderich conceives it to be a decisive objection to such a delay that it would, in all probability, lose a very favourable opportunity for turning towards the Australian Colonies some portion of the Emigration, which has hitherto flowed almost exclusively to the Colonies of North America.

In the present Season, while Emigrants are prevented from proceeding to the North American Colonies, it is very likely that the encouragement contemplated by the Commissioners for Emigration might have the effect of directing to New South Wales and Van Diemen's Land persons desirous of emigrating from this Country; and that, in this manner, a connection might be established, which would lead to a continued Emigration to the same Quarter; but, after once the Commissioners shall have been engaged in facilitating a whole Season's Emigration to North America, there will be a much diminished prospect of inducing people to make the longer passage to Australia; and the same encouragement, which one Year would have been adequate, may in the next be quite ineffectual.

Under these Circumstances, I am to request that you will communicate to the Lords Commissioners of the Treasury Lord Goderich's desire to approve the Plan recommended by the Commissioners for Emigration; and that you will acquaint me whether, in order to afford this Plan the early trial which has been described as so important to its success, their Lordships would be disposed to concur in authorising the Governors of New South Wales and Van Diemen's Land to make up, from the general resources of those Colonies, any unforeseen failure in the particular Fund supposed to be available to this Object.

[Enclosure No. 4.]

HON. J. STEWART TO VISCOUNT HOWICK.

Treasury Chambers, Whitehall, 12th October, 1831.

My Lord,

The Lords Commissioners of His Majesty's Treasury having had under consideration your letter of the 7th instant transmitting, by direction of Secretary Lord Goderich, a Report from the Commissioners for Emigration, proposing that a limited number of Mechanics should be allowed a certain advance in aid of their means of Emigrating to the Australian Colonies. I have it in Command to acquaint your Lordship for the information of Secretary Viscount Goderich that My Lords concur with his Lordship in approving the Plan suggested by the Commissioners of Emigration to facilitate the Emigration of Mechanics to New South Wales and Van Diemen's Land; and, in applying the Revenue arising from the New Tax on Convict Labour to the payment in the first instance of £20 for the Passage of each family on their arrival at the destined Port, which sum of £20 is to be recovered from the Mechanics in the mode suggested by the Commissioners, and for the purpose of giving immediate effect to the Plan, which for the reasons stated by your Lordship is important. My Lords are willing to sanction an Advance from the general funds of the Colony in case the Revenue arising from the Tax on Convict Labour should be insufficient to provide for the requisite payments on the first arrival of the Mechanics, who may Emigrate during the ensuing Winter.
1831.
12 Oct.

My Lords have also to suggest to Lord Goderich that this indulgence ought to be confined to Persons, who may prove useful to the Colony, and that the Governor ought to be particularly instructed to require the repayment of these advances. I have, &c.,

J. STEWART.

VISCOUNT GODERICH TO GOVERNOR BOURKE.

(Despatch No. 30, per ship Portland.)

Sir, Downing Street, 13 October, 1831.

I have received General Darling's Dispatch No. 2 of the 3d January last, reporting the circumstances under which he had authorized the employment of an additional Clerk by the Supreme Court; and I now do myself the honor to acquaint you that the grounds assigned for this appointment are satisfactory to His Majesty's Government. You will therefore bring the subject under the consideration of the Council, and, if they should also acquiesce in the propriety of the charge, you will consider yourself authorized to issue a Salary at the rate of £80 a year to Mr. Steele, the Gentleman who has been appointed to the Situation, charging the same in the public accounts from the 24th of May, 1830, the date at which he appears to have entered upon its duties.

I have, &c.,

GODERICH.

18 Oct.

Approval of additional clerk at supreme court.

VISCOUNT GODERICH TO GOVERNOR BOURKE.

(Despatch No. 31, per ship Portland; acknowledged by Governor Bourke, 3rd April, 1832.)

Sir, Downing Street, 14th October, 1831.

I have received General Darling's despatch of the 19th of Feb. last, No. 25, respecting the excessive Bills of Costs allowed by the Master of the Supreme Court in the three Actions brought by Messrs. Hall and Hayes.

It is perfectly evident that, from the misconduct or negligence either of Mr. Moore, Mr. Nicholls or Mr. Carter, the Public have been subjected to the loss of the sum of £138 19s. 3d. I apprehend that Mr. Nicholls is not in the Public Service, and Mr. Carter no longer retains his office; the only question therefore, which remains for consideration, is, whether the loss arose from the delegation of Mr. Moore of his duties to Mr. Nicholls, and, if so, whether he had any adequate apology for acting in that particular case by Deputy. Should you find reason to conclude that Mr. Moore did really occasion this loss by the neglect of his proper duties, you will convey to him a very serious admonition of the consequences which might follow upon the repetition of such a fault.

I am, &c.,

GODERICH.
Sir,

Downing Street, 15th October, 1831.

I have had the honor to receive Lt. General Darling’s despatch, with its enclosures, of the 15th February last, No. 22, on the subject of the claims set forth by the Revd. Messrs. Marsden and Cartwright to compensation for the loss of certain allowances, which were guaranteed to them, when they accepted Chaplaincies in New South Wales.

On referring to the correspondence which passed between my Predecessor and General Darling respecting the claims of the Revd. Messrs. Cowper and Hill, I find a great analogy between the case of the former and that of Messrs. Marsden and Cartwright; and therefore it would appear at first sight needless to do more than direct that the same course should be followed in the present instance as was then observed. But upon an examination into the merits of these claims, there are many circumstances which forcibly urge me to reduce the amount. The great length of time, which has elapsed since the agreement was entered into with these Clergymen upon which they rest their case, renders it impossible to ascertain the intentions of the Government, as to the permanency of allowances which, in the infancy of the Settlement, it was perhaps unavoidable to sanction; the impolicy of recognising claims which, from their being so long outstanding, it is impracticable to check, and above all the principles of economy which have led to the reduction of Salaries of Public Officers in distant Colonies, make it imperative on His Majesty’s Government to make a stand against the claims of persons for compensation for the loss of advantages to which it may be difficult to deny their right, but which, from the fact of their being silently allowed to stand over for a series of years, could not have been of great value to the parties, although, from having allowed their debts to accumulate, the liquidation of them afterwards has become an object of importance.

The admission of Mr. Cowper’s claim unquestionably gives Messrs. Marsden and Cartwright a right to similar compensation. Although a precedent has thus been established, it is not too late to rectify, in a measure, an error which was then committed. Remuneration was granted to Mr. Cowper on the ground that he could not, without breach of faith, be deprived of advantages which had been stipulated as an inducement to go out to the Colony; but it was overlooked that other advantages, not contemplated at that time, had been bestowed by the Government;
1831.
15 Oct.

and therefore if, after a lapse of years, the Government were to be called upon to indemnify Mr. Cowper for a violation of the Contract with him, they were justified in calculating (which was not done) as an offset the value of any Benefits which were enjoyed by him, but not mentioned in the agreement.

This argument equally applies in the present instance. I observe that the Stipends of Messrs. Marsden and Cartwright have at different times been considerably increased, and that they have, in addition to their Glebes, received tracts of land with other advantages. The complicated nature of the claims renders it difficult to decide whether, in the whole, these Clergymen have not thus been gainers; but I observe that the Archdeacon (who has proceeded, though not to the full extent, upon the principle I have pointed out) estimates the sum due to Mr. Marsden at £533 6s. 9d. and that to Mr. Cartwright at £242 4s. 5d., up to the 1st July, 1827, only, leaving a further arrear to the present time. Although I feel unwilling to sanction the issue of such large sums for claims, which strictly speaking are not valid, still, considering the length of time these Clergymen have been in Public employment and the valuable services rendered by them, particularly by Mr. Marsden, I think they have a strong claim to the leniency of Government; and I have therefore to instruct you to tender to them the payment of the respective sums above mentioned, in satisfaction of all claims upon the Government up to the 31st December, 1830, and to issue to them from that date, the sum of £60 per annum, which appears to be the amount of the commutation awarded to Mr. Cowper in lieu of the allowances in question.

I trust that this arrangement will prove satisfactory to the parties interested.

I am, &c.,

VISCOUNT GODERICH TO GOVERNOR BOURKE.

(Despatch No. 33, per ship Portland.)

16 Oct.

Sir, Downing Street, 16th October, 1831.

The Secretary of State for the Home Department has represented to me the impossibility of giving to the Relatives of Convicts at New South Wales any satisfactory information as to their fate, in consequence of no Muster of them having been received in this Country since the year 1823.

As it is important that the Government at home should have the means of answering the numerous applications for information as to the fate of Convicts, and as a mere transcript of the
GODERICH TO BOURKE.

Return, which, for safe custody of the Prisoners, ought to be kept in the Office of the Principal Superintendent, appears to be all that is required, I am at a loss to understand why the repeated orders of the Secretary of State upon this subject have not been attended to; and I have to desire that you will cause the usual Return to be immediately prepared and transmit it to this Office with an explanation of the reason of the great delay which has occurred in sending it home. You will, at the same time, intimate to the Principal Superintendent of Convicts, who appears to me to be the responsible person, that, should a similar irregularity hereafter be brought to my notice, I shall be compelled to take such steps for preventing its recurrence as could not fail to be very unpleasant to him.

I am, &c.,

GODERICH.

VISCOUNT HOWICK TO GOVERNOR BOURKE.

(Despatch per ship Portland.)

My Dear Sir, Downing Street, 17th Oct., 1831.

With reference to Mr. Hay's Letter of May, 1829, Despatch addressed to General Darling, enclosing a communication from Baron Bulow respecting Frederick Lahrbusch, a Native of Prussia; I now beg to transmit a certificate of good conduct which has been received in favor of that Individual.

I remain, &c.,

HOWICK.

[Enclosure.]

CERTIFICATE.

To Certify, Wellington Valley, 9th October, 1830.

That, during the period Fredk. Lahrbusche p. Mariner has been at this Settlement, his conduct has been satisfactory.

JAMES KINGHORNE, Supt.

To all concerned.

VISCOUNT GODERICH TO GOVERNOR BOURKE.

(Despatch No. 34, per ship Portland.)

Sir,

Downing Street, 18th October, 1831.

I have had the honor to receive General Darling's Despatch No. 31 of the 29th of March last, enclosing a Memorial from Mr. Drew, a Settler in New South Wales, complaining of his having been unjustly deprived of certain Land of which possession had been given to him by Sir Thos. Brisbane in the year 1825.
From the Information communicated by General Darling, Mr. Drew does not appear to have any real grounds of complaint against the Local Authorities on account of the decision to which they came on this case. I see, therefore, no reason for my interference with a view to his obtaining any Indemnification for Losses, for which, even if attributable to the causes mentioned by him, the Government were by no means responsible, the improvements, in consideration of which that Indemnification is claimed by Mr. Drew, having been made on Land which he had clearly no right to retain.

You will direct an intimation to the above effect to be made to Mr. Drew in answer to his Memorial.

I have, &c.,

GODERICH.

VISCOUNT HOWICK TO GOVERNOR BOURKE.

(Despatch per ship Portland.)

Sir,

Downing Street, 19th October, 1831.

I am directed by Viscount Goderich to transmit to you the accompanying Petition from a person named Gilbyan, complaining of a series of Injuries sustained by him from the late Commandant of Port Macquarie, in order that you may make such Enquiries into the alleged treatment which he has experienced, as you shall judge the circumstances of the case to require; and it is his Lordship's further request that you will inform the Writer that he ought in the first instance to have brought these charges under the consideration of the Governor.

I have, &c.,

HOWICK.

[Enclosure.]

JOHN GILBYAN To the Right Honorable the Lords Commissioners of His Majesty's Treasury, etc., etc., etc.

My Lords

Bong Bong, 12th March, 1831.

May it please your Lordships to look down from your high and exalted station on the low and miserable condition of your Poor and unfortunate Petitioner, who, through family distress in the mother kingdom, was induced by (and with the advice) of the most eminent medical men in Edinburgh to repair to a warmer climate as the only means of restoring the health of your Petitioner, upon which a petition was prepared and signed by the Commander in Chief of His Majesty's Troops in the Southern district of Scotland and several other noblemen and Gentlemen, which was forwarded to his late Royl. highness the Duke of York, Praying to be transported with his family to the West Indies, which could not be granted; but, in answer to his Lordship the deputy Adjutant General for Scotland, it was suggested that he might join a Corps that was about to be raised for New South Wales and Vandianan's Land with Permission to revert to the out Pension at any future Period, which was considered to answer the purpose and was accordingly most gratefully acknowledged, and accepted of by your Petitioner in Decr., 1825, which has been the cause of all his late calamity and the means of reducing him from ease and affluence to Penury and distress as will hereafter appear.

That your Petitioner was a Soldier in His Majesty's Royl. Regt. of artillery, and from a long service in the West Indies, his Constitution was greatly impaired, and in addition his wife was far gone in a consumption, which only ended with her existence; that your Petitioner lost three of his children, one at gravesend in England
unfortunately confined to bed when he sailed, the sample was sent by the next of Lt. Owen) to make a proposal to government for the Culture and Manufacture of Castor oil, which was to be presented by Mr. Owens to the Governor; but, being sight of the higher order on the civil list, which cannot avoid the least discernment me, why do they not give me an opportunity of answering for myself, and condemn me openly, if I am to be condemned; if not, give me the opportunity of confuting my adversaries, for I can accuse myself of no other crime than my integrity towards the government; I have received since my arrival in this Settlement the 27th of August, 1828, hoping that it will be received rather in the shape of a defence both of conduct and character than as a report, as I must solemnly declare that it is not from any vindictive Motives that I am induced to make these statements; but, having during my former service preserved an untainted Character, as may be seen from the copies herewith transmitted, of which I can produce the originals at the shortest notice; I am loath to have it stained by false and secret accusation, their being nothing more galling to a feeling mind than secret detraction. Shortly after my arrival in this Place, I was appointed overseer of Government Gardens and domain, and, during the successive commands of Captain Innes and Lieut. Owen, I had the Pleasure to give general satisfaction, the latter personally stated, that it was in such order as it then was, notwithstanding the half of the hands only has been employed this season that had been on former occasions. It was notorious that their was neither seed to sow or a crop of vegetables on the ground, when I got the gardens in charge; and, an intense drought setting in (so severely felt by all), I laboured under every disadvantage imaginable; nevertheless they now reap the fruits of my labours, it being well known that neither my hands nor my wits shot towards the furtherance of vegetation, as well as preserving a large quantity of seeds for the ensuing season, which I delivered over on my dismissal to the Superintendant of Convicts, to the value of upwards of £15 sterling, exclusive of what remained on the ground; this was all accomplished by my own hand, the working hands having been all taken away for the harvest.

It is also well known to both free and bond that every obstacle was thrown in my way to impede the Horticultural interest, if so it might be called, by muttering numbers of men in the Garden Gang, and employing them elsewhere at other times, sending those who were of no manner of use, Lame, Blind, etc., while others more useful was employed by himself or other favorites. The Superintendant made some feeble efforts to anihilate me during the command of Lt. Owens, as well as Mr. Smith storekeeper, on account of some Ration rum, which the latter made a fruitless attempt to purchase from me at an under value for the reasons of being received and threatened in such a manner, as if he would compel me to sell it, and in so doing, he would make me draw along with the buffs or 39th Regt., which he considered would be a disadvantage to me, and used all his influence with the then commandant, but did not succeed; and all lie dormant untill the arrival of Captain Crotty, when it was renewed again with redoubled ardour, and so secretly that I was not aware of anything happening, untill, by a sudden change in Capt. Crotty's conduct towards me, I was perfectly satisfied that their was a blow struck against me, which I considered myself very little about, being conscious that there was nothing either could bring against me, that on investigation I was not able to refute. However on or about the 22nd of October last, as I was coming from the Commissariat Stores, Mrs. Partridge called me into her house and demanded of me one Pint of Rum per week, which I refused to give with as much modesty as I was master of, at same time could not help expressing my surprise that she was so weak as to imagine me to become tributary in such a manner; I had been often told of her extorting from Prisoners, and indeed seen some instances of it, but had not the least conception that it would reach to me; to this and to this alone do I attribute the foundation of all this unprovoked malice towards me; on the contrary, if they have anything against me, why do they not give me an opportunity of answering for myself, and condemn me openly, if I am to be condemned; if not, give me the opportunity of confuting my adversaries, for I can accuse myself of no other crime than my integrity towards政府, and this I think is the greatest crime a man can be guilty of in the sight of the higher order on the civil list, which cannot avoid the least discernment (to conclude) for I would be brief if I could. I was induced (with the approbation of Lt. Owen) to make a proposal to government for the Culture and Manufacture of the Castor oil, which was to be presented by Mr. Owens to the Governor; but, being unfortunately confined to bed when he sailed, the sample was sent by the next
TO LT. COL. MORRISETT, J.P., PRINCL. SUPR. OF POLICE, SYDNEY.

Your Petitioner begs leave to inform your Lordships that the above letter was written in great haste, even while the ship was getting under way that was to receive the Commissioner on board, and, tho' badly Penned and artlessly Put together, with many diffieiencies, your Petitioner being at the time under the lash of the Military Law, whenever, if a man happens to Displease his Superiors, he seldom escapes Punishment however faultless, yet, though so very circumscripted, your Petitioner considered it worthy of the notice of His Excellency the Governor when upon investi­gation the whole truth would have come out, which could not, otherwise, on the fore­going account without the Patronage of his Excellency.

And your Petitioner further begs leave to inform Your Lordships that, though many irregularities relative the conduct of Captn. Crotty has been made known to the Governor, their has been no steps taken to enquire into them, but appears trifles light as air; a few out of many I shall enumerate at the end as a series of Charges against Captn. F. Crotty, 39th Regt.; that, upon your Petitioner being discharged, he was sent to a part of the Country, which neither agree with his constitution or interest, tho' your Petitioner had previously intreated His Excellency to be sent to one of three Places, where other Veterans was to have their grants, leaving the choice of either to his Excellency's discretion; and, as all this was not sacrifice enough, your Petitioner was called upon by the Government to give evidence in the ease of Jones (versus) Bowerman of the Commissairet department, a distance of from 80 to 90 miles from his farm at two distinct Periods, making on the whole a toower of 190 miles, your Petitioner has only 80 at four times the distance when your Petitioner was called upon by the Government to give evidence in the ease of Jones (versus) Bowerman of the Commissairet department, a distance of from 80 to 90 miles from his farm at two distinct Periods, making on the whole a toower of 190 miles, your Petitioner has only 80 at four times the distance when your Petitioner was called upon by the Government to give evidence in the ease of Jones (versus) Bowerman of the Commissairet department.

Lastly Mr. Partridge, Superintendent of Convicts, has been the Principle Promoter and trafficker, and Mrs. Partridge keeps a man doing nothing else, ever since I came on the Settlement, but shop-keeping for her and many more glaring instances which I am not able to describe by letter, such as boat building, etc.

I am, Sir, your most Obdt. Sert.,

JOHN GILBAY,
Acting Corp., N.S.W. Vi.

1831.
19 Oct.

Alleged oppression at Port Macquarie by F. C. Crotty.

Your Petitioner was oblidged to make away with all his live and dead stock to gratify the spleen of the above ramed commandant at 50 Per Cent. to 75 under Prime cost. Horned Cattle, Pigs, Poultry, Household furniture, etc., while others enjoyed farms and trafficker, and Mrs. Partridge keeps a man doing nothing else, ever since I came on the Settlement, but shop-keeping for her and many more glaring instances which I am not able to describe by letter, such as boat building, etc.

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I am, Sir, your most Obdt. Sert.,

JOHN GILBAY,
Acting Corp., N.S.W. Vi.
HOWICK TO BOURKE.

with two men rationed from his Majesty's Magazines to cultivate the same; but your Petitioner was unworthy of such indulgences, as he would not become tributary. To conclude, your Petitioner must earnestly solicit your Lordships' Commiseration, that rescued from this, his Present Osmantious condition (namely the Prospect of a goal), the spirit of enterprize, of which he is Possessed, may be Patronized by your Lordships and diffused around for the good of his Majesty's Leige Subjects, and such other grant of land in the warmer Ports of this Colony with Permission to sell the Present, to help to Establish him in that which may be allotted him by your Lordships, for which your Petitioner in duty bound shall ever Pray, and have the Honor to be, &c.,

JOHN GILBYAN,
late of the New South Wales R'l Veterans.

THE following are the charges Preferred Against Capt'n. Crotty, 39th Regt., of which the Lieut. Genl. has received a copy, viz.

1st. For conduct highly defametory to the Character of an officer or Gentleman in associating with a prisoner of the Crown at table, at recreations both on horse back and on foot.

2nd. For appointing the notorious hart, so well known in Sydney and here (as a general receiver of Stolen Property), in charge of the dry stores of the Commissariat department, with civil officers' quarters, contrary to the General orders for the treatment of double and treble convicted felons.

3rd. For refusing to investigate the case of Frances Clark's Robbery, when reported by a Sergt. of 39th Regt.

4th. For knowingly Permitting Stephen Partridge, Superintendant of Convicts, to build a boat and construct the Prisoners' old barrack into a boat shed for to conceal the work contrary to a previous genl. order.

5th. For allowing the said boat to be carried to the Brickfield and their secreted from the Commissioner.

6th. For appointing Mr. Partridge in charge of the engineer's stores during the time the said boat building for the purpose of obtaining the materials he stood in need of, viz., Copper, Nuffs, Lands, timber, nails, etc.

7th. For knowingly Permitting the said Stephen Partridge to have several sets of bullock and Horses' harness Made in his Majesty's lumber yard and of Crown materials, and disposing of Part of the same at the Manning River for tea, Sugar and tobacco.

8th. For allowing the said Stephen Partridge to employ men at discretion while returned on the books in Government employ.

9th. For allowing the said Stephen Partridge to keep a convict exempt from labour for the purpose of Shockkeeping.

10th. For allowing the said Stephen Partridge to Employ men in burning bricks and conveying them to blackman's Point under Pretence of building a Port house, the same being constructed into a neat verandahed cottage for his own accommodation as an Inn or Tavern.

11th. For Permitting the wife of the notorious hart to ship a number of trunks without being inspected, supposed to be the Plunder of between two and three years' residence in Portmaquarie.

12th. For conduct highly derogatory to the Character of an officer or gentleman, in trafficking with convicts in fowls, Pigs, other game, supporting them on government Corn, etc.

Your Lordships will be pleased to observe that your Petitioner could State as many more charges of equal notorious facts, which he is well acquainted with; but, from the lapse of time, it would be hard to prove on account that many have left the Colony, some dead, and others at distant parts; therefore such charges is only preferred as are common to the knowledge of all, who were on the Settlement in General, and your Petitioner has given the foregoing information not only for the purpose of obtaining redress, but also to prevent the repetition of Mal Practices.

COPY OF CERTIFICATES OF CHARACTER.

I, do hereby certify that the bearer John Gilbyan, Acting Bombardier of Capt'n. Certificates Henry Light's Company, 1st Btln. Roy. Artillery, had been under my immediate of character, orders when commanding a detacht. of said Corps at Martinique (nearly two years), during which time he had ever conducted himself as a clean, good and intelligent Soldier.

given under my hand at Woolwich, this twentyeighth day of Octr., 1818.

Signed, R. Evans, Colonel, R.l. A.
1831.
19 Oct.

Certificates of character.

I certify that the bearer Acting Bomb. John Gilby an of Captain Henery lights Company, 1st Battn. Rowl. Artillery, Served under My Command in the West Indies from the Month of December, 1808, to the end of July, 1817, when he came to England with me in a very ill state of health; and, had not the Company, to which he belonged, been previously ordered home, he would have been sent on account of ill health; during the time he was under my command, he was employed on the Expeditions against Martinique and Guadeloupe in 1809 and 10, and has ever conducted himself as an intelligent, good and faithful solder.

EDWD. STAHELLES,
M. Genl.

Your Petitioner holds the originals of these and many more of equal force.

GOVERNOR DARLING TO VISCOUNT GODERICH.
(Despatch No. 88, per ship Palambam.)

My Lord,

Government House, 19th October, 1831.

I have the honor to acquaint Your Lordship, in reference to the intention expressed in my Letter of the 3rd of the present Month, that I shall immediately embark* in the Ship Hoogly; which returns to England by way of Canton, and shall deliver over the temporary Charge of the Government to Colonel Lindesay, 39th Regiment, the Officer next in Command.

I do myself the honor at the same time to enclose the copy of a letter containing information on certain points, which I have addressed to My Successor, Major General Bourke, in the hope it may be Useful to him.

I am, &c.,

RA. DARLING.

[Enclosure.]

[A copy of this letter is not available.]

GOVERNOR DARLING TO VISCOUNT GODERICH.
(Despatch No. 89, per ship Palambam; acknowledged by Viscount Goderich, 4th April, 1832.)

My Lord,

Government House, 19th October, 1831.

I have the honor to transmit, for Your Lordship's Consideration, the accompanying Copy of a Minute of the Proceedings of the Legislative Council on the Subject of an Allowance to Colonel Lindesay for two Horses, as explained in the Minute. Your Lordship will perceive that, at first, I had proposed the allowance Should commence on the 1st of the present Year; but, finding it to be the unanimous wish of the Council that it should take effect from the date of Colonel Lindesay's having become a Member of the Colonial Government, I felt that I could not decline to amend the proposition, and I had the less hesitation in doing so, as the object of it appeared to Me just and reasonable.

I have, &c.,

RA. DARLING.

[Enclosure.]

[A copy of this minute will be found in a volume in series II.]
GOVERNOR DARLING TO VISCOUNT GODERICH.

(Despatch No. 90, per ship Palambam.)

My Lord,

Government House, 19th October, 1831.

I do myself the honor to transmit herewith, conformably to the Instructions conveyed to me in Your Despatch of the 21st June, 1829, No. 121, Manuscript Copies of the Undermentioned Laws or Ordinances, which have been passed by the Legislative Council of this Colony, "Vizt."

"An Act to repeal So much of an Act to amend An Act, intituled An Act for preventing the Mischiefs Arising from the printing and publishing Newspapers and Papers of a Like nature, by Persons not known, and for regulating the printing and publication of such Papers in other respects, and also for restraining the abuses arising from the publication of Slanderous and libellous matter, as relates to the Sentence of banishment, for the Second Offence."

"An Act for permitting the importation into New South Wales of Spirits, the produce of the British possessions in North America, upon payment of the Same rate of Duty, as is Chargeable on the importation of Spirits, the produce of the British West Indies."

I have, &c.,

EA. DARLING.

GOVERNOR DARLING TO VISCOUNT GODERICH.

(Despatch No. 91, per ship Palambam; acknowledged by Viscount Goderich, 28th March, 1832.)

My Lord,

Government House, 19th Octr., 1831.

I have the honor to transmit for Your Lordship's Consideration Copy of a Memorial from Mr. Archibald Bell, claiming remuneration for a Town Allotment in Sydney, which he first received from Governor Bligh, and which appears by his Statement to have been Subsequently exchanged for the accommodation of the Government, the Deed of the latter having been destroyed, as stated in the Margin of the enclosed Document, attested by the Initials of the late Colonial Secretary Major Goulburn.

I have made every enquiry without being able to ascertain any thing satisfactory as to the cause of the Document in question having been destroyed. As Major Goulburn is in England, he will no doubt be able to explain it.

Mr. Bell admits that he should not have brought forward the Claim (which by some accident has lain over) had he not understood that Mr. Blaxland had received Compensation by order of the Secretary of State for an Allotment, which he had been deprived of Under Similar Circumstances. I have, &c.,

RA. DARLING.

* Note 122.
Governor Darling to Viscount Goderich.

(Despatch No. 92, per ship Palambam; acknowledged by Viscount Goderich, 16th April, 1832.)

My Lord,

Government House, 19th October, 1831.

I have the honor to transmit for Your Lordship's information an Abstract of the Revenue of the Colony and of its appropriation for the whole of the five entire Years of my administration, which has been prepared by the Auditor General Under my direction. And I beg to Annex an Extract from the letter which Mr. Lithgow has addressed to me with the Abstract, as explanatory of the manner in which it has been prepared.

I have the honor also to request Your Lordship's attention to the Comparative Statement, Contained in the 18th Page of the Abstract, of the Revenue Collected in the three first Quarters of the last and present years, shewing an increase in the latter during that period of £10,620 19s. 10d.

I have thought it essential to the support of my Character Under present Circumstances to shew that there has been no mismanagement on my part in this important Branch of the Public Service; and I assure Your Lordship that I entertain no apprehension of being able to prove as satisfactorily to His Majesty that the trust, which has been confided to me, has in no respect been abused, but that the true interests and Character of His Majesty's Government have been promoted and upheld during my Administration, as far as my very limited and Circumscribed means have permitted.

I have, &c,

EA. Darling.

[Enclosure No. 1.]

[Enclosure No. 2.]

Extract of a Letter addressed by the Auditor-Genl. to Lieut.-General Darling, dated 19th October, 1831.

IN Compiling these abstracts, So much care has been used to ensure their accuracy that their Correctness in all essential points may be Safely relied on. Perspicuity has been sedulously aimed at in the Classification of the Several heads, both of receipt and Expenditure, and the object of producing a Clear and faithful record of the Colonial Revenue and of its application, during the five years alluded to, has been carefully kept in view.

In the observations appended to the Abstract, the Several Sources of Revenue have been briefly explained, its progressive increase adverted to, and Some of the prominent Causes of the Augmentations and diminution of Expenditure enumerated.

Several of the various important measures, adopted with So much Success under Your Excellency's directions for improving the Collection of Revenue, Simplifying the Public Accounts, and placing
them on a footing of Systematic regularity, have also been referred to, in so far as such reference appeared necessary to elucidate the Abstracts.

"As the observations appended exhibit also the State of the Revenue up to the end of the last quarter of the present year, and as such information is the more valuable according as it is recent, I would respectfully submit to Your Excellency whether it might not be advisable to direct the transmission of these Abstracts to England by the first opportunity."

GOVERNOR DARLING TO VISCOUNT GODERICH.

(Despatch No. 93, per ship Palambam; acknowledged by Viscount Goderich, 31st March, 1832.)

My Lord,

Government House, 20th October, 1831.

I have the honor to forward, at the request of Mr. Campbell, Member of the Legislative Council, the accompanying extended Letter, which he has addressed to Your Lordship, on the subject of his claim on the Government for a more considerable grant of land, than he has been authorised to receive by Your Lordship’s predecessor.

I have already written* so fully respecting Mr. Campbell, that I am not aware it is in my power to add anything on this occasion, which would be useful to Your Lordship in recommending his case. It is a fact that he has expended very considerable sums of money in establishing a very extensive wharf and warehouses on a large scale; that he is a merchant of the first class and the oldest in the colony; he is also extensively engaged in grazing and agricultural pursuits; is a member of the legislative council and a gentleman, whose private as well as public character and the respectability of his numerous family (one of his sons being a magistrate) give him a strong claim to the attention of his majesty’s government. It is on these grounds, My Lord, that I venture again to bring Mr. Campbell’s case under Your Lordship’s consideration, trusting, as none of his sons have received land, which could not have been withheld from them, had they applied previously to the present regulations, that Your Lordship will be induced to extend his grant to 10,000 acres, to which indulgence I am sure Your Lordship will consider him as having a much stronger claim than any other person, who has been authorised to receive a grant on the faith of expending capital in the improvement of the land.

I have, &c.,

RA. DARLING.

[Enclosure.]

[A copy of this letter is not available.]

* Note 123.
Viscount Goderich to Governor Bourke.
(Despatch No. 35, per ship Portland.)

Sir,
Downing Street, 21 October, 1831.

I have received General Darling's Despatch No. 33 of the 6th April last, notifying the provisional appointment of Mr. Thomas Scott Townsend to the situation of Draftsman in the Surveyor General's Department. My despatch, No. 24 of the 26 of Sep. last, will have put you in possession of my sentiments with respect to the continuance of this Department upon its present strength; and it, therefore, is only necessary for me, in conformity with the instructions contained in that despatch, to convey to you my approval of Mr. Townsend's appointment; but it must be distinctly understood that, as Mr. Townsend did not proceed from this Country to undertake the Office, he will only be allowed to hold it so long as his services are required, and will have no claim to compensation or to further employment, if it should be found practicable to reduce his situation.

I am, &c.,
Goderich.

Viscount Goderich to Governor Bourke.
(Despatch No. 86, per ship Portland; acknowledged by Governor Bourke, 1st November, 1832.)

Sir,
Downing Street, 22d October, 1831.

I have the honor, to enclose to you a list of Disbursements, which appear in the Accounts for the year 1826 of the Colony under your Government, and for which the Commissioners of Colonial Audit have applied for the sanction of the Secretary of State; and I am to desire that you will call upon the proper Officers of your Government for an explanation of the grounds upon which these charges were incurred, and transmit it to me, with such other information as may enable me to judge as to the propriety of authorising their payment.

I am, &c.,
Goderich.

[Enclosure.]

Mr. G. W. Brande to Viscount Goderich.

My Lord,
Colonial Audit Office, 15th June, 1831.

I am directed by the Commissioners of Colonial Audit to transmit to your Lordship the enclosed Statement of payments, for which Credit is claimed in the Accounts of the Colonial Treasurer of New South Wales for the year 1826, for services which the Commissioners conceive to have required the special authority of His Majesty's Secretary of State; and I am directed to request that the Commissioners may be informed whether such Authority
was obtained at the time the Expenditure was incurred, or whether such explanation of the several charges may have been furnished by the Colonial Government as may induce Viscount Goderich now to sanction this admission. I have, &c.,

G. W. BRANDE.

[Sub-enclosure.]

PAYMENTSqueried.

Paid the Rev. Mr. Hill, Secretary to the Benevolent Asylum, Donation towards the support of that Institution .......................................................... £516 13 4 auditors.

Paid Colonel Stewart, Lieut. Governor, Forage Allowance for 2 horses at 2s. 6d. each pr. diem, 1st January to 31st Decr., 1826, the same to be repaid in the event of the disapproval of the Secretary of State .......................................................... 91 5 0

Salary of Captain W. Dumaresq as Surveyor of Roads and Bridges from 6th January to 31st December, 1826, at 10s. a Day .................................................. £180 0 0

Forage Allowance for one horse from 16th August to 31st December, 1826, at 2s. 6d. pr. Diem .................................................. 17 5 0 £197 5 0

Pension to Mr. W. Bennett, late Superintendent of the Lunatic Asylum from 9th October to 31st December, 1826, at £40 pr. annum .................................................. £9 1 1
On the 22nd of October, 1831, Governor Darling sailed for England via Canton on the ship *Hoogly*, and Colonel Patrick Lindesay assumed the administration as acting-governor.
DESPATCHES

OCTOBER—NOVEMBER, 1831.

ACTING GOVERNOR LINDESAY TO VISCOUNT GODERICH.

(Despatch No. 1, per ship Palambam.)

My Lord, 
Government House, 22nd October, 1831. 1831. 
I have the honor to report, for Your Lordship's information, that His Excellency Lt. General Darling having this day embarked on board the ship Hoogly for the purpose of returning to England, I have, as Senior Military Officer in Command, assumed the Government of this Colony in pursuance of His late Majesty's Instructions to this effect, and have taken the prescribed Oaths as Acting Governor before His Honor the Chief Justice and in presence of the Members of the Executive Council and many of the Clergy, Civil and Military Officers, Magistrates and other Inhabitants of the Colony. I have, &c.,
P. LINDESAY.

ACTING GOVERNOR LINDESAY TO VISCOUNT GODERICH.

(Despatch No. 2, per ship Palambam.)

My Lord, 
Government House, 22nd October, 1831. 
I have the honor to acknowledge the receipt of Your Lordship's Despatches, as stated in the Margin. I have, &c.,
P. LINDESAY.

ACTING GOVERNOR LINDESAY TO VISCOUNT HOWICK.

(Despatch per ship Palambam.)

My Lord, 
Government House, 22d October, 1831. 
I have the honor to acknowledge the receipt of Your Lordship's letters, as Specified in the Margin. I have, &c.,
P. LINDESAY.

ACTING GOVERNOR LINDESAY TO VISCOUNT HOWICK.

(Despatch per ship Palambam; acknowledged by Viscount Goderich, 29th March, 1832.)

My Lord, 
Government House, 22nd October, 1831. 
Referring to Your Lordship's letter of the 2nd March last, respecting a representation made by the Wife of Mr. J. Gray, Deputy Harbour Master of Sydney, Stating that she

* Note 124.
† Marginal note.—No. 38, 24 April, 1831; No. 39, 15 May; No. 40, 28 May.
‡ Marginal note.—April 6, 27th, 28th; May 31st, 1831.

SEB. I. VOL. XVI—2 E
had been deserted by her Husband and left in the greatest possible distress, I have the honor to forward herewith the Copy of a letter, which Mr. Gray has addressed to Mr. Nicholson, the Master Attendant of this Port, by which Your Lordship will perceive that Mr. Gray has made arrangements with Mr. William Walker, No. 8 Billeter Square, London, for the payment to his Wife of Three Pounds per Month. I beg at the same time to transmit for Your Lordship's information Copy of a statement, Shewing the Amount of Emolument received by Mr. Gray during the last three Years, in order that You may be enabled to judge how far the Allowance, he proposes to make for the Maintenance of his Wife, is proportionate to his means. I have, &c,

P. LINDESAY.

[Enclosure No. 1.]

MR. J. M. GRAY TO MR. J. NICHOLSON.

Sir, Sydney, 29th August, 1831.

In answer to Your letter, dated 19th inst. with a copy of one enclosed from the Honble. the Colonial Secy. requesting me to inform You my intentions on the Subject of allowing my Wife a Maintenance, and to State to You what Sum I will allow her annually, I beg leave to State to You, for the information of His Excellency the Governor, that I have made arrangements with Mr. William Walker, late the Firm of Jones and Walker, when he left this Port for London, to pay my Wife the Sum of Three Pounds per Month, and to continue the same until further advice; if His Excellency the Governor wish the Money remitted through the local Government to the Colonial Agent, I will most willingly comply to pay the like Sum, namely three pounds per Month, taking the necessary Steps to Stop any Money being paid by Mr. Wm. Walker.

JNO. M. GRAY, Harbour Master.

[Enclosure No. 2.]

MR. J. NICHOLSON TO PRIVATE SECRETARY.


In reply to your Memorandum of yesterday's date, requesting me to State what is the Amount of the Emoluments received per annum by Mr. Gray, the Deputy Harbour Master, I beg to acquaint you that he receives his Share of Pilotage, equally with the other two pilots. Viz., one third. The Amount of course varies with the fluctuation of the Shipping to the Harbour.

The following are the Sums Mr. Gray received for the last three Years, Viz.:

<table>
<thead>
<tr>
<th>Year</th>
<th>£ s. d.</th>
</tr>
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<tbody>
<tr>
<td>From 1st Octr., 1828, to 30th Sepr., 1829</td>
<td>373 13 4</td>
</tr>
<tr>
<td>1 Octr., 1829, to 30th Sepr., 1830</td>
<td>317 19 4</td>
</tr>
<tr>
<td>1 Octr., 1830, to 30th Sepr., 1831</td>
<td>293 2 9</td>
</tr>
</tbody>
</table>

Total for three years ............. £984 15 5

Averaging at the rate of £328 5s. 1d. per annum.

I have, &c,

JOHN NICHOLSON, Master Attendant.
VISCOUNT GODERICH TO GOVERNOR BOURKE.
(Despatch No. 37, per ship Portland; acknowledged by Governor Bourke, 31st October, 1832.)

Sir,

Downing Street, 23d October, 1831.

The Secretary at War having represented to the Lords Commissioners of the Treasury that the sum of £5,389 12s. 6d. still remains due to the Military Chest at New South Wales from the Colonial Revenue, on account of the Military Expenditure of that Station for the years 1826 and 1827, I am under the necessity of calling your attention to the Instructions upon this subject conveyed to your Predecessor in the Despatches of the dates mentioned in the margin,* and of desiring that you will take measures for the immediate repayment of the above sum into the Military Chest, on account of the Military Expenditure of your Command.

I am, &c,

GODERICH.

P. LINDESAY.

My Lord,
Government House, 23rd Octr., 1831.

I have the honor to acknowledge the receipt of Your Lordship's letter of the 11th March last, transmitting a letter from the Revd. Dr. Wrench, with a statement of Claims made against the Revd. C. P. N. Wilton, Assistant Chaplain, for Debts Contracted by him previous to obtaining his present appointment, and I beg to forward herewith Copy of a Correspondence, which has taken place between Archdeacon Broughton and that Gentleman, with respect to the Arrangements he has made for the adjustment of these Claims.

I have, &c,

P. LINDESAY.

[Enclosures.]
[Copies of these letters are not available.]

VISCOUNT GODERICH TO GOVERNOR BOURKE.
(Despatch No. 38, per ship Portland.)

Sir,

Downing Street, 24th October, 1831.

I have received General Darling's Dispatch No. 42, of the 27th of April, reporting the appointment of Commissioners for the Management of the Church and School Affairs in compliance with the King’s Instructions conveyed to him in Sir George Murray’s Dispatch of the 19th of June, 1830.

Upon this subject, I have only to observe in reply that, as, by the arrangement referred to in my Dispatch of the 14th of February, 1831, the proceeds of the Lands hitherto reserved for the purpose of maintaining the Church and School Establishment

* Marginal note.—No. 5, 19th May, 1827; No. 50, 20th June, 1830.
1831.
24 Oct.

Supervision of orphan schools.

will no longer be kept distinct from those of the remainder of the Crown Lands, the further Services of those Commissioners are of course deemed unnecessary after the new system shall come into operation.

I am not aware of the precise grounds, on which my predecessor considered it expedient to direct that the Male and female orphan School should be superintended by Committees Established for that purpose; But, as it appears to be the opinion of General Darling that much greater advantage would result to these Institutions from continuing the Archdeacon in the superintendence of them, than if the measure, before proposed, were to be adopted, you will consider yourself authorized not to carry into effect the Instructions communicated to General Darling upon this subject, should the Archdeacon have no desire, on account of his other duties, to be relieved of the charge.

It only remains for me further to approve of the Encrease of £25 per Annum, which has been made to the Salary of the clerk in the Treasurer's Office who has been entrusted with the Accounts of the Church and School funds, and of any reasonable allowance which may have been made to the Commissioners when employed in inspecting the Lands entrusted to their management. All expences however of this nature will, I hope, have ceased from the arrival of my Dispatch of the 14th Feby., 1831, and the additional allowance to the Clerk in charge of the accounts must determine at the same date.  I have, &c,

GODERICH.

26 Oct.

Despatch acknowledged.

Sir,

Downing Street, 26 October, 1831.

I have received General Darling's Despatch No. 40 of the 21st April last, reporting that he had granted a conditional Pardon to Constable Geary with a Pension of 1s. a day, in compensation for the injuries sustained by him in a conflict with Bushrangers in the District of Bathurst and as a reward for his meritorious exertions on the occasion.

Although I concur in the opinion expressed by the Executive Council in the Minute sent home by General Darling, as to the expediency of holding out to the Convicts an inducement to conduct themselves well, and to repress any disposition evinced by their fellow-prisoners to disturb the peace of the Community, still I conceive that a Pension of 1s. a day, in addition to a Pardon, is a reward disproportioned to the services performed by Geary (unless the injuries inflicted upon him prove to be permanent) and such as it would be injudicious to hold out to
HOWICK TO BOURKE.

Viscount Howick to Governor Bourke.

(Despatch per ship Portland.)

Sir, Downing Street, 27th October, 1831.

I am directed by Viscount Goderich to transmit to you the enclosed Copy of a Letter from the Revd. T. H. Scott, late Archdeacon of New South Wales, bearing testimony to the merits of Mr. Charles Cowper, lately clerk to the Corporation of the Clergy and School Lands, who, as he apprehends will be thrown out of Employment by the measures recently adopted by His Majesty's Government for the sale of the Lands hitherto entrusted to that Body. And his Lordship desires me to recommend this Gentleman most strongly to your notice, in the hope that you may be enabled to place him in another situation of equal emolument, or nearly so, to that of which, by the arrangements in question, he will have been deprived.

I have, &c,

Howick.

(Enclosure.)

Archdeacon Scott to Viscount Goderich.

My Lord, Whitefield, 26 Sep., 1831.

I take the liberty of laying before your Lordship the case of Mr. Chas. Cowper, lately Clerk of the Corporation of the Clergy and School Lands in New South Wales now dissolved. I beg to assure your Lordship I should not presume to make any application in favour of persons or appointments to which I can lay no claim; but, feeling a great interest for the individual, I am anxious to bring the Circumstances of his case under the consideration of your Lordship, which might not have been contemplated at the time the Corporation was dissolved.

Soon after my arrival in New South Wales, the charter for administering the affairs of the church and school lands and funds was proclaimed in compliance with Instructions from the Secretary of State; and, in accordance with one of the provisions, the members elected a Clerk to undertake the details of that body.

As Vice President, almost all the responsibility of the business devolved on me; but I found it impossible to attend to the details with my other duties on my hands; and it was at my suggestion that Mr. Chas. Cowper quitted a permanent and for his standing a lucrative employment in the commissariat to become a candidate for the office of Clerk to the Corporation. By leaving that department, Mr. Cowper relinquished the certainty of a progressive increase of rank and salary (his talents having already attracted the
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1831.
27 Oct.
Testimony by Revd. T. H. Scott in favour of C. Cowper.

notice of his superiors) and the certainty of half pay for life, to which he could look forward.

The irregularity, the uncontrolled extravagance and abuses, I found in the expenditure of the funds, which had been set apart by the King for the Support of Schools in the Colony, required a person to enter into all the details, in whom I could repose implicit confidence; and this induced me to urge this gentleman to offer himself; and, considering that the business of this body must necessarily increase, a prospect of augmenting his Salary was held out to him by the whole Body, and this was done subject to the approval of the Secretary of State.

I learn from his letter to me that, on the Corporation being dissolved, a Commission was formed instead, to which he was named Clerk at a reduced Salary. But I also learn that that Commission has also been dissolved, and that no other provision has been made for conducting the Affairs of the Ecclesiastical and School Establishments but by the ordinary Clerks and Officers of the local Government.

When first Mr. Cowper was elected, I very soon found the labour of one person, even far beyond the office hours (which are seven), was not sufficient; and, had I not devoted a very large portion of my time every day at an employment I certainly did not contemplate, when I accepted the appointment of Archdeacon, it would have been impossible to have kept pace with the influx of business, so that the accounts and affairs should be arranged according to the time and method required by the Charter.

I very strongly represented this to the Governor, and a committee of the Corporation was appointed to investigate the duties of the Clerk; and these Gentlemen, well accustomed to the routine of business, agreed on a report to the Governor, urging the absolute necessity of an addition. This Report, with my letters, were transmitted to the Department, over which your Lordship presides, about July, 1829.

I have troubled your Lordship with these details to point out that, although the Corporation be dissolved, yet additional assistance must be given to the several departments amongst which these affairs will be distributed; inasmuch as a large portion of those duties were performed by a Committee of Gentlemen, Members of the Legislative Council and of the Corporation who served gratuitously, and by myself.

I feel assured that when these facts have been investigated by your Lordship and the hardship of Mr. Cowper's case considered, who relinquished a permanent employment on the faith of another presumed to be as permanent, and which was not objected to by the Secretary of State from 1826 until now, but in fact by several dispatches ordered to be paid amongst other Salaries, it will meet with every attention and justice.

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

VISCOUNT HOWICK TO GOVERNOR BOURKE.

(Despach marked “Private,” per ship Portland.)

Dear Sir,

Downing Street, 28th October, 1831.

At the request of Mr. Knox, M.P. for Newry, I am induced to trouble you with the accompanying papers, connected with the claim of Mrs. Boyle, the Sister of the late Major Ovens
of the 57th Regt., who died at Sydney in 1825, to certain property left by him to her, but which it is stated that she has been unable to obtain, notwithstanding the admission of Mr. Lithgow, the acting Executor, as to her right to the same. I shall be much obliged to you, if you will make enquiries on this subject, and if you will facilitate as much as may lay in your power (should the aid of the Colonial Government be necessary) the bringing these affairs to a speedy and satisfactory termination.

The papers which I enclose consist of a copy of the Will of the late Major Ovens, the copy of a letter from Mr. Lithgow to Thomas Bennett, Esqr., dated the 25th July, 1830, and the copy of one from Mr. Boyles to the Honourable J. H. Knox, dated the 30th July, 1831.

I have, &c,

HOWICK.

P.S.—Since this letter was written a Memorial, of which the enclosed is a copy, has been received from Mr. Armor Boyle and Mr. Thomas Bennett on this subject.

[Enclosure No. 1.]

MR. A. BOYLE TO MR. J. H. KNOX.

Newry, 30th July, 1831.

I hope and trust you will pardon me for the liberty I am taking in addressing or troubling you upon any subject touching my family concerns; but the delay in the transaction now demands an official interference, which I shall state as concisely as possible, namely: Mrs. Boyle's Brother, the late Major Ovens, died at Sydney in Decr., 1825, willing his Personal Estate and Effects to his sisters, copy of Will I enclose as well as a Copy of the acting Executors last letter to my Brother in law Mr. Bennett. This Mr. Lithgow was the particular friend of the late Ovens; he holds the situation of "Auditor of Colonial Public Accounts." Ovens went out with Genl. Brisbane, and held the situation of Engineer Brigade Major, &c.; it appears impossible to get Mr. Lithgow to settle the Trust and remit the proceeds. What I want you to get done for me is to have an application made to him, thro' the "Secretary at War" or some official person, in order to get him to act correctly and honestly, which I fear is not his intention. You will at once see the nature of the thing from the copy of his letter; perhaps it might be well ty make the application thro' the New Govr. Genl. Bourke, who is gone out a few days ago. However, as to this you are the best judge, Again begging your excuse.

I have, &c,

ARMOR BOYLE.

[Sub-enclosure No. 1.]

WILL OF J. OVENS.

THIS IS THE LAST WILL AND TESTAMENT of me John Ovens, Esquire, a Captain in the 57 Regiment of Foot, now residing in the Colony of New South Wales. First I direct the payment of my just Debts, funeral and Testamentary expences, by my Executors hereinafter named, as soon as conveniently may be after my decease. I give
1831.
28 Oct.
Will of
J. Ovens.

and devise a certain grant of Two thousand Acres of Land, made to me by the Crown and situate in the Colony of New South Wales aforesaid, and all and singular other my real Estate whatsoever and wheresoever the same may be situate, lying and being whether in Great Britain or elsewhere, and of what nature and tenure soever, unto my Brothers, save and excepting that part of my landed property, which I have already given to hold the same unto the said heirs and Assigns forever; I give and bequeath all my Personal Estate, Property and Effects whatsoever, which I shall be possessed of or entitled unto at the time of my decease, unto my sisters to hold the same unto the said Executors, Administrators and Assigns absolutely and forever. I nominate, constitute and appoint my friends, William Lithgow and John Piper, Esqrs., Executors of this my last Will; and, hereby revoking all former and other Wills by me at any time heretofore made, do declare this only to be and contain my last Will and Testament; IN WITNESS WHEREOF I, the said John Ovens, have hereunto set my hand and seal, this Fourth day of December in the year of our Lord One thousand, Eight hundred and Twentyfive.

Signed, Sealed, Published and declared by
the said John Ovens, the Testator, as
and for his last Will and Testament,
in the presence of us who, in his presence, at his request and in the presence of each other, have hereunto Subscribed our names as Witnesses, this 4th day of December, at Sydney, New South Wales, 1825.

W. BALCOMBE, J.P. WM. LITHGOW, J.P.
ROBT. IVORY. JOHN PIPER, J.P.

[Sub-enclosure No. 2.]

MR. W. LITHGOW TO MR. T. BENNETT.

Sirs,

Sydney, 25 July, 1830.

I have been honored by the favor of your two letters of 24th Octr. and 24th Decr. last, on the subject of the Estate of the late lamented Major Ovens.

You rightly conclude that I have hitherto deferred making any remittance of the proceeds from not being aware to whom it could legally be made, and more particularly for some time back in consequence of the letter, of which a copy is enclosed, from his Brother Mr. Hugh Ovens, apprising me of a claim against the Estate for £1,500, and cautioning me to make no payment to any one, till I should hear from or see him.

The decease of Mr. Hugh Ovens, announced to me by you, and the statement in your letters of the groundless nature of the claims set up by him induces me to be of opinion that I may more safely account to you and Mrs. Boyle for the proceeds of the Estate; and it is therefore my intention to loose no time in closing the accounts and remitting the balance.

I deeply regret the delay, which has taken place in the settlement of the trust, partly owing to the pressure of official avocations, which, could I have foreseen, would have prevented me from ever having undertaken it, and partly to the circumstances above
explained. I can assure you, however, that it has not arisen from any interested motive, as I have never allowed any part of the Estate to remain in my possession, but have always paid it to the credit of the account opened with the Estate at the Bank. I will write you more fully on the subject by the first opportunity, and, as I shall immediately call in the amount which you were apprised by the late Mr. Campbell had been lent on Int., I trust to be able at the same time to make a remittance on acct. of the proceeds.

I remain, &c.,
WM. LITHGOW.

[Enclosure No. 2.]

THE Memorial of Armor Boyle of Newry, Merchant, and Memorial of Thomas Bennett of Ballydevitt, Esq., Justice of the Peace, To Viscount Goderich,

Sheweth,

That, on the 7th of December, 1825, Captain Ovens of the 57th Regiment died at Sydney, New South Wales, leaving a considerable personal property, which he willed to his Sisters, and appointing a Mr. William Lithgow, Auditor of the Colonial Public Accounts, and a Captain John Piper, his Executors.

The said Mr. William Lithgow is the Acting Executor, and wrote two letters to one of your Memorialists, one of which is dated 25th July, 1830, and regrets the long delay that has taken place, and stating most positively his intention of losing no time in closing the Accounts of the Estate of the late Captain Ovens, and remitting the Balance.

Memorialists have not received any part of the property, so willed, and pray your Lordship will be pleased to forward this Memorial to the Governor at Sydney; and, as the said Mr. William Lithgow is in the Government Department, that application may be made to him to remit the proceeds, which now remain in his hands.

Memorialists are married to the two only Sisters living at the time of the decease of the late Captain John Ovens, and Memorialists are the only persons entitled to the Chattel property, as willed by the said Captain Ovens.

And Memorialists as in duty bound will pray.

Newry, 13th October, 1831.

ARMOR BOYLE.
THOS. BENNETT.

HON. J. STEWART TO GOVERNOR OF NEW SOUTH WALES.
(Despatch per ship Portland.)

Sir,

Treasury Chambers, 4th November, 1831.

The Lords Commissioners of His Majesty’s Treasury having had before them 2 Letters from Asst. Commy. Genl. of Accounts Spurrier, dated New South Wales, 4th and 26th November, 1830, enclosing copies of a Correspondence which has taken place respecting the production and deposit of Original Documents in support of the Accounts.

I have it in command to acquaint you that my Lords are of opinion that the Original Vouchers and Authorities should in
Instructions re production and transmission of original vouchers. 

all cases be *produced* by the Parties to the Commissary of Accounts, and whenever they can be conveniently attached to the Accounts they should accompany the Accounts to England. But as some Cases may occur, when the Original Documents cannot be so attached without inconvenience, certified Copies should in such Cases be annexed, and the Certificates of the *Commissary of Accounts* will be considered by their Lordships as proof that the Originals had been produced to him.

I am, &c,

J. STEWART.

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**ACTING GOVERNOR LINDESAY TO VISCOUNT GODERICH.**

(Despatch marked "Separate," per ship Palambam; acknowledged by Viscount Goderich, 28th March, 1832.)

My Lord,

Government House, 4th November, 1831.

I have the honor to inform Your Lordship that, on the 26th of last Month, a report* reached this Colony of a Foreign Ship of War having taken possession of New Zealand on the 4th of October by landing Some Men and Guns and hoisting the French Flag at or near a place called Horidaka in the Bay of Islands.

The Ship is Supposed to be the French Corvette La Favorite, Commanded by Captain La Place, which Sailed from hence ostensibly for the Coast of South America on the 22d of September, after having lain in Port Jackson about five Weeks refitting. Notwithstanding the Vague Nature of this information, yet the very great importance of preventing New Zealand from falling Under the Dominion of any Foreign induced me to Communicate immediately on the Subject with Captain De Sausmarez of His Majesty’s Sloop Zebra, who had arrived here a few days previously, and to take the advice of the Executive Council as to the measures proper to be taken by the Colonial Government on the occasion. The Council accordingly took the matter into Consideration on the 31st of last Month, and I have now the honor of transmitting for Your Lordship’s further information an extract from the Minutes* of the Council of that date, detailing the whole of the Proceedings, and Containing a Copy of the Instructions, which, at the very earnest request of Commander De Sausmarez and with the advice of the Council, I have given to him for his guidance, if he should find any French or other Foreign Ship or Establishment at New Zealand. I have also the honor to enclose a copy of a letter from Captain De Sausmarez, dated the 1st of this Month, acknowledging the receipt of My letter of Instructions. He sailed from hence for

* Note 125.
GODERICH TO BOURKE.

New Zealand on the Morning of the 2nd, and I hope that I shall Soon be enabled to make a Satisfactory report to Your Lordship of the result of his Mission.

We have hitherto no later arrival from the Bay of Islands than the Vessel which brought the report above mentioned.

I have, &c.,

P. LINDSEY.

[Enclosures.]

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

VISCOUNT GODERICH TO GOVERNOR BOURKE.

(Despatch No. 40, per ship Portland.)

Sir, Downing Street, 6th November, 1831. 6 Nov.

I have received General Darling's despatch No. 17 of the 3d of February last, enclosing a statement shewing the expense of the former Establishment of Mounted Police and that which will be incurred by a new organisation and by an increase to the numbers of this particular description of Force.

I have delayed answering General Darling's despatch No. 63 of the 5th October, 1830, in which he detailed the outrages that had been committed by the Bushrangers, as he then intimated his intention of remodelling the Mounted Police, and of making such additions as would enable that Corps to act with effect against any rising of the Prisoners. I lost no time, however, in communicating with the Home Department on the question of discontinuing to send any more Convicts to New South Wales, and I trust that the temporary stop put to the transportation of Convicts to that quarter will have relieved you from the embarrassment, which an addition to the numbers now there would in their present excited state have occasioned. I fully agree in the view taken by General Darling as to the importance of having an efficient Mounted force available in the event of any disturbances breaking out in different places at the same time, and I have therefore to convey to you my approval of the arrangements made by General Darling for that purpose.

With respect to the other parts of General Darling's despatch of the 3d of February, in which he observes upon the injurious extent to which he is restricted in regard to improvements, I shall only remark that, as on the one hand it is necessary that every useless expense should be avoided, so is it not the less essential, on the other, that such measures should be adopted as the welfare and security of the Colony really require. In approving therefore of the continuance of the Magistrate (Mr. Antill) at Stone Quarry Creek, whose services, it appears by General Darling's
Instructions for amalgamation of benches of magistrates.

Despatch, could not at present be dispensed with without much inconvenience to the Inhabitants, you will give your attention to the arrangements contemplated by General Darling with a view of uniting in a Bench of Magistrates, established in a central situation, the business at present transacted at "Campbell Town," at "Bringelly" and at the "Stone Quarry."

I am, &c.,
GODERICH.

Viscount Howick to Governor Bourke.

(Despatch per ship Portland; acknowledged by Governor Bourke, 16th May, 1833.)

Dear Sir,

Downing Street, 7th November, 1831.

I beg to trouble you, at the request of Mr. James L. Melville of the East India House, with the enclosed enquiry from one of his Servants regarding his Father, Richard Beardsley, who proceeded some years since to New South Wales, but who has not been heard of since the year 1821, at which time he was practicing the business of a Veterinary Surgeon at Sydney; and I shall be much obliged to you for any Information with which you may be able to furnish me respecting the person in question.

I remain, &c.,
HOWICK.

[Enclosure.]

REQUEST BY J. BEARDSLEY.

RICHARD BEARDSLEY, of Biggleswade, Bedfordshire, left England in the year 1818 for New South Wales, and a letter was received from him in 1821, stating that he was residing at Sydney and carrying on the trade of a Veterinary Surgeon, since which time he has not been heard of. In consequence of some money being left to the said Richard Beardsley, or, in the event of his decease, to his two Children, who make this application, and will be gratified for any information it may be in your power to give.

Your obedient servant. &c.,
JOHN BEARDSLEY,
Son of Richd. Beardsley.

Viscount Goderich to Governor Bourke.

(Despatch No. 41, per ship Portland.)

Sir,

Downing Street, 16 November, 1831.

I transmit, herewith, the Copy of a Letter addressed to my Under Secretary by the Secretary to the Treasury, with the Enclosures therein referred to, respecting an allowance for rent at the rate of £20 per Annum, granted to Major Antill, the Superintendent of Police at Camden, for a Building erected by him on his property and which is to be used as a Court House.
There does not appear to be anything unreasonable in the charge which Major Antill has been authorized to make in his accounts for the rent of the House in question; but I deem it necessary to call your attention to the observations of the Army Comptrollers in respect to the Certificate on which this payment commenced, in order that, when money is issued on occasions of this kind, a Document of a more satisfactory nature than that furnished by the party interested may be first obtained.

I have, &c.,

GODERICH.

Hon. J. Stewart to Under Secretary Hay.

Sir, Treasury Chambers, 29th September, 1831.

I am commanded by the Lords Commissioners of His Majesty's Treasury to transmit to you, for the information and consideration of Viscount Goderich, the enclosed Copy of a letter from Deputy Commissy. General Spurrier, dated New South Wales, 16th February last, and its Enclosure; also an extract from a Report of the Comptrollers of Army Accounts on the Statement therein contained that H. C. Antill, Esquire, the Superintendent of Police at Camden, is to be allowed Rent at the rate of Twenty Pounds per Annum from 1st January last for a Building erected by him, which is used as a Court House.

I have, &c.,

J. STEWART.

[Sub-enclosure No. 1.]

Dep. Commissary-Genl. Spurrier to Commissioners of Treasury.

Department of Accounts,

Sir, Sydney, New South Wales, the 16th February, 1831.

I have the honor to enclose Copy of a letter from the Colonial Secretary informing me that H. C. Antill, Esqr., the Superintendent of Police at Camden, is to be allowed Rent at the rate of Twenty Pounds £20 per Annum from the 1st January last for a Building erected by him to be used as a Court House.

I have, &c.,

J. SPURRIER, D.C.G.

[Sub-enclosure No. 2.]

Colonial Secretary Macleay to Dep. Commissary-Genl. Spurrier.

Sir, Colonial Secretary's Office, 14th Feby., 1831.

There being no Public Court House at the Stone Quarry in the County of Camden, and H. C. Antill, Esqr. having erected a Building for the purpose of holding the Sessions on his own Land, I am directed by His Excellency the Governor to inform you that an agreement has been entered into with that Gentleman, by which he is to be allowed rent for the same at the rate of Twenty Pounds per Annum; and that, as it appears from a communication from Major Antill of the 26th Ult., of which an extract is annexed, that the Building in question is now fit for the purpose for which it was erected, and has been used as a Court House from the 1st of last Month, authority has been conveyed to him in a letter of this date to charge the rent from that date at the rate above mentioned in his Account of Police Contingencies.

I have, &c.,

ALEX. MACLEAY.
1831.
16 Nov.

Certificate re completion of court-house.

Sir,

In reply to your communication of the 7th Inst. No. 31/21 in answer to mine of the 14th December, I have the honor to certify, for the information of His Excellency the Governor, that the Court House I have built is fit for the purpose of holding the Sessions, and that I have made use of it for that purpose from the commencement of the year.

H. C. ANTILL,

True extract:—ALEX. MCLEAY. Resident Magistrate.

[Sub-enclosure No. 4.]

EXTRACT of a Report from the Comptrollers of Army Accounts, dated 15th September, 1831.

"THE Sanction of the Governor Lieut. General Darling to this measure has been granted upon a Certificate from Mr. Antill, who signs himself 'Resident Magistrate,' that the Building in question is fit for the purpose of holding the Sessions, and that he had made use of it for that purpose.

"It appears to us at least an unusual course of proceeding to allow Rent for a building for a particular purpose on a simple Certificate from the Proprietor and Constructor of the Building that it is fit for that purpose. With this remark, which is all that we are enabled to offer to your Lordships on the subject, we recommend that these Papers be transmitted to the Colonial Secretary of State for his opinion as to the propriety of the transaction."

We have, &c,

J. DRINKWATER.
W. L. HERRIES.

ACTING GOVERNOR LINDESDAY TO VISCOUNT GODERICH.
(Despatch No. 3, per ship Prince Regent; acknowledged by Viscount Goderich, 22nd March, 1832.)

My Lord, Government House, 16th November, 1831.

I have the honor to forward for Your Lordship's Consideration the accompanying Copy of an application from the Surveyor General, in behalf of Mr. Thompson, who is employed as Chief Draftsman in his Office, and whose Pay and Allowances as Assistant Surveyor are as follows, "Vizt."

Salary £260 per Annum, increasing at the rate of £20 a year, Until it reaches £300, and 2s. 6d. per diem in lieu of Forage for a Horse.

I have, &c,

P. LINDESDAY.

[Enclosure.]

SURVEYOR-GENERAL MITCHELL TO COLONIAL SECRETARY MACLEAY.

Sir, Surveyor General's Office, 1st November, 1830.

I have the honor to request that you will submit to the Governor my application in behalf of Mr. Thompson, Chief Draftsman in my office, for some allowance as Lodging Money. I beg to state
that, being fully aware of the Necessity for economy and retrenchment, I should entertain no hope of success in making such an application, were not the case one of an urgent nature.

Mr. Thompson came to this Colony an Assistant Surveyor in 1827, and, being a very Superior Draftsman, he was placed in Charge of the plans and other graphic records of this office, at that time in a state of Confusion. These were soon by his assistance got into order, and his Services are now performed with much accuracy and arrangement, so that his assistance is very Valuable to me in that important branch of the business of the Department. Those duties requiring punctual Attendance at the Office in Sydney, the expense of house rent is incurred, and, as may be easily Understood, other expenses to which an assistant Surveyor, employed in the bush under Canvas and having rations, is not liable.

Under such circumstances, therefore, I would submit for the Consideration of His Excellency the Governor, or of the Right Honble. the Secretary of State, that Mr. Thompson should be allowed Lodging Money, or some additional remuneration in performing the duties of Chief Draftsman. I have, &c,

T. L. MITCHELL, S. General.

VISCOUNT HOWICK TO GOVERNOR BOURKE.
(Despatch per ship Portland; acknowledged by Governor Bourke, 11th September, 1832.)

Dear Sir,

Downing Street, 17th Novr., 1831.

A letter has lately been submitted to my perusal from a young man named Macdonald (son of Major MacDonald), who appears to have gone out to New South Wales about three years ago with letters of recommendation to the Colonial Secretary, through whose means he has had several temporary employments conferred upon him. From the influence which Mr. MacDonald is stated to possess over the minds of the Aborigines, it has occurred to Lord Goderich that he might be made an important instrument in furtherance of the measures, which are in contemplation under the superintendence of the Church Missionary Society, for the Civilization and Instruction of these people; and his Lordship desires me therefore to bring Mr. Macdonald's name under your special notice, in case you should consider that he can be advantageously employed on this Service.

I enclose an Extract of a Letter addressed by this gentleman to his Father, detailing the circumstances under which this Ascendancy over the Natives has been acquired. I remain, &c,

T. L. MITCHELL, S. General.

[Enclosure.]

EXTRACT of a letter from Mr. Macdonald of the Commissariat Department to his Father Major MacDonald, dated Sydney, December, 1830.

"It was here (Port Macquarie) that I obtained that extensive and influence extraordinary influence over the aboriginal Tribes of the District, which it seems has even reached your ears, altho' I have never in
any way given publicity to it myself; however as it may afford some interest to you and my friends, I shall now relate its origin and effects.

"A short period after my arrival at Port Macquarie, I was on a visit at the agricultural Establishment situated about 50 miles from the Settlement, and had been one evening conversing for a considerable time in broken English with one of the Natives, when he suddenly stopped short in his discourse, looked eagerly at me with his large dark eyes, and ended by stating that I was one of the King's River Tribe, who had been killed some time before, and that I had 'jumped up again as a White man.' I took no more notice of this ridiculous circumstance at the time; but I soon discovered that this idea had spread very generally among these simple and superstitious people, by whom I was ever after addressed by the name of 'Bangar,' which it would seem was my original patronymick.

"From this period my fame was established. My influence was extended by quickly acquiring their language, and they became greatly and generally attached to me; so much so indeed, that many of them never afterwards left my House, about which too the different tribes always formed their Camp whenever they visited the settlement, and which was then generally encircled with a fence of Spears, while their dark owners reposed in groups upon the grass plots before the door. This influence, joined to my knowledge of the language (in which, contrary to common custom, they always conversed with me) gave me of course great advantages in making myself acquainted with their peculiar customs and superstitions, and which I omitted no opportunity of witnessing, for I had now become as much attached to them as they were to me, and have been frequently alone with them for a fortnight together in the mountains or on the Banks of the great Rivers, 50 or 60 miles from the Settlement, collecting Specimens in natural History for my friend Dr. McLeod; and, as everything in the shape of a curiosity that they came across was always brought as a present to me, I had at times a rather motley household, and I think it would have afforded you no little amusement if you could have seen me of an evening seated in my Cottage, surrounded by a tribe of my sable friends watching the manouvres of my family of pets—flying Squirrels of every size and variety might be seen seated in the ledges of the Windows and springing from them on my Shoulders and head; Opossums stealing round the room and climbing up the legs of the chairs and tables; Bears munching green gum leaves in a corner, and parrots and Cockatoos chattering upon their Perches; in addition to which, the Walls were decorated with the skins of various animals and the carved war-weapons of the Natives. But all this was not fated to last long; and, although the Dy. Commissary General had promised that I should remain at this station as long as I pleased, I was the other day recalled to Sydney in consequence of his requiring an encrease of efficient hands in his office. The Vessel that was to take me back came in towards the evening; and, as soon as it was known to the Blacks that were about me that I was to leave them the following morning, they immediately started off to their Camp, which was then about three miles from the settlement, and returned with the whole tribe after dark with torches and encamped about the House; they then..."
surrounded me, expressing their sorrow that I should leave them, and using every epithet of endearment that their language afforded, most of them at the same time stating their intention to proceed with me. This I, however, avoided by telling them that I was only going for a time and that I should return to them shortly. The following morning they all accompanied me, men, women and children to the place of embarkation, sending forth every now and then one of those wild shouts that they use when leaving home or going to war. On our arrival at the 'Boat Harbour,' the men seated themselves on the fragments of rock that were strewed about the beach, their countenances gloomy and abstracted, and the tears starting from their full dark eyes in spite of their apparent efforts to restrain this symptom of what with them is considered unmanly weakness. The women and children had in the meantime retired to a height immediately above us, where they stood watching our proceedings and weeping most bitterly; and, when the boat left the shore, the men again commenced their wild and savage shouts, which they continued at intervals till we were out of hearing; accompanied by only one of their simple people, we soon reached the little brig that was waiting for us in the roads, weighed anchor, and reached Sydney on the evening of the third day after leaving the settlement, where for upwards of two years I had passed so tranquil and so happy a period of existence. Thus ended one of those singular and romantic incidents, which can occur but to few individuals, and only among an uncivilized people, but it is an era in the life of that individual which no after circumstances can ever efface, and the abrupt conclusion of which I shall most certainly always regret.

"The influence I possessed over the natives, did not of course pass unnoticed in the colony; and it was officially represented to the Governor on two or three occasions by the Commandant of the settlement; at one time, it was the intention of the Government to have sent a tribe of Port Macquarie blacks in conjunction with a strong military force to attack the natives of Van Diemen's Land, who have been committing great ravages there for some time past; and I was then strongly recommended to the Governor to be appointed to accompany the expedition; but the intention was afterwards abandoned."

ACTING GOVERNOR LINDSEY TO VISCOUNT GODERICH.

(Despatch No. 4, per ship Prince Regent; acknowledged by Viscount Goderich, 3rd April, 1832.)

My Lord,

Referring to Your Lordship's despatch of the 29th of March last, No. 34, respecting an advance of fifteen hundred pounds to be made to Dr. Lang on his arrival with the emigrants he had proposed to bring out to this colony, I have the honor to acquaint you that Dr. Lang arrived here on the 13th of last month; and I beg to transmit for Your Lordship's...
PAYMENT OF ADVANCE TO REVD. J. D. LANG.

1831.
18 Nov.

Minute of legislative council re advance to Revd. J. D. Lang.

Payment of advance to Revd. J. D. Lang.

I have, &c.,

P. LINDESAY.

[Enclosure.]

EXTRACT from Minute No. 5 of the proceedings of the Legislative Council on the 8th November, 1831.

PRESENT:—The Acting Governor; The Chief Justice; The Archdeacon; The Colonial Secretary; The Attorney General; The Collector of Customs; The Auditor General; John MacArthur, Esq.; Robert Campbell, Esq.; Alexander Berry, Esq.; John Blaxland, Esq.; Edward Charles Close, Esq.

His Excellency the Acting Governor laid before the Council the following Minute, viz.:

"His Excellency the Acting Governor, in pursuance of instructions from the Right Honble. the Secretary of State, has the honor to inform the Council that His Lordship has been pleased to consent to an advance from the Colonial Treasury of a sum not exceeding £3,500 to the Reverend Dr. Lang, in aid of an academical institution to be formed in Sydney on the principles of the Schools and Colleges of Scotland. It is intended that this advance should be made in different payments in the course of eighteen months next after Dr. Lang's landing in New South Wales, on condition that previous to each advance an equal sum shall have been actually expended from the private contributions of the promoters of the undertaking, and that security be given on the proposed buildings, which are to be erected on the Scotch Church Estate, for the repayment in five years of the money advanced from the Colonial Treasury, the five years to be calculated on each instalment from the date of its being advanced to the Trustees who may be appointed.

"The Secretary of State has also subsequently consented to an advance of £1,500, being part of the £3,500 above alluded to, being made to Dr. Lang immediately on his arrival in the Colony with a certain number of emigrants; and, as Dr. Lang has now arrived and fulfilled the condition upon which this advance was to be made to him, His Excellency recommends to the Council that the sum of fifteen hundred Pounds should accordingly be paid to Dr. Lang from the Colonial Treasury, it being understood that no further advance will be made to him on this account until a sum equal to that amount shall be actually expended upon the proposed buildings.

"P. LINDESAY.

"8th November, 1831."

The question was then put that the sum of Fifteen hundred Pounds be appropriated in the manner recommended in the foregoing Minute, and carried unanimously in the affirmative, security to be taken on the proposed buildings in such manner as may be judged expedient by the Attorney General.

A true Extract:—E. DEAS THOMSON, Clik., Col.
ACTING GOVERNOR LINDESAY TO VISCOUNT GODERICH.

(Despatch No. 5, per ship Prince Regent; acknowledged by Viscount Goderich, 3rd April, 1832.)

My Lord,

Government House, 18th November, 1831.

I have the honor to forward for Your Lordship's Consideration the accompanying letter from the Venble. Archdeacon Broughton, which he has Considered it proper to address to You, in Consequence of Dr. Lang's having Published observations reflecting on the Clergy of the Colony.

I have, &c.,

P. LINDESAY.

[Enclosure.]

ARCHDEACON BROUGHTON TO VISCOUNT GODERICH.

My Lord,

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

In a pamphlet* published here within these few days is contained the Copy of a Letter signed "John Dunmore Lang," purporting to have been addressed to Your Lordship, in which the following passages occur:—"It (namely the Church Corporation) has tended to identify the Episcopal Clergy in the estimation of the whole Colony with secular pursuits"; and "In short the Church and School Corporation, instead of proving a benefit either to the Government or to the Episcopal Church, as its projectors unfortunately persuaded His Majesty's Government, it would have lain as a dead weight on the Colony for the last five years, repressing emigration, discouraging improvement, secularizing the Episcopal Clergy, and thereby lowering the standard of morals and religion throughout the Territory." I do not doubt but that, if this were the proper occasion, I could prove to Your Lordship's satisfaction that the Church and School Corporation has not produced the effects, as to emigration and improvement, which this writer attributes to it. But I must direct my present attention to the much more serious charges that it has identified the Episcopal Clergy with secular pursuits in the estimation of the whole Colony, and, by actually secularizing them, has lowered the standard of morals and religion throughout the Territory. I do not doubt but that, if this were the proper occasion, I could prove to Your Lordship's satisfaction that the Church and School Corporation has not produced the effects, as to emigration and improvement, which this writer attributes to it. But I must direct my present attention to the much more serious charges that it has identified the Episcopal Clergy with secular pursuits in the estimation of the whole Colony, and, by actually secularizing them, has lowered the standard of morals and religion throughout the Territory.

If this, my Lord, had been advanced as the opinion only of Dr. Lang, the Episcopal Clergy would have treated it with disregard, knowing that he is neither authorized nor qualified to express the sentiments of this community. But it affects them much more deeply to find that such a charge against them having been preferred has been, as they must infer from the countenance which it has pleased Your Lordship to afford to the author of it, not altogether discredited. This is the impression which they are sensible must be conveyed to the world by His Majesty's Government not only manifesting a silent acquiescence in the assertions of Dr. Lang, but by direct and positive encouragement immediately ensuing upon such a charge against the Clergy of the Established Church, giving rise to a persuasion that they admit the justice of it. I cannot but think that the object of Dr. Lang, in publishing at this time his Letter to Your Lordship, was to avail himself of the effect of the inference which every one reading his statement must naturally draw.

I deem it, therefore, a part of the duty of my office not to permit imputations so heavy to be cast upon myself and my brethren, without preferring a request to your Lordship that the author of them

* Note 126.
may be required to state the grounds upon which he has felt himself justified in making such representations to Your Lordship. If there be any foundation for the charge, it must admit of proof; for it will not escape Your Lordship’s notice, Dr. Lang does not merely affirm that the clergy were identified with secular pursuits “in the opinion of the whole Colony,” which opinion might be erroneous or might be mis-stated, but he adds his own persuasion that it was true that they were actually secularized, so as, by a necessary consequence, to lower the standard of morals and religion throughout the Territory.

I will, with all due respect, first state to Your Lordship in what degree the Clergy were connected with the management of the Corporation. In conjunction with the Governor for the time being, the Chief-Justice, the Members of the Legislative Council, and the Attorney and Solicitor General, the Archdeacon and nine senior Chaplains were nominated Trustees. Six of these nine had no other concern in the management than to attend four times a year for a few hours at the Quarterly General Courts, an engagement not sufficient, as I conceive, to give a very secular turn to their minds. The other three Chaplains with the Archdeacon were members of the Committee, by which the affairs and proceedings of the Corporation were practically directed. If the superintendance of schools for the religious education of youth, if providing for the maintenance and instruction of Orphans and for settling them advantageously and honestly in life, if the care of public charities and of devising facilities for public worship be secular concerns, then indeed we may have been secularized, as Dr. Lang asserts, by our connexion with the Corporation; for these, I can bear testimony, were the subjects which occupied the chief part of our attention at nine out of every ten Meetings of the Committee which we attended. It behoves Dr. Lang, my Lord, to shew to your satisfaction, first, that the standard of morals and religion was lowered after the establishment of the Corporation, which I most positively deny to have been the case; and Secondly that the Clergy, who were most intimately concerned in the management of its affairs, were distinguished above others by their secular spirit, which might be traced to their connexion with it. Concerning myself, my Lord, I do not propose to offer one word in justification. My conduct, since I entered the Corporation, is before Your Lordship and the world, and must abide your judgment. The three clergy men, who were united with me in the Committee, were the Reverend Samuel Marsden, the Revd. William Cowper, and the Revd. Richard Hill. I trust in justice to those gentlemen your Lordship will have the goodness to call on Dr. Lang to state to you, whether he knows or believes them to be, in the estimation of the whole Colony, identified with secular pursuits; whether he can breathe the most distant suspicion as to their moral character; whether he charges them with inattention to their pastoral duties; whether the affairs of the Corporation occupied any considerable or undue proportion of their time, or led them to engage in a mode of life not in their Calling; whether the Corporation occupied any considerable proportion of their time, or led them to engage in a mode of life not in their Calling; whether he was required solemnly to speak the truth, he must not acknowledge that they are among the last persons against whom he in his conscience believes that such charges can with any justice be preferred.

I have, &c.,

W. G. BROUGHTON.
My Lord,

Government House, 18th November, 1831.

With reference to my Despatch of this date, No. 5, I have the honor to enclose herewith a Communication in original, addressed to me by the Commissioners for Managing the affairs of the Church and School Corporation, in reply to certain Charges Contained in a letter, purporting to have been transmitted to Your Lordship by the Revd. Dr. Lang, and I am induced to forward it without delay, in order that Your Lordship may have under Your view at the same time the explanations offered by the Commissioners, and the observations addressed to You by the Venble. Archdeacon Broughton.

Having so recently assumed the temporary Administration of the affairs of this Government, I might perhaps be excused, were I to abstain from offering any remarks on the Subject now brought under Your Lordship's Notice; but I do not feel that, by Such a Course, I should do justice to the Character of the Revd. Gentlemen, so pointedly alluded to in Dr. Lang's Publication, and whose Conduct in my opinion has been Unfairly and most improperly impugned.

I am enabled to affirm with respect to them from personal observation that they have been unwearied in the performance of their Sacred functions; and I feel persuaded, they have been no less Zealous in the conscientious discharge of every other duty entrusted to them.

Dr. Lang's indiscretion (to apply to his Conduct in publishing the letter in question the mildest term of which it is Susceptible) appears to me so palpable, that I refrain from further comment on it, and very willingly decline all endeavour to account for a proceeding which I entirely disapprove.

I have, &c,

P. LINDESAY.

[Enclosure.]

COMMISSIONERS FOR MANAGING AFFAIRS OF CHURCH CORPORATION TO THE ACTING GOVERNOR.

Sir,

Church Corporation House, 15th November, 1831.

Our attention has been directed to a pamphlet* recently published here, under the Title of "Account of the Steps taken in England with a view to the establishment of an Academical Institution or College in New South Wales; and to demonstrate the practicability of effecting an extensive emigration of the Industrious Classes from the mother country to that colony."

In this publication occurs the following passage, contained in a letter purporting to have been addressed to Viscount Goderich by

* Note 126.
1831.
18 Nov.

Criticism of church and school corporation by Revd. J. D. Lang.

the writer of the pamphlet, and bearing date the 30th of December, 1830. "Your Lordship is doubtless aware that, in the year 1825, a Corporation was established by Royal Charter in the Colony of New South Wales, to which a seventh of the whole Territory was granted for the support of the Episcopal Church and Schools of the Colony, on the avowed understanding that the said grant would immediately and forever relieve the Colonial Government of the burden of supporting these Establishments. Your Lordship is doubtless aware also that the Institution has utterly failed of its intended object, the Corporation having actually borrowed from the Colonial Government at the rate of from £19,000 to £22,000 per annum for the support of the Episcopal Church and Schools of the Territory, while the mere cost of its management, exclusively of the Salaries of Clergymen and Schoolmasters, has hitherto been from £1,500 to £2,000 per annum, a sum considerably greater than is annually expended for the management of all the Church and School affairs of His Majesty's ancient Kingdom of Scotland."

"But the Church and School Corporation of New South Wales has been productive, my Lord, of still greater evils to the community than any arising from the mere expense of its management. It has tended to identify the Episcopal Clergy, in the estimation of the whole Colony, with Secular pursuits. It has given extreme dissatisfaction to many respectable emigrants, who have had to go far into the Colonial wilderness with their families in search of land to settle on, while numerous tracts of land, of the first quality, were lying utterly waste in the most accessible and eligible situations in the hands of the Corporation. It has excited a spirit of disaffection towards His Majesty's Government among the native youth of the Colony; and I will even add, my Lord, has sown the seeds of future rebellion. In short, the Church and School Corporation of New South Wales, instead of proving a benefit either to the government or to the Episcopal Church, as its projectors unfortunately persuaded His Majesty's Government it certainly would, has lain as a dead weight on the Colony for the last five years, repressing emigration, discouraging improvement, secularizing the Episcopal Clergy, and thereby lowering the standard of morals and religion throughout the Territory."

It is not the first time that we have heard such assertions and charges adduced against the Trustees of the Clergy and School Corporation, as well as against the Commissioners who now have the management of its affairs. Acting however under an appointment from His Majesty, we did not conceive it could be incumbent on us to contradict assertions, which it was impossible to trace to any determinate source. We were aware that it was useless to attempt to contend with popular impressions while the delusion was at its height; and we are satisfied that a time will always arrive, if it be calmly waited for, when the truth ought to be spoken because it may be spoken with effect. We are therefore not sorry that Dr. Lang has given substance to these charges in an address to the Secretary of State; because we are persuaded that we can prove, he has either not understood, or, if he understood, has deliberately misrepresented the case which he has submitted to His Lordship's attention. Having done this, we trust that similar misrepresentations will not be repeated by himself or others; or, if they should be, that we may be permitted to disregard them.
Dr. Lang asserts that, at the time of his writing, the Corporation had lain for five years a dead weight on the Colonial resources, because, having received one seventh of the Territory according to the King’s Instructions, upon an understanding that the government should be immediately and forever released from the burden of supporting the Church and Schools, the Trustees continued to borrow from £19,000 to £22,000 per annum from the revenues of the Colony. Upon this Statement, we beg first to observe that, although the establishment of the Corporation is to be dated from 9th March, 1826, the first grant of land* which it received was not until the 3rd of February, 1829. During the first three years of its existence, it did no more than act as an agent, on behalf of the Government, in paying the charges of the Church and School Establishments, which had been heretofore paid directly from the public treasury; and with regard to the comparative expensiveness of its management (to which subject we shall hereafter return), it may be shown that the increase in this department was more than counterbalanced by diminished expense in others. But Dr. Lang may say the case was afterwards altered; during the succeeding years, the Corporation had the land and yet continued to require the same advances. We must request Your Excellency to call to mind what were the King’s Instructions; that one seventh of the land in extent and value should be granted to the Corporation. These terms, extent and value, are by no means convertible in New South Wales; and the disingenuousness of Dr. Lang consists in insinuating that the Trustees had their seventh, as if they had it according to the spirit of their instructions, while he must have been fully aware, we repeat emphatically, he must have been aware, that they had it not even according to the letter. If, by counting merely the number of acres, the Seventh in extent could be made out, nothing approaching to a seventh in value was at that time, nor has been at any time since assigned to them. We respectfully enquire whether His Lordship is aware what portion the Corporation has received of the County of Cumberland? In this County are contained the Towns of Liverpool, Windsor, and Parramatta; it is bounded by the chief river of the Colony; it is the only seat of condensed population; and in it is situated the chief sea port, the seat of commerce and of government, the Town of Sydney. His Lordship must unquestionably be sufficiently acquainted with the relative value of property in this Country to perceive that, if the Church and Schools have fallen short of their due proportion in this Country, it is not the possession of even half of the remainder of the Colony that could accord immediate compensation. If therefore the representations of Dr. Lang have conveyed to His Lordship’s mind the impression that the Corporation has in any just sense received a Seventh of the Colony, We beg to remove it by stating that, while the County of Cumberland contains from 265,000 to 270,000 Acres of really good and valuable land, the portion allotted to the Corporation has been and is no more than 18,500 Acres, even including those Glebe Lands which the Clergy had held for more than twenty years, and of which the seventh was directed to be exclusive. In the town of Sydney, Dr. Lang informs His Lordship that land has been sold for the price of £25 for one hundred superficial feet; but he does not add, as he should in candour have done, that in this town the Corporation has never received an allotment. The Orphan School, many years ago, when

* Note 127.
1831.
18 Nov.

Reply to misrepresentations by Revd. J. D. Lang re land granted to church and school corporation.

Reply to allegations re maintenance of church and schools.

Alleged failure of objects of corporation.

Advances to corporation.

it was of little or no value, obtained about two acres, but the Corporation never one single foot. The nearest allotment, which they have ever received, is situated at the distance of seven miles on the barren sand and inaccessible shores of Botany Bay, and of the 1/75 Acres which it contains, the most valuable portion has been since resumed.

We have been compelled to enter at much greater length than we could have desired into the examination of this first part of Dr. Lang's charges, but we felt that this was indispensable for the purpose of unmasking the artifice by which representations, true in appearance and in one single particular, are palmed upon the world for the purpose of conveying an impression altogether erroneous. When Dr. Lang affirms that a seventh of the Territory was granted for the support of the Episcopal Church, he had the means of knowing, as well as any man, that, in the real sense of the words according to the King's Instructions, this assertion could not be maintained.

We will now more briefly, but we trust not less satisfactorily reply to his other charges. The land, he says, was granted on the understanding that the Government should be immediately and forever relieved from the burden of supporting the Church and School Establishments. Dr. Lang must have been well aware that no such engagement was made or ever contemplated; for he must have known that the Charter of Incorporation itself negatives such an assertion, by providing that such parts of the Revenue as had been set apart by former governors for the education of youth should still be applied under the management of the Corporation in aid of their funds arising from the land, and in towards the education of youth in the principles of the Established Church. With respect to the asserted engagement that a sufficient revenue should be raised from the land, immediately and for ever, to exempt the Government from every charge on account of the Church and Schools, Dr. Lang must have known, not only that this involved an impossibility, but that the impossibility was not attributable to the existence or to the management of the Corporation; for, if the lands which they hold had been granted to private individuals, it would have been equally impossible to make them productive of the annual sum from the burden of which, he says, it was understood they were to relieve the Government.

Dr. Lang asserts that the whole scheme has utterly failed of its intended object. We venture to assure His Lordship that the capacity of the Institution to accomplish its object has never been fairly tried. The first grant of land, which the Corporation received, was as has been shewn in February, 1829; and in the latter part of the same year, all the proceedings, which had been commenced for rendering the Estates productive, were suspended in consequence of the intimation then received of the intention of government to remodel its constitution. We cannot doubt that His Lordship will appreciate the candour, which infers the failure of an undertaking after only a few months' experience of its tendency, and that too during the most aggravated and critical period of a drought which ruined almost every establishment in the Colony.

Dr. Lang asserts that the Corporation, having possession of one seventh of the whole Territory, has borrowed from the Colonial Government at the rate of from £19,000 to £22,000 per Annum. We beg to state that the greatest sum thus received in any one year

* Note 128.
has been £20,500, and on an average of the whole period the advances have been £18,600 per Annum. We have further to observe that very nearly one half of that expenditure has arisen from the School Establishment, towards providing for which an appropriation of Revenues had been made by former Governors, and was by the Charter directed to be continued; and, by a Dispatch from the Right Honourable Sir George Murray, dated 25 May, 1820, it was admitted that the Colonial Revenue was chargeable with the expense of the Orphan Schools to the extent in which they now exist. With what accuracy therefore it can be alleged that this portion of the expenditure of the Corporation was borrowed from the Government, we leave to His Lordship’s decision. With reference to the other branch of expenditure, that pertaining to the Church, we are prepared to admit that the Corporation would immediately and for ever have relieved the Government, if the King’s Instructions had been or could have been complied with. But we have already shewn that, in the County of Cumberland where alone an annual revenue could be raised from land, their grant was deficient by nearly Fifty thousand Acres of good and valuable land. The Trustees of the Clergy and School Estates never desired to be placed on any other or better footing than individual proprietors. It was within the prerogative of His Majesty to confer lands upon a Corporation for the support of Church and School Establishments, no less than it was to bestow them upon private persons, and the title in both cases must be considered equally sacred. If then, in the case of individuals, it should appear that on some ground of public expediency or necessity the promises of Government could not be fulfilled according to the terms of original engagement, assuredly they must be considered equally sacred. The Trustees of the Church Corporation, not possessing nor being able to obtain those possessions out of which the revenues for the maintenance of the Clergy were to be derived, were under an unavoidable necessity, as we conceive they had a just claim to receive a pecuniary compensation, without which the Churches must have been closed and the Clergy left to Starve.

But what Dr. Lang intended to convey and what he knew would have the greatest weight with many of the people, to whom, with what delicacy and propriety we forbear to say, he has communicated his correspondence with His Lordship, was the impression that the sums received by the Corporation, even though they might be claimable according to the Charter, were nevertheless extravagant and excessive. To meet this assumption and at the same time not to fatigue His Lordship’s attention with too many details, we will refer to the expenditure of the Years 1829 and 1830, which furnish a fair average and criterion of all the rest. In the year 1829, the Total expenses of Schools were £8,907 8s. 5d., and in the year 1830 the same were £7,235 18s. 4d., the Charges of every description on account of the Church (Stipends of Clergy, Catechists, and inferior officers, cost of Church Furniture, Books for Churches and Schools, Erection and Repair of Parsonages and Places of Worship and all Parochial charges whatever) were in the former year £11,077 13s. 9d. and in the latter £10,352 8s. 9d. These last named sums, we request His Lordship to observe, are the only ones attributable to the support of the Established Church, or in which the Episcopal Clergy have any interest or concern.\[1831.\]
We are sensible that a very common and unfair mode of representation (which Dr. Lang has not disdained to countenance) is that which states the expense of the Establishment at from £19,000 to £22,000 per annum, and thence takes occasion to raise a clamour against its exorbitancy and extravagance, as if these sums were expended for the benefit and support of the Clergy, or for purposes in which the Clergy had some peculiar interest.

We must, however, remark that very nearly one half of that expenditure arises on account of Schools, wherein the Clergy have no greater interest than is common to every well-wisher to religion and friend of his country. If the Government were at any moment to withdraw all pecuniary support from the Schools, the community at large would be injured, and so it might injure the Clergy. But in no other way whatever would it or could it affect their interests, while it would relieve them from the labour and charge of superintending those parochial Schools, which from the very establishment of the Colony they have most faithfully executed.

We must refer also to the accusation, which Dr. Lang brings against the Trustees for lavish expenditure in the management of their property, which he states at from £1,500 to £2,000 per annum. At the date of Dr. Lang's letter, this Statement was correct (and it is the only one of his, concerning which we can make that acknowledgement); but it is no longer. In explanation of this, we have to state that, at the time the Corporation was established, an ungrounded persuasion had pervaded the whole community as to the returns which might be expected to be derived from land; and this so strong and universal as to involve the Trustees of the Corporation in common with all around them. To this cause must be attributed the disproportionate expenditure incurred during the first four years of the Corporation's existence, in preparing for the survey, occupation, culture and improvement of the lands which were to be vested in them. We deem it at the same time but just to recall to observation that, if under a false impression some considerable expenditure was thus incurred, the same was more than counterbalanced by better management in other Departments, the credit of which is exclusively due to the Corporation. At the date of the Charter, the Schools in existence were seventeen in number (including the Orphan Schools) and the expense for the year 1825 £9,406 1s. 8d. At the present time, the number of Schools is Forty; and, increased as they are in extent, and still more in order, morality and usefulness, the annual expense amounts to not quite £6,000. Neither can Dr. Lang impute to us a continued expenditure of from £1,500 to £2,000 on account of management; for we pledge ourselves to His Lordship that, in the present and succeeding years, the charge under that head will not amount to quite £900. We do not fear the imputation of extravagant expenditure when for this sum we are providing for the entire superintendence of all the Churches in this Colony, and for that of the Schools in both the Colonies, extending from Moreton Bay to Hobart Town, and from Sydney to Bathurst.

With reference to Dr. Lang himself, we shall only in conclusion request permission, with much respect, to convey to His Lordship our persuasion that he has expressed himself without a due regard to accuracy. Embarked in an undertaking in which he felt it
impossible to succeed without degrading the Established Church in His Lordship's estimation, he has preferred charges against the Corporation, in that loose Style which bespeaks a man resolved at any rate to injure the object of his envy and dislike, with the blind animosity of a political partisan, rather than with the scrupulous attention to truth and candour, becoming one who claims to bear a reverend and Sacred character.

We have, &c.

W. G. BROUGHTON, Chairman and First Commissioner.

ALEXANDER McLEAY.

WILLIAM LITHGOW.

Memorandum.—The remaining Commissioners are absent, M. C. Absence of Cotton, Esqr., Collector of Customs, having left the Colony on leave of absence, and T. Macquoid, Esq., having proceeded to the interior in discharge of his duties as High Sheriff of the Colony.

VISCOUNT GODERICH TO GOVERNOR BOURKE.

(Despatch No. 42, per ship Portland.)

Sir,

Downing Street, 19th Nov., 1831.

I have received General Darling's Dispatch No. 38 of the 14th of April last, accompanied by a report of Captain Sturt's proceedings into the Interior to explore the Country to the Southward and to ascertain the course and termination of the River "Murrambidgie."

Captain Sturt appears to have acquitted himself in a manner highly satisfactory and creditable to him; and I had deemed it my duty, in consequence of the strong testimony borne to his Services on this occasion by General Darling, to bring Captain Sturt's name under the favorable Consideration of the General Commanding in Chief.

I perceive from General Darling's Dispatch that he attaches much importance to the ascertaining of the fact whether a River met by Captain Sturt in his progress (which it was not consistent with the other objects of the expedition at that time to explore) flowing from the Nor'tward into the "Murray" was not, as supposed by that officer, the "Darling," and that it is also recommended that measures should be taken to discover whether there is not a Passage from Lake "Alexandrina" at Encounter Bay into Gulph St. Vincent. I have therefore to request that you will consider how far it is desirable to ascertain these points, understanding that, if the necessary Information can be obtained without any considerable expence, I have no objection to the equipment of an Expedition for that purpose.

The charge already incurred in the equipment of the party composing the Expedition under Captain Sturt's orders, amounting to £470 15s. 14d., will be allowed.

I have, &c.,

GODERICH.
HISTORICAL RECORDS OF AUSTRALIA.

ACTING GOVERNOR LINDSEY TO VISCOUNT GODERICH.

(Despatch No. 6, per ship Prince Regent.)

My Lord,

Government House, 19th November, 1831.

I have the honor to forward for Your Lordship's Consideration the accompanying Copy of a report from Judge Dowling in the case of Dennis Kellaher, Private 39th Regiment, who was found Guilty of Murder during the Current Sittings of the Supreme Court, to which Report is appended the Notes of Evidence taken by the Judge on the Trial together with a Minute in Substance of the Manner in which the case was Submitted for the Consideration of the Jury.

I beg also to add a Copy of the Minute of the Proceedings of the Executive Council, which I trust will be found Sufficiently explicit to put Your Lordship in full possession of the view taken of this Case, and to Shew the grounds on which Kellaher has been respited, until His Majesty's pleasure be made known respecting him.

I have, &c.,

P. LINDSEY.

[Enclosure.]

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

VISCOUNT HOWICK TO GOVERNOR BOURKE.

(Despatch per ship Portland.)

Sir,

Downing Street, 20 November, 1831.

With reference to my Letter to General Darling of the 31st of May last, on the subject of the additional Grant of Land claimed by Mr. Rodd, late of the Surveyor General's Department in New South Wales, I am directed by Viscount Goderich to acquaint you that a further consideration of this case has induced him to acquiesce in a grant of 1,800 acres being made to that Gentleman upon the terms on which Lands were held prior to the new Regulations.

In an application, which Mr. Rodd addressed to the Secretary of State on the 17th of Mar., 1830, he stated that he then rented of the Government an allotment of Land to the above extent. You will observe on a perusal of the annexed copy of a Letter to Mr. Rodd, that Lord Goderich has not held out to him the promise of his obtaining this identical Location; but, in the event of its not having been otherwise disposed of, and there appearing to you to be no objection to his now receiving it as a grant, his Lordship considers it to be but reasonable that this particular Land should be confirmed to Mr. Rodd in lieu of his obtaining a grant to the same extent in a different part of the Colony.

I have, &c.,

HOWICK.
Viscount Howick to Mr. J. Rodd.

Sir, Downing Street, 15th Novr., 1831.

I have received and laid before Viscount Goderich your letters, dated respectively the 26th and 31st Ulto. and of the 8th and 12th Inst.; and I am directed by his Lordship to acquaint you that, altho' he sees no reason to alter his opinion in respect to the Claim which you have preferred to an additional Grant of land, yet, considering all the circumstances of your case, particularly as connected with the injury sustained by you at the time you were employed in the service of the Colonial Government, he will, as an especial act of favor, direct that you shall receive a Grant of land to the extent of 1,800 acres, upon the terms which were in force in N. S. Wales prior to the adoption of the Regulations of January last. Lord Goderich, however, cannot undertake to say that you will be put in possession of the particular allotment of land described in a former letter, which you addressed to the Secretary of State, dated 17 March, 1830, as that land may have been otherwise disposed of before your return to the Colony; nor can he consent to defray any part of the expenses of your passage back to N. S. Wales.

I am, &c.,

Viscount Goderich to Governor Bourke.

(A circular despatch per ship Isabella.)

Lord Goderich presents his Compliments to Major General Bourke, and, with reference to his Circular despatch of the 22 of Nov., 1830, has to acquaint him that Robert William Hay, Esq., and not Lord Howick will in future have charge of the business connected with the Australian Colonies.

Downing Street, 23 Nov., 1831.

Viscount Goderich to Governor Bourke.

(A circular despatch per ship Burrell.)

Sir,

I have the honor to transmit to you the copy of an Address of the Honble. House of Commons, requesting a Return of all Colleges and Schools of Education in the Colonies or West India Islands with a List of the Professors or Masters severally belonging to them, And also an account of their respective salaries; and I am to desire that you will furnish me with the information called for by the House of Commons, as far as relates to the Colony of New South Wales, with as little delay as possible.

I am, &c.,

Goderich.
Resolved, Mercurii, 12th die Octobris, 1831.
That an humble address be presented to His Majesty, that he will be graciously pleased to give directions, that there be laid before this House a Return of all Colleges and Schools of Education in the Colonies or West India Islands, with a List of the Professors and Masters severally belonging to them; and also an account of their respective salaries.
Ordered,
That the said address be presented to His Majesty by such Members of this House as are of His Majesty's Most Honble. Privy Council.
J. H. LEY,
Cl. Dom. Com.

UNDER SECRETARY HAY TO GOVERNOR BOURKE.
(Despatch per ship Isabella; acknowledged by Governor Bourke, 5th May, 1832.)

Sir,
Downing Street, 23rd November, 1831.
I am directed by Viscount Goderich to transmit to you the enclosed copy of a letter, addressed to his Lordship by Mr. Chas. Young, late a Clerk in the Post Office, complaining of the means by which Mr. Raymond, the gentleman at the head of that Department, has effected his (Mr. Young's) removal from his situation; and I am to request that you will cause an enquiry to be made into the circumstances of the case, in order that reparation may be made to Mr. Young in the shape of other employment, should it appear that Mr. Raymond's conduct has been such as he has represented.
I have, &c.,
R. W. HAY.

[Enclosure.]

MR. C. YOUNG TO VISCOUNT GODERICH.

My Lord,
New South Wales, 8th July, 1831.
I beg leave most respectfully to submit to your consideration the circumstances connected with my case, which I shall state to your Lordship as shortly as possible, and I do so in the hope (which I have been given to understand from the most respectable authority) of your ever having manifested in your high situation a strong disposition to impartial justice, and listened with an attentive ear even to the most unimportant cases of hardship or vexation.
When H.E. Genl. Darling established the Post Office in this Territory upon its present basis, he appointed me from strong recommendations to be the Clerk thereof with a Salary of £150 per An., to accept of which I relinquished a mercantile situation of the consequence, and which I had held for a considerable time previously. Some time after this, and just as the mails thro' the Interior of the Country were set properly into motion for their complete safety and regularity of despatch (the plan of making up
the monthly Returns, together with the requisite Vouchers from the Deputies, etc., so as to form a portion of the Colonial Revenue, finally accomplished), Mr. Panton, who had been Post-master for ten years died, to whose ability and exertion and H.E.'s very able co-operation, the office I may say owes all that has as yet been done in it. The Governor at this time appointed Mr. Raymond, the present Postmaster (who had been some short time previously superseded from a situation he had filled in the Custom House), as Mr. Panton's successor, and he was some time ago confirmed by Sir G. Murray in that situation. "Tis the overbearing conduct and unnecessary severity constantly adopted by this Gentleman, together with his most ungentlemanly deportment evinced towards me, which I am given to understand and quite prepared to believe is natural to him, and is instanced in a remarkably striking manner by his conduct to those under him, which in the Customs Department is the cause which has now led me, tho' perhaps unwillingly, to trouble your Lordship at this time.

It will not perhaps be much wondered at that I, having been brought up and educated with respect for morality and the character of a gentleman, should feel sore at receiving such treatment, and the more so, when I inform you that he (Mr. Raymond) was entirely dependant upon my individual exertions for the whole duties of the Department, I may say executive as well as legislative, himself being, as is very well known to and understood by the Govt. here, entirely deficient in the commonest rudiments of education, and consequently, I should think, must be quite unfit long to conduct the most important duties of such an Office; feeling that my situation was thus rendered by his treatment towards me generally quite uncomfortable and not likely to get any better, I waited Request by C. Young for transfer. upon H.E. Private Secretary to intimate to him the real state of c. Young for removal into some other Office; and this appeal did not appear to be in vain, for I may mention that I was appointed by H.E. (which Colonel Dumaresq communicated to me verbally) to fill a vacancy in the Colonial Secretary's Office, and with as much salary as the one I had occupied, and from which I was now to be transferred; but, to this (which was a most desirable object for me to accomplish, under such circumstances) as well as to any other Office, I was, by Mr. Raymond's interference, prevented ever being permitted to fill. I continued thus doing the duties of this certainly Retention in post-office. most important office, I may say almost wholly unassisted, and submitting as patiently as possible to the most disagreeably harassing disposition and daily whim of the Post-master, anticipating that some change might by possibility come about, either by my every effort to please, or by some other cause. In this, however, I was mistaken, for one morning, in consequence of some trifling remark made by me, having been thrown off my guard at the moment by the severity of his observations for my being a few minutes after the hour of seven in the morning, altho' there was from recent arrangements made by the Govr. absolutely no duty to perform, he seized this opportunity of addressing a letter to the Colonial Secretary, complaining of my conduct generally and representing the most unfounded and wicked assertions. I was then called upon by the Colonial Secretary to admit Mr. Raymond's statement, but which I certainly, to Mr. McLeay and in the presence of my accuser, unhappily and most unequivocally denied. I
1831.
23 Nov.

Dismissal of C. Young.

I disclaimed them, whatever might be the consequences. Under these circumstances and without any further enquiry, H.E., as a matter of due course, considered himself bound to uphold his conduct; and I, as the weaker party, was removed without any further ceremony; but I have some reason to believe that the Governor did not wish to do so, and his orders issued to Mr. Raymond on the subject leave little reason for him to believe that his conduct is approved by H.E.

I believe it is not customary for the Govr. to report to you any cases of Clerks, where the parties have been appointed by himself, and therefore it is not very likely you will have any other information but this on my case, wh. may lead you, perhaps very unjustly, to hesitate before determining on my statements; but which I am very confident upon any necessary enquiry you will find to be correct; and that you will not consider it improper at least to order an impartial statement as to the correctness of Mr. Raymond’s report to the Govr. and thereby afford me an opportunity of vindicating my character.

I would therefore most respectfully trust that, with your usual goodness and impartiality, you will take the seriousness of my case into your consideration, in thus having been suddenly removed from my situation by Mr. Raymond (without any wish as I have reason to believe of the Governor, who has always shewn me the greatest kindness) out of the emoluments of which I derive my only means of support, and that you will consider me, from my services, character and unjust usage at the hands of the present Postmaster, as deserving of being reappointed specially to you to my situation, or strongly recommended to the favorable consideration of our Governor, under the circumstances of my case, to fill the first vacancy, which my experience in public business would render me in H.E.’s judgment competent to fill.

I have, &c.,

CHAS. YOUNG.

ACTING GOVERNOR LINDSEY TO VISCOUNT GODERICH.

(Despacht No. 7, per ship Prince Regent.)

My Lord, Government House, 23d Novr., 1831.

T. L. Mitchell I do myself the honor to report to Your Lordship that I have authorized the Surveyor General to proceed to that part of New South Wales, hitherto unexplored, which lies between the Rivers Castlereagh and Gwydir, in order to ascertain the truths of certain reports,* which have gained Considerable Credit, of the existence of a larger interior river, flowing towards the North West, A Circumstance, if true, of such vast importance to the future interests of the Colony that I have deemed it proper not only to take immediate Measures for ascertaining its correctness, but for doing so with the greatest possible accuracy, by entrusting the duty to an officer whose acquirements So well calculate him for the Undertaking.

Major Mitchell has accordingly been provided with the necessary Equipment and proceeds this day on his route to Peel’s

* Note 129.
River on Liverpool Plains, from whence he is to Commence his researches, as Your Lordship will see particularly stated in the enclosed Copy of a letter from him, dated the 19th inst.

When, in the Year 1818, Mr. Oxley explored a portion of the Territory to the Northward of the Liverpool Range of Mountains, the opinion resulting from his report argued a vast area of depressed interior between the parallels of 36 and 27, Stretching far to the West, and Subject at certain Seasons to total inundation.

This was the Theory of an immense inland Marsh, into which the Waters of the Macquarie, the Castlereagh and other Streams ultimately Subsided.

This hypothesis, founded on Mr. Oxley's data, gained Support from the result of Mr. Cunningham's observations* during the progress of his journey to the Northward of Liverpool Plains, between the parallels of 33° and 38°, in the year 1828, with the additional opinion of the existence of a Noble interior river, conveying the accumulation of inland Waters across the Continent through the extensive openings discovered by Captain King on the N.W. Coast about the parallel of 20° or 21°.

These opinions, although somewhat Shaken in 1830 by Captain and C. Sturt; Sturt's Discovery* of So large a river as the Darling pursuing a S.W. Course, have been recently revived by the report of a runaway prisoner of the Crown, whose accounts have given rise to many interesting Conjectures relative to the vast Unexplored interior of New Holland.

George Clarke, alias Barber, was Captured by a party of the Mounted Police about 30 Miles to the N. of the Western extremity of the Liverpool Plains range in the Month of November, 1831, and was at the time heading a tribe of black Natives.

Barber has passed at intervals a period of five Years with the Wandering Aborigines to the N. and N. Westward of Liverpool Plains, Conforming in every respect to their habits and Customs, and having Acquired a perfect knowledge of their language.

During the time he has lived amongst these Unsettled tribes, he asserts to have traversed the interior of New Holland, running down the banks of a Noble river, rising in the Eastern Coast Range, and fed by its Streams and those descending from the Liverpool range, already Navigable, in about 149° East Long. and 27½° S. Latitude, pursuing a Slow, Steady, and unbroken course about N.W. through the vast levels of the interior, and emptying its Waters into the open Sea.

This Statement, far from being Contradictory to the accounts of Messers. Oxley and Cunningham, Strongly Supports the
Theories entertained by the latter, and, from the Confident and very consistent manner in which it has been given, I am of opinion that it deserves some Credit.

I shall not fail to transmit to Your Lordship the earliest report I receive of Major Mitchell's proceedings.

In the meantime, I trust my having employed him in this duty will meet with Your Lordship's approval.

I have, &c.,

P. LINDESAY.

[Enclosure.]

SURVEYOR-GENERAL MITCHELL TO ACTING GOVERNOR LINDESAY.

Sir, Sydney, 19th November, 1831.

I have the honor to State, in obedience to Your Excellency’s directions, the circumstances which would guide me in my search for a great River in the Northern interior of New Holland, and my grounds for believing that such a River is to be found there, notwithstanding the discouraging character of the interior generally. This appears to me to be owing to the want of elevation in the primitive rocks, which in other parts of the World form lofty ranges, and which, where any River arises, usually enclose a Basin in which the waters, falling from both sides, are concentrated into one current.

The only range as yet known in Australia is parallel to the Eastern Coast, and continuous along its whole extent, giving birth to the rivers we already know. This coast forms a considerable curve Eastward between the latitudes of 20° and 30° South, and the mountains adjacent thereto have been so bold as to acquire the appellation of the Australian Alps. These must there form an extensive arc, concentric with the coast and concave towards the interior, where a concentration of the waters may therefore be supposed to take place. This might be looked for about the latitude of 28° S., where, at an average distance of say three hundred miles from the coast, the head of a large river may be found.

The basin thus formed much resembles, if general maps may be relied on, that in which the river Amazon has its rise near the opposite coast of America, flowing Eastward, as will appear by the accompanying Sketch. The river Ganges has its origin in a similarly curved range of mountains, though distant from the Sea; but, supposing the course of the desired river to be analogous to that of the Amazons, we must believe its estuary to be amongst those unexplored inlets of the Sea, which Captain King saw on the North Western Coast of Australia.

Moreton Bay is about the most Eastern part of the curve formed by the coast mountains; and it was observed both by Mr. Oxley and Mr. Cunningham that all the waters on the Interior Side, from the portion Southward or on this side of Moreton Bay, fall towards the North West on a flat Country, which appeared to decline in that direction; it can scarcely be doubted that, according to the laws of physical geography, the waters of the Coast Range, from the further or Northern portion of the curve, fall to the South West, in which case they must unite with those falling to the North West and thus that the rivers from seven hundred miles of a mountain range would flow into one channel. This can scarcely
be doubted; and, as we know of no other similar basin of magnitude in New Holland, there appears to be a greater probability of the origin of a great river there. The course of rivers, when not affected by mountains, is generally perpendicular to the chains in which they rise. Mr. Oxley said the sun set on a perfectly level Western horizon from the Mountains westward of Moreton Bay; and we find that, near Cape L'Eveque* on the Western coast, Captain King observed an extensive inlet, the depth of which he was unable to explore, and that the tide rose thirty-five feet. Mr. Cunningham also informed me that the Sea outside was discoloured, as it usually is near the mouths of great rivers, and this to a considerable distance from the Shore. That the waters from the mountain basin on the east reach the North Western coast is, therefore, extremely probable, unless these waters are discharged by some broad and shallow estuary into the gulf of Carpentaria, where the coast was but imperfectly seen by Captain Flinders. Geologists would say the parallelism of such a principal feature in the surface of New Holland with the neighbouring Isles of Sunda and Timor is probable.

The report of the bushranger, so intelligibly drawn out by Mr. Maule of the Mounted Police, has guided me very much in these conjectures; and I consider it much too true to admit of my having the honor of discovering the river, although I entertained the prospect of reaching the North or North Western Coast by that means, when I marked the North road, which leads directly to the accessible part of Liverpool Plains.

The advantage of such a river to New South Wales, as Your Excellency is already aware, would be of the most important and permanent nature; a navigable river, reaching from near the rich district of Liverpool Plains to the Shores of the Indian Ocean, would not only obviate the dangerous and circuitous navigation through Torres Straits, but would form a direct line of communication with India and China, uniting also the temperate with the tropical regions of Australia, and, if found in the direction of Cape L'Eveque, such a river would be in fact in the straight line to England by Bombay and the Isthmus of Suez.

I have, &c,

T. L. MITCHELL, Surveyor Genl.

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VISCOUNT GODERICH TO GOVERNOR BOURKE.

(A circular despatch per ship Burrell.)

Sir,

Downing Street, 24 Nov., 1831.

The Commissioners of Colonial Enquiry having called my attention to the irregularity and delay, which has occurred in some instances in making up and transmitting to England the annual accounts of the Revenue and Expenditure of the Colonies for the purpose of examination and audit, and the necessity of enforcing by some Regulation more punctuality in this respect; I am to desire that you will give the necessary directions to the Treasurer or other proper Officer of the Colony under your Government, to transmit the Accounts and Vouchers

*Note 131.
of the preceding year on or before the 1st of April; and you will require from him a Certificate that these Instructions have been complied with, as a necessary document to enable him to draw his salary, which you will on no account issue, so long as the Accounts are in arrear. I am, &c.,

Goderich.

ACTING GOVERNOR LINDSEAY TO VISCOUNT GODERICH.
(Despatch No. 8, per ship Prince Regent; acknowledged by Viscount Goderich, 4th May, 1832.)

My Lord,

Government House, 26th November, 1831.

I have the honor to transmit an application from Lieut. Colonel Snodgrass, Major of Brigade, for a building allotment in the Town of Sydney, and, as I have great reason to know that the Strong Claims he urges for this indulgence are very correctly Set forth, I beg leave to recommend the application to Your Lordship's most favorable Consideration.

I have, &c,

P. Lindesay.

[Enclosure.]

LIEUT.-COLONEL SNOODGRASS TO ACTING GOVERNOR LINDSEAY.

Sir,

Sydney, November, 1831.

Having ascertained that the regulations, which prohibited the Granting any Land in this Colony to Military Officers while on full Pay, have been so far deviated from as to permit Lieut. Colonel Dumaresq of the New South Wales Royal Veteran Company selecting an Allotment of ground for Building on in Sydney, I take the liberty of urging my Claims in favor of a similar indulgence, and these are so strong that I am confident, if they were laid before the Secretary of State by Your Excellency, they will receive His Lordship's favorable Consideration. I was induced to come out to this Colony on the Military Staff of the Command, principally with a view of ultimately settling, being ignorant that the existing regulations did not permit of my obtaining a Grant of Land while holding the situation of Major of Brigade; but I am led to believe, by a letter from Sir George Murray, then Secretary of State for the Colonies, to Lord Fitzroy Somerset (which I take the liberty of enclosing) that some indulgence was intended; and I feel confident your Excellency will bear witness that I have been called upon to perform many Colonial duties unconnected with my Situation of Major of Brigade, for which you are equally aware that I have never received any allowance whatever; amongst these, I may particularize the Superintendence of the Colonial Ordnance for nearly three Years and the Mounted Police for nearly two, by which a very considerable Saving accrued to Government, and I confide in His Lordship's allowing that I am worthy of some reward for the Saving thereby effected to the Public.

The change of system promulgated in the recent regulations for the Sale of Land no longer prohibited Military Officers from Purchasing, but have Materially injured my expectations of a Grant.
(unless His Majesty’s Government will be pleased to remunerate me in that way for my Colonial Services); but there does not appear to be the same objections to granting a small allotment for building in the Town, several of the Civil Officers and many private Gentlemen, with one Military Officer, having within the last Month received them; and, with my very inadequate Lodging allowance, some assistance in procuring a residence is really necessary.

Under these circumstances, I very respectfully request that your Excellency will submit my claims to the Secretary of State, and I further beg leave to solicit that, under the probability which exists of every eligible spot of ground being selected by other persons, before an answer can possibly be received to this application, your Excellency will permit of my selecting one to be reserved until such answer can arrive, and I pledge myself in case of a refusal, which I cannot anticipate, to purchase the allotment under the regulations which may exist at that time.

I have, &c.,

K. SNOODGRASS, Lieut. Colonel.

[Sub-enclosure.]

SIR GEORGE MURRAY TO LORD FITZROY SOMERSET.

My dear Lord Fitzroy, Downing Street, 21st December, 1829.

I return you Lt. Col. Snodgrass’s letter.

I should be very glad if I could do anything for him; but there is a regulation prohibiting Grants of Land being made to Military Officers in employment in Australia, and the same principle has been applied also to persons holding Civil Situations under certain restrictions.

The Governor of the Colony has, however, been authorized to extend to Lt. Col. Snodgrass some indulgence under the restriction of its not being made a precedent. Very faithfully yours,

G. MURRAY.
DESPATCHES
TO AND FROM ENGLAND
dURING THE
ADMINISTRATION OF GOVERNOR Bourke.

Major-General Richard Bourke landed at Sydney and assumed office as captain-general and governor-in-chief on the 3rd of December, 1831.
DESPATCHES
DECEMBER, 1831—DECEMBER, 1832.

GOVERNOR BOURKE TO VISCOUNT GODERICH.
(Despatch No. 1, per ship Prince Regent.)

My Lord,

Government House, 3rd December, 1831.

I have the honor to inform Your Lordship that I this day landed at Sydney, and was sworn in Captain General and Governor in Chief of New South Wales and Van Diemen’s Land in presence of the Members of the Executive Council and other Persons assembled on the occasion. I subsequently administered the oaths to the Members of the New Executive Council, in Conformity to His Majesty’s Instructions.

I found Colonel Patrick Lindesay, 39th Regiment, administering the Government of the Colony, Lieut. General Darling having embarked for England via China on the 22d October last.

I have, &c,
R. BOURKE.

VISCOUNT GODERICH TO GOVERNOR BOURKE.
(Despatch No. 43, per ship Burrell.)

Sir,

Downing Street, 10 December, 1831.

In consequence of representations received from the Lieutt. Governor of Van Diemen’s Land as to the inconvenience, which the local Government sustained from the operation in that Colony of the Act 9 Geo. 4, Cap. 95, which deprived of their Half-pay such Military Officers as might, subsequently to the passing of that Act, receive Civil appointments under the Crown, an alteration has been made in the Regulations in that respect. By the 22d Clause of the 1 and 2 William 4th, Cap. 54, you will perceive that it is now competent to the Lords Commissioners of the Treasury to authorise Military Officers in Civil employment to receive half-pay in any case, in which they may be of opinion that the employment of such Military Officers, in Civil situations with small emoluments, will be conducive to economy and beneficial to the Public service. With a view to the full benefit of this arrangement being enjoyed by those in the receipt of

* Note 132.
1831. 10 Dec.
Reports to be transmitted.

half-pay upon whom Colonial appointments have been or may be conferred under the circumstances above mentioned, you will take care to apprise me of such appointments, specifying the Salary or Emoluments of the same and the date, in order that I may be enabled (in addition to the oath or Affidavit of the Officer himself) to afford such information as shall be required by the Lords Commissioners of the Treasury in the exercise of the authority vested in them by the Clause of the Act to which I have referred, a copy of which I have the honor herewith to enclose.

I am, &c.,
GODERICH.

[Enclosure.]

EXTRACT FROM STATUTE.
1 and 2 William the 4th, Cap. 54.

22. Provided always, and be it further enacted, That it shall be lawful for the Commrs. of the Treasury, or any three or more of them for the time being, to authorise the receiving Half-pay by Military Officers with Civil Employments in any cases, in which the said Commissioners shall be of opinion that the employment of such Military Officers in the Colonies or elsewhere, in Civil situations of responsibility with small emolument, will be conducive to economy, and thereby beneficial to the Public Service; and, in every such case, the Officer, so authorised to receive half-pay with the Salary or emoluments of any Civil employment, shall signify the same in his oath or affidavit, specifying the Office and the authority under which he is so allowed to receive his Half-pay.

VISCOUNT GODERICH TO GOVERNOR BOURKE.
(Despatch No. 45, per ship Burrell.)

13 Dec.
Revocation of assignments of convicts.

SIR,
Downing Street, 13th December, 1831.

I have received General Darling's Dispatch of the 28th of May last, transmitting a return of Prisoners, whose assignments have been revoked under the Act of 9th Geo. 4th, Cap. 83, up to the 28th of February of the present year.

On an examination of the causes assigned for withdrawing the Services of these Prisoners from their Masters, I regret to find, in particular cases, that the Information is not so explicit as could be desired. For instance, in the case No. 12, that of Mary Anne Gregson, "improper conduct" is stated as the reason for the revocation of her assignment; but I am at a loss to understand from this expression whether it is on account of the misconduct of the Prisoner or of her Master; Again in cases Nos. 20, 21 and 22, the same difficulty occurs, and others may be mentioned.
GODERICH TO BOURKE.

As my only object is to call your attention to the subject, I shall content myself with the enumeration of those cases to which I have referred; and I have to request that the Superintendent of Convicts, under whose direction I perceive the return has been prepared, may be desired to render the column, to which my observations apply, more complete, whenever the period arrives for sending home a continuation of the Document in question.

I have, &c.,
GODERICH.

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VISCOUNT GODERICH TO GOVERNOR BOURKE.
(Despatch No. 46, per ship Burrell.)

Sir,
Downing Street, 14th December, 1831.

I have received General Darling’s Dispatch No. 48 of the 6th of June last, reporting his having revised the scale of gratuities, granted to Convicts employed as Overseers, etc., and other arrangements connected with the constabulary force of the Colony, by which a Sum exceeding £3,000 has been saved to the public.

It is highly satisfactory to me to find not only that so considerable a diminution of Expence is likely to accrue from the Arrangements in question, but that the public Service will be provided for as fully and as efficiently as before; and I have therefore much pleasure in conveying to you His Majesty’s Approbation of the Regulations (copies of which accompanied General Darling’s Dispatch) by which this desirable object has been accomplished. It is also very gratifying to me to learn that, in addition to the reduction above stated, His Majesty’s Treasury will be relieved from a considerable portion of the Expence of the Police (hitherto defrayed through the Commissariat) by the Act of Council, referred to by General Darling, wherein all fees received on Licenses for the Sale of Spirits, amounting in the last year to a Sum exceeding £5,000, were directed to be applied in aid of that Establishment.

I have, &c.,
GODERICH.

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VISCOUNT GODERICH TO GOVERNOR BOURKE.
(Despatch No. 47, per ship Burrell.)

Sir,
Downing Street, 15th December, 1831.

I have received General Darling’s Dispatch, marked separate of the 10th of June last, in reference to the case of Captain Wilson, the Director of Public Works.
Having, upon the Information which I had previously received respecting the Insolvency of that Officer, directed his removal from all employment under the Colonial Government, I have only, on the present occasion, to express my regret that, in the inquiry which took place before the Council, the minutes of whose proceedings accompanied General Darling’s Dispatch, there should have appeared so many circumstances connected with Captain Wilson’s pecuniary difficulties to add to the discredit, which that event was sufficient of itself to bring upon the office which he held.

Goderich.

Viscount Goderich to Governor Bourke.

(Despatch No. 48, per ship Burrell.)

Sir, Downing Street, 20 Decr., 1831.

I do myself the honor to transmit to you the accompanying papers, explaining the manner in which the correspondence will be conducted with persons who may proceed to New South Wales under the arrangements of the Commissioners for Emigration, in order that you may be able to concert such measure as may seem proper for the prevention of frauds without infringing on the expectations held out in this Country. You will no doubt consider it advisable to require the personal appearance of parties on whose account orders shall be presented, or, should they have died on the passage, to demand evidence of that fact; but, as in the several despatches, which I have already addressed to you on this subject, I have felt that it would be unnecessary and perhaps even inexpedient to prescribe positive instructions for the local regulations which might be required, I shall also, from a similar consideration, abstain from giving you any more particular directions on the present occasion. There is, however, one possible case to which I am desirous of drawing your special attention. Although no orders for payment will be addressed either to yourself or Colonel Arthur, until the parties shall have declared whether it be their intention to proceed to New South Wales or to Van Diemen’s Land, it is possible that some Emigrants may form a wish during the voyage to change their destination from one Colony to the other. But it is obvious that no such change could be allowed without destroying the efficacy of the measures that have been adopted for apportioning the Expenditure on Emigration between the two Colonies. I am unwilling to render it imperative on you universally to refuse granting payment on account of a despatch addressed to the Governor of the neighbouring Colony; but, unless it should happen that two persons possessing orders of similar amounts on the two Colonies should,
GODERICH TO BOURKE.

Sir,
Downing Street, 21 Dec., 1831.

The attention of my Predecessor having been called to the lamentable state of ignorance and barbarism in which the Aborigines of New Holland continued to remain, an agreement has been entered into with the Church Missionary Society by which they have undertaken to send out and superintend a Mission to these People, upon their being guaranteed for the support of it, an annual payment of £500 from the Revenues of New South Wales. I enclose for your information a copy of the correspondence, which took place between this Office and the Society, from which you will learn the sentiments of the Government upon this important subject; and I have to request that you will recommend to the Legislative Council the annual Grant, so long as the Mission exists, of £500 from the Colonial Revenues in furtherance of the objects in view. The commencement of the payment is to date from the arrival of the Mission in New South Wales. One Missionary proceeded to the Colony in March last, the other, it is expected, will take his departure in the course of a few weeks. You will, in concert with the Agents of the Society, establish such regulations for checking the Expenditure of this money as may be adopted to ensure the due appropriation of it to the objects for which it is given.

It is almost needless for me to instruct you to afford your countenance and protection to the Missionaries and to give them every facility in the discharge of duties, from which the Government anticipate much advantage to the Natives themselves, as well as to the European Settlers, who at present are exposed to the mischievous consequences of the predatory lives and habits of their neighbours.

I beg to call your attention to the various Grants* of Land, which have from time to time been given by your Predecessors to Missionary Societies for the purpose of inducing them to

* Note 133.
undertake the task of civilizing the Natives and instructing them in the principles of Religion and Morality. You will ascertain the state of these Grants and the manner in which the funds arising from them have been appropriated; and if you should find that the objects for which they were given have not been realized and that the Government have the power of resuming the lands, you will not fail to do so, and to dispose of them in such manner as may render them productive of Revenue, by which means the charge to the Colony on account of the New Mission might be lessened.

I am, &c.,

GODERICH.

[Enclosures.]

[ Copies of these papers are not available.]

UNDER SECRETARY HAY TO GOVERNOR BOURKE.

(Despatch per ship Burrell.)

Sir, Downing Street, 21st Decembris, 1831.

I am directed by Viscount Goderich to transmit to you the copy of a letter from the Secretary to the Treasury, enclosing two reports from the Commissioners of Colonial Audit, dated the 5th of May last and 2d Instant, respecting the accounts of the Colonial Treasurer of New South Wales for the year 1828, which do not appear to have reached this country, although, in a letter addressed to the Secretary of the Treasury by the Auditor of that Colony under date of the 13th of February, 1829, it was stated that the accounts for 1828 were in considerable forwardness and would be transmitted without loss of time.

Under these circumstances, I am directed by Lord Goderich to request that you will cause enquiries to be made as to the cause of their non-arrival, and that Duplicate copies may be immediately transmitted to this country, should it appear that they have been dispatched from the Colony and that any accident has befallen them in the course of their conveyance hither.

I have, &c.,

R. W. HAY.

[Enclosure.]

HON. J. STEWART TO UNDER SECRETARY HAY.

Sir, Treasury Chambers, 16 Decr., 1831.

I am commanded by the Lords Commissioners of H.M.'s Treasury to transmit to you the enclosed copies of reports from the Commissioners of Colonial Audit, dated 5th May last, and 2d Inst., on the subject of the Accounts of the Colonial Treasurer of Van Diemen's Land for the year 1827, and those of the Treasurer of New South Wales for the year 1828, which have not been received in this country; and I am to request that you will move Viscount
Goderich to direct the Governor of these Colonies respectively to take immediate measures for supplying this omission, and forwarding to my Lords the Accounts in question, or should the original accounts have been lost, for furnishing Duplicates of them with the least possible delay, and that his Lordship will call the attention of the Lieutenant Governor of Van Diemen's Land to the delay, which has occurred in rendering the accounts of the Treasurer of that Colony subsequently to the year 1828, and that he may be desired to cause the accounts for the years 1829 and 1830 to be completed and forwarded to my Lords without delay, and to take such steps as may be necessary for enforcing a more ready attention to the Instructions on that subject in future.

I am, &c.,

J. STEWART.

[Sub-enclosure No. 1.]

AUDIT COMMISSIONERS TO COMMISSIONERS OF TREASURY.

My Lords,

Colonial Audit Office, 5th May, 1831.

We are under the necessity of reporting to your Lordships that we have not yet received the Accounts of the Colonial Treasurer at New South Wales for the year 1828, nor those of the Treasurer at Van Diemen's Land for the year 1827, although, from the communications from those Colonies, and from the arrival of the Accounts of the succeeding years, we have little doubt but that both these missing accounts have been transmitted.

The accounts of the receipt and application of the Revenue of these Colonies for the year 1826 having been forwarded to your Lordships in pursuance of the directions given under your minute of the 18th March, 1825, were received by us from your Department, those of New South Wales in July, 1829, and of Van Diemen's Land in the October following.

From the commencement of the year 1827, the Instructions adopted by your minute of the 26th of May, 1826, took effect, under which it became the duty of the respective Local Auditors to forward the accounts annually. Some delay occurred in the transmission of the first accounts, which was in both instances explained, and a letter addressed to your Lordships' Secretary by the Auditor at New South Wales, under date of the 13th Feb., 1829, forwarded to us in Mr. Stewart's letter of the 21st July following, notified the transmission of the Accounts of the Treasurer of that Colony for the year 1827, which were duly received, and stated that the Accounts of 1828 were in considerable forwardness and would be transmitted without loss of time in a letter dated the 16th of July, 1829. The Auditor submitted to your Lordships a comparative statement of the Revenue and Expenditure of New South Wales for the years 1827 and 1828, and, in a letter dated the 25th Novr. following, he forwarded to this office some statements and Vouchers relative to the Revenue for the same years, explaining the reason for their not having accompanied the Accounts of the Colonial Treasurer for the corresponding periods. In the month of September last, we received advice of the transmission of the accounts of the Treasury at New South Wales for the year 1829, which, having been addressed to your Lordships, were forwarded to us by Mr. Stewart's letter of the 25th Sept. last; but we have no further information of any description concerning the accounts for the year 1828. We have already adverted to the receipt of the Accounts...
of the Revenue and Expenditure of Van Diemen's Land for 1826, Mr. Dawson's letter of the 13th August last forwarded to us by your Lordships' directions a letter from Mr. Boyes, the acting Auditor in that Colony, dated 6th March, 1830, stating that a Box containing the cash accounts of the Civil Service of the Colony for the year 1827, and Store accounts from May, 1826, to the end of 1827, addressed to your Lordships, had been put on board the Ship "Lady Harewood"; but, although we have since received a box containing accounts for the year 1828 without any letter of Advice, but accompanied by a General Abstract bearing date the 26th of June, 1830, the box of Accounts for 1827 advised of by Mr. Boyes' letter of the 6th of March has not yet reached this office.

We cannot but presume that both the accounts of New South Wales for 1828 and of Van Diemen's Land for 1827 have been transmitted to this Country; and we would beg leave to suggest, as they would be addressed to your Lordships, that enquiry may be made of the officers of the Customs, or in such other manner as you may deem proper, in order to ascertain whether they have been deposited and remain in any Warehouses here. Should they not be forthcoming, it will be necessary that directions should be given to the Colonial Government to cause the Duplicate sets of them to be forwarded to your Lordships; but in that case we fear that further copies must be made to be retained in the Colonies.

We have, &c.

EDMOND BYNG.
JOHN CONROY.

[Sub-enclosure No. 2.]

AUDIT COMMISSIONERS TO COMMISSIONERS OF TREASURY.

My Lords,

Colonial Audit Office, 2d Decr., 1831.

Referring to our Report of 5th May last upon the subject of the Accounts of the Colonial Treasurer of Van Diemen's Land for the year 1827, and those of the Treasurer of New South Wales for the year 1828, and to Mr. Stewart's letter to us of 12th July last we have to acquaint your Lordships that we have not yet received the Accounts in question, nor any further advice relating to them. We therefore beg leave to suggest that Communications should be made to the respective Governors of those Colonies, apprizing them that the Accounts have not reached this Country, and requiring them, in the event of their being unable to afford explanation in regard to their non-transmission or non arrival, to cause duplicates of the accounts and of the Vouchers in support of them or certified copies of the latter to be forwarded to your Lordships with the least possible delay.

We beg leave also to state that we have not received the accounts of the Treasurer at Van Diemen's land for any period subsequent to the year 1828, although those of the Treasury of New South Wales for 1830 have already been rendered; and we would suggest that the attention of the Lieutenant Governor should be called to this delay, and that he should be desired to enforce the immediate completion and transmission of any Arrear Accounts, and to take steps for preventing any similar delay in future.

We have, &c,

EDMOND BYNG.
JOHN CONROY.
Viscount Goderich to Governor Bourke.  
(Despatch No. 50, per ship Burrell.)  
Sir, Downing Street, 22d Decemr., 1831.

My Under Secretary has laid before me a Letter addressed to him by Mr. Kinchela, Attorney General of New South Wales, applying for his full Salary from the day of Mr. Baxter’s Resignation, on the ground that no person was appointed to discharge the duties of that office, and that, consequently, a vast accumulation of public Business had accrued, the whole of which Mr. Kinchela had, on his arrival, to clear off, independent of the ordinary Business of his Office.

I consider Mr. Kinchela has made out a fair claim to the Approval of additional half Salary for which he has applied, if the circumstances of the case shall prove to be such as he has represented, and you will issue to him the extra Allowance accordingly. I have however to request that you will point out to Mr. Kinchela the irregularity of his having transmitted his application upon this subject direct to this Department, instead of sending it, as the Regulations prescribe, through the medium of the Local Authorities.

I have, &c.,

Goderich.

Under Secretary Hay to Governor Bourke.  
(Despatch per ship Burrell; acknowledged by Governor Bourke, 3rd August, 1832.)  
Sir, Downing Street, 22d Decemr., 1831.

I am directed by Viscount Goderich to request that you will inform Mr. Kinchela, in answer to an application which he has addressed to this Department for a town allotment, that, according to the Regulations lately adopted for the disposal of the Crown Lands in New South Wales, his Lordship is unable to comply with his request; and you will also acquaint Mr. Kinchela that there must have been some misunderstanding on his part in supposing that he was promised that an order would be sent out at once for his receiving such an Indulgence, as it was not usual to convey such Instructions to the Colony until after the officer’s arrival in New South Wales, and upon the receipt of a special recommendation to that effect from the Governor.

I have, &c.,

R. W. Hay.
Despatch acknowledged re removal of Pitcairn islanders.

Approval of services of A.A. Sandilands; and of agreement re supplies at Otaheite.

VISCOUNT GODERICH TO GOVERNOR BOURKE.

(Despatch No. 51, per ship Burrell; acknowledged by Governor Bourke, 3rd August, 1832.)

Downing Street, 23d December, 1831.

Sir,

I have received General Darling's Dispatch No. 45 of the 25th of May last, enclosing a Letter addressed to him by Captain Sandilands of His Majesty's Ship Comet, containing an account of his proceedings in executing the service upon which he was employed connected with the removal to Otaheite of the People of Pitcairn's Island.

The whole of the Arrangements, in furtherance of this Service, appear to have been conducted by that officer in a most satisfactory manner; and you will not fail to express to him, if still upon the same station, the sense which His Majesty's Government entertain of the zeal and ability which he has manifested upon this occasion.

The agreement, into which he has entered for supplying the people in question with Provisions for a period of six Months subsequently to their arrival at Otaheite, will add very considerably to the other expenses attendant upon their removal; but under the circumstances of the case, it does not appear to have been possible to avoid incurring this extra charge; and I have therefore to desire that you will see the agreement fulfilled.

I have, &c.,

GODERICH.

GOVERNOR BOURKE TO VISCOUNT GODERICH.

(Despatch No. 2, per ship Prince Regent.)

My Lord,

Government House, 23d December, 1831.

Lieut. General Darling, in his Despatches of the 12th August and 22d September, 1830, and of the 13th April and 7th September, 1831, brought under the Notice of the Secretary of State for the Colonies the importance of the Commercial intercourse between this Colony and New Zealand, and detailed the interruptions to which the Trade was exposed and the discredit brought on the British Name by the atrocious Misconduct of the Masters and crews of Whalers and other Ships touching casually at New Zealand. These enormities he proposed to check by the appointment of a Resident* at the Bay of Islands, or other suitable Place in New Zealand, and by placing one of the Colonial Vessels Under the Resident's Orders. Lieut. General Darling's recall appears to have induced him to relinquish this design.

Finding upon my arrival that Considerable anxiety was expressed by the Merchants of this place that the intercourse with

* Note 134.
New Zealand should be placed on a better footing, I brought the Matter under the notice of the Executive Council on the 22d inst., proposing to place a Resident in New Zealand with one of the Colonial Vessels under his orders for the purpose of protecting and promoting Commerce and effecting the apprehension of fugitive Convicts, of whom many are said to be lurking in New Zealand, and taking a principal Share in the atrocities Committed there. I detailed to the Council the Instructions I proposed to give the Resident, and the mode by which it was hoped the objects of his Mission might be accomplished; and Your Lordship may perceive, by reference to the accompanying Minute, the Council were of opinion that the employment of a Resident would be fruitless, unless he had a Military force Under his Command for his protection, and to give weight to his interference; and, as I declined Sending any of the Troops under my orders to those Islands, the Council recommended that the whole Subject should be referred for Your Lordship's Consideration and Commands.

By reference to the Minute, Your Lordship will See the importance of the Trade between this Place and New Zealand, both as regards this Colony and Great Britain, and the necessity of protecting it. I should state that the annual Visit of a British Cruizer for a few days does not add in any perceptible degree to the Security of the Trade or the prevention of Crime.

Your Lordship will also perceive, with reference to the letter of the Acting Governor Lindesay, Marked Separate and addressed to Your Lordship on the 4th of November, 1831, in which he mentions the apprehensions entertained that a french Corvette had made a Settlement on the shore of the Bay of Islands, that no Such possession had been taken, nor does it appear to have been contemplated.

I have the honor to enclose in Original the address to His Majesty from Certain New Zealand Chiefs, with an accompanying letter from Mr. Yates the Secretary to the Church Missionary Society at New Zealand.

R. BOURKE.

[Enclosure No. 1.]

PROCEEDINGS of the Executive Council relative to the appointment of a Resident at New Zealand.

EXTRACT from Minute No. 66, dated 22nd December, 1831.

Present:—His Excellency the Governor; The Honble. Colonel Lindesay; The Venerable the Archdeacon; The Honble. the Colonial Secretary; The Honble. the Colonial Treasurer.

His Excellency the Governor then laid before the Council certain papers on the subject of New Zealand, and requested their advice.
Proceedings of executive council re proposed resident in New Zealand.

1831.
23 Dec.

His Excellency further stated that the frequent instances of fraud practised by the crews of Vessels touching casually at those Islands are too well known to require repetition. They have been a subject of complaint from the time of Governor McQuarie down to the present day, and require to be suppressed both on the score of humanity and for the preservation of trade.

His Excellency was of opinion that the duty of the Resident should be to conciliate the good will of the Chiefs, and to encourage the production of those articles of commerce of which Great Britain or the Colony stands in need. Upon the facility of procuring the phormium tenax, some anxiety has been expressed by the Navy Board. A Return from the Custom House of Sydney shews to what an extent the Commercial intercourse between the Colony and New Zealand has already reached, notwithstanding the interruptions which the misconduct alluded to has occasioned.

The Resident should also endeavour to protect the Natives from ill treatment by every possible means, and to procure the surrender of the fugitive Convicts, who are lurking in those Islands. The means, by which these objects may be accomplished, are set forth in the accompanying letter of the Attorney General of New South Wales.

His Excellency likewise requested the Council to consider, whether the expense of this Establishment should be borne by the Colonial Treasury with the consent of the Legislative Council.

The Governor also laid before the Council Letters from Commander de Saumarez of H.M. Sloop Zebra relating to what occurred in the Bay of Islands when the French Sloop La Favorite arrived there in the month of October, but had shown no intention of taking possession of those Islands or any part thereof, and from the Revd. Mr. Yates forwarding one from certain Chiefs addressed to His Majesty King William the Fourth, praying that His Majesty will become their friend and the Guardian of their Island.

The Governor stated in conclusion that a deputation of the Merchants, connected with the New Zealand trade who had waited upon him, had recommended that a Resident might be stationed at those Islands to watch over the interests of the important trade, which is now carrying on between them and this Colony.

The Council were strongly impressed with the importance of encouraging by every possible means an intercourse with these Islands, and of conciliating a friendly disposition on the part of the Natives, as well as of preventing the repetition of outrages similar to those which have from time to time been committed by the crews of British Vessels; and, although fully persuaded of the advantages of the proposed measure, yet were of opinion that the same was not likely to succeed without the aid of a Military force; and, conceiving that such a proceeding should not be taken without the sanction of His Majesty's Government, recommended to His Excellency to refer the whole subject to the favorable consideration of the Right Honorable the Secretary of State.

A true Extract:—E. Deas Thomson, Clk., Col.