GODERICH TO BOURKE.

that Town, to subject to a Quarantine of ten days all Vessels resorting thither from infected places even in this Kingdom, in the hope that, so long as Liverpool itself remains free from the disease, Vessels sailing from it with clean Bills of Health may be admitted, if not absolutely without hesitation yet with little comparative suspicion or delay at any Foreign Ports to which they may be bound.

I have thought it my duty to communicate to you the preceding facts, because the intercourse between Great Britain and her Colonies is so extensive, and is a subject of such extreme importance, that I would not willingly leave you in ignorance of any circumstances by which it may be interrupted or rendered less easy.

However strongly His Majesty's Government may be disposed to maintain the opinion that a protracted Quarantine is unnecessary, they of course acknowledge in the fullest manner that it is the duty of the Officers, administering the Governments of His Majesty's various Possessions abroad, to adopt every measure which prudence suggests for preventing the introduction of this formidable malady. So fully indeed do I admit and respect the right of self preservation on such an occasion as this, that it would not be without extreme reluctance, and the most evident necessity, that I should advise His Majesty to disallow any local regulations respecting Quarantine, even tho' they might seem to have been dictated by an inordinate alarm or by a misconception of the material facts of the Case. This is a subject on which each Community, acting thro' its proper representatives, must to a great extent be permitted to decide for itself; and I should be far better satisfied to err on the side of caution, from deference to popular feelings, than on that of temerity from respect to any Scientific authorities, however eminent.

Assuming that you will ere now have enforced the powers vested in you by Law for subjecting to Quarantine all Vessels arriving within your Government without clean Bills of Health, I shall not, for the reasons already mentioned, attempt to oppose either authority or influence to that measure, however prejudicial it may be to the Trade of this Kingdom.

I must however impress upon yourself and upon all Members of the Government or Legislature within the Colony the importance of not aggravating by unnecessary restrictions the embarrassment inseparable from a strict Quarantine on British Vessels. When the length of time which must elapse between the departure of Ships from this Kingdom and their arrival at the Ports of your Government is considered, and advertizing to the fact that no reason whatever exists for supposing that the Cholera

1832. 31 March.

Quarantine established at Liverpool.

Reasons for statement.

Quarantine to be determined by local authorities.

Freedom of action for local authorities.

Unnecessary restrictions to be avoided.
ever remains in the human constitution in a latent state for so long a period, there would seem no motive for enforcing more than a very short Quarantine on any Vessels which had been wholly free from the Disease during the Voyage. In cases of just suspicion in which a separation of the Ship's Company for a considerable time might be thought necessary, it would greatly tend to the prevention of disease, if any secluded spot, the access to which could be readily prevented, were appropriated as a Quarantine ground upon which the Crews and Passengers of Vessels might be landed for refreshment, and for the enjoyment of purer air and more active exercise than can be obtained in a crowded Vessel. For the assistance of persons in that situation, temporary abodes might perhaps be made by pitching any Tents which may be applicable to that service, and to necessitous persons such gratuitous Medical aid should be afforded as may be compatible with the proper maintenance of Quarantine Regulations.

Arrangements should also, if possible, be made for a regular supply of fresh provisions at prime cost, or in case of extreme poverty, gratuitously to persons performing Quarantine, since nothing would seem to have a stronger tendency to avert the disease or to abate its malignity than a regular and moderate supply of wholesome food.

I transmit Copies of all the Sanitary regulations which have been published under the authority of the Central Board of Health in London, in order that, if unhappily the Spasmodic Cholera should appear in the Colony under your Government, you may be in possession of all the results which have yet been established by Medical Science and experience respecting the prevention, treatment and cure of that Disease.

I have, &c.,
GODERICH.

[Enclosures.]

[Copies of these papers are not available.]

UNDER SECRETARY HAY TO GOVERNOR BOURKE.

(Dispatch per ship Clyde.)

1 April.

Sir,

Downing Street, 1 April, 1832.

Having communicated to the Revd. Dr. Wrench the correspondence enclosed with General Darling's letter of the 23rd October, 1831, Lord Goderich has received the enclosed Letter from that Gentleman, the substance of which he desires may be made known confidentially to the Revd. Mr. Wilton, in order that he may have an opportunity of establishing the
Bourke to Goderich.

Accuracy of his former statements on the two points referred to in Dr. Wrench's Letter, or at least of removing any unfavorable impressions which those statements have produced, by such explanations as the circumstances of the case may admit of his affording.

I have, &c.

R. W. Hay.

[Enclosure.]

Revd. Dr. Wrench to Viscount Goderich.

My Lord, Salehurst Vicarage, 30 March, 1832.

I have the honor to acknowledge the receipt of your Lordship's packet, containing the correspondence respecting the debts of the Revd. C. P. N. Wilton, one of the chaplains in N. S. Wales.

I shall merely advert to two statements which Mr. Wilton has made, I think, without due caution. The first, that he had not been repeatedly applied to for the amount due to his creditors; this I have reason to believe is incorrect, for I have been informed by several of them that they had, as well before as after his departure from England, made such applications but without effect. The second is, that he was deprived of his cure by the sudden death of Mr. Archdeacon Sandiford. This I fear is also not quite correct; for Mr. Sandiford was between 70 and 80 years of age at the time of his death, which had been expected for some months. I might say many months previous to that event.

I have, &c.

J. G. Wrench.

Under Secretary Hay to Governor Bourke.

(Despatch per ship Clyde.)

Sir,

Downing Street, 2d April, 1832.

I am directed by Viscount Goderich to request that you will inform Mr. Girard, the person referred to in his Lordship's Dispatch to General Darling of the 28th December, 1830, that Mr. Girard's Letter of the 30th September last, in reply to one which was addressed to him by Lord Goderich's direction on the 5th January, 1831, has been received at this Department; but that his Lordship does not perceive any reason for altering the opinion which he has already expressed on his case, and that he cannot therefore consent to comply with his request that his complaints should undergo further investigation.

I have, &c.

R. W. Hay.

Governor Bourke to Viscount Goderich.

(Despatch No. 45, per ship Dryade; acknowledged by Viscount Goderich, 12th December, 1832.)

My Lord, Government House, 2d April, 1832.

The Legislative Council having appropriated the Revenue of this Colony for the present Year, according to the Bills which I have now the honor to transmit, it becomes my duty to Submit
1832.
2 April.

Amount appropriated.

Estimates of revenue.

The Bill, fixing permanently the Salaries of the Governor and Judges, disposes of ten Thousand pounds; The appropriation Act of £113,952 10s. 7d., making a total of £123,952 10s. 7d. as the Charge for the Year 1832.

To meet this charge, the following Sources of Revenue are calculated upon:

<table>
<thead>
<tr>
<th>Source</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Customs</td>
<td>£94,401 0 0</td>
</tr>
<tr>
<td>Internal Revenue</td>
<td>37,840 0 0</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>£132,241 0 0</strong></td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Balance in treasury</strong></td>
<td><strong>£132,241 0 0</strong></td>
</tr>
<tr>
<td></td>
<td><strong>123,952 10 7</strong></td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>£5,288 9 5</strong></td>
</tr>
</tbody>
</table>

The Revenue of the Year 1831 Amounted to £122,854 13s. There can be no doubt that a much more Considerable Sum will be raised this Year from the arrears due on Land than in the preceding. There is also in the Colonial Treasury a Sum amounting to £36,854 16s. 4d., the balance of Revenue over Expenditure at the Close of the last Year; but the Claims of the Commissariat, between whom and the Colony there has been a running account Since the 1st Jan., 1828, will probably absorb the whole of this Sum.

I should observe that the Estimates have purposely been taken rather high, and that there will be a balance in favor of the Treasury upon many of them. The reductions in the Department of Public Works and of the Master’s Office in the Supreme Court will alone make a difference of near £2,000.

I have in the annexed Tables brought Under Your Lordship’s view the items of fixed Establishment and Contingent Charges, which have not been Authorised by the Secretary of State, but which I found it necessary to lay before the Council. All the Appointments on the Supplementary Establishment (that in the Customs only excepted) were made by my Predecessors; and I am of opinion they can not for the present at least be cancelled without prejudice to the public Service. It is possible that, when I have had time carefully to review the Several Departments of this Government, with reference to Your Lordship’s Despatch of the 29th September, 1831, No. 27, that some further reductions, than those which I have alluded to in the foregoing paragraph,
may be effected, but not for some time to any important Amount. When the Survey of the Colony shall have reached a greater state of forwardness, some considerable diminution may be made in that very expensive Department.

Your Lordship will perceive that the sum of £400 only has been voted for the Colonial Agent, the Council being of opinion that, as the Agent transacts the business of Van Diemen's Land as well as that of New South Wales, the former Colony should be charged with a portion of his Salary.

I beg leave to transmit a Resolution of Council, passed at the time of voting the sums required for the Roman Catholic Chaplain and Schools. I concur entirely with the Council in opinion that two additional Chaplains and several Schools are required for the instruction of the large body of Roman Catholics in the Colony (nearly one third of the whole population), who are generally of the very poorest Class.

It will be necessary hereafter to submit to Your Lordship for approval a new Schedule of fixed Contingencies. The present was formed when almost every Article, required for the Colonial Service, was obtained by requisition on the Commissariat. This System being now changed and the several Departments of the Colony required to provide for themselves, the fixed Contingencies are (nominally at least) much increased; but I anticipate a diminished expenditure from the greater restraint imposed on the Departments in procuring the required Articles under the present System, and the lower prices at which those, which are actually necessary, will probably be obtained.

I have, &c.,

RICH. BOURKE.

[Enclosure No. 1.]

[This was a copy of the Act of Council 2 Gulg. IV, No. 17.]

[Enclosure No. 2.]

[This was a copy of the Supplementary Estimates* for the year 1832.]

[Enclosure No. 3.]

Extract from the Votes and Proceedings of the Legislative Council, dated 6th February, 1832.

Resolved: “That His Excellency the Governor be requested to represent to the Right Honble. the Secretary of State for the Colonies the propriety of appointing two additional Roman Catholic Chaplains, and of allowing a further sum for the promotion of Education amongst the Roman Catholics of this Colony, and the willingness of the Council to appropriate such sum for these purposes, as shall be deemed proper by His Majesty’s Government.”

* Note 173.
1832.
3 April.

Despatches re published remarks by Revd. J. D. Lang.

Surprise at publication of letter by Revd. J. D. Lang.

Support for Revd. W. G. Broughton and members of church corporation.

Treatment of misconduct of Revd. J. D. Lang.

Viscount Goderich to Governor Bourke.
(Despatch No. 83, per ship Clyde.)

Downing Street, 3d April, 1832.

Sir,

I have to acknowledge the receipt of Colonel Lindesay's Dispatches No. 4 and 5, together with one marked "Separate," dated respectively the 18th November last, relative to the Revd. Dr. Lang; also, of the Enclosures from Archdeacon Broughton and from the Commissioners for managing the Affairs of the Church and School Corporation, containing the representations which they have felt themselves called upon to make, in consequence of Dr. Lang having published observations reflecting on the Clergy of the Colony, which observations are to be found in a Letter which Dr. Lang addressed to me whilst in this Country.

I feel it difficult to express, in adequate terms, my extreme regret at finding that any communication, addressed to this Department containing remarks of so objectionable a character, should have been allowed to pass as it were unnoticed; and I cannot easily convey to you my extreme surprize that Dr. Lang should have permitted himself to publish any document of this kind, which, even if it had not contained any matter liable to animadversion, was at any rate an Official Document, having been addressed to the Secretary of State, and ought not to have been made public without his permission.

I can perfectly understand the feelings which must have arisen in the minds of all those who were the objects of this unmerited attack, on perusing the Passages which have now been recalled to my recollection, and to which, from their vagueness and want of accuracy, I at the time attached less importance than they have now acquired by the publication of them to the World; and I feel that I owe it to the Archdeacon, and to the other Members of the Church Corporation who have addressed me on this occasion, to testify without hesitation or reserve the conviction which I feel that great injustice has been done to them by the language employed by Dr. Lang, and the high sense which I entertain of the propriety and rectitude, which has marked their discharge of the important duties which they have been appointed to fulfill.

You may further assure them that, had I conceived it possible that Dr. Lang could have so far forgotten himself as to publish such an attack upon his reverend Brethren of the Church of England, at the very moment when he was about to receive at the hands of His Majesty's Government that bounty* which seemed to be due to the claims of the particular church at which he is at the head in New South Wales, I should certainly have withheld my consent from his application.

* Note 174.
BOURKE TO GODERICH.

You will communicate this Dispatch to the Archdeacon and his Colleagues on the one hand, and to Dr. Lang on the other, acquainting Dr. Lang that the cause of religious peace and the efficacy of religious feelings cannot, in the opinion of His Majesty, be successfully promoted, if those whose duty it is to inculcate the former, and to cherish the latter, are unmindful of the sacred obligation which that duty imposes upon them of speaking charitably of their Neighbours. I have, &c.,

GODERICH.

GOVERNOR BOURKE TO VISCOUNT GODERICH.

(Despatch No. 46, per ship Dryade; acknowledged by Viscount Goderich, 11th October, 1832.)

My Lord,

In conformity to the instructions Contained in Your Lordship’s Despatch of the 27th September last, No. 27, I have reduced the Department of Public Works in this Colony by cancelling the following Appointments from the 1st inst., Vizt.:

Director of Public Works . . . . £700 0 0 pr. an.
1 Superintendent of Works . . . . 220 0 0
1 Storekeeper . . . . . . . . . . . . . . . . . . . . . . . . . . . . . 108 10 0
1 Superintendent of Carpenters . . . . 108 10 0

Total . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . £1,137 10 0

I have caused most of the Convict Mechanics and Labourers in the Lumber Yard to be assigned, and gave the Stores over to the Deputy Commissary General, proposing hereafter to execute all Considerable Works and repairs by Contract. I have placed under the Surveyor General the Gangs employed in forming and repairing the Streets and Roads in and near Sydney; but I have kept the charge of the Public Buildings and their furniture, and the duty of preparing Plans and Specifications and of Superintending all Works executed by Contractors in a Separate Department.

I have Selected Some of the most efficient Persons from the late Department of Public Works to discharge the Duties I have mentioned, and propose that there Shall be:

One Architect;
One Clerk of the Works, Sydney;
One Clerk and Storekeeper, do.;
One Clerk of the Works, Bathurst;
One Clerk Storekeeper, a Convict at a low Salary, do.;
One Overseer, Newcastle,

with a Small Number of Convict Mechanics of the most necessary
Trades and Convict Labourers at each place, for the purpose of making such trifling repairs in the Public Buildings as it would not be possible nor a saving to contract for.

Mr. Ambrose Hallen, whom I have appointed Architect with a salary of £400 a year, held the office of Town Surveyor and Architect at £375. He would in the next year have been entitled to £400 a year; but, in consideration of his taking charge of the New Department from the 1st of March last, I have given him the salary of £400 (which is to be the maximum) from that period. The other persons, whom I have selected, retain their former salaries.

Of the persons removed, the Superintendent of Works and Supt. of Carpenters receive one year’s salary each. The Storekeeper receives two years. These retired allowances having been made in conformity to your Lordship’s instructions. Captain Wilson the Director having been removed as an insolvent and having applied for nothing more than an allowance to provide his passage to England, I have directed him to receive one hundred pounds.

I trust your Lordship will signify your approval of the foregoing arrangements, that the appointments may be placed on the fixed establishment of the colony and the gratuities admitted in account.

I have, &c.,

Richard Bourke.

Viscount Goderich to Governor Bourke.

(Despatch No. 84, per ship Clyde.)

Sir,

Downing Street, 4 April, 1832.

I have received General Darling’s dispatch No. 89 of the 19th of October last, recommending that an allowance for two horses, at the rate of 2s. 6d. a day each, should be granted from the revenues of the colony to Colonel Lindsey.

This separate allowance, on account of forage, appears to have been made to Colonel Lindsey upon the ground of his having been subjected to much expense in consequence of his being a member of the Executive as well as of the Legislative Council, and in consideration of his having found it necessary to keep a carriage for the due support of his station, and the better to enable him to attend the Executive Council, when suddenly required to do so.

Sir George Murray, in the dispatch which he addressed to General Darling on the 8th of November, 1829, when a similar application to the present was received in favor of some extra allowance being made to Colonel Lindsey on account of the
bourke to goderich.

...duties which he had to perform as Member of the two Councils, entered so fully into the reasons which induced him to withhold his consent to any additional allowance being made to that Officer, that I need not repeat them in this despatch. But, without any disparagement to Colonel Lindesay’s Services in the above Civil Capacity, I am sorry to state that it is out of my power to take a different view of his Situation from that in which it was regarded by my Predecessor; and you will therefore call upon that Officer to refund any sum which he may have received in pursuance of the arrangement which General Darling reports, in his dispatch of the 19th of October, to have taken place.

I have, &c.,

goderich.

GOVERNOR BOURKE TO VISCONT GODERICH.

(Despatch No. 47. per ship Dryade; acknowledged by Viscount Goderich, 13th October, 1832.)

My Lord,

Government House, 4th April, 1832.

I have the honor to transmit herewith for Your Lordship's Consideration the Copy of a Memorial addressed to me by Major General Stewart.

Your Lordship will perceive that General Stewart's object is Deferred to obtain an extension of time for the payment of the purchase Money due upon Lands granted to him. This request I have not Considered myself authorised to Comply with, unless I shall receive Your Lordship's Commands to that effect. I have not given General Stewart any reason to expect that his application will be favorably received. I have further to add that I do not Consider it would be advantageous to adopt General Stewart's Suggestions for a revision of the regulations Under which the Crown Lands are to be Sold.

I have, &c.,

RICHD. BOURKE.

[Enclosure.]

THE Memorial of Major General William Stewart of His Majesty’s Service.

To His Excellency Major General Bourke, Captain General, Vice Admiral, and Governor in Chief of the Territory of New South Wales, etc., etc., etc.

Most respectfully Sheweth.

That, in the Year 1825, while Lieut, Governor of this Colony, Your Memorialist obtained special permission from Lieut. General Sir Thomas Brisbane, then Governor in Chief, to become the purchaser of Crown Land to the extent of 9,600 Acres, at such price as it might be valued at by the King's Three Commissioners then appointed for the valuation of Crown Lands. That, in consequence of that Governor's departure soon after for England whereby the temporary Government of the Colony devolved on your...
Land acquired by W. Stewart.

Conditions for purchase of land.

Alteration in system of payment.

Probable effect of alteration.

Memorialist), he was precluded from selecting the Land* in question until the 1st of July, 1827, when he got possession of it on Rent with a view to purchase, under the authority of His Excellency Lieutenant General Darling, the late Governor, together with 2,560 adjoining Acres in addition, also on Rent, until His Majesty's pleasure should be known, and at the same time, in obedience to Instructions from The Right Hon'ble Earl Bathurst, then Secretary of State for the Colonies. Your Memorialist received a Grant of 3,200 Acres, adjoining to the Land he intended to purchase; and, after having expended a considerable sum in stocking those Lands with a superior breed of Sheep and Cattle, he was called on to embark in the Command of his Regiment for India, from whence he has just returned to the Colony.

That, at the time when Your Memorialist first obtained permission to purchase Crown Land, it was generally understood that, on paying ten per Cent. of the price, a period of twenty Years would be allowed for paying up the remainder in such portions as might best suit the convenience of the purchaser.

Since Your Memorialist's return however to the Colony, he has learnt with concern that alterations of a most embarrassing nature have been made in the terms of payment, such indeed as very few Individuals in this Young Colony have the power of complying with; in short he is informed that Instructions have been lately received from England, authorising the demand of prompt payment for all Crown Lands that have been or may be disposed of. Your Memorialist is fully aware of the noble effort, now carrying into operation by His Majesty's Ministers throughout the whole British Empire, to lessen the National Burdens, and he has no doubt the pursuit of that important object has inadvertently induced the adoption of the measure in question. It cannot, however, fail to be the unbiassed and deliberate opinion of every well informed Person, who is sufficiently acquainted with the real state of the Colony and with the general want of Capital that prevails, that no measure could be more likely to defeat the end in view, or more distressing to those it affects; a conclusion which will be sufficiently evident to Your Excellency, when it is known to you that the Command of the small portion of Capital, which is available here, is confined to a few Individuals, and that from 20 to 25 per cent. as Interest is demanded and given for the loan of Money. Any Coercive measure, therefore, which might be resorted to, could not fail to end in the ruin of numbers, without benefit to the Revenue; and, in a community like this, it would most assuredly excite much hostility to Government.

Your Memorialist indeed is fully satisfied that a conviction of the impracticability of the measure induced Your Excellency to the adoption of the Government Notice, promulgated on the 9th Ultimo, and which has in a great measure allayed the ferment that existed on the subject; but Your Memorialist trusts he may be allowed to observe that, altho' the extension of the period of payment so judiciously granted by that Notice will be a great relief to, and may perfectly answer the purposes of those who have only arrears of a small amount to pay up, still to those who have large sums to pay for Land, and who have now to commence paying their first Instalment in addition to the deposit of ten per cent. demanded on the whole price, he greatly fears compliance will be impracticable to a great number at so short a notice.

* Note 175.  † Note 176.
BOURKE TO GODERICH.

The great object in view evidently appears to be the attainment of a regular and permanent increase of the Colonial Revenue from the Sale of the immense tracts of Crown Lands in this Country to meet the growing Colonial Expenses. It, therefore, becomes important to ascertain by what modification of the existing regulations this highly desirable object could be best accomplished. In your Memorialist’s humble opinion, the more simple and permanent such a Regulation could be made, the more effectually it would promote the end in view. If duly encouraged by permanent and practicable Regulation, sufficiently simple to be understood by all, the great Body of Emigrants and Colonists of moderate Capital would become extensive purchasers; but, to people of that description, and even to purchasers of the higher Class, Nothing can be more embarrassing, or can more effectually discourage them from speculations of that nature, than the sudden and unexpected changes in the Land Regulations and terms of payment, which have so frequently occurred of late Years. As the prosperity of the Colony in a great measure depends on the adoption of a permanent, simple and well digested System, it certainly merits deliberate and serious consideration; and the most competent Judges are undoubtedly those, who possess much local Information, and have the most perfect knowledge of the real Interests of the Colony.

While President of the Land Board here for nearly three years, Your Memorialist formed the following opinion relative to the terms of payment, which ought to be held out to purchasers of Land, as likely to suit their Interests and at the same time afford a regular and growing aid to the Colonial Revenue. After mature reflection, he is now more confirmed than ever in the Opinion that, if adopted as a permanent Regulation, it would not only pacify the general discontent, which at present exists on the subject, but he is also satisfied that, if promulgated in India, it would induce a number of Old Officers, with Families of the East India Company’s Army to settle and become Purchasers of Land in these Colonies. The modification he respectfully begs leave to submit is briefly as follows, Viz.:—That the purchasers of Land should only be required to pay down 20 per Cent, as the first Instalment of the Price on getting possession; that Warrants of Attorney should be lodged with the Colonial Secretary for the regular payment of the remainder by annual Instalments of Ten per Cent., at those periods of the Year when the produce of the Lands could be most advantageously brought to Market; and, if the existing minimum price of Five Shillings per Acre should be continued (which all parties consider too high), in such Case no Interest ought to be chargeable on the Price, provided the Instalments are duly and regularly paid up. Your Memorialist is decidedly of opinion that a plain and simple alteration of this nature would not only give general satisfaction to all reasonable persons, but would also prove a very efficient mode of materially increasing the Colonial Revenue. Being however resolved carefully to avoid having any share in the public agitation of such a question, he sincerely hopes it will not be deemed intrusive on his Part to have adopted this mode of making known to Your Excellency his private Opinion on the subject; and he trusts it will be the more excusable, as he is himself a party seriously interested in the decision which may ultimately be given.

Your Memorialist, on this occasion, cannot in common Justice to himself refrain from making known to Your Excellency that his
hitherto unfortunate speculation in Land at Bathurst has already been productive of an expenditure of nearly £5,000 Sterling, as yet almost without any return whatever, and without any part of the price being paid. A principal cause of this large expenditure (as is too generally known) has resulted from the heavy expense (a sum nearly equal to half the price of the Land), which has been incurred by Memorialist’s Agents in feeding and clothing a number of Prisoners of the Crown, assigned to service on his farm, during a period of Three Years and a half, when almost a total failure of Three Crops of Grain in succession took place in the Colony, from a continuance without intermission of extreme drought during that long period of time, and in consequence of which a general scarcity, bordering on actual Famine, would have ensued, had not extensive importation of Grain been made at high prices. The unfortunate result of that scarcity has been that Your Memorialist’s Agents were compelled, during his absence, to bring to sale Thirty five Shares of his Stock in the Bank of Australia, exclusively of the expenditure of several other sums of Money which had been intended for paying the price of the Land.

Under all these unfortunate occurrences, and as so large a sum has been expended in the maintenance of Prisoners of the Crown during the long period of scarcity referred to, and at a time when their services were totally unproductive and useless to Your Memorialist, he now confidently hopes Your Excellency will, on that account, consider him as justly entitled to some indulgence in point of time in making payment of the large sum of Money now charged against him for the purchased portion of his Land. He is ready and willing to make payment of Twenty per cent. of the whole amount as a first Instalment, and will deposit a Warrant of Attorney with the Colonial Secretary, binding himself to pay off the remaining Portion of the Price by annual Instalments of Ten per Cent.; and, if this proposition be acceded to, he will, notwithstanding, most probably pay it off by Yearly Instalments of Twenty per Cent.; altho’ he would not wish to bind himself in a Warrant of Attorney, Otherwise than by Yearly Instalments of Ten per cent., as to that extent it could be paid off every succeeding Year with the Utmost punctuality.

Should Your Excellency feel authorised to accede to this solicitation on the part of Your Memorialist, he will in such Case be able to retain all the Land he has in possession; but, if it should be decided otherwise, and the Terms of the Government Notice of the 9th Ultimo be strictly enforced, in that event, as he has just arrived in the Colony without any previous intimation of so heavy a demand being made on him, And as he has not time to avail himself of his resources at home, he will be under the necessity of relinquishing a portion of his purchased land. Under such an Alternative however, Your Memorialist entreats Your Excellency will do him the favor to transmit this Memorial, with your favorable notice of it, for the Consideration of My Lord Goderich, Principal Secretary of State for the Colonies, who, he is fully satisfied, will give the subject of it that degree of minute attention, which is so important to the welfare and prosperity of the Colony, entrusted to Your Excellency’s Administration.

Which is most respectfully submitted by

William Stewart, Major General.

Sydney, New South Wales, 27th February, 1832.
My Lord, Government House, 5th April, 1832.

I have the honor to enclose for Your Lordship's Consideration the Copy of an application, lately made to me by Captain Maxwell of the Madras Army under the following Circumstances:—

On the 31 of July, 1831, Captain Maxwell arrived in Sydney from India, having retired from E. I. Company's Service with a view to Settle in this Colony, and Under the impression that he would receive Land on the Conditions of the Regulations in force at the time of his departure. On the first of the Month on which Captain Maxwell arrived in Sydney, the New Regulations prohibiting the alienation of Crown Lands except by Sale were published, and he was therefore refused a grant upon the Ancient terms. He now urges his Claim for Land on these Terms from the fact of the New Regulations not having reached India at the time of his departure. I have not Considered Myself authorised to accede to his application and request Your Lordship's Commands.

There are other Persons Similarly Circumstanced, and Your Lordship's decision on one Case will be regarded as the rule for all.

I have, &c,

BICHD. BOURKE.

[Enclosure.]

CAPTAIN MAXWELL TO COLONIAL SECRETARY MACLEAY.

Sir, Sydney, 15th December, 1831.

I have the honor to request you will have the goodness to lay before His Excellency the Governor the following application:—

Being induced to retire from the Honorable East India Companies Military Service with a view of obtaining a Grant of Land in New South Wales, I arrived at Sydney on the 31st of July last; but, on applying to the late Governor for the said Grant, it was refused me as not being conformable to the new Regulations for the disposal of Government lands, put in force in this Colony about a month previous to my arrival in it, and of which I could not be aware of; may I request, therefore, His Excellency will have the goodness to take into consideration the peculiar nature of my case; and, should it appear to him to authorize a deviation from the general system, I beg he may grant me (2,560) Acres of Land under the conditions formerly stipulated by Government.

I have, &c,

GEO. MAXWELL, Capt., Madras Army.
Viscount Goderich to Governor Bourke.

(Despatch No. 85, per ship Clyde.)

Sir,
Downing Street, 6 April, 1832.

My Under Secretary has laid before me General Darling’s Letters of the 10th September, and 1st October, 1831, the first conveying the Information which he was requested to obtain as to the quantities of Flax, which could be procured at New Zealand; the second, reporting that the Flax Plant, the same as that which grows at New Zealand, may be procured in any quantity at Norfolk Island.

The object, which His Majesty’s Government had in view by the Enquiries contained in the Letter from this Department, to which one of the Communications above referred to is in answer, was merely to obtain as much Information as possible in respect to an Article, which at some future period may be made available for purposes in this Country to which the Flax of other Nations is now applied. I have therefore no particular Instructions to convey to you at present upon this subject, so far as regards the flax produced at New Zealand. But as the discovery lately made by Captain Sturt at Norfolk Island is one which may ultimately prove of great importance to New South Wales, I am of opinion that the growth of the Flax Plant at that Island, as well as in any other of the dependencies of the Colony, is well worthy of attention. In any efforts, however, which may be made to bring its culture to perfection, care must be taken that the Colonial Government do not become connected in any manner with such a speculation, and that it does not render itself responsible for any Losses incurred by Individuals who may be induced to embark in it. On the other hand, it will be proper that every reasonable encouragement should be given to those who may be desirous of turning their views to the cultivation of this article at Norfolk Island, and there will be no objection to such assistance being afforded, in the first instance, as may enable them to ascertain whether, from the quantity and quality of the Plant in its natural state, it is likely to become a source of profit in reference to the outlay of Capital which may be required at the commencement of the Speculation.

I have, &c,

GODERICH.

Governor Bourke to Viscount Goderich.

(Despatch No. 49, per ship Dryade; acknowledged by Viscount Goderich, 3rd October, 1832.)

My Lord,
Government House, 9th April, 1832.

I think it right at this time briefly to State to Your Lordship what progress has been made in Calling in the Arrears due to the Crown upon Land granted in this Colony, and the effect
of the general Settlement of the various descriptions of Grants proposed by General Darling, in the Regulations published by him and reported to Your Lordship in his Despatch of the 28th September last, No. 81.

In those Regulations, it is, I think, assumed as a principle that, from the 1st of July, 1831, when the last Instructions for the Sale of the Crown Lands were published, all former Grants held under Conditions not then fully completed should be placed under the New Regulations, and the Land be charged with the Minimum rate of five Shillings per Acre, the installments and times, at which the price should be paid, being given in detail. Credit is allowed for any sums previously paid down, but the Quit Rent, which is reserved in some cases after the price of five Shillings per Acre shall have been paid for the purchase, is not given up.

The Regulations, and the declared intention of disposing of the Crown Lands in future by sale only at the Minimum rate of five Shillings per Acre, appear to have caused considerable alarm and discontent in the principal proprietors of Land and their friends and followers in the Colony. Public meetings had been called and petitions prepared deprecating the proposed system, but none actually agreed to or passed at the time of my arrival, it having been resolved to defer the adoption of the proposed measures until it should be ascertained whether I was the bearer of fresh instructions, mitigating in any way what those gentlemen considered to be severe in the last.

Upon looking into the terms imposed by my predecessor on those persons who were in arrear, and hearing the opinion of the collector of internal revenue on the subject, I became convinced that the completion of the purchases at the rate of five Shillings per acre, within the time prescribed, was not to be expected. The sum to be paid by about 120 individuals amounted to more than £50,000, and they were allowed no longer time than to the 30th June of this year. I therefore thought it right to bring the matter before the Executive Council, and, in accordance with the suggestions of the collector of internal revenue, an extension of the time allowed for payment was determined on, and the amount due required to be discharged in three installments, viz., on the 31st March, 1832, 1833 and 1834. These periods were fixed as the most convenient for the proprietors, who, being principally graziers, receive the monies arising from the sale of wool usually in the month of March.

This extension of time to the ancient grantees was made known on the 9th of January last, some days before the adjourned public meeting of the colonists was to be held. A copy of the
Government Notice is Sent herewith. The effect produced was the abandonment of the proposed Petition, and I have reason to hope no further opposition will be made to the New System of Sales. Already a Considerable Sum £5,038 0s. 10½d. has been paid in of the first instalment; and although there may be some failures, Some Complainants and perhaps some Litigants, yet I contemplate a very large portion of the long outstanding arrears will be quietly got in within the prescribed time, an advantage which I am thoroughly convinced could not have been obtained in any other way. I should add that, if in failure of payments the Crown had to appear in Court to enforce them, or to effect a resumption of the Land, a hard Contest would ensue, the feelings of the Court, of the Assessors and Jurors being all on the other Side.

As it is, I am not sure that every person, who obtained Land Under Ancient regulations, will acquiesce in the terms prescribed by General Darling in the last Year. I propose however not to make any Change of principle. What I have lately done has been an extension of time only. I shall not indeed refuse to lay before the Council, or to refer for Your Lordship’s decision, any cases of particular hardship, if requested so to do; but it is my intention to maintain as much as possible the regulations promulgated by my Predecessor.

Upon the whole I hope the old Systems will be closed and the New one introduced with less difficulty than was at first apprehended. It will be right, I submit as An Act of Grace, upon the payment of the last instalment of the purchase Money at 5s. per Acre, to forego the Quit Rent payable by one Class of Grantees to whom I have alluded, namely those to whom Lands have been Sold Under the regulations of the 5th November, 1823, and are Subject to a Quit Rent of two Shillings on every hundred Acres. This remission will place those persons upon the Same footing as the Purchasers at the Minimum rate Under the present Regulation.

I have, &c,

Richd. Bourke.

P.S.—The Annual Amount of those Quit Rents is £700.

Governor Bourke to Viscount Goderich.
(Despatch No. 50, per ship Dryade; acknowledged by Viscount Goderich, 10th December, 1832.)

My Lord,

Government House, 10th April, 1832.

I regret that I should be obliged to trouble Your Lordship with the long and perplexed case, which accompanies this Despatch. It is one which the Majority of the Executive Council
desired to refer for Your Lordship's decision, as the question lies between the Crown and an Individual and involves the payment of what may be Considered a large Sum in this Colony, and as one of the principal facts of the Case, upon which this individual relies, Can only be determined by reference to the original document in Downing Street.

The question is Simply this, whether Mr. Hannibal MacArthur Shall hold from the Crown fifteen thousand Acres of Land at the Annual Quit Rent of twopence per Acre, or whether he Shall purchase them at the rate of five shillings per Acre.

The former terms are claimed by Mr. MacArthur; the advantage he would derive from them may be thus stated. Supposing the Quit Rent of twopence per Acre to be redeemable at twenty Years' purchase, the price of the Land would be but 3s. 4d. per Acre, instead of five Shillings. The difference on fifteen thousand acres amounts to £1,250.

I have endeavoured to make the Case as brief as possible without being obscure. Perhaps I should have stated that Mr. MacArthur's Claim to hold the Land at two pence per Acre Quit Rent is founded upon the Regulations of November, 1824, published in Downing Street, Under which, as being the Regulations then in force, His Brother applied to Lord Bathurst for his large Additional Grant, and received a favorable answer. Those regulations fixed the Quit Rents at five per Cent. on the Value of the Land. It was at that time proposed that all the Land in the Colony should be Valued by Commissioners. This was never wholly effected. I cannot discover that this Land held by Mr. McArthur was ever Valued; but in assuming its Value in the Year 1825, or at the present time, at 3s. 4d. per acre, the rate is Sufficiently high. Most of the Land, which was Valued by the Commissioners, was rated at three Shillings only.

I have &c,

RICH. BOURKE.

[Enclosure No. 1.]

STATEMENT OF CLAIM OF MR. H. MACARTHUR.

In the latter end of the year 1825, Mr. Charles MacArthur applied to Earl Bathurst for additional Grants of land in New South Wales for himself and Brother, Mr. Hannibal MacArthur, and with such success that, on the 11th October, 1828, Earl Bathurst addressed a letter to Lieut. General Darling, then Governor of the Colony, containing his consent to a Grant in favor of Messrs. MacArthur to the extent set forth in Mr. Charles MacArthur's application, of which his Lordship enclosed a copy.

Mr. C. MacArthur having died soon after, some time was lost in prosecuting their claim, which Lord Bathurst sanctioned, and, after some discussion and correspondence, Lieut. General Darling
agreed to give him an additional Grant of 15,000 Acres as his own
and deceased Brother's portion, besides confirming a purchase of
5,000 Acres allowed to Mr. H. McArthur by Governor Sir Thomas
Brisbane. See letter of the Colonial Secretary of February 26th,
1829, and Mr. McArthur's reply of the 3rd March following.

In this letter of the Colonial Secretary, Mr. MacArthur is in-
formed, he is to take his purchase, and his additional grant, under
the regulations of the 23rd October, 1828, being a regulation applicable to persons, who agreed in 1823 to purchase land from Sir
Thomas Brisbane at the rate of 5s. per acre, payable in six half
yearly instalments; which, having omitted to do, this regulation required the payment of 1s. 8d. only, and substituted a Quit rent of 2d. per Acre, in lieu of the remaining 3s. 4d. It should be
observed that Mr. MacArthur had purchased 5,000 Acres from
Sir Thomas Brisbane at the rate of 5s. per acre, but the 15,000
Acres were an additional Grant ordered by Lord Bathurst in 1825.

Upon the receipt of the instructions for the sale of Crown Lands,
General Darling, apprehending all former regulations which re-
quired the sanction of the Secretary of State to be thereby annulled,
published, with the concurrence of the Executive Council, new
regulations under date the 1st July, 1st and 25th August, 1831; by
the last of which persons, holding land under the regulations of the
23rd October, 1828, are informed that these conditions cannot be
carried into effect, and that they must complete their purchase at
5s. per Acre, or give up the land.

To this arrangement Mr. H. MacArthur objected with respect to
his additional Grant of 15,000 Acres, stating that he had not pur-
chased those from Sir Thomas Brisbane, and that, in accepting
General Darling's proposal to hold them under the regulations of
23rd October, 1828, he conceived he held them at the rate of 2d. per
Acre Quit rent only, and free from the claim of 1s. 8d. per Acre to
be paid down, which he supposed to apply to his purchased land
alone. He claimed to hold his additional Grant under the condi-
tions in force, when Lord Bathurst ordered the Grant, and which
would place him under a rent of 2d. per Acre.

General Darling, with the concurrence of the Executive Council,
refused this claim of Mr. MacArthur's, thereby retaining him under
the conditions of those persons, who had agreed to purchase from
Sir Thomas Brisbane at 5s. per Acre. See Minute of Executive
Council, and Colonial Secretary's letter of 23rd September, 1831.

Subsequently there was made known to General Darling the
probability of a mistake having been made in the copy of Mr.
Charles MacArthur's letter to Lord Bathurst, dated 27th Sep-
tember, 1825, and enclosed in Lord Bathurst's to General Darling
dated 11th October, 1825, upon which the claim to an additional
Grant is altogether founded.

The supposed mistake is in the Postscript. The original is said
by Mr. MacArthur to run thus:

"Messrs. H. and C. MacArthur have possession of 15,000 Acres of
land in Eden Forest, County of Argyle, surrounding the grant of
1,000 Acres given by the late Governor McQuarie. Their shepherds'
huts and sheep stations are established on different parts of it, and,
in consequence of finding it unequal to the support of their sheep
and cattle, they have been obliged to remove the latter. This tract
they now solicit to have confirmed by Grant."
BOURKE TO GODERICH.

The tract of 5,000 Acres lies between two farms of Messrs. H. and C. MacArthur in the Cow pastures, which from their limited extent are at present unavailable for pasturing sheep.

 Whereas the copy is as follows:

Messrs. H. and C. MacArthur have possession of 15,000 Acres of land in Eden Forest, County of Argyle, surrounding the Grant of 1,000 Acres given by the late Governor McQuarie. Their shepherds' huts and sheep stations are established on different parts of it; and, in consequence of finding it unequal to the support of their sheep and cattle, they have been obliged to remove the latter.

This being made apparent to General Darling just before his departure, he appears to have advised a reconsideration of Mr. MacArthur's case.

The subject was accordingly brought before the Executive Council on the 30th March, 1832. Little doubt was entertained by the Council that a mistake had been made in the copy of the postscript of Mr. C. MacArthur's letter, and that it had operated unfavorably on his claim; and the Council were of opinion that, as Mr. MacArthur had accepted the regulations of 23rd October, 1828, though in Eden Forest, County of his case, he was bound to abide by those regulations; but, as there now appeared reason to suppose that, in consequence of an omission in the transcript of Mr. Charles MacArthur's Memorial (enclosed in Lord Bathurst's Despatch to General Darling of 11th October, 1825), the intentions of the Secretary to grant himself and Brother 15,000 Acres had not been fulfilled, they recommended that the whole case should be referred to the Secretary of State with a view to its being placed on the footing, which, upon a review of all the circumstances, His Majesty's Government shall deem most equitable; and that, in the meantime, Mr. H. MacArthur should not be called upon to pay up the instalments due upon the land in question.

[Appendix No. 1.]

[This was a copy of Earl Bathurst's despatch to Governor Darling, dated 11th October, 1825, with its enclosures; see page 68 et seq., Volume XII.]

[Appendix No. 2.]

Copy of a Letter from the Colonial Secretary to Hannibal MacArthur, Esquire, dated

Sir,

Colonial Secretary's Office, 26th February, 1829.

I am directed by the Governor to acknowledge the receipt of your Letter of the 16th instant, recapitulating such particulars, as you are acquainted with, of the acknowledged. Correspondence between your late Brother and the Secretary of State, relative to your Application for Land by Additional Grant and purchase, and enquiring whether His Excellency will confirm a Grant of Fifteen thousand Acres which you understood to be approved by Lord Bathurst, or will allow you as your Brother's representative to avail yourself of the full permission to purchase, conveyed to you respectively on 7th April, 1827, or will restrict you to the quantity specified for yourself and also Five thousand Acres also understood to have been approved by the Secretary of State.

In reply, I am directed to inform you that His Excellency did not understand, until the receipt of this Communication, that the application, made by your Brother.
and yourself to the Secretary of State, was for a Grant of Fifteen thousand Acres, nor does it appear to have been so from the Letter which you addressed to Earl Bathurst on the 27th September, 1825, and on which His Lordship’s Instructions are founded. Your request, as specified in that Letter, is to the following effect, viz.—

"In addition to the Grant of Land, which we respectfully submit we are entitled to in Conformity with the general Regulations of November, 1824, we beg to request your Lordship’s permission to purchase Five thousand Acres in order that we may be enabled to Continue in possession of the Land we now occupy."

And, as the Regulations of November, 1824, to which you allude, authorised Grants without purchase to the extent of Two thousand and five hundred and sixty Acres only, His Excellency felt himself restrained from exceeding what those regulations permitted, and Concluded that the joint purchase of Twelve thousand four hundred Acres, authorised on the 7th April, 1827, added to the Five thousand Acres authorised by Sir Thomas Brisbane, would fully enable you to Continue in possession of the Land you occupied at the time you wrote to the Secretary of State.

By the Regulations alluded to, the largest quantity of Land, which any private individual is allowed to obtain from the Crown, is—

<table>
<thead>
<tr>
<th>Grants</th>
<th>Purchase authorised by Sir T. Brisbane</th>
</tr>
</thead>
<tbody>
<tr>
<td>2,560 Acres</td>
<td>5,000 Acres</td>
</tr>
</tbody>
</table>

And upon this were Calculated the quantities respectively assigned to your Brother and yourself, on 7th April, 1827, namely:

<table>
<thead>
<tr>
<th>Mr. Hannibal MacArthur</th>
<th>Acres</th>
<th>Total Acres</th>
</tr>
</thead>
<tbody>
<tr>
<td>Former Grants</td>
<td>4,020</td>
<td>4,020</td>
</tr>
<tr>
<td>Purchase authorised by Sir T. Brisbane</td>
<td>5,000</td>
<td>5,000</td>
</tr>
<tr>
<td>Additional purchase authorised 7th April, '27</td>
<td>3,140</td>
<td>9,020</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Mr. Charles MacArthur</th>
<th>Acres</th>
<th>Total Acres</th>
</tr>
</thead>
<tbody>
<tr>
<td>Grants</td>
<td>2,800</td>
<td>2,800</td>
</tr>
<tr>
<td>Purchase authorised 7 April, 1827</td>
<td>9,360</td>
<td>9,360</td>
</tr>
<tr>
<td></td>
<td></td>
<td>12,160</td>
</tr>
</tbody>
</table>

In reply therefore to your enquiries, I am directed to add,

1st. That, as above stated, it does not appear to His Excellency that any Grant of Fifteen thousand Acres has been applied for to Earl Bathurst or approved by him.
2nd. That His Excellency has no wish to avail himself of your Brother’s death to withdraw the permission before given, and that you will be admitted therefore as his representative to become a candidate for the 9,360 Acres authorised in his favor.
3rd. The third enquiry is answered by the last, but it may perhaps be necessary to observe that, by an error in my former Letter, you received authority for one hundred Acres too little, the quantity should have been 3,140 instead of 3,040.

I accordingly do myself the honor to reissue the usual printed reference to the Surveyor General for authority to select the two quantities specified, and am directed to add His Excellency’s hope that this arrangement will enable you to obtain every object which you had in view.

I have, &c,

ALEX. MCLEAY.

Copy of a Letter from Hannibal MacArthur, Esquire, to the Colonial Secretary, in reply to the foregoing, dated Vineyard Cottage, 3rd March, 1829.

I was honored by the receipt of your Letter of the 26th Ultimo, this day, in reply to my application to His Excellency the Governor, respecting my claim for a Grant of Land in extension or reserve for purchase. And I have now the honor to request you will be pleased to express my entire satisfaction, in the arrangement His Excellency has made in my favor; and, through you, I would beg to assure His Excellency that the Kind Condescension, with which he has been pleased to take the whole of my case into consideration will ever be gratefully remembered by myself and family.

I have, &c,

H. H. MACARTHUR.

[Appendix No. 3.]

Copy of a Government Notice, dated Colonial Secretary’s Office, 23rd October, 1828.

The individuals, who obtained Lands as purchases previous to the departure of the late Governor, but who have not yet paid for the Lands so obtained, are hereby informed that the following modification of the Terms has been recommended to His Majesty’s Government; that is, that, instead of the parties paying up the full Sum of five shillings per Acre, according to the Conditions on which they received the Lands in question, an Annual Quit-rent of Two pence per Acre be substituted (which is the interest on three shillings and four pence at five per Cent.); and
further, that they pay into the Office of the Collector of Internal Revenue the difference between three shillings and four pence, and the sum due by them on this Account. As, in most cases a deposit of ten per cent, or six pence per acre was paid by the parties, the sum remaining due under the proposed arrangement is one shilling and two pence per acre, which sum, those, who are desirous of availing themselves of the indulgence now held out, are required to pay to the collector of Internal Revenue by the first of January next, and to take up their bills to that amount. Bills, for the balance due under the original conditions, will be retained in the Treasury, until it is ascertained whether the Secretary of State will approve of the arrangement which has been submitted to His Majesty's Government.

2. Various applications to rent land with a view to purchase having been received, while the regulations notified in the Government order of the 21st August, 1828 (No. 26) were under consideration, and these regulations differing materially from those previously in force, the parties are informed that the applications alluded to cannot now be acted on.

3. Persons applying to purchase land will be required, under the instructions of the Secretary of State, to satisfy the Governor that they have improved all such land as they may have previously received, to the full amount of the estimated value of the same, and that they possess besides capital equal to the purchase and improvement of the additional land which they are desirous to obtain.

4. It is further notified, with reference to the Government Notice, dated the 7th May, 1828, that the applications of persons to rent or purchase land, who are in debt to the Government, cannot be complied with, and will not be replied to.

By command of His Excellency the Governor,

Alexander McLeay.

[Appendix No. 4.]

**Extract from a Government Notice, dated 25th August, 1831.**

The Governor directs it to be notified, with reference to the Government Order of the 1st Instant, No. 22, detailing the "Land Regulations," and the Government Notice dated the 7th May, 1828, that, in pursuance of the instructions received from the Secretary of State for the Colonies, His Excellence has taken into consideration, in Council, the subject of the land purchased under the authority of the late government, the period within which arrears of rent should be required to be paid, and the rate of quit-rent to be charged upon grants without purchase; and the following regulations have been laid down in these cases respectively, viz.:—

1. Those persons, who obtained permission to purchase land at a credit of three years under the regulations dated 5th November, 1823, will be allowed until the 1st of October next to signify their choice of the following modes of settlement, namely:
   1. Either to fulfil the original conditions by immediately completing the payment of the sum of five shillings per acre for the whole quantity of land they agreed to purchase.
   2. Or, to surrender the whole, forfeiting all payments already made.
   3. Or, to complete the purchase at five shillings per acre of any part of the land now in their occupation, not being less than one square mile, by paying to the collector of Internal Revenue a deposit of ten per cent, if not already paid, as soon as their selection is approved; the remainder within one month thereafter; and also rent as pointed out in paragraph 9, calculated at the rate of sixteen shillings and eight pence per hundred acres per annum, for the whole quantity of land they agreed to purchase, from the date of that Agreement until the 31st July last.

2. The foregoing election will be open also to those persons who notified their wish to accept the conditions provisionally offered by the Government Notice of 23rd October, 1828, of paying up one shilling and eight pence, and a yearly quit-rent of two pence per acre; as the instructions received from the Secretary of State do not admit of the arrangement then proposed being carried into effect.

3. The choice of the three modes of settlement above detailed, but modified as follows, will likewise be extended to those persons, who obtained permission, under the regulations dated 18th May, 1825, to purchase land at such a valuation as should be afterwards determined by the Commissioners for apportioning and valuing the territory, the price being now fixed at five shillings per acre, viz.:
   1. Either to purchase the whole of the land, at the fixed price of five shillings per acre;
   2. Or, to abandon the whole, without any payment;
   3. Or, to retain any portion, not being less than one square mile, paying for the same at the rate of five shillings per acre, together with a yearly rent of two pence per acre, upon the whole quantity originally occupied, from the date of obtaining possession until the 31st of July, 1831.
606

HISTORICAL RECORDS OF AUSTRALIA.

1832.
10 April.

Notice re regulations for land purchased prior to 1832.

1. Either to abandon the Land, paying up the stipulated rent of fifteen shillings per hundred Acres per annum for three years;

2. Or, to Complete the purchase of the whole at five shillings per Acre by paying immediately to the Collector of Internal Revenue a deposit of ten per cent.; the remainder by instalments as originally stipulated within six years from the date of obtaining possession; and also rent for three years, as specified in paragraph 9, calculated at the yearly rate of fifteen shillings per hundred Acres.

3. Or, to purchase any portion of the Land now in their possession, not being less than six hundred and forty Acres, at the rate of five shillings per Acre, by paying immediately a deposit of ten per cent.; the remainder of the purchase money in one month; and (in this case) rent, as pointed out in paragraph 9, upon the whole quantity originally occupied, from the date of possession until the 31st of July last.

5. All parties, who are desirous of retaining a portion of the Land before held by them under any of the Regulations herein alluded to, will be required to describe the exact boundaries of the particular spot to the Surveyor General with as little delay as possible, in order that he may point out whether the selection be conformable to the established Rules.

6. In the event of the required notifications not having been made by the 1st of October next, the parties will be Considered as having relinquished all intention to purchase, and the Lands will be thrown open for sale under the Regulations contained in the Government order of the 1st instant, No. 22.

7. In accordance with the original Conditions, a quit-rent of two shillings per hundred acres per annum, redeemable at twenty years' purchase, will be reserved upon all Lands sold under the Regulations of 5th November, 1823.

Arrears of Rent on Lands occupied for purchase.

8. The rent of all Lands, occupied with a view to purchase, will be calculated at the rate of two pence per acre or sixteen shillings and eight pence per hundred Acres per Annnum, with the exception of those held by New Settlers under the Regulations of 5th November, 1823, which will be calculated at the yearly rate of fifteen shillings per hundred Acres, as mentioned in paragraph 4.

9. Persons, who shall not retain any portion of the Land now in their possession, will be required to pay up the whole amount of rent due, before the 1st of December next. But those, who may Complete the purchase of the whole or any part of the Lands now held by them (in the manner pointed out above), will not be required to pay the arrears of rent until the 1st of August, 1832. Should they be unable to pay them up at that time, they will be allowed to discharge the balance remaining due by four quarterly instalments, with Bank interest thereon, entering into security for the same.

[Enclosure No. 2.]

Extract from Minute No. 47 of the proceedings of the Executive Council on the 13th September, 1831.

PRESENT:—His Excellency the Governor; The Venerable the Archdeacon; The Honble. the Colonial Secretary; The Honble. Colonel Lindsey.

"His Excellency the Governor then laid before the Council an application from Hannibal H. McArthur, Esq., requesting, in consequence of the regulations dated 23rd October, 1828, by which His Excellency was pleased to meet his claim for a Grant in extension, not being ratified by the Right Honorable the Secretary of State, that his case may be again considered.

"The Governor also laid before the Council two Despatches from the Secretary of State, dated respectively 11th October, 1825, and 10th August, 1826, together with Mr. McArthur's correspondence with the local Government upon the subject.
It appears that Messrs. Charles and Hannibal McArthur, on the 27th September, 1825,-made application to the Right Honble. Earl Bathurst for a Grant of land in extension 'in conformity with the Government regulations of November, 1824,' with permission to purchase 5,000 Acres more, which was accordingly acceded to.

It further appears that Mr. H. McArthur claimed a Grant of 15,000 Acres as having been authorised by Earl Bathurst, but which was not admitted by the local Government. Mr. H. McArthur was allowed, however, by Grant and purchase, 12,160 Acres on the part of himself and as the representative of his Brother, who had lately died, being the largest quantity of land which, by the regulations of November, 1824, any individual was permitted to obtain from the Crown, namely:

<table>
<thead>
<tr>
<th>Type</th>
<th>Quantity</th>
</tr>
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<tbody>
<tr>
<td>By Grant</td>
<td>2,560</td>
</tr>
<tr>
<td>By purchase</td>
<td>9,600</td>
</tr>
<tr>
<td>Total</td>
<td>12,160</td>
</tr>
</tbody>
</table>

With this arrangement Mr. McArthur expressed himself satisfied, and indeed accepted the terms 'with grateful acknowledgment.'

The Council, after a full and mature consideration of the case, saw no reason to disturb the former arrangement, and therefore could not recommend that the application of Mr. McArthur should be complied with, as it did not appear to them from the documents now before them that any Grant of 15,000 Acres had been applied for to Earl Bathurst or sanctioned by him.'

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

[Enclosure No. 3.]

COLONIAL SECRETARY MACLEAY TO MR. H. MACARTHUR.

(No. 31/2412.)

Sir,

Colonial Secretary's Office, 23rd September, 1831.

I have had the honor to receive and Submit to the Governor your letter of the 20th August, requesting, with reference to former Correspondence, that, as the Regulations proposed in the Government Notice of 23rd October, 1828, have not yet been Confirmed by the Secretary of State, you may be allowed an additional Grant of Fifteen Thousand Acres of Land instead of being required to Complete the purchases for which yourself and your late Brother respectively received authority, as specified in my letter to you dated 26th February, 1829.

In reply, I am directed by His Excellency to observe that both your Brother and yourself have obtained Maximum Grants, and that the quantities you were permitted to purchase (as now Stated in the Margin)* were also the largest that could be allowed to Individuals, the Government being disposed to grant you every indulgence consistent with the Regulations in force at the time.

I am also directed to point out that there appears to be some mistake in quoting the Government Notice of 23rd October, 1828, as this Could only apply to the Five thousand acres, authorised by Sir Thomas Brisbane. But, on referring to that Notice, and also to the Government Order of 21st August, 1828, No. 26, it will be

* Marginal note.—Mr. H. McArthur.—By Sir Thomas Brisbane, 5,000; on 7th April, 1827, 8,140—8,140. Mr. C. McArthur.—on 7th April, 1827, 9,360—Total, 17,500 Acres.
Refusal of application by H. Macarthur for land.

As that Conditional arrangement was the most equitable that could be adopted with reference to the Cases of others; as it has been approved by the Secretary of State, and subsisted for several Years; and as it could not now be cancelled by the substitution of what you apply for, without giving a Claim to every Inhabitant of the Colony to have the conditions revised on which he obtained land; His Excellency can only express his regret that it is not now Considered as advantageous as it was supposed to be at the time it was made, and add his conviction that you will feel satisfied that it is impossible to comply with your request, the more especially as such a compliance would be in direct Opposition to the principle laid down by His Majesty’s present Government for the disposal of land.

I have, &c.,
ALEXR. MCLEAY.

Transmission of report re appropriation to assist immigration.

My Lord, Government House, 11th April, 1832.

I have the honor to transmit the Report of a Committee of the Legislative Council, appointed to consider the best method of applying the Sum of £3,600 towards the introduction of Useful Mechanics and Labourers into this Colony.

There is much in this report, which has been anticipated by that of the Commissioners for Emigration, published in September, 1831; Still I am induced to forward it, as the Commissioners, to whom Your Lordship will probably refer it, may consider Some of the Suggestions it contains to be Worthy of their attention.

I have, &c.,
RICHD. BOURKE.

[Enclosure.]

REPORT of the Committee of the Legislative Council appointed to consider the best mode of appropriating the sum of £3,600 towards the introduction of useful mechanics and Labourers into the Colony.

Your Committee have proceeded, in pursuance of their instructions, to consider in what manner the sum, set apart by the Council for the encouragement of Emigration, may be most readily applied to promote that end, at the same time a due regard being had to economy, and to the general advantage of the Colony.

The Council having already resolved that the sum of £6,400, forming part of the entire Vote of £10,000, should be appropriated to the introduction of respectable females, according to the plan proposed by the Secretary of State, your Committee have confined their attention to the advantageous disposal of the remaining
BOURKE TO GODERICH. 609

£3,600. They recommend that it be applied to facilitate the Emigration from the United Kingdom of artizans, mechanics and agricultural Laborers of the following description, viz.:

Shipwrights, Millers, Country Wheelwrights, Coopers, Country Blacksmiths, Millwrights, Gardeners, and Agricultural Laborers.

To provide for the transmission of these Individuals to the Colony, and to superintend the expenditure of the sum to be now appropriated for that purpose, an Agency in England will necessarily be required. Amidst a variety of suggestions, which have presented themselves for accomplishing these purposes, the most efficient and becoming course has appeared to your Committee to be that of placing the funds at the disposal of the Commissioners of Emigration now sitting in London, under the sanction and authority of His Majesty’s Government. Considering the interest, which has been displayed upon this question by the Ministry in England, your committee have felt that, by recommending the management to be placed in any other hands, they would be justly chargeable with a want of that respect which they are most anxious to render to the endeavours of the home-government to benefit the Colony; while they are at the same time persuaded that it would be impossible to select individuals on whose honor and competency more secure reliance could be placed than those who compose the Emigration Committee. Having therefore stated the description of Emigrants whose services would be most advantageous to the Colony, your Committee will offer only a few remarks as to the qualities and conditions, which are to be desired in the persons who shall be selected under this arrangement.

The mechanics and artizans are recommended to be such as are skilful in their several Trades, and have served a regular apprenticeship; the laborers should be well practised in all the ordinary operations of a well-managed farm; and none belonging to any class should be sent out, but such as are able bodied, industrious, and of the most respectable character. Your committee consider it would also be politic to obtain the most valuable return possible for the sums about to be expended on Emigration; and they therefore recommend that preference should be given to individuals in the prime of life; that is not having passed their twenty-fifth year.

They conceive that, as the disproportion between the Sexes in this Country is already alarmingly great, it ought not to be increased by encouraging an influx of unmarried men; but that it will be advisable to direct attention chiefly, if not exclusively, to married couples. At the same time in order to increase the probability of introducing those whose marriages are likely to be prolific (which the interest of the Colony evidently requires), preference should be given to those who have already one child.

With respect to the terms on which a supply of Emigrants thus qualified may be obtained, your committee are sensible that they must depend so much upon contingencies not to be calculated or provided for by them, that they would prefer leaving all pecuniary arrangements to the discretion of the Commissioners of Emigration. They therefore recommend that authority be given them to draw upon His Excellency the Governor for the sum of £3,600, by whom a warrant will be issued to the Colonial Treasurer for payment of that amount.

1832. 11 April.

REPORT BY COMMISSIONER OF LEGISLATIVE COUNCIL

Appropriation of vote to assist immigration.

SEE I. VOL. XVI—2 Q
Your Committee in conclusion beg to observe that they have too much confidence in those, by whom the funds are to be expended, to fix any precise terms which they should observe. At the same time they have no doubt the Commissioners of Emigration, as they will perceive the reasonableness of the foregoing suggestions respecting the qualifications which the Emigrants should possess, will also agree with your Committee in opinion that, provided due care be taken to engage with none except persons who are so qualified, the expense thrown upon the Colony for their passage should be reduced as low as circumstances can possibly admit. The only additional suggestion they have to offer is, that a Board be nominated by the Governor to consist of a convenient number of respectable individuals under the Presidency of His Excellency, for the purpose of securing the most judicious and impartial distribution of the Emigrants among the Settlers and public at large.

11th March, 1832.

W. G. BROUGHTON, Chairman.

True Copy:—E. DEAS THOMSON, Clk., Col.

Viscount Goderich to Governor Bourke.

(Despatch No. 86, per ship Clyde.)

Sir, Downing Street, 13th April, 1832.

The attention of the Lords Commissioners of the Treasury having been drawn by the Board of Audit to the large sums which have, from time to time, been advanced by the Colonial Treasury to the Corporation in aid of the Funds entrusted to them for the maintenance of the Ecclesiastical and School Establishments of New South Wales, their Lordships have requested to be furnished with an account of the application of the whole of the monies received by the Trustees during the continuance of the Trust. Their Lordships observe that, as the Charter of Incorporation provided that the Colonial Treasurer should perform the duties of Treasurer of the Corporation, and that he should annually submit to the General Court of the Trustees, for examination and audit by a Committee, an account of all sums of money received or paid by him or by his Order for the purposes of the Trust, their Lordships do not require regularly Vouched Accounts of these Transactions, but that they will be satisfied with detailed annual statements of all Sums received and disbursed for the Trust, specifying under what Authorities the payments were made, the rates of all Salaries, and to whom they were made, and full particulars of all other Disbursements, such statements to be supported by Certificates as to the nature of the examination the Accounts may have undergone.

I have to desire that you will cause these Statements to be prepared with as little delay as possible and transmit them to me for the information of the Lords Commissioners.

I am, &c.,

GODERICH.
Sir,

Downing Street, 14th April, 1832.

Herewith I have the honor of transmitting a conditional pardon which His Majesty has been graciously pleased to grant to Dennis Kellaher, now under sentence of death in the Colony under your Government, in consideration of certain circumstances represented by Colonel Lindesay in his Despatch No. 6, of the 29th November last, and I am to desire that you will take such steps as may be necessary, in order that the Prisoner may receive the benefit of the conditional pardon in question.

I have, &c.,

GODERICH.

[Enclosure.]

COPY OF PARDON.

William R.
L.S.

WHEREAS Dennis Kellaher was at a Criminal Session of the Supreme Court of Judicature, holden in and for Our Territory of New South Wales on the 4th day of November last, tried and convicted of Murder, and had Sentence of Death passed upon him for the same; WE, in consideration of some Circumstances humbly represented unto Us, are Graciously pleased to extend Our Grace and Mercy unto him, and to Grant him Our Pardon for his said Crime, on Condition of his being Transported to Norfolk Island and there kept to hard labour in Chains, for and during the term of his Natural Life. Our Will and Pleasure therefore is that you do give the necessary directions accordingly. And for so doing this shall be your Warrant. Given at Our Court at St. James’s the 30th day of March, 1832, in the Second Year of Our Reign.

Dennis Kellaher, Pardon

By His Majesty’s Command,

MELBOURNE.

To Our Trusty and Well-beloved Major General Richard Bourke, Governor and Commander in Chief of Our Territory of New South Wales, The Governor and Commander in Chief of Our said Territory for the time being, and all others whom it may concern.

VISCOUNT GODERICH to GOVERNOR BOURKE.
(Despatch No. 88, per ship Clyde.)

Sir,

Downing Street, 15th April, 1832.

General Darling’s Dispatch No. 92 of the 19th of October, 1831, together with abstracts of the Revenue of the Colony and of its appropriation for the whole of the five entire years of his administration, have been received at this Department; and although from General Darling’s departure it may not have been necessary for me to make any particular communication to...
you upon the subject of these Abstracts, yet the examination of them has tended to impress me so strongly with the conviction of the attentive and effectual supervision, which that officer has exercised over the Revenue and Expenditure during the period in question, to which, added to the beneficial arrangements introduced by him connected with its collection and management, is mainly to be attributed the great improvement which has taken place, that I consider it to be due to him to record in this manner in the Colony, the sense which His Majesty entertains of his Services in this important branch of his public duty.

I have, &c.,

GODERICH.

VIScount GODERICH TO GOVERNOR BOURKE.

(A circular despatch per ship Planter.)

23 April. Sir, Downing Street, 23 April, 1832.

I have the honor to transmit to you herewith, for your information and guidance, Copies of two Letters and enclosures from the Lords Commissioners of the Treasury, prescribing the mode of appointing Substitutes for Officers of the Customs in the Colonies, when proceeding upon leave of absence.

I remain, &c.,

GODERICH.

[Enclosure No. 1.]

HON. J. STEWART TO VIScount HOWICK.

My Lord, Treasury Chambers, 4 February, 1832.

I am commanded by the Lords Commissioners of His Majesty's Treasury to transmit to you the information of Viscount Goderich with reference to Your Lordship's letter of the 24th of November last, the enclosed Copy of their Lordships' Minute of the 24th Ultimo, relative to the Regulations to be observed by the Officers of the Customs in the Colonies, when proceeding upon leave of absence from their duties, in the appointment of Substitutes, and I am to request that you will move his Lordship to cause the necessary Instructions to be conveyed to the Governors of the several British Possessions abroad for giving effect to the Regulations therein prescribed.

I am, &c.,

J. STEWART.

[Sub-enclosure.]

COPY OF TREASURY MINUTE.

dated 24th January, 1832.

Treasury minute re regulations for substitutes for customs officers on leave of absence.

Read a Report of the Commissioners of Customs dated 9th Ultimo on a Letter from Lord Howick transmitting, by desire of Viscount Goderich, the Copy of a Despatch addressed to the Secretary of State by the Governor of Antigua, relative to the manner in which the Substitutes of Officers of the Customs in the Colonies when
proceeding upon leave of absence are at present appointed, and suggesting that the Substitute should receive a Commission from the Governor empowering him to execute the duties of the Office to which he may be temporarily appointed, and further that he should be required to take the usual Oaths of Office.

The Commissioners refer to their Report of the 8th September, 1830, on a Letter from Mr. Hay, transmitting the Copy of a Communication from the Acting Governor of Jamaica on this subject, in which they adverted to their Lordships of 28 December, 1826, founded on a Letter from Mr. Wilmot Horton, dated 27th November preceding, in which the Secretary of State for the Colonies at that period expressed an opinion that the selection of their Deputies by the Officers of the Customs themselves was the proper and convenient usage, and they (the Commissioners) also stated that, in pursuance of their Lordships' Order before referred to, the necessary instructions had been issued by them to the Officers of the Customs in the Colonies, requiring them to obtain the sanction of the King's Representative previously to availing themselves of any permission which they might obtain from them (the Commissioners) to absent themselves from their duties, and also to notify to the Governor the names of the persons proposed by them for the performance of their duties during their absence, in order that they might be assured that no objection to their Deputies existed on the part of the Governor. With respect to the suggestion of Lord Goderich that the Substitutes of Officers proceeding upon leave of absence should receive an appointment from the Governor and be required to take the Oath of Office, the Commissioners refer to that part of the letter from this Board of 9th December, 1830, signifying the opinion of their Board that the appointment of Substitutes in the Island of Jamaica in cases of leave of absence should be made under an Instrument to be executed by the Governor, His Excellency continuing to make out the appointments by taking the Recommendations of the Officers seeking leave of absence, unless some sufficient ground of objection might exist to the contrary; and they beg to state that they see no objection to a similar practice being observed generally in the several British Possessions abroad, nor are they aware of any objection to the Substitutes of Officers being required to take the usual Oaths of Office previously to their entering upon the duties of the Situations to which they may be nominated.

My Lords resume the consideration of Mr. Wilmot Horton's letter of the 27th Novr., 1826, suggesting the Regulations in regard to the Selection of Substitutes by Officers of the Customs in the Colonies proceeding on leave of absence, which are alluded to in the said Report of the Commissioners of Customs of 9th Ultimo, and which were directed to be carried into effect by the Minute of this Board of 22nd December, 1826.

My Lords also resume the consideration of the Reports of the Commissioners of Customs of 9th September and 17th November, 1830, on Communications from the Secretary of State, and the Governor of Jamaica, respecting the mode of granting leave of absence to Officers of the Customs in that Colony, and of appointing substitutes for them, and My Lords read their Minute of 3rd December, 1830, prescribing the Regulations for the Island of Jamaica, which are also adverted to in the Report of the Commissioners of Customs now under Consideration.
Write to the Commissioners of Customs acquainting them, that My Lords are of opinion it will be proper, in lieu of the Regulations of December, 1826, to cause the regulation which received their Lordships' sanction in December, 1830, in so far as regards the Island of Jamaica to be acted upon generally in all the other British Colonies; and My Lords therefore desire that they will issue directions to their Officers in the different British Possessions Abroad, to the effect that, in order to obtain the Sanction of the King's Representative previously to availing themselves of any permission which they may obtain from the Commissioners of Customs to absent themselves from their duties, they shall in all such cases enclose the Governor a Copy of the permission of the Commissioners, stating the time they intend to act upon such leave, which leave shall in all cases, where Orders to the contrary are not given by His Excellency, be deemed and taken to be as effectual as if a certificate of leave had been granted.

My Lords further desire that in all such Cases the Officer shall have the power of nominating, and shall notify to the Governor the names of the persons proposed by them for the performance of their duties during their absence, My Lords considering it of importance to continue to them this power in consequence of their responsibility, and My Lords presume of that of their Sureties to the Crown for the due Conduct of the duties of their Office, and that such persons as Substitutes shall in all cases be appointed under the regular Instrument of appointment by the Governor, His Excellency continuing thus to make out the appointments by taking the recommendations of the Officers seeking the leave of absence, unless, on some sufficient ground of objection, such instrument of appointment continuing subject to the Colonial Stamp duty, and the usual Oaths of Office to be in all cases administered to the persons so appointed, previously to their entering upon the duties of the situation to which they have been temporarily nominated.

Let this Minute be communicated to Viscount Howick for the Information of Viscount Goderich, with the request of My Lords that His Lordship will cause the necessary instructions to be conveyed to the Governors of the several British Possessions abroad for giving effect to the regulations herein prescribed.

VISCOUNT GODERICH TO GOVERNOR BOURKE.

(Despatch No. 89, per ship Clyde.)

26 April.

Sir,

Downing Street, 26 April, 1832.

The Directors of the Australian Agricultural Company have addressed a Communication to me in which they request, for the reasons therein explained, that the Coals, which, on the transfer of the Mines to them, they undertook to supply for the use of the Colonial Government, should be charged at the fixed rate of 8s. per ton at the Pit's Mouth instead of the price being annually regulated by the process referred to in Sir George Murray's Dispatch to General Darling, dated the 31st July, 1828, No. 18, viz., that the principal Manager of the Mines should
make a periodical Statement upon oath founded upon the Company's Books of Account as made up to the 30th of April of each year.

I have now the honor of transmitting for your Information a Copy of the Directors' application, together with a Copy of the reply which, by my desire, has been returned to it, and I am to request that you will act in this affair in strict accordance with the spirit of the arrangement therein sanctioned.

I have, &c.,

GODERICH.

[Enclosure No. 1.]

MR. J. SMITH TO VISCOUNT GODERICH.

My Lord,

Australian Agr. Company, 6 April, 1832.

Under the arrangement with H.M. Govt. for the transfer Equipment of the Coal mines in N. S. Wales to the Aus. A. Company, this Company long since selected an eligible site whereon they have erected Steam Engine Machinery, formed a railway with levels and an inclined plane, leading to an excellent Wharf and Shipping place, which they have built, constituting altogether a very complete Colliery Estabt., at an outlay of more than £15,000 Sterling.

Recent dispatches from Sir E. Parry, the Commr. for managing the affairs of this Company, inform the Directors that H.E. the Governor had transferred the Coal Mines to their Agents in the Colony.

The same accounts state that, previous to the 9th Novr. last, about 70 Tons of Coal had been supplied from the Company's Works for the use of the Colonial Govt., whence arises a question as to the price to be paid by the Colonial Govt. to the Company for such supply.

Adverting to the negotiation carried on with the Colonial Department during the years 1825, 1827, and 1828 on this subject generally, and especially to the letter addressed to Mr. Twiss on the 4th Aug., 1828, whereof a copy is now laid before your Lordship, it was arranged that such supply should be furnished by the Company at the cost price.

The Directors have no desire to disturb the principle of that arrangement with a view to pecuniary gain, but they ask a more definite arrangement for the convenience of both the parties interested.

It is in the nature of a Colliery Estabt. to require under ordinary circumstances a large outlay of Capital at its commencement; and in the present case the ordinary expenditure has been greatly augmented by unforeseen delays beyond the control of the Directors. Estimating the annual sale of Coal in the Colony at 4,000 Tons which is about the amount, and charging interest on the Capital already expended by the Company, together with expenses of Wear and Tear of Machinery, superintendance and labor in raising the Coal, the price at which the Coal is now sold by the Company, Viz., 8s. per Ton, is less than one half of the actual cost to the Company.
1832.
28 April.

Necessity for opening of new pit.

It is likewise essential to bear in mind that, the Seam of Coal worked by the Govt, having from local circumstances become very inferior in quality, and the water in the Pits having rendered it impossible to continue the working, it required the selection of some new District whereon to sink other Pits and to erect a Steam Engine, causing a very considerable outlay of Capital, and which H.M. Govt, must have expended, had they continued working the Mines on Govt, account, thereby raising the cost per Ton to nearly as great an amount as that which the Company has incurred. But, as it is the object of the Company to submit to a present loss with a view to extend the demand for Coal, and thereby lay the foundation of a future profit, rather than to attempt the attainment of a high price at first, whereby the Public might imagine they had cause for complaint, the Directors have endeavoured, on commencing the supply, to select a fair medium price at which to sell the Coal, with the intention not to reduce and they hope it will not be necessary to raise the price. Upon the same principle the Directors submit to your Lordship that the Coal to be supplied for the use of the Colonial Govt, in N. S. Wales should be charged at the rate of 8s. per Ton at the Pits' mouth, which the Directors have reason to believe to be less than it has hitherto cost the Govt.; but, should the Company hereafter be enabled by a more extended sale to lower the price per Ton to the Public, they will make the same reduction to the Colonial Govt.

The Directors, in the hope of obtaining an early adjustment of this question, beg leave to add that, should any further explanation be required, a deputation from their Body would do themselves the honor to wait on your Lordship at any day or hour, it may suit your Lordship to appoint.

I have, &c.,

JOHN SMITH, Govt.

[Enclosure No. 2.]

UNDER SECRETARY HAY TO MR. J. SMITH.

Sir,

Downing Street, 12th April, 1832.

I am directed by Viscount Goderich to acknowledge the receipt of your letter of the 6th Inst., in which, with reference to the original arrangement by which the Australian Company undertook to supply the Govt, of N. S. Wales with Coal from their Mines at Newcastle, you submit that this article should be charged at the fixed rate of 8s. per Ton at the Pits' mouth, instead of the price being annually regulated by the process at first proposed, viz., that the principal Manager of the Mines should make a periodical statement upon oath, founded upon the Company's Books of Account as made up to the 30th of April of each year.

Lord Goderich desires me to acquaint you, in reply, that he is desirous of meeting the wishes of the Company by simplifying as much as possible the transaction in question between the Colonial Government and the Company's Agent in the Colony, and has no doubt that the proposition, which you have brought forward in behalf of the Company, originates in no other views than those which are professed; at the same time, Lord Goderich feels that he should be incurring a most heavy responsibility were he, upon the Company's statement alone, to decide on dispensing altogether, and without previous communication with the Governor, with those measures of precaution which were deemed necessary, at the period
HAY TO BOURKE.

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at which the transfer of the Mines was agreed upon, for securing the interests of the Public. Under these circumstances, his Lordship can only undertake to authorise Genl. Bourke to receive the Coal, furnished by the Company's Agent for the use of the Colonial Govt. at the price which you have named, provided he sees no reason to question the reasonableness of that amount, and upon the understanding that he will have the power of returning to the original mode of ascertaining the cost price of the Coal to the Company, viz., by the statement made on oath by the Manager, whenever it shall appear to the Governor necessary with the view of satisfying himself that the Govt. are not charged higher for the Article than the circumstances of the case justify.

I am, &c.,
R. W. HAY.

UNDER SECRETARY HAY TO GOVERNOR BOURKE.

(Despatch per ship Clyde; acknowledged by Governor Bourke, 14th February, 1833.)

Sir,

I am directed by Lord Goderich to transmit to you, for your information and guidance, a copy of a Memorial from Mr. Alexander Fotheringham, and of the answer which has been returned to it, on the subject of a piece of land in Sydney which he wishes to obtain to form the Site of a Patent Slip which he intends to take to the Colony.

I am, &c.,
R. W. HAY.

[Enclosure No. 1.]

THE MEMORIAL of Alexander Fotheringham, now about to leave England and to reside at Sydney, N. S. Wales,

To the Right Honble. Viscount Goderich, etc., etc., etc.

Sheweth.

That the Colonies of N. S. Wales and V. D. Land have suffered and are still suffering very considerable loss and injury from the want of Docks or other adequate means to repair the damage sustained by their own shipping, and by Merchant Ships arriving in those Colonies from G. Britain and Ireland and other parts of the British Dominions.

That, by reason of there not being a sufficient rise and fall of the tide in the Harbour and on the coasts of N.S.W. and V.I.L., it is impracticable to make Docks in those Colonies for repairing Ships, and, whenever any ships require repair, it becomes necessary to heave them down, an operation attended with great risk and danger and exposing the Ship to serious injury; and your Memorialist has been informed that one of H.M. Frigates, upon being hove down, sunk in Sydney Harbour.

That it is impossible for a Ship so hove down to be put into thor' repair, and in many instances H.M. Ships and also Merchant ships have in consequence had their damages only partially repaired there and have been compelled at a great risk both to Ship...
1832
27 April

Memorial by A. Fotheringham soliciting land for erection of patent slip for repair of ships.

and Crew to proceed to Calcutta or Bombay, or to return to England to get a thor' repair, by which means considerable expense has been incurred and much loss of time and grievous injury sustained.

That your Memorialist has recently purchased, at a very considerable price, from Mr. T. Morton one of his Patent Slips for dragging Ships out of the water on dry land in order to their being thor'ly repaired, and is about to proceed with it to Sydney there to reside and to use and work the same.

That the said invention or Patent Slip is designed as a substitute for a Dock for the repair of Ships, and has been found to answer all the purposes of a Dock at Hull and other ports in G. Britain where it has been used with great advantage and benefit.

That your Mem. Patent Slip is capable of dragging out of the water on dry land Ships of any size not exceeding 700 Tons burthen, and also any of H.M. Frigates if her Guns and Stores were previously taken out, which is invariably done in the case of a Frigate going thro' a partial repair in those Colonies in the manner before stated.

That some of H.M. Ships are always stationed in the harbour and off the Coasts of N. S. Wales and V. D. Land, and that upwards of 250 Merchant Ships and Vessels belong to those Colonies and are engaged in the Whale Fishery and in trading to various parts of the British Possessions.

That the number of British Ships and Vessels trading to and with those Colonies from G. Britain and Ireland and other parts of the British Dominions have been for several successive years past annually increasing, and that, from the improving condition and growing wealth of those Colonies, there is every reason to expect a very considerable augmentation of the Shipping and Tonnage belonging to and trading to and with those Colonies.

Your Memt. begs leave most respectfully to represent to your Lordship that your Mem. Patent Slip, when laid down and used at Sydney, will be of incalculable benefit and advantage to the Colonies of N.S.W. and V.D.L., enabling H.M. Ships and also the Merchant Ships and Vessels belonging to and trading with those Colonies to obtain there a thor' repair of any damages they may sustain, instead of being compelled, as they now are, to proceed to sea imperfectly repaired at considerable risk both to Ship and Crew, and to resort to distant Ports in India or return to England to procure the necessary repairs.

Your Mem. further begs leave most respectfully to represent to your Lordship that H.M. Govt, has reserved to the Crown certain pieces of land at Sydney near the Dock-yard, and that your Mem. Patent slip might be laid down upon one of those reserves and used with peculiar benefit and advantage to H.M. Service in repairing Ships of War, as from its contiguity to the Dock yard the Ships' Guns and Stores could be put on board with a saving both of time and expense, immediately after the repairs had been completed.

Your Memorialist therefore prays your Lordship will be pleased to grant him a piece of land at Sydney situated near the Dock yard for the purpose of laying down thereon his Patent Slip and to give such directions to the Colonial Authorities in N. S. Wales on the subject as to your Lordship shall seem meet.

And your Mem. will ever pray, [Unsigned.]
GODERICH TO BOURKE.

[Enclosure No. 2.]

UNDER SECRETARY HAY TO MR. A. FOTHERINGHAM.

Sir, Downing Street, 25 April, 1832.

In answer to your letter to Lord Howick of the 13th Inst., enclosing a Memorial, in which you solicit the grant of a piece of land in Sydney on which to erect a Patent Slip which you are about to take to New South Wales, I am directed, in answer, to acquaint you that Grants of land in that Colony are no longer given away, but sold by Public Auction. Lord Goderich duly appreciates the advantages which the Community may derive from the introduction of an invention of so much public utility, but his Lordship extremely regrets that he does not feel at liberty to relax in your favor a Regulation which it is the object of the Government inflexibly to maintain. Lord Goderich will however make known to the Govr. of N. S. Wales the purpose for which you are proceeding to Sydney, and he has no doubt that you will receive at the hands of General Bourke every encouragement and facility in prosecuting the undertaking on which you have entered, which can be afforded to you consistently with the Regulations and the interests of other persons.

I am, &c.,

R. W. HAY.

VISCOUNT GODERICH TO GOVERNOR BOURKE.

(Despatch No. 90, per ship Clyde.)

Sir, Downing Street, 28 April, 1832.

With reference to that part of my Despatch of the 14th February, 1831, No. 21, in which I explained to you the manner in which I proposed to continue, under the new system, to Officers of the Navy and Army the advantages* which they had enjoyed with respect to Grants of land, I have the honor to transmit to you, for your information and guidance, a copy of the Admiralty Memorandum which has been issued for extending to Naval and Marine Officers the advantages* enjoyed by Officers of the Army under the General Order of the 10th August, 1831.

I have nothing to add to the Instructions contained in my above mentioned despatch, excepting to authorise you to admit Officers of the Navy, Army and Marines to the benefits in question, upon the production of a Certificate of unexceptionable character and length of Service from the General Commanding in Chief or from the Board of Admiralty instead of the letter from this Office, which it has been customary for each officer to take out with him.

I am, &c.,

GODERICH.

[Enclosure.]

[This was a printed memorandum* from the admiralty office dated 3rd March, 1832.]

* Note 179.
GOVERNOR BOURKE TO VISCOUNT GODOCH.

(Despatch No. 52, per ship Asia; acknowledged by Viscount Goderich, 14th October, 1832.)

My Lord,

Government House, 28th April, 1832.

In obedience to the Instructions contained in Your Lordship's Despatch of the 30th July last, No. 8, I caused a List to be made out of the Persons holding employment under this Government, who had been declared Insolvent. The Names of four persons were returned, "Vizt."

Captain Wilson, Director of Public Works;
Mr. Carter, Master Supreme Court;
Mr. Bate, Surveyor of Distilleries;
Mr. Percy Simpson, Assistant Surveyor.

The two former have been removed from their employments according to Your Lordship's directions; with respect to the two last, I have to Submit a few observations and to request Your Lordship's Commands. Mr. Simpson's case is described in his Letter to the Colonial Secretary, of which I have the honor to enclose a Copy. The facts therein Stated are I am assured quite Correct, and the Certificate from Mr. Simpson's former Creditors, acknowledging his having paid them in full, has been Authenticated. Under these Circumstances, and as Mr. Simpson bears a good Character and is not in an employment requiring the receipt or expenditure of public Money, I would recommend to Your Lordship that he be permitted to remain in the Service of Government.

Mr. Bate's case is one of a more ordinary kind. There is in truth little difference between it and the case of Mr. Carter, except that the latter held a more responsible office, and was more obnoxious to public Scandal. Mr. Bate does not receive any Revenue; he merely inspects the Distillery (for I believe there is but one which Works) and Certifies to the Collector of Internal Revenue the quantities of Spirit upon which duty is to be paid. His Salary is £400 per Annum. He is an elderly person, now nearly blind, and therefore Unfit for his Situation. The duty is I believe Chiefly discharged by his Son, who appears to be an intelligent Young Man and receives a Salary as Clerk and Assistant of £80 a year. I have thought it right to inform Mr. Bate Senior that he will be removed from his employment at the end of this Month; and I propose to retain his Son at the rate of £300 a year, Until Your Lordship's pleasure is known as to the keeping up a Department which in my opinion it will be advisable to abolish. Upon this Subject, I shall have the honor of addressing Your Lordship very shortly.
BOURKE TO GODERICH.

I enclose the Copy of a letter addressed to the Colonial Secretary by Mr. Bate; and, in Consideration of his having been Sent out here by Government, and of his infirmities and misfortunes, I would request permission to pay him one Year’s full Salary, if, upon receiving my Report, Your Lordship shall think fit to abolish the Department of Surveyor of Distilleries, or not to confirm the appointment of Mr. Bate’s Son.

I have, &c.,

Richd. Bourke.

[Enclosure No. 1.]

ASSIST. SURVEYOR SIMPSON TO COLONIAL SECRETARY MACLEAY.

Sir, Lower Portland Head, 27th March, 1832.

I have the honor to acknowledge the receipt of your letter of the 16th Instant (which owing to Floods was only received last Evening), acquainting me that instructions had been received from His Majesty’s Government for the discontinuance of the services of any Public Officer declared Insolvent, and requiring me to state for His Excellency’s information whether I had anything to allege in my particular case, which might exempt me from the loss of my appointment in consequence of my Insolvency.

In reply, I beg leave to observe that, after my appointment ceased as Commandant at Wellington Valley, owing to the projected reduction of that Settlement, as notified to me by the Honorable the Colonial Secretary’s letter of the 15th June, 1826. Circumstances of a peculiar Nature connected with my appointment at Wellington Valley, and known to General Darling, plunged me in Pecuniary difficulties, and obliged me to borrow Money at a high rate of Interest.

The Expense incident to commencing a Farming Establishment on unreclaimed land (which had been granted me by Sir Thomas Brisbane in November, 1822) in addition to having a Wife in a delicate state of health, and a young Family to support (now increased to Seven), added to the subsequent depreciation of land and Stock, while the Interest on the money borrowed was compounding, tended effectually to increase my difficulties without the hope of surmounting them, and, my debts amounting in 1828 to £800, I was induced to accept General Darling’s offer then made of confirming on me my present appointment, the General at the time being fully aware of the Debt I owed.

I would further beg to state, for His Excellency’s information, that, so far from my having either by any speculation or extravagance contracted Debts whilst holding a Government Appointment, I have on the Contrary, since I obtained one, paid in full every Debt I owed, and am still in possession of Two thousand Acres of Land granted me by Sir Thomas Brisbane in September, 1825, and other property.

The accompanying Original Document, dated 14th July, 1831, presented me by my Creditors, establishes the fact that I had taken no advantage of my apparent Insolvency and that every claim on me had been paid in full of all demands.
Under the foregoing Circumstances, I most respectfully trust, and treat His Excellency Governor Bourke may be pleased to consider my peculiar case of sufficient weight to exempt me from being affected by the Order in question of His Majesty's Government.

I have, &c.

Percy Simpson, Ass. Surv'r.

[Sub-enclosure.]

CREDITORS TO MR. P. SIMPSON.

Sir, Sydney, 14 July, 1831.

We, whose Names are hereunder written, Creditors of your Estate at the time you were lately declared Insolvent, having since that occurrence (without any Solicitation on our part) been fully paid and satisfied the entire Amount of our respective Claims, although the Certificate of the Supreme Court had entirely discharged you from all legal obligation to pay us, feel it due to you to acknowledge with much satisfaction this convincing proof of your justice and integrity; and further to state our opinion that there was no other necessity for the proceedings in Insolvency but to save your property from being swallowed up by heavy and fruitless law Expenses.

We are, &c.

A. Foss.
W. Bland.
W. M. Rendray.
Geo. and Jno. Paul.
W. C. Wentworth.
T. Nowlan.

[Enclosure No. 2.]

MR. S. BATE TO COLONIAL SECRETARY MACLEAY.


In reply to your letter of the 16th Instant, acknowledged by me on the 20th instant, I have the honor to state, for the information of His Excellency the Governor, the following particulars relating to my Insolvency; and I consider that, in doing which, it will be necessary for me to shew how I first became involved in debt. I may say then that, when I first arrived in the Colony, I was involved by having to pay £300 for my passage; that during my passage I was so shamefully treated on board by the Captain, together with a libel he had inserted against me in the Log Book, that I was induced to enter an Action against him on our arrival here, as also another action for the recovery of £50 which I had paid the Captain twice over, in both of which I was non suiting, the Law Expenses arising from these two actions amounting to nearly £200; that, while struggling to meet the Promissary Notes I had given for my passage money, I had to run in debt for Clothing, furniture, and other necessaries, and, before I had sufficiently recovered myself to pay the persons, I owed money to for these articles, they brought their bills into Court, obtained Judgment, and Law expenses upon Law expenses were added thereto; thus by accumulated Law expenses, I was necessitated (to prevent myself being immersed in Gaol) to obtain frequent advances of money from the Government to Satisfy their various demands, and in this manner I was enabled to struggle on for about three years; but, not satisfied with my paying the whole of my Salary away to
them, they in the Year 1828, as if determined to crush me at once, had my Furniture sold off for £70, but which only covered £50 of the debt it was sold for, and which Furniture originally Cost me at least £200; a few weeks after I was thrown into Gaol, and at the same time received information that an execution was lodged in a Garden I had rented for everything to be sold off there also. Borne down with oppressions, difficulties and distresses like these, what was I to do? If I had had any fraudulent intentions, Should I not at this time have become Insolvent when my debts amounted to upwards of £1,200. But, as a Convincing proof that I had no fraudulent intentions, but that on the other hand my intentions were most honorable, I employed a Mr. Tawell to Collect all the demands made against me, and I then gave Notes of hand for the liquidation of the whole of those which I considered just debts, amounting to about £900, giving up two thirds of my salary for a period of two years and upwards to meet them, and in the mean time received information that an execution was lodged insolvency. In a Garden I had rented for everything to be sold off there also. But, as a Convincing proof that I had no fraudulent intentions, but that on the other hand my intentions were most honorable, I employed a Mr. Tawell to Collect all the demands made against me, and I then gave Notes of hand for the liquidation of the whole of those which I considered just debts, amounting to about £900, giving up two thirds of my salary for a period of two years and upwards to meet them, and in the mean time received information that an execution was lodged insolvency. At the same time a Judgement was obtained against me for the Amount of Mr. Wentworth's Costs in the Actions I brought against the Captain of the Vessel; and, not knowing how soon I might now be threatened with the four bills bearing my Indorsement and Mr. Norton's Costs, and being threatened by Mr. Tawell also that, if I did not pay every one of his Bills as they became due, he would also put me in Gaol and let me rot there, It was now utterly impossible for me to Contend with persons so determined on my ruin as these persons evidently were; and, when I came to consider that, with a few exceptions, nearly the whole of what I termed my just and equitable debts had been paid, and that those remaining were principally Law Expenses and Interest on Money, I thought no fraudulent motives could be attached to my Name by my Consulting with an attorney to have me proved Insolvent, as I found that I might be paying every Shilling of my Salary away and still be as far in debt as ever, and subject to be put in Gaol every day. I therefore Consulted one on the subject; he approved of my Opinion, and I was shortly afterwards proved Insolvent, that is in the literal sense of the word, which is, that I did not possess sufficient property to pay all the Claims against me at that time; but, as I have never applied for a Certificate of Insolvency, I am nearly in the same situation as I was before I was proved an Insolvent; in fact there is only this difference, that, before I was proved Insolvent, I could be arrested by any of my Creditors and put in Gaol, but now my person is safe; but, by my not taking out a Certificate of Insolvency, my property is as much in the power of my Creditors as ever it was; therefore I think independent of the
hardships I have enumerated to account for what I have done, that I do not come within the Meaning of the Officers mentioned in the Instructions received from His Majesty's Government.

But, to Convince His Excellency that what I have said in my letter is entirely true, I have obtained a Copy of the Schedule of my Insolvency from the Registrar's Office, which I have enclosed, as also my remarks on the various items contained therein, which I have numbered as they are in the Schedule, and I leave it to any Candid man, whether he sees ought in that Schedule tending in any way to fraud or dishonesty, but merely a Struggle to avoid imprisonment, and to stop my creditors from preventing me doing the duty imposed on me by His Majesty's Government; there is also nothing in the said Schedule that in any way tends to extravagance; but let the items be well looked into and it will be perceived that nearly three fourths of the Amount, which is £690, I have never received any Value for.

I now conclude by hoping His Excellency will Consider the above Statement of heart rending grievances sufficient to exempt me from the loss of my Appointment; I beg also to urge my long services, for I am one of the oldest Civil Officers in the Colony; and am I, who have all along been strict to My duty, to lose my appointment after I may say nearly seven years struggling with difficulties such as I have enumerated. I am fully convinced Lord Goderich is too humane a Man ever to have Contemplated such a thing.

I have, &c.,

SAMUEL BATE.

GOVERNOR BOURKE TO VISCONT GODERICH.

(Despatch No. 53, per ship Asia.)

My Lord,

Government House, 30th April, 1832.

I have the honor to acknowledge the receipt of Your Lordship's despatch of the 12th October last, No. 29 with its enclosures, and to inform Your Lordship that arrangements have been made for the reception of both descriptions of Emigrants, whom it is proposed by the Commissioners to send out, and for the payment of the Bounty in one case and the Advance in the other, taking the best security for the repayment of the latter that Circumstances permit.

Your Lordship and the Lords of the Treasury having, as it appears, reckoned upon the product of a tax upon assigned Convicts as a fund from whence to defray in part or in the whole the expenses incurred for those Emigrants, it may be right that I submit some further observations on the Subject of the proposed tax, in addition to the reasons, which the Executive Council have alleged against it in the Minute, which accompanied my Despatch of the 27th February last, No. 28.

By a late regulation* of General Darling's, upon a Convict being Assigned, the Master has to pay one pound for his Servant's Clothes, before he is permitted to receive him from the

* Note 180.
BOURKE TO GODERIC.

Convict Barracks. By another late Regulation,* he has to maintain his Servant in Hospital at the rate of one Shilling per day for any period not exceeding thirty. By the accompanying Estimates, Your Lordship will perceive that the Annual Cost of each Convict averages about £13 per Annum, exclusive of the Charge of £1 for Clothes, and those for Hospital and travelling expenses and for various gratuities which Masters, who are anxious to keep their Convict Servants in good humour, are always disposed to allow. The Return in labour for this expenditure is for the most part very Unsatisfactory. The Convict generally does as little as he can, not unfrequently robs his Master. Much of his time is passed in the road going to or returning from Hospital, or to a Justice to Complain of his Master's treatment, or to Answer the Master's Charges against him for negligence, drunkenness or insubordination. Many also are unsuited for labour of any sort. Good Mechanics indeed are Some times of Value to their Masters; but, where the latter are Mechanics themselves and in public business, they usually give their Convict Servants large gratuities.

The expense and conduct of the Convict Servants being as I have described, the Situation of the Masters is next to be considered. The highest class of these, with very few exceptions, are the very reverse of opulent. Such as employ fifty or More Convicts could not without Some inconvenience pay £50 or even £25 per Annum as a direct tax. Many of the Smaller Settlers, who have one or more assigned Servants, are Struggling with a poor Soil and variable Climate and raise little more from their Land than what is barely sufficient to Support their families and the Servants, who assist them to clear the ground. Others have themselves perhaps just emerged from Servitude or are discharged Soldiers, and have obtained the aid of a Convict, who prefers their coarse fare to being better fed and Cloathed with a More opulent Master and less liberty. To these lower Classes of Cultivators, the tax would be a great evil. In the Establishments of Merchants and Shopkeepers, the tax ought not to be complained of; but the Number of assigned Servants So employed is not Considerable, as Compared with those engaged for Agriculture.

It may be further observed that the tax is not actually necessary if it be intended to allow the Revenue derived from the Crown Lands to be appropriated as heretofore to Colonial purposes. A sum of ten thousand pounds is Voted for the encouragement of free Emigration in this Year, and will be forthcoming if required. The Expenditure of the Colony is now assuming a regular form; the Separation of the Military and

SER. I. VOL. XVI—2 R * Note 180.
Convict Establishments from the Colonial is nearly Complete, and the expense of the latter could at once be defrayed without the aid of the Military Chest or the interference of the Commissariat, if the concourse of Criminals were averted from the Colony, and its Establishments placed on the reduced footing, which would then be sufficient.

The foregoing observations are the result of a better knowledge of the Condition of the Colonists, than I possessed when transmitting to Your Lordship the Minute of the Executive Council on the proposed tax. I trust Your Lordship will be Satisfied that the Council took a correct view of the Circumstances of the Colony in dissuading its imposition.

I have, &c.,

RICHD. BOURKE.

[Enclosure.]

[This was a letter from F. A. Hely, dated 18th April, 1832, enclosing four independent estimates of the annual cost of maintenance of a convict. They were £13 15s. 2½d.; £13 18s. 8d.; £14 10s. 7d.; and £17 6s. 9d.]

VISCOUNT GODERICH TO GOVERNOR BOURKE.

(Despatch marked “Private and Confidential,” per ship Planter.)

Dear Sir,

Downing Street, 1st May, 1832.

I have received General Darling’s Dispatches* of the dates mentioned at the foot of this letter, detailing the steps which he had taken, previously to quitting his Government, for carrying into effect the several Measures referred to in my Despatches of the 9th and 23d of January, 1831, for the future sale of the Crown Lands, and transmitting the Memorial of a body of Land Holders at New South Wales representing the serious injuries, which will result to them from the enforcement of the Regulations respecting the payment of Quit-Rents and of such Sums as may be due by the Settlers to the Government for the Lands purchased by them under the administration of Sir Thomas Brisbane.

As no Instructions (even were I disposed to afford to the Petitioners the relief for which they have prayed) would now reach the Colony before the latest period when the payment of the Instalments have become due, and, as accounts may be expected from you in the course of a very short time, it is not my intention to reply to these Dispatches, until I may be favoured with your opinion on the points to which they relate. In the meantime, however, I think it may be useful to you to be in possession of the Information communicated to me by Colonel

* Note 181.
Arthur in reference to this subject, and the sentiments which I have expressed in my answer; and I therefore do myself the honor of transmitting copies of these papers to you. I also take this opportunity of observing that, at present, I see no ground for admitting any intended modification of the Regulations laid down by General Darling to meet the case of those persons, who are indebted to the Colonial Government either on account of Quit-Rents due on their Lands, or for the purchase of Lands at the periods specified.

I have, &c.,

GODERICH.

[Enclosures.]

[These were copies of a despatch from lieut.-governor Arthur to Viscount Goderich with its enclosures, dated 9th July, 1831, and numbered 42, and of a despatch from Viscount Goderich to lieut.-governor Arthur, dated 27th January, 1832, and marked "private and confidential," which will be found in a volume in series III.]

GOVERNOR BOURKE TO VISCOUNT GODERICH.

(Despatch No. 54. per ship Asia.)

My Lord, Government House, 1st May, 1832.

I have the honor to transmit a Resolution passed by the Legislative Council on the 15th of March last, censuring the Conduct of the Revd. Dr. Lang in having published certain charges against the Episcopal Clergy of the Colony. This Subject was brought under the Consideration of the Council and the Resolution moved by the Venble. the Archdeacon of New South Wales, upon the occasion of a Vote of £2,000 being proposed for the Australian College, of which Dr. Lang may be Considered the Founder, and who had advanced those Charges, on Soliciting the Assistance of Government towards establishing the College.

Dr. Lang, on Seeing the Resolution in print, requested me to Reply by forward his observations Upon it at the Same time with the Resolution itself, which I have now done.

I regret exceedingly that the Council took the matter up, and that I have been obliged to trouble Your Lordship with this Communication. It would have been fitter to have left the Clergy to have refuted the Charge by their own means. As it is, I Submit to Your Lordship that the matter should be Set at rest by no further notice being taken of either Party.

I have, &c.,

RICH. BOURKE.

* Note 126. † Note 182.
HISTORICAL RECORDS OF AUSTRALIA.

[Enclosure No. 1.]

Extract from Minute No. 25 of the proceedings of the Legislative Council on the 15th March, 1832.

Present:—His Excellency the Governor; The Chief Justice; The Archdeacon; The Colonial Secretary; The Attorney General; The Controller of Customs; The Auditor General; Colonel Lindesay; John MacArthur, Esquire; Robert Campbell, senior, Esquire; Alexander Berry, Esquire; John Blaxland, Esquire; Hannibal H. MacArthur, Esquire.

"The Council resumed, and, on the motion of the Archdeacon, seconded by Mr. John MacArthur, it was resolved—

"That His Excellency the Governor be requested to Communicate to the Right Honourable The Secretary of State the opinion of this Council that the charges against the Protestant Episcopal Clergy of the Colony, contained in the Letter addressed by Dr. Lang to Viscount Goderich, were unfounded and unwarrantable; and that the publication of the same was a highly improper and Censurable Act."

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

[Enclosure No. 2.]

Reverend J. D. Lang to Governor Bourke.

Sir,

Sydney, 24th March, 1832.

As the Legislative Council of this Colony was pleased, on the 15th day of this present month, to resolve, "That His Excellency the Governor be requested to communicate to the Right Honourable The Secretary of State the opinion of this Council that the charges against the Protestant Episcopal Clergy of the Colony, contained in the Letter addressed by Dr. Lang to Viscount Goderich, were unfounded and unwarrantable; and that the publication of the same was a highly improper and censurable act"; I do myself the honour to submit to Your Excellency the following remarks on that resolution and to request that Your Excellency will be pleased to transmit them, along with the opinion of the Council, to the Right Honourable the Secretary of State.

1. I beg, therefore, to remark in the first place that, as the Archdeacon, the Colonial Secretary and the Auditor General had already rendered themselves parties in the case, to which the resolution refers, by transmitting a formal complaint to the Right Honourable the Secretary of State on the subject of my Letter to Lord Viscount Goderich as Commissioners of the Corporation, it was contrary to the fundamental and well known principles of English law for any of them to sit in judgment on my letter, or to express any opinion respecting it, as Members of Council.

2. Instead of specifying the particular statement in my letter which they held "unfounded and unwarrantable," as it was incumbent upon them to have done, especially when the public expression of their opinion was evidently directly calculated to affect my reputation as a Minister of religion, the Legislative Council merely passed a general and sweeping sentence of condemnation, the injustice of which was exactly proportioned to its vagueness and generality.

3. If the Legislative Council, conceiving my Letter to my Lord Goderich of sufficient importance to engage their attention, had really been desirous of ascertaining the truth in regard to the
BOURKE TO GODOERIC.

1832.

1 May.

Criticism of condemnation without inquiry.

powers exceeded by legislative council.

Character of charges made by Revd. J. D. Lang.

Evidence available in proof of statements by Revd. J. D. Lang.

* Note 18.

statements which it contained, they would have called for an explanation in the first instance, in accordance with the practice of a higher tribunal in the Mother-Country, and thereby ascertained whether there was any ground for the statements referred to, or whether I was capable of adducing any evidence in attestation of their truth. But, in condemning me unheard and without even the shadow of an investigation, they have in this particular instance virtually, though perhaps undesignedly, rendered an Institution, which His Majesty designed for the general good, an instrument of individual oppression.

4. But, even though all the members of the Legislative Council had been in the highest degree disinterested in the case in question, though the charge they have preferred against me had been direct and specific; and though they had substantiated that charge by unexceptionable evidence, I beg to submit to Your Excellency whether the Legislative Council had any authority to erect themselves into a Court of Inquisition and to sit in judgment on the moral character and veracity of a private individual. To be stigmatized by a civil Court as the author of unfounded and unwarrantable charges would subject me to ecclesiastical censures in the Church Court, to which I am amenable. I beg, therefore, to submit to Your Excellency that, in so stigmatizing me, the Legislative Council have very much exceeded their proper power.

I beg also to submit to Your Excellency that the statements referred to in my letter to Lord Goderich, were not charges against the Episcopal clergy of this Colony, but against the Church and School Corporation, the system under whose operation the Episcopal Clergy had been accidentally and, as I still conceive, unfortunately placed. For in addition to all the other and lesser evils of that system, I observed in the letter in question that it tended to secularize the Episcopal Clergy and to render them worldly minded, and thereby to lower the standard of morals and of religion throughout the Territory. Such a tendency was the necessary consequence of the primary constitution of the Corporation, which rested in a court composed chiefly of Episcopal Clergymen a property almost inconceivably extensive, together with the uncontrolled management of funds to the amount of upwards of £20,000 per annum. At the same time, I am most willing to admit that such would have been the tendency of the Corporation, had it been instituted in favour of any other church or of any other body of clergy; for, although there will always be found individuals of that order superior to the usual tendencies of wealth and the desire of gain, no church, whether Popish or Protestant, has ever yet withstood the corrupting influence of extensive possessions.

That His Majesty's Government have latterly entertained the very same view of the tendency of the Corporation, I am warranted to conclude from the fact that its Constitution has been entirely remodelled, and the management and control of its funds transferred from the original Trustees to the Archdeacon and certain lay Commissioners.

In regard to the actual effect of the Corporation in secularizing the Episcopal Clergy of the Colony, although the question is partly a matter of opinion and not entirely a matter of fact, had the Council required any explanation of my letter, previous to their making it the subject of a condemnatory sentence, I beg to assure Your Excellency that I could have exhibited satisfactory proofs of the secularizing tendency of the Corporation. But, as the
1 May.

Standard of clerical conduct.

exhibition of such proofs might require me to mention the case of individuals, which I have not yet done in any way and which I conceive is neither necessary nor expedient, I forbear saying anything further on the subject.

I beg also to submit to Your Excellency that the case, on which the Legislative Council pronounced an authoritative opinion, required the previous settlement of the question, "What is the proper standard of clerical excellence and clerical disinterestedness?" That question, Your Excellency is well aware, can only be decided by a reference to authority universally acknowledged paramount in the Protestant Church. But it unfortunately happens, in the ordinary course of human affairs, that individuals, without referring to divine authority, not infrequently form another standard agreeably to their preconceived opinions and the practice of those around them, and conclude, without evidence and without investigation, that what is generally practised cannot be wrong. Whether the Legislative Council were thus precipitate in forming their opinion in the present instance, I shall not presume to decide; but I cannot help expressing my own suspicion, confirmed as it is by what has uniformly been the case in the other Colonies of the Empire, that their standard of clerical propriety is by no means so high as to render their opinion on such subjects infallibly correct.

Whether a passage, incidentally introduced in a Letter obviously written to promote the best interests of this Colony and to point out the means of relieving the Mother-country of a portion of its distressed population, was the only particular either in my conduct or writings that deserved the notice of the Legislative Council, I am not competent to decide; but I beg leave most respectfully to submit the case to Your Excellency's better judgment, conscious that my own humble efforts to promote the intellectual, the moral and religious welfare of this Colony will be estimated in a very different manner when the present members of the Legislative Council shall have ceased to vote and the individual who has now the honour to address Your Excellency to be affected by their opinion.

I have, &c.

JOHN DUNMORE LANG.

2 May.

Viscount Goderich to Governor Bourke.

(Despatch No. 91, per ship Planter.)

Sir,

Downing Street, 2d May, 1832.

In my Dispatch of the 24th Sept. last, I intimated to you the circumstances, which had induced me to supersede Mr. McDowell in the situation to which he had been appointed at New South Wales. Certain legal arrangements, which are about to take place in Van Diemen's Land, consequent on the return of Mr. Baxter to England, have occasioned a Vacancy at that Island in the office of Solicitor General. As I consider Mr. McDowell's conduct towards this Department, in protracting his stay in this country so much beyond the period at which he was authorized to remain, will have been visited with sufficient severity by his having been deprived of the office, which he was appointed in the first instance to fill, you will offer to him that
which is now vacant in Van Diemen’s Land, directing him to proceed forthwith to that Island, if he should be disposed to undertake the duties of it, united with those of Crown Solicitor. The emoluments of these two situations amount to £600 per annum; and, although I am aware that this sum is considerably less than that which he would have enjoyed, had he been permitted to retain the Situation originally conferred upon him in New South Wales, yet I cannot hold out to him, if he acquiesces in the present arrangement, any other remuneration than that which was paid to the Officer whom he will succeed. Upon the same principle, however, on which officers appointed from home are permitted to receive portions of their Salaries from the date of their embarkation in this Country, Mr. McDowell will be entitled to receive, on arriving at Van Diemen’s Land, half salary on account of his new office, from the date at which he may take his departure from New South Wales.

Should Mr. McDowell have quitted that Colony upon his return to this Country, previously to the arrival of this Dispatch, or should the arrangement proposed in it not meet the views of Mr. McDowell, you will immediately acquaint me therewith, in order that I may adopt such other measures as shall appear necessary for filling up the office of Solicitor General at Van Diemen’s Land, and it will be also desirable that you should apprise Lieut. Governor Arthur, who will be in expectation of Mr. McDowell’s arrival in Van Diemen’s Land, of the circumstances which have prevented his proceeding thither.

I have, &c.,
Goderich.

GovernoR Bourke to Viscount Goderich.

(Despatch No. 55, per ship Asia; acknowledged by Viscount Goderich, 4th October, 1832.)

My Lord,

Government House, 2d May, 1832.

I have been applied to by the Clerk of the Council to order payment of the accompanying bill for copying and other Clerical Services in the Offices of the Executive and Legislative Councils during the year 1831, amounting to £91 5s. 4d.

From the quantity of writing required for engrossing three Copies of every local ordinance, and Copying the Minutes and documents in the appendix to the Minutes of the Councils, I am Satisfied it would have been hardly possible for the Clerk to have executed the duty within the required time unless by engaging assistance in the Manner he has done. In consequence of representations forwarded through Lt. General Darling, Your Lordship
was pleased to allow a Copying Clerk to the Department of the Councils from the first day of the present year, and I have now to request that the Charge detailed in the accompanying account may obtain Your Lordship's Sanction.

I have, &c.,

[Richd. Bourke.]

**Bill for Clerical Services to Councils.**

Sydney, New South Wales.

The Department of the Executive and Legislative Councils Dr. to Charles Moore For the Undermentioned Services performed for the Public Service, from 11th February to 30th September, 1831.

<table>
<thead>
<tr>
<th>Description</th>
<th>Fees</th>
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<tr>
<td>For Transcribing a Copy of the Appendix to the Proceedings of the Legislative Council for the half Year ended 31st Decemr., 1830</td>
<td>£ 8 s. 4.</td>
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<tr>
<td>Do. original and Duplicate Copies in the case of the Surveyor General</td>
<td>216</td>
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<tr>
<td>Do. Requisitions for Stationery in Duplicate</td>
<td>16</td>
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<td>Entering in the Appendix to the Proceedings of the Executive Council for the Year 1830</td>
<td>680</td>
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<tr>
<td>Transcribing a Copy of the Appendix to the Proceedings of the Executive Council for the Quarter ended 31st March, 1831</td>
<td>256</td>
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<tr>
<td>Do. Copies of the examination of Messrs. Jones, Campbell, Macarthur, Berry and Barker before the Executive Council in the Case of the Petition for a Duty to be levied on Imported Wheat and Flour</td>
<td>68</td>
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<tr>
<td>Do. Copies of the examination of Messrs. Piper, Icely and Brown before the Executive Council in the Case of the Petition for Distillation at Bathurst</td>
<td>16</td>
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<tr>
<td>Transcribing a Copy of the Appendix to the Proceedings of the Executive Council for the Quarter ended 30th June, 1831</td>
<td>248</td>
</tr>
<tr>
<td>Entering in the Appendix to the Proceedings of the Executive Council to 30th June, 1831</td>
<td>600</td>
</tr>
<tr>
<td>Transcribing Copies of the Observations of the Venble. the Archdeacon and Letter of their Honors the Judges of the Supreme Court addressed to His Excellency the Governor relative to the affairs of the Church Corporation</td>
<td>16</td>
</tr>
<tr>
<td>Do. in Duplicate the Abstracts, Vouchers and Authorities of Fixed and Unfixed Contingencies supplied for the use of the Executive and Legislative Councils and forwarding the same to the Auditor General</td>
<td>24</td>
</tr>
<tr>
<td>Do. Two Drafts of the Rewards proposed should be offered to Public Competition, with a view of drawing the Attention of the Colonists to Branches of Agriculture and Horticulture, which are Considered suited to the Soil and Climate</td>
<td>32</td>
</tr>
</tbody>
</table>
BOURKE TO GODERICH.

[Enclosure]—continued.

Bill for Clerical Services to Councils—continued.

For transcribing Two Copies of the Comparative Statement of Grain imported in the Years 1830 and 1831 ................................. 4

" Copying Summons to the Members of the Legislative Council to attend a Meeting .... 24

" Transcribing Drafts of the Proposed Bill "Benevolent Society" to authorise them to sue and be sued in the name of the Treasurer ................................. 8

" Notifying to the several Members of the Legislative Council the postponement of meeting ............................................... 12

" Transcribing Copies of the Six Oaths taken by the Members on the Accession of King William ............................................... 12

" Entering the Proceedings of the Legislative Council on the 20th, 27th and 30th September ............................................... 20

" Transcribing an extract of the Proceedings of the Legislative Council of 20th September ................................. 4

" Do. Draft of proposed Bill for permitting the Importation of Spirits, the manufacture of British America, at the same rate of Duty as those of the British West Indies .................. 4 78 5 4

" Ingrossing on Parchment Original and Duplicate Copies of the Act of Council for permitting the Importation of Spirits, the produce of British America, at the same rate of Duty as those of the British West Indies, at 10s. p. Skin ........................ .......... 1 0 0

" Do. Do. Original and Duplicate Copies of the Act of Council repealing that part of the Newspaper Act as relates to Banishment for the Second offence of Libel, at 10s. p. Skin ........................ .......... 1 0 0

" Do. Do. The Address of the Members of Council to His Excellency the Governor on his quitting the Command ........................ .......... 1 0 0

" Assisting the Clerk of the Councils in the arranging of the several Enclosures to be copied according to the Minutes and preparing a Schedule of the same. Also a part of the Index to the Acts of Council for 1830.

Attending the purchase of Stationery and other Articles required as well as taking account of those received from the Commissariat Stores.

Endorsing all Letters and Documents received and giving my general attendance to the Clerk of the Councils to the various other Duties required of me during the same period ........................ .......... 10 0 0

Total ........................ .......... £91 5 4

CHARLES MOORE.
I certify that the abovementioned Services were duly and satisfactorily performed, that the Expenses thereof were actually and necessarily incurred for the Department of the Executive and Legislative Councils, and that the price charged was most reasonable, for which they could be procured at the above date specified.

E. Deas Thomson, Clk., Cols.

I acknowledge to have received from E. Deas Thomson, Clerk to the Executive and Legislative Councils, the Sum of Ninety one Pounds, five shillings and four pence Sterling, in full payment of the above account for which I have signed a Receipt in Duplicate.

Sydney, 30th November, 1831. CHARLES MOORE.

Witness:—Wm. Lithgow.

3 May.


Sir,

Downing Street, 3d May, 1832.

Messrs. Reibey and Atkinson having renewed their application for compensation on account of the piratical seizure by Convicts of the "Eclipse," their joint property, I am directed by Viscount Goderich to call your attention to Sir George Murray's despatch, No. 45 of the 9th June, 1830, and to desire that you will carry into effect the instructions, which were conveyed to General Darling by that despatch, respecting this case.

As it has been represented to Lord Goderich by Mr. Reibey that he has settled in Van Diemen's Land, his Lordship has consented (in the event of this case being deemed one deserving compensation) to one half of the land and cattle which may be awarded to the parties, being assigned to him in Van Diemen's Land, and the other half to Mr. Atkinson in New South Wales, where he is a resident. You will therefore apprise Colonel Arthur of the decision which may be formed respecting the claim in question.

I am, &c.,

R. W. Hay.

Under Secretary Hay to Governor Bourke.

(Despatch per ship Planter; acknowledged by Governor Bourke, 15th January, 1833.)

My Lord, Government House, 3rd May, 1832.

I take the liberty of requesting Your Lordship's Consideration of the Subject of a letter lately received from Lieut. Colonel Parker of the Honble. the East India Company's Service, a copy of which I have now to honor to transmit. Lieut. Colonel Parker is desirous that the Allowance, Afforded to Officers of His Majesty's Service in the purchase of Land in this Colony, Should be extended to Officers of the Company's Service. He places, in a very Strong point of view, the injury
Sustained by the latter in being deprived of the indulgence now sought for by the Selfish feeling of the Company. It is my duty to represent that I believe the Colony to suffer from the same cause, as I have reason to think that many valuable settlers, valuable both from respectability of character and possession of capital, would be induced to remove here from India, if they were allowed the same advantage as those now enjoyed by retired officers of the King's Service.

I have, &c.,

Richard Bourke.

[Enclosure.]

Lieutenant-Colonel Parker to Colonial Secretary Macleay.

Sir,

Lower Minto, 26th March, 1832.

Having observed in the New South Wales Government Gazette a notification under date 6th March, 1832, wherein a scale is laid down in conformity with which military officers purchasing land in this Colony, according to the established regulations, will be entitled to a remission of the purchase money in proportion bearing reference to rank and service; and having heard that it was not intended that this indulgence should extend to military officers in the service of the East India Company, I did myself the honor to wait upon his Excellency the Governor, with a view of ascertaining whether the information I had received on this head was correct; and, to my surprise and regret, learned from His Excellency that the exclusion adverted to was in accordance with the instructions of the Right Honorable the Secretary of State for the Colonies.

Considering this exclusion to be harsh and invidious, as well as impolitic, I take the liberty of offering a few observations, with the intention of shewing the grounds of this opinion; hoping respectfully that, if His Excellency should deem it founded in reason, he will be pleased to bring the case to the notice of His Majesty's Government, with the addition of his powerful recommendation that the regulation should be so modified as to admit that portion of His Majesty's military servants, serving in the Army of the East India Company, to an equal participation with the officers of the Royal Army in an indulgence so considerately and graciously granted to the latter.

From the known liberality of sentiment possessed by His Excellency, I am not under any apprehension that His Excellency will refuse to allow due weight to the observations I shall offer on the subject of this address, or that he will deem me intrusive in submitting the matter for his consideration.

I have termed the officers of the East India Company's Army a portion of His Majesty's military servants, and such they may justly be considered.

The acquisition and defence of the vast territories under English rule in Hindostan will not, I apprehend on any hand, be denied to be objects of the highest national importance; so much indeed are they considered so, that a considerable portion of the Royal Army is always employed in conjunction with that of the East India Company for their preservation, the duties of the two Armies being in all respects similar; and, in the performance of these duties, it very frequently occurs that officers of the Royal Army

* Note 183.
1832.
3 May.

Request by C. Parker for concessions on purchase of land by officers of E.I. company.

1. Act under the orders of the Company's Officers. Moreover the East India Company's Officers hold commissions under the immediate authority of His Majesty, which, according to their tenor, are valid even in this Colony. They also participate in His Majesty's Brevet and extraordinary Brevet Promotions for distinguished services, and eligible to the highest National Military Honors, some splendid instances of their enjoyment of which might be mentioned.

2. Since then it is deemed just to consider the East India Company's Officers, in the respects above adverted to, as worthy to participate in the indulgences granted to His Majesty's Officers, on what grounds of equity or consistency can they be refused the same facilities as are enjoyed by the latter for obtaining the means of comfortable retirement in the evening of a life, passed equally with them in the public service, by the purchase on easy terms of Land in a distant Colony in want of population? The distinction seems invidious as well as inequitable, because it is drawing a marked line between two classes, in other respects considered and treated as on an equality. I feel fully convinced that I might safely appeal to the high feelings of His Majesty's Officers themselves for a confirmation of these sentiments.

3. As to the impolicy of the regulation, or rather of the exception from a regulation otherwise Politic and Beneficial, as regards the interests of this Colony, there can I imagine be but one opinion. The exclusion, under the present circumstances of the Colony, of the Population, to say nothing of the Capital, which, if this obstruction were removed, would flow into it from India, cannot but be impolitic; and it requires no argument to prove it so.

4. Where then are we to look for the reason of this exclusion? It emanates perhaps from the East India Company, and I proceed to examine the grounds on which the objection of that body, to the extension of the boon to their own Officers, may probably rest.

5. Under the existing regulations, the Officers of the East India Company's Army are entitled to retire, after a service of not less than twenty two years actually in India, on the Pay of the rank which each may have attained. This period, few will think too short under a tropical Sun, and exposed to all the chances of premature demise, arising from a climate in many places known to be deadly, attended, should that danger be providentially surmounted, in almost every instance with the destruction of health.

6. The extension of the boon might possibly enable a few Officers to command the means of a retirement required by their infirmities, which would not otherwise be within their reach; but surely this is an object, which neither His Majesty's Government nor the Court of Directors of the East India Company would wish to withhold from Officers, whose best days have been passed in the Public Service under circumstances peculiarly adverse to the preservation of health. This would be confessedly to enforce a prolonged sojourn in India to the exclusion of the only probable chance of restoring a broken constitution, and consequently to the certain abbreviation of life.

7. I confidently indulge the hope that His Excellency the Governor will feel disposed to recommend a measure, supported by the considerations of humanity, equity and expediency, and opposed only by an interest of a comparatively narrow and unimportant character.

8. I have, &c.,

C. PARKER,
Lt. Col. East India Company's Service.
My Lord,

Government House, 3rd May, 1832.

I have the honor to transmit the Copy of a Communication received from Sir Edward Parry, requesting that a Magistrate and a sufficient Police Establishment may be maintained at the public Expense at Port Stephens, where the principal Estate of the Australian Agricultural Company is situated. Sir Edward Parry claims for the Number of free persons and Convicts located on that Estate the Same protection and Control as is extended to Similar Numbers residing on Separate Estates in any other District of the Colony. He states the Numbers on the Estate of Port Stephens to be about 227 free Persons and 285 Convicts.

I laid the application before the Executive Council, who are of opinion that, if the Military Party be withdrawn, as proposed by Sir Edward Parry, a Magistrate, Clerk, three Mounted Police and three Constables should be Maintained at and near Port Stephens for the benefit of the Residents on the Company’s Estate and any others in the Neighbourhood. The latter, however, are too few to be taken into Consideration. I will take early measures for supplying the Police and Constables; but the Expense of the Magistrate and Clerk is too Considerable to be incurred without Your Lordship’s Sanction. A properly qualified Police Magistrate and Clerk can not be obtained for less than £230 per Annum. The Military Officer, who is now at Port Stephens, receives £100 a year from the Company. I should observe that, if Your Lordship authorises this Charge, it will be defrayed out of the Military Chest, from which all payments for Police within the Colony are made, the expense of Police having been with great reason given over to the British Treasury in the arrangement made for Separating the expenditure of Great Britain and the Colony.

I beg leave to add that I have some doubt as to the propriety of Charging the Colony with the expense of a Magistrate, as I think it probable that, if the Same extent of land as that granted to the Australian Company had been allotted to Settlers of the usual description, there would have been found amongst 227 free Persons one or two fit to hold a Commission of the Peace, who would act without Salary. The peculiar manner, in which the Company have settled their lands, has excluded Persons of the description I have mentioned. Sir Edward Parry and another Gentleman at Port Stephens are indeed in the Commission; but, both being in the employment of a Company, they are not
1832.
3 May.

Despatch acknowledged.

Refusal of request by K. Snodgrass for town allotment.

Proposed remission on purchase money.

Return required of land grants.

HISTORICAL RECORDS OF AUSTRALIA.

considered qualified to act as Magistrates where the Company's interests are concerned. On the other hand, it should not be forgotten that the Company are expending a large capital in the Colony and are on this account entitled to particular Consideration.

I have, &c.,

[Enclosure.]

RICH. BOURKE.

[ A copy of this letter is not available.]

VISCOUNT GODERICH TO GOVERNOR BOURKE.

(Despatch No. 92, per ship Planter.)

Downing Street, 4th May, 1832.

Sir,

I have to acknowledge the receipt of Colonel Lindsay's despatch No. 8 of the 26th November, 1831, enclosing the application of Lt. Colonel Snodgrass for a grant of a Town Allotment, on which to build a Residence.

I am sorry to acquaint you, in answer, that Colonel Snodgrass's request cannot be acceded to. The necessity of rigidly adhering to the Regulations, lately established, have compelled me on several occasions to reject similar applications from Public Officers both in New South Wales and in the neighbouring Colony; and, if I were now to admit the claim of Colonel Snodgrass, I should not be able to refuse the applications of other persons, which would immediately be preferred; and the door would thus be thrown open to all the evils of the old system.

The only way, in which claims of this description can be granted, is that pointed out in my despatch of the 14th February, 1831, viz., “by remitting a certain sum from the price of the land which they may purchase.” If you should be satisfied that Colonel Snodgrass's services in the Colony are such as to entitle him to peculiar consideration, and that it is not likely to be quoted as a precedent hereafter, I have no objection to your giving him the benefit of a remission of the price of the building allotment he may purchase to the extent of Fifty pounds. You will acquaint him that this is the utmost which I am at liberty to sanction.

I cannot conclude this despatch without calling your attention to the statement made by Colonel Snodgrass in support of his application that “several of the Civil Officers and many private gentlemen, with one Military Officer, have within the last month received” Building allotments; I am to request that you will transmit to me a list of all Grants, whether Farms or Town Allotments, which may have been given away since the promulgation of the new Regulations, accompanied by an explanation of the reasons for each Grant. The great value of Building allotments and the eagerness, with which they are
sought, render great circumspection necessary in the disposal of them, more particularly as it is expected that a great part of the funds, arising from the sale of land and appropriated to the assistance of labouring persons who may wish to emigrate to the Colony, will be derived from this source. You will, therefore, understand that you are not at liberty to sanction the remission of any purchase money on the ground of public services, without special authority from home.

I am, &c,

GODERICH.

GOVERNOR BOURKE TO VISCOUNT GODERICH.
(Despatch No. 58, per ship Asia.)

My Lord,

With reference to Your Lordship's Despatches of the 25th August, 1831, No. 15, and 23d September, 1831, No. 21, I have the honor to State that Mr. Carter has been removed from his employment as Master in the Supreme Court, and that an arrangement has been made with the Chief Justice, by which the duties of the Master's Office will be discharged by the Chief Clerk of the Supreme Court without any present addition to the public expense. I should, however, observe that the Chief Clerk's Salary was augmented by my Predecessor with a view as I understand to this arrangement at the commencement of the Year 1828.

It was found necessary to keep Mr. Carter in Office Until the close of the last Month to wind up certain Matters, which could not have been taken out of his hands without great inconvenience. He has however, during the whole time of this delay in his removal, continued to apply a large portion of his Salary towards the discharge of a debt to the Government, Contracted during the time of my Predecessor by non payment of fees received by him in his office, which debt he has now paid in full. With respect to the Sum issued to Mr. Carter in Consideration of the loss of the Office of Chairman of the Quarter Sessions, to which Your Lordship alludes, I fear it is irrecoverable; but, as Mr. Carter remains in the Colony practising as a Conveyancer, I will not fail to call upon him for payment at a suitable time.

I have, &c,

RICH. BOURKE.

GOVERNOR BOURKE TO VISCOUNT GODERICH.
(Despatch No. 59, per ship Asia.)

My Lord,

In my despatch of the 3d Ultimo, No. 46, I informed Your Lordship that I had removed Captain Wilson from his employment as Director of Public Works, and reduced that Department
in conformity to Your Lordship's instructions, Conveyed in Your Despatch of the 22d August last, No. 14. I have now to reply to that part of Your Lordship's Communication, which relates to the transfer of Captain Wilson's Servants at the period of his Insolvency.

In the first place, I beg leave to State that, by the Regulations of this Government, no transfer of an assigned Convict Should take place without permission obtained for the purpose and Communicated through the Assignment Board to the Parties Concerned. An Unauthorised transfer Subjects the Masters giving and receiving to the forfeiture of their Claims for assigned Convicts at any future time. The permission to transfer indeed is Seldom refused (Unless it should appear a grievance to the Convicts), as it is not only a Convenience to the Parties applying for the transfer, but it Saves expense by obviating the necessity of Calling in Convicts from distant Stations to Sydney and reassigning them from thence to the Same or other remote Places.

In the case of Captain Wilson, to which Your Lordship has called my attention, I find that thirteen assigned Convicts in his employment were regularly transferred, and three are Still with Mr. Wilson. Some others are undoubtedly astray, a Circumstance to which I have directed the attention of the Principal Superintendent of Convicts. I do not, however, wish to impute blame to that Officer for not being able at a Moment to account for every one of fourteen thousand Convicts now in the Colony. His Office is one of great detail, and he is not in truth Sufficiently Supplied with Clerks. Where a rigid economy is in practice, there must be some loss in efficiency. I think it right to add that I had reason to be dissatisfied with Some part of Captain Wilson's conduct, and that he was under Suspension at the time I received Your Lordship's Orders for his removal. I had ascertained that he had permitted Individuals at various times and had himself taken Stores from the Lumber Yard at Sydney in a way, which, though to a certain degree authorised by long practice, was injurious to the public Service and to the reputation of all concerned.

I have, &c.,

RICHD. Bourke.
attention to the low state of the Military Chest, and to the probable failure in recruiting it by the means hitherto adopted. It appears that the demand for Treasury Bills* has latterly much diminished, and, from the increasing confidence in private Bills and the augmented value of the Colonial Exports, it would seem that the issue of Commissariat Paper is likely to remain much below the amount of former years.

For the first Quarter of the year 1831, Bills were drawn to the amount of Twenty five thousand and forty two pounds, fourteen shillings, and three half pence.

For the first Quarter of the present year, to the amount of Twenty one thousand and thirty nine pounds, ten shillings, and two pence, making a difference on the Quarter of about Four thousand pounds. In the month of April, 1831, the amount received for Bills reached Ten thousand seven hundred and ninety nine pounds, nine shillings, and three pence. In the month of April of this Year, but Five thousand five hundred and sixty pounds, eight shillings and nine pence, making a difference of above Five thousand Pounds in the month.

To prevent as much as possible the inconvenience which would arise from the absolute want of Specie in the Chest, I have directed the Deputy Commissary General to retain the Spanish Dollars which had been ordered to be Shipped for England. I propose also, with the consent of the Legislative Council, to pay into the Chest from the Colonial Treasury such Sums as are found to be due to the former for Stores issued or cash paid for Colonial purposes, or if necessary to make a further loan to the Chest. But their Lordships will be aware that the whole amount of the Cash Balance in the Colonial Treasury is little more than Thirty thousand Pounds; which will I fear be insufficient to supply, even for this year, the deficiency in the Chest occasioned by the diminished call for Bills on the Treasury.

To render the demand more active, I have thought it may be advisable to take off the premium now required on Treasury Bills and to draw at par. This measure would probably obtain a temporary supply of cash until the private Bills fall to a discount, when the preference would be again given to the latter, supposing, as there seems no reason to doubt, the circumstances of the Colony to continue as prosperous as at present.

I do not mean to resort to the issue of Spanish Dollars or the reduction of the premium without an absolute necessity. If such necessity should exist, I propose to adopt the latter expedient in preference to the issue of Dollars, as the introduction of that coin into the circulation would be very inconvenient.
It may be that the demand for Treasury Bills will revive, but of this I have some doubt. To prevent the loss which would ensue if the Treasury Bills fall below par, I would recommend to their Lordships to make a remittance of British Silver without delay.  

I have, &c.,  

RICH. BOURKE.

VISCOUNT GODERICH TO GOVERNOR BOURKE.  
(Despatch No. 93, per ship Planter.)

Sir, Downing Street, 5th May, 1832.  
I have had the honor to receive your Dispatch No. 4, of the 29th Decemr. last, enclosing the Copy of a Letter from the Revd. Dr. Lang in reply to one which had been addressed to me by the Commissioners for the Management of the Church and School Corporation. I have so recently communicated with you on the subject to which Dr. Lang's Letter relates, that I do not think it necessary, at present, to do more than refer you to my former dispatch.  

I have, &c.,  

GODERICH.

GOVERNOR BOURKE TO VISCOUNT GODERICH.  
(Despatch No. 61, per ship Asia.)

My Lord, Government House, 5th May, 1832.  
I have the honor to transmit for Your Lordship's information the Copy of a letter,* which I have addressed to the Secretary of the Treasury Upon the State of the Military Chest in this Command.  

I have, &c.,  

RICH. BOURKE.

GOVERNOR BOURKE TO UNDER SECRETARY HAY.  
(Despatch per ship Asia.)

Sir, Government House, 5th May, 1832.  
I have the honor to acknowledge the receipt of Your letter dated 23d November, 1831, Conveying Viscount Goderich's Commands to cause an enquiry to be instituted into the Circumstances of the removal of Mr. Young from his Situation in the Post Office at Sydney, with a view to affording that Gentleman Some Compensation in the event of the Post Master's Conduct having been Such as it was represented to be.  
I have now to inform You in reply that Mr. Young has Since his removal from the Post Office gone to Van Diemen's Land, where he now holds a profitable employment. I have therefore Considered an enquiry into his case unnecessary.  

I have, &c.,  

RICH. BOURKE.

* Note 185.
GODERICH TO BOURKE.

Viscount Goderich to Governor Bourke.
(Despatch No. 04, per ship Planter.)

Sir, Downing Street, 6th May, 1832.

I have received your Dispatch No. 9 of the 6th of January last, enclosing a Memorial from Mr. E. H. Hayes, claiming a grant of Land in New South Wales, and I have to request that you will inform that gentleman, that I regret that I do not feel myself at liberty to authorize his receiving any Land excepting upon the terms lately promulgated in the Colony.

I have, &c.,
Goderich.

Viscount Goderich to Governor Bourke.
(Despatch No. 95, per ship Planter.)

Sir, Downing Street, 7th May, 1832.

I have received your Dispatch No. 12, of the 14th of January last, accompanied by an application from Dr. Bowman, Inspector of Colonial Hospitals, to be relieved from the repayment of the sum of £150, which appears to have been issued to him in anticipation of an authorized increase of Salary, but which, not having been sanctioned by the Secretary of State to the extent to which it had been proposed, Dr. Bowman was called upon to refund; and, as I do not perceive any circumstances whatever in this Officer's case which should induce me to modify the Instructions which were communicated to your Predecessor upon this subject, I have to desire that you will require from Dr. Bowman the immediate repayment of the Sum in question.

I have, &c.,
Goderich.

Viscount Goderich to Governor Bourke.
(Despatch No. 96, per ship Planter.)

Sir, Downing Street, 10th May, 1832.

I have had the honor to receive your Dispatch No. 8, of the 4th of January last, reporting the death of Mr. Charles Fraser, the Colonial Botanist of New South Wales. In announcing to you the appointment of Mr. Richard Cunningham as the late Mr. Fraser's Successor, I am happy to acquaint you that he has obtained the unqualified testimony of Mr. Brown (the gentleman to whom you have referred me) as to his fitness for this employment.

I beg further to acquaint you that the Salary of £200 per Annum, which was assigned to the Office of Colonial Botanist...
by Sir George Murray’s Dispatch of the 10th of April, 1830, is that at which I have consented to fix Mr. Cunningham’s Remuneration, to whom you will issue half-salary from the date of his embarkation.

I have, &c.,

GODERICH.

UNDER SECRETARY HAY TO GOVERNOR BOURKE.

(Despatch per ship Hercules.)

Transmission

Mr. Hay presents his compliments to Major General Bourke, and, with reference to Lord Goderich’s Despatch of the 8th Instant respecting Mr. Cunningham, whom his Lordship has appointed Colonial Botanist in the room of Mr. Fraser deceased, begs to transmit to General Bourke the enclosed Copy of a Letter from Mr. Brown of the British Museum on the subject of Mr. Cunningham’s qualifications.

Downing Street, 11th May, 1832.

[Enclosure.]

MR. R. BROWN* TO UNDER SECRETARY HAY.

Sir, 17 Dean St., Soho, 10th May, 1832.

Qualifications of R. Cunningham.

I have to acknowledge the receipt of your letter of the 9th, in which you acquaint me that Lord Goderich has done me the honor to ask my opinion of Mr. Richard Cunningham’s qualifications to fill the situation of Superintendent of the Botanic Garden at Sydney, vacant by the death of Mr. Fraser.

In reply, I have great pleasure in stating that, having for several years had opportunities of judging of Mr. Cunningham’s qualifications, I am able to recommend him as perfectly competent to undertake the duties of the Office in question, both from his knowledge of practical Botany generally, and from his extensive acquaintance with the plants of New South Wales in particular; and I beg leave to add that I think his appointment will prove highly advantageous.

I have, &c.,

R. BROWN.

VISCOUNT GODERICH TO GOVERNOR BOURKE.

(Despatch No. 97, per ship Planter.)

Sir, Downing Street, 12 May, 1832.

Expenditure on legal proceedings.

I have received General Darling’s Despatch No. 87 of the 10th of October last, on the subject of an Expenditure amounting to £1,767 1s. 3d., incurred in a variety of Legal Proceedings in which the Local Government of New South Wales has been involved.

The papers transmitted with General Darling’s despatch, in explanation of this Expenditure, do not disclose so much information in reference to the several Actions, therein referred to, as could be wished, although, so far as this information goes, I have no reason to disapprove of the course which he has pursued. In regard, however, to the Actions brought against Captain

* Note 137.
Sandilands and the other Officers concerned in the detention of the Prisoners, sent to New South Wales by the Governor of the Swan River Settlement, I regret that General Darling should not have defrayed the costs out of the same Funds, to which the other Costs were charged; for, although I see no reason to differ with him in opinion that the expences attendant upon these Proceedings should be borne by the Government of Swan River, yet I consider that it would have been less inconvenient to have charged the Colonial Revenue of New South Wales with them, in the first instance, than to have paid them from the Military Chest. You will, therefore, cause the sum in question, amounting, as is stated by General Darling, to £1,137 15s. 6d., to be returned to the Military Chest, charging the same to the Colonial Revenue, until such time as it may be decided in what manner the sum should be reimbursed to the Colony.

From the observations made by General Darling respecting Mr. Moore, the Crown Solicitor, in the case of the Action brought against the Colonial Government by Mr. Girard, as well as in that of the Master of the Ship “Elizabeth,” whose conduct was so atrocious at New Zealand, there is no doubt that he has shewn himself a very unfit person for the Office which he holds. And nothing but my having called your attention to the repeated Acts of negligence of this Officer, and the expectation of my receiving shortly from you a full report on the complaints, preferred against him by your Predecessor, induces me to delay, at once, removing him from the above situation.

The questions connected with the prosecutions for libel, and the observations of General Darling on the Press, have been already so largely discussed that I do not, at present, feel myself called upon to advert to that subject, in reference to General Darling’s vindication of himself in having abandoned the Proceedings, which he had commenced against the Editors of the Sydney Monitor and the Australian Journals. As the Act of the Colonial Legislature, passed in the month of January, 1830, for amending the Law of Libel (and which was originally passed for only two years), will have ceased altogether shortly after your arrival in the Colony, the state of the Public Press will have necessarily engaged your early attention; until, therefore, I shall have under my consideration a New Act in reference to this subject, and have been favored with your sentiments and views as to the extent of the Evil, of which General Darling complains, I do not consider it necessary to convey to you any instructions in addition to those, which have already been communicated to your Predecessor.
Viscount Goderich to Governor Bourke.
(Despatch No. 98, per ship Planter.)

Sir,

Downing Street, 13 May, 1832.

I have received your despatch No. 3 of the 23 of Decr. last, with the enclosed address* presented to you by the free Inhabitants of New South Wales on your assuming the Government of that Colony, the value of which I should have been better able to appreciate, had you stated the names of the Persons by whom it was signed, and who were the Parties composing the deputation by whom it was presented.

His Majesty's Government cannot but participate in the satisfaction, which you must have felt, and which you have expressed in your reply, at the assurance conveyed in the Address, that the Colonists were firm in their attachment to the British Constitution, and I cannot hesitate in agreeing in the opinion, which you have expressed, that the Legislature of this Country will be disposed to impart to the Colony of New South Wales the free Institutions of the Mother Country in proportion as the Community there may appear fitted to receive them.

Whilst I approve of the reply given by you to that portion of the Address to which allusion has been made, I regret to observe that there are some parts of it, which, in my estimation, ought scarcely to have passed without animadversion, as containing a direct censure on your Predecessor's mode of conducting the affairs of the Colony and indirectly throwing blame on the Government at home. The way too, in which reflections are cast upon some of the Public Functionaries of the Colony and the Colonial Secretary in particular, appear to me to have required some special notice on your part, not only on account of the insufficient grounds upon which those reflections were made, but also because the continuance in office of those Gentlemen, referred to up to this time, is in itself a proof that His Majesty's Government had not withdrawn their confidence from them.

I am fully aware how desirable it was that, on first taking charge of the Government, you should overlook any slight manifestation of dissatisfaction with the measures of the late Governor, which might have been shown; but the occasion was one where all bitterness on Public Matters ought studiously to have been excluded, and any want of due attention to this point should not, therefore, have passed unnoticed.

I am, &c.,

GODERICH.

* Note 135.
GODERICH TO BOURKE.

Viscount Goderich to Governor Bourke.

(Despatch No. 99, per ship Planter; acknowledged by Governor Bourke, 4th February, 1833.)

Sir,

Downing Street, 14th May, 1832.

I have had the honor to receive, and to refer for the consideration of the Lords Commissioners of the Treasury, General Darling’s Despatch No. 82 of the 28th of September last, in which he represents the impracticability of reducing the number of Clerks employed in the Auditor’s Department. I enclose, for your information and guidance, a copy of a letter from Mr. Stewart upon this subject, by which you will perceive that, although their Lordships deprecate the alternative proposed by General Darling for diminishing the expense of the Department, they are by no means satisfied that he had sufficiently informed himself of the extent of the duties of this branch of the Service and of the quantum of assistance required for their due performance; you will, therefore, lose no time in instituting the enquiry suggested in Mr. Stewart’s letter, and report to me the result for their Lordships’ information.

I am, &c.,

GODERICH.

[Enclosure.]

Hon. J. Stewart to ———.

Sir,

Treasury Chambers, 7 May, 1832.

I am commanded by the Lords Comrs. of the Treasury to acquaint you, for the information of Viscount Goderich, with reference to your letter of the 3d March last, that the alternative, proposed by Genl. Darling of substituting in the Dept. of the Auditor Genl. in N. S. Wales persons selected from among the Convicts, in lieu of the Clerks whose services, it appeared to my Lords, might have been dispensed with upon the transfer of so large a portion of the Auditor’s duties to the Commissary of Accounts, is by no means in conformity with my Lords’ intentions on this point, and my Lords fully concur in the objections entertained by Viscount Goderich to the employment of Convicts in services of that description.

My Lords must however observe that, adverted to the grounds originally assigned for the continuance of the same number of Clerks in the Auditor’s Office, as had been employed in it previously to the alteration of the duties to be performed in the Dept. and to the express directions for the reduction of that Estabt. which were conveyed to Genl. Darling, they cannot revoke those directions upon the mere statement of the Govr. that, having seen the Auditor upon the subject, he has satisfied him that the number of Clerks could not be reduced without impeding the business of his Dept. in a manner which would be extremely injurious to the Public service. My Lords would therefore request that the Officer, who has been appointed to succeed Genl. Darling in the Govt. of N. S. Wales, should be directed to make particular enquiry as to the specific grounds upon which the reduction of the Estabt. of the

1832.

14 May.
Auditor Genl. had been deferred, and that such report, as he may make to Viscount Goderich on the subject, may be communicated to my Lords; and they further request that Genl. Darling may be apprised that, should the report of the present Governor not furnish such explanation as may satisfy my Lords that the course, adopted by Genl. Darling in contravention of the directions transmitted, was absolutely necessary for the due carrying on of the Public Service, he will become personally responsible for the amount of whatever charge has been incurred in consequence of his non-compliance with those directions.

I am, &c.,
J. STEWART.

UNDER SECRETARY HAY TO GOVERNOR BOURKE.
(Despatch per ship Planter.)

21 May.

Sir,
Downing Street, 24th May, 1832.

In reference to Lord Goderich's Despatch No. 74 of the 9th of March last, respecting the Female Emigrants who have since been sent out in the "Red Rover," I am directed by his Lordship to acquaint you that, in order to make the most advantageous agreement with the Owners of the "Red Rover," one Portion of the charge was advanced in this Country from His Majesty's Treasury, the other Portion being left for payment in the Colony. In consequence of this arrangement, I am now to transmit to you the enclosed copy of a Letter from the Secretary to the Treasury, and to request that the Advance of £1,522 10s., therein referred to, may be repaid into the Military Chest. The additional £1,522 10s. still remaining due on account of the Freight of the "Red Rover" is left to be discharged in the Colony from the proceeds of Sales of Lands.

I have, &c.,
R. W. HAY.

[Enclosure.]

HON. J. STEWART TO VISCOUNT HOWICK.

My Lord,
Treasury Chambers, 22d May, 1832.

I am commanded by the Lords Commissioners of H.M.'s Treasury to transmit to you the enclosed Copies of letters from the Commissioners of the Navy of the 27th March and 18th Ultimo, with their original enclosures, relative to the sum due to the owners of the Ship "Red Rover" engaged to convey Female Emigrants to New South Wales; and I am to acquaint you for the information of Viscount Goderich, with reference to your Lordship's letters of the 2d Augt., and 4th Feby. last, that Mr. Sargent of this Office has been directed to advance the sum of £1,522 10s. to Mr. Laehlan, the Ship's Broker, out of Army Extraordinaries, being the moiety, as stated by the Commissrs. of the Navy, of the freight of the "Red Rover"; and I am to request that you will move his Lordship to
cause instructions to be conveyed to the Governor of New South Wales to cause that sum to be repaid into the Military Chest there, and the remaining moiety also due of the freight of the said vessel to be discharged out of the Colonial Funds arising from the sale of Crown Lands.

I am, &c.,
J. STEWART.

[Sub-enclosure No. 1.]

COMMISSIONERS OF NAVY TO SECRETARIES OF TREASURY.

Gentlemen,
Navy Office, 27th March, 1832.

We beg to transmit for the information of the Lords of the Treasury a copy of the Charter Party entered into between us and the Broker of the Ship Red Rover, hired under the direction of the Secretary of State for the Colonies for the conveyance of female Emigrants from Cork to New South Wales; and, as it is provided that a moiety of the freight shall be paid on the departure of the vessel from Ireland and the other moiety on the completion of the service at Sydney, we have to request that their Lordships will order the first payment to be made when due to the Broker direct according to an account with which he shall be furnished by us, and further that they will be pleased to authorize the Dy. Commy. Genl. to pay the remaining half of the freight into the hands of Mr. Robert Charles Chrystie, the Master of the Ship, at New South Wales, when the Governor shall have certified that the Contract has been duly performed; by which the object of settling the claim without going through the Books of this Department will be effected.

We are, &c.,
A. DUNDAS.
L. THOMSON.

[Sub-enclosure No. 2.]

COMMISSIONERS OF NAVY TO SECRETARIES OF TREASURY.

Gentlemen,
Navy Office, 18th April, 1832.

Adverting to Mr. Stewart's letter of the 4th Inst., we request you to lay before the Lords of the Treasury the enclosed Certified Account shewing that the first moiety of the freight of the Red Rover Emigrant Ship amounting to £1,522 10s. is now due to Mr. Lachlan, the Broker, the Ship having finally sailed for her destination.

We are, &c.,
T. MIDDLETON.
L. THOMSON.

UNDER SECRETARY HAY TO GOVERNOR BOURKE.

(Despatch per ship Planter.)

Dear Sir,
Downing Street, 26 May, 1832.

I am directed by Viscount Goderich to transmit to you the copy of a Memorial which has been addressed to his Lordship by Mr. Henry Dixon Owen, a Settler at New South Wales, and of the answer which has been sent to Lord Sandon, by whom this Memorial has been presented at this Department. Lord Goderich has further desired me to request that you will be
good enough to enquire into the circumstances referred to, as His Lordship is of opinion that, if Mr. Rutherford was not a bona fide Settler at the time the Land, when taken from Mr. Owen, was bestowed upon him, the interests of the Public have not been sufficiently considered, whilst an appearance of hardship has attached to the case, in reference to the original grantee, which it would not have assumed, had the Land, after resumption on the part of the Crown, been otherwise disposed of.

I remain, &c.,

R. W. Hay.

[Enclosures.]

[Copies of these papers are not available.]

UNDER SECRETARY Hay to Governor Bourke.

(Despatch per ship Planter; acknowledged by Governor Bourke, 20th March, 1833.)

Sir, Downing Street, 27th May, 1832.

Mr. C. D. Riddell, Treasurer of New South Wales, having been surcharged the sum of £858 13s. 2d. on account of an over-issue of Salary received by him whilst holding the Office of Commissioner of Eastern Enquiry, and no intimation having yet reached this Office of his having refunded the same, I am directed by Viscount Goderich to instruct you to recover the above sum from Mr. Riddell, and to pay it into the Military Chest, "as a sum recovered on account of Civil Contingencies." In the event of Mr. Riddell's not having the means of at once repaying this Surcharge, a deduction must be made from his present Salary, and you will therefore arrange with him the amount of each Instalment, giving him the benefit of every reasonable indulgence consistent with the interests of the Public. I am also to request that you will make a special report upon this subject for the information of the Lords Commissioners of the Treasury.

I am, &c.,

R. W. Hay.

VISCOUNT GODERICH to Governor Bourke.

(Despatch No. 101, per ship Planter.)

Sir, Downing Street, 28th May, 1832.

I have the honor of transmitting herewith the Copy of a Letter addressed to this Department by desire of the Lords Commissioners of the Treasury, by whom the opinions of The King's Advocate and of the Attorney and Solicitor General have been taken as to the practicability of bringing to trial the Master and Crew of the Ship "Elizabeth" for the part they took in
the transactions at New Zealand, described in General Darling's Dispatch of the 13th of April, 1831. As it appears from the papers enclosed with the Letter of the Secretary to the Treasury, that it is the opinion of the Law Officers of the Crown that Stewart and Clements, the Master and Mate of this Vessel were guilty, as accessories before the fact to the murder of the Native Chief Mara Nui and his Wife, if not to that of the Tribe which was massacred, and that the 3d and 4th Sections of the 9th of Geo. 4th, Cap. 85, give to the Supreme Courts of New South Wales and Van Diemen's Land jurisdiction to try such offences, I have to desire that you will use your utmost diligence for apprehending Captain Stewart (who you will observe is no longer Master of the "Elizabeth") and Clements, the Mate, should they return to Sydney, and that you will take such measures, as the Evidence will enable you to do, for proceeding against them in order that acts of the atrocious nature of those of which they are accused may not go unpunished, if it be possible to bring the parties to trial.

I have, &c.,

GODERICH.

[Enclosure.]

HON. J. STEWART TO VISCOUNT HOWICK.

My Lord,

Treasury Chambers, 10 May, 1832.

With reference to your Lordship's letter of the 27 Sept., last, on the subject of certain atrocities of a most sanguinary nature which had been committed at N. Zealand by the Natives of one Island against those of another at the instigation of the Crew of a British Merchant Vessel, I am commanded by the Lords Comrs. of the Treasury to transmit to you, for the information of Lord Goderich, a copy of the Report of the King's Proctor of the 5th Decr., last, together with copy of the opinion of the King's Advocate and of the Attorney and Solicitor Genl., transmitted therewith, also a copy of the Minute of this Board of the 23d Decr., last on the King's Proctors report, and copies of the Solicitors' letters of the 5th and 23d April, 1832, all on the subject of the above mentioned crimes; and I am also to acquaint your Lordship that it appears to my Lords that great difficulties present themselves in bringing Stewart and Clementson, the principal Offenders, to justice in this Country, and that there is greater probability of the Offenders and Witnesses being collected in Sydney than in England, more particularly as Stewart appears to have been held to Bail; and, notwithstanding that the Crown Solicitor expressed a doubt that there was sufficient evidence to sustain a prosecution when all the Crew of the "Elizabeth" were present, yet My Lords trust that, when the Governor and the Law Authorities at Sydney are made acquainted with the opinion of the Law Officers of the Crown in England, they will use every effort to obtain evidence and will not hesitate to bring the parties to trial; and, even if they should fail from want of evidence in obtaining a conviction, yet the effort of
HISTORICAL RECORDS OF AUSTRALIA.

1832.
28 May.

Papers acknowledged re atrocities in New Zealand.

As the same time, their Lordships will not abandon the prospect of prosecuting these two men in England, if they should be found, and will for that purpose instruct their Solicitor to watch for their return and for that of the principal witnesses to this Country.

I am, &c.,
JAS. STEWART.

[Sub-enclosure No. 1.]

MR. ILTID NICHOLL TO THE LORDS COMMS. OF THE TREASURY.

May it please your Lordships,

I was duly honored with Mr. Stewart's letter of the 14th Octr. last, transmitting by your Lordships' command a letter from Lord Howick, dated the 27th Sept., enclosing the copy of a dispatch from the Governor of N. S. Wales, stating that atrocities of a most sanguinary nature had been committed at N. Zealand by certain Natives of one Island against those of another, at the instigation of the Crew of a British Merchant Vessel, and suggesting certain measures for the protection of the lives and properties of the British Subjects residing in N. Zealand, as well as the very valuable Trade of those Islands. Mr. Stewart also transmits a copy of your Lordships' Minute thereon of the 30th Octr. for my information and guidance. Upon perusal of this Minute, it appeared that your Lordships had been pleased to refer Governor Darling's letter and enclosures to me for any suggestion I might have to offer, with a view to bringing to justice Captn. Stewart of the "Elizabeth" and any other persons, who may have been principally concerned in the atrocious crimes of which they are accused, and that it was your Lordships' pleasure that I should attend at Lord Howick's Office for the purpose of inspecting such other papers relating to these atrocities, as Lord Goderich might permit me to examine. And I do most humbly report that, having attended at his Lordship's Office accordingly, I was permitted to peruse the whole of the papers relating to this subject, the substance of which, together with that of the several documents referred by your Lordships, were stated in a case which I submitted to the consideration of H.M. Advocate General, and, subsequently at his suggestion and with the concurrence of Mr. Stewart, to H.M. Attorney and Solicitor Genl., and I have now the honor to transmit for your Lordships' information a copy of such case and of the opinion of H.M. Advocate, Attorney and Solicitor Genls. thereon.

All which I do most humbly submit, &c., ILTID NICHOLL.
Doctor's Commons, 5 Decr., 1831.

[Sub-enclosure No. 2.]

Copy of the opinion of the King's Advocate and of the Attorney and Solicitor Genl. on a case relating to the conduct of Captn. Stewart of the Merchant Brig "Elizabeth," engaged in trading between N. S. Wales and New Zealand.

H.M. Advocate and Mr. Attorney and Solicitor General are requested to consider the facts and circumstances of this case as appearing in the papers stated, and with reference to the strong sense expressed by the Lords of the Treasury of the importance
of all possible means being employed for bringing to Justice Captn.
Stewart of the "Elizabeth" and any other persons, who may have
been principally concerned in the atrocious crimes of which they
are accused; they are further requested to suggest any measures,
which may occur to them as proper to be adopted for effecting the
object which their Lordships have in view.

Opinion of H.M. Advocate and Mr. Attorney and
Solicitor General.
"We think it clear that, by the Law of England Captn. Stewart
and Clementson, the Mate, are guilty as accessories before the fact
to the Murder of Mara Nui and his Wife, if not to that of the Tribe
which was massacred; and we think the fact fully proved by the
Witnesses. It is also clear the 3d and 4th Sections of the 9th
of Geo. 4, Cap. 83, give the Court at V. D. Land Jurisdiction to try
these Offences. We therefore lament that measures for securing
and bringing them to Trial were not taken at N. S. Wales. We
advise that they should be apprehended as soon as they can be met
with and brought to their Trial, when the attendance of the Wit­
tnesses against them can be procured.

"The Facts, relating to the figured Heads of the Natives, shew
the necessity for prompt exertions in bringing such Crimes to
Justice, but they are not sufficiently definite to warrant any direct
proceeding."

HERBERT JENNER.

Doctors Commons, 2 Decr., 1831.

[Sub-enclosure No. 3.]

COPY OF TREASURY MINUTE, DATED 23 DECR., 1831.

Read Report from the King's Proctor, dated 5 Deer., 1831, enclosing
the copy of a case, which he had submitted for the opinion of the
King's Advocate and the Attorney and Solicitor General on the
atrocities committed at N. Zealand by the connivance of Captn.
Stewart of the Brig "Elizabeth."

Transmit this report, together with the opinion of the Law Papers
Officers of the Crown and all the other papers on this subject to the
Sollicitor desiring him, after having fully considered the difficulties
which may be opposed to bringing the accused persons to trial in
this Country, to report what measures, in his opinion, it would be
advisable for my Lords to take in order that the two persons, whom
the Law Officers consider to be guilty of the atrocious crimes
described in these papers, should be brought before the proper
Tribunal, which my Lords deem it highly important to effect.

[Sub-enclosure No. 4.]

MR. C. BOURCHIER TO HON. J. STEWART.

Sir,

In obedience to my Lords' command, signified by your letter
of the 31 Ulto., directing me to transmit a detailed account of the
measures, which I have pursued with a view to determine the
proper course of proceeding for bringing to trial the Master and
Mate of the Ship "Elizabeth" on a charge of being concerned in
atrocious crimes committed in New Zealand, as detailed in the
papers transmitted to me in your letter of the 24 Decr. last, I beg
Inability to obtain information re crew of brig "Elizabeth.

In reply, I received a letter from Mr. Walford, the Solicitor to the Customs, stating that the "Elizabeth" had not returned to England; that he had been unable to procure the names of the Crew; but that he would endeavor to obtain information for me; that he had written to Yarmouth, to which Port the Ship belonged, and as soon as any intelligence was received, it should be transmitted to me. I have since seen Mr. Walford, but he has hitherto been unable to supply any further information on the subject except that Mr. Stewart has not for some time been Master of the "Elizabeth."

I am, &c.,

CHAS. BOURCHIER.

[Sub-enclosure No. 5.]

MR. G. MAULE TO HON. J. STEWART.

Sir,
Lincoln's Inn, 23d April, 1832.

With reference to your letter of the 24th Decr. last, enclosing copy of Case and opinion of H.M. Advocate and Attorney and Solicitor General on a letter from Lord Howick and other papers relating to atrocities, committed at N. Zealand by some of the Natives of one Island against those of another at the instigation of the Master and Crew of the British Merchant Ship "Elizabeth," together with the other papers on the subject, and desiring me, after having fully considered the difficulties which may be opposed to bringing the accused persons to trial in this Country, to report what measures in my opinion it would be advisable for my Lords to take, in order that the two persons, whom the Law Officers consider to be guilty of the atrocious crimes described in these papers, should be brought before the proper Tribunal, which my Lords deem it highly important to effect, I beg leave to acquaint you that the parties accused are amenable to the Jurisdiction of the Supreme Courts of N. S. Wales and V. D. Land under the provisions of the Act 9 Geo. 4, C. 83, S. 4, and to the Criminal Jurisdiction of this Country under a Commission of Oyer and Terminer to be issued pursuant to the enactment of 9 Geo. 4, C. 21, S. 7.

The difficulties which presented themselves to proceeding against the accused at N. S. Wales, when both they and the Witnesses were all present within the Jurisdiction, seem to have been the insufficiency, in the opinion of those who advised the Govt. there, of the evidence, and possibly there may be some deficiency in the depositions as they now stand, in the precise proof which the law would require of the Murder of the Chief Mara Nui and his Wife; but it seems probable that this deficiency, if there be any such, might be cured upon a further examination of the Witnesses. The Law Officers of the Crown in this Country are of opinion that the
fact is fully proved, and advise that the parties should be apprehended as soon as they can be met with and brought to trial, when the attendance of the Witnesses against them can be procured.

The difficulties, which present themselves to any proceeding in this Country at present, are the absence both of the accused and witnesses. And, with reference to this point and to the advice of the Law Officers above stated, I beg leave humbly to call my Lords' attention to Mr. Bourchier's report of the 5th Inst., in answer to your letter of the 31st Ulto., shewing the steps which had been taken by him in order to ascertain whether the Brig "Elizabeth," by whom some of the Witnesses and the accused might be expected, had returned to this Country, or any tidings were known of her. I would add to that report that, having learnt the names and descriptions of the Owners of the Brig, and finding John Stewart (one of the accused as I conceive) to be one, I have written to make enquiries after him at Southtown in Suffolk, the place of which he is described. I have not thought it advisable to address myself to the other Owners, fearing this might operate as notice to the accused as well as witnesses at their return; and having learned from the Customs that the person, who paid the Crew when the Brig left Yarmouth, has been applied to, but has refused to give the names of the Crew.

It is difficult to suggest any measures for bringing these two persons to trial further than the utmost diligence in the look out for the return of the Brig and her Crew, and for the discovery of the Witnesses and accused, if it should be found that they form no part of that Crew. The Carpenter and a Seaman are material witnesses; the others, who are material, appear to have been Merchants resident at Sydney when their depositions were taken; another Witness, described as a Negro boy of the name of Pery, a Native of Hakaroa, Banks Peninsula, can hardly be expected to be now forthcoming, and, if he were, would perhaps turn out to be an incompetent witness from his want of any religious obligation. It may be that the testimony of the Carpenter and Seaman upon a full examination of them may be thought sufficient; if not, others must be sought either from the Witnesses at Sydney or other sources; and I find from the depositions the names of Francis Richardson and George Brown mentioned as part of the Crew, and of Mr. Cowby as the Supercargo and Interpreter. These, however, may possibly be tainted more or less with the character of accomplices. The name of Mr. Harvey is also mentioned as speaking to a material part of this atrocious scene, and he is described as at that time being on the main land.

Upon the whole, it appears to me that, until some tidings can be gained of the Brig and her Crew, no effectual measures can be suggested for accomplishing the object stated in your letter of the 24 Decr. last, so far as regards proceedings in this Country. With respect to proceeding at Sydney, I humbly submit that the Governor should be apprised that Capt. Stewart is no longer Master of the Brig and should be directed, in case he or the Mate Clementson should appear at Sydney or in that quarter, to take such measures as the evidence at Sydney may enable him to do for apprehending and proceeding against him.

I am, &c.,

G. MAULE.
1832.
2 June.

Transmission of letter from J. Dowling.

GOVERNOR BOURKE TO VISCOUNT GODERICH.
(Despatch No. 64, per ship Portland; acknowledged by Viscount Goderich, 30th November, 1832.)

My Lord,

Government House, 2d June, 1832.

I have the honor to transmit a letter addressed to me by Mr. Justice Dowling, who has requested me to forward it with the accompanying Newspapers for Your Lordship's information. The object of Judge Dowling's letter is to lay before Your Lordship a correct Statement of what passed in a trial, at which he presided in the Supreme Court of this Colony, and upon which Some Strictures have been made in the Sydney Monitor.

I have, &c,

BICHD. BOURKE.

[Enclosure.]

MR. JUSTICE DOWLING TO GOVERNOR BOURKE.

Sir,

Sydney, 2d June, 1832.

In the Sydney Monitor of Wednesday, the 30th of May, 1832, there are two letters* published, one purporting to be addressed to the Editor by Sir John Jamison, Knt., and the other by the Editor himself to the right Honorable Lord Viscount Goderich upon the subject of the trial of three soldiers in the Supreme Court on the 7th of May last, on a charge of rape, to which I respectfully beg leave to call your attention. These letters contain very offensive reflections upon my public character as a Judge, founded upon a very gross misrepresentation of what took place in public open court on the occasion alluded to. I have thought it my duty to cause a correct report of the proceeding to be inserted in the Sydney Gazette* of this day, to which I beg leave also to call your attention, and to request that Your Excellency will be pleased to cause both these papers to be brought under the notice of the right Honorable the Secretary of State.

It is very painful for a Judge to be put into the situation of vindicating himself against newspaper slander. If the Sydney Monitor were confined in its circulation to the Territory of New South Wales, I should view observations such as those I complain of with utter indifference, because the public here have an opportunity of fully and fairly judging of the conduct of a man placed in the anxious and responsible situation of a Judge; but, knowing from experience that this and other Sydney newspapers are sent to London for sinister purposes, I feel myself called upon to transmit to the Secretary of State the enclosed papers, in order that, in case any unfair representation of my judicial conduct should reach his notice, he should be possessed of the means of forming a candid judgment for himself. For the accuracy of my account of what took place at the trial in question, I pledge my honor as a Gentleman, without sheltering myself under the official credit which a Judge is entitled to receive when acting under the solemn obligations of an oath.

* Note 186.
It is matter, I beg leave to state, of public notoriety in this place that Sir John Jamison and Capt. Wright of the 39th regt. have had some misunderstandings and bickerings with each other in the neighbourhood where they reside. With these Gentlemen, I have never had any intercourse beyond the common courtesies of life in a community such as we have in Sydney. The right Honorable the Secretary of State will form his own judgment as to the propriety of my public conduct on the occasion in question; and I indulge a hope that he will not draw any conclusion unfavorable to me, without consulting some other authority than that of the Sydney Monitor.

It is scarcely necessary to point out the difference of duty cast upon a Judge in this Colony from that of a Judge in the Mother country. Here the Attorney General ex officio stands in the place of a Grand Jury, and the Judge has no control over or right to interfere with him in the filing of informations and indictments as public prosecutor. To the Attorney General are transmitted all depositions in crown cases, for him to exercise his sole discretionary power of prosecuting or not prosecuting according to circumstances. At home the Grand Jury, as to finding Bills of Indictment, are sometimes guided by the direction of a Judge, to whom is transmitted by the clerk of the peace the Depositions of witnesses who are bound over to prosecute at the Gaol delivery. Such a duty as this is not, and cannot, be exercised by a Judge of New South Wales as the law at present stands.

During the last four years, I have had a most laborious, anxious, and unequal share of the judicial duties of this colony cast upon my shoulders. It has been my painful lot to try a great number of cases, pregnant with political excitement and party local feeling. A Judge cannot pick and choose the cases he will or will not try; and it has therefore happened, in the course of the rotation of business, that cases of a most disagreeable character have been brought on when I have presided in the court. It would ill become me to speak myself of my conduct during the period in question; but I will boldly venture to assert, without the fear of contradiction, that justice has been as purely administered to the King's Subjects in New South Wales as far as my knowledge of the proceedings of that court goes, as was ever administered in any court within the King's dominions. Nay I will assert that it is impossible for any man to act otherwise than honestly and uprightly, nay with fearful anxiety to do right, considering the rigid, harsh, and ungenerous supervision, to which a Judge is exposed in this Colony. I complain not personally of my lot, but I do cast myself upon the right Honorable the Secretary of State for protection on public grounds in the event of any unfair attack being made in my absence in a quarter the most to be guarded against, because of its obligation to listen even to unfounded complaints.

I feel myself reluctantly constrained to take this serious notice of the publication in question, and very respectfully to request that your Excellency will be pleased to transmit to the right Honorable the Secretary of State the enclosed newspapers, together with this Letter, by the first opportunity.

JAMES DOWLING.
Governor Bourke to Viscount Goderich.
(Despatch No. 65, per ship Portland.)

My Lord,

Government House, 4th June, 1832.

I have the honor to inform Your Lordship that, in consequence of a representation of the exhausted State of the Military Chest, made to me by Deputy Commissary General Laidley, I have directed the Colonial Treasurer to issue to him the sum of £10,000 on loan.

This is the second loan of £10,000 that has been made to the Commissariat within this year.

I have, &c.,

Richd. Bourke.

Viscount Goderich to Governor Bourke.
(Despatch No. 102, per ship Planter.)

Sir,

Downing Street, 13 June, 1832.

I have received a letter from General Darling dated "the 13th of Nov. at Sea," enclosing a letter in original from Archdeacon Broughton, which the General had received on the eve of his departure from Sydney, and which he was, therefore, prevented from transmitting with his despatches from thence.

The Archdeacon's letter to General Darling is dated 19th of Octr., 1831, and refers to two subjects of great importance, the Education of His Majesty's Subject in New South Wales, and the Civilization of the Aborigines of Australia.

I greatly regret that the Archdeacon should have seen, in the course pursued by His Majesty's Government upon these two matters, anything calculated to give him pain, and to inspire him with a belief that due regard had not been paid, either to himself individually, or to the high station which he holds in the Colony of New South Wales; But I flatter myself that, although the Archdeacon's letter was apparently written under feelings of irritation, I shall be able to satisfy you, and through you the Archdeacon himself, that he has quite mistaken those by which I at least was influenced in the course pursued, and that nothing could be further from my thoughts than any notion of treating with inattention a gentleman, for whose personal character, as well as Ecclesiastical Situation, I entertain the most entire respect.

The first object, to which the Archdeacon refers, and in regard to which he considers himself as not having experienced due attention, is the plan which he had submitted to your Predecessor in the Government, and which General Darling transmitted to Sir George Murray in a despatch,* which left Sydney

* Note 187.
on the 19th of Feb., 1830. General Darling’s letter reached this office on the 14th of June, 1830, and I am, of course, not responsible for any absence of notice or decision upon the subject, between that period and the 22 of Nov., 1830, the day on which His Majesty was pleased to entrust to me the Seals of this Department. You may easily conceive, and I am sure that Mr. Broughton will equally understand that, considering the peculiar circumstances under which the new Government came into Office, and the intense weight of Business which necessarily pressed upon it upon its first formation, it was totally impossible for me at once to attend to, much more to decide upon all the complicated and extensive questions belonging to the Business of this Office, which awaited my consideration. I could only, in the first instance, apply myself to those points, which were brought before me as peculiarly urgent; and, as far as my memory serves me, I was not aware of the existence of Mr. Broughton’s plan till a considerable time after I commenced the duties of this Office. In the meantime, Dr. Lang arrived in this Country (about the end of Nov.) and on the 28th of Dec., 1830, he submitted to me his project for the establishment of an Academical Institution* in New South Wales, upon the principles of the Scotch Schools and Colleges. Knowing that Dr. Lang held an authorized and salaried station in the Colony, where many Members of the Church of Scotland are settled, and taking into consideration, not only the recognized establishments of that Church in a material part of the British Islands, but the great importance of the object which Dr. Lang had in view, I gave a ready ear to his propositions, and finally sanctioned his plan in a despatch to General Darling, dated 12th of Jany., 1831. That despatch, however, did not leave this Country till the 17th of Feb., five weeks subsequent to its date.

At what precise period my attention was first drawn to the Archdeacon’s plan, I cannot, at this distance of time, undertake to say; but I have little or no doubt that it was subsequent to the date of the Instructions respecting the Establishment of the Presbyterian College, in conformity with Dr. Lang’s propositions.

On the 22d of March, however, a despatch was addressed to General Darling, conveying my sentiments upon the Archdeacon’s plan, sanctioning its general principles (of which the great importance was most distinctly acknowledged) and approving of a great part of its details. This despatch was sent off on the 23d of March between four and five weeks after the transmission of the Instruction respecting Dr. Lang’s Institution.
I have, thus, shown that the priority of decision, which was actually obtained in favor of the latter scheme, was purely accidental and mainly attributable to the circumstance of Dr. Lang's presence in England.

Mr. Broughton, however, considers, not only that he has been personally slighted, but that his plan has suffered great injury from the circumstance of Dr. Lang having preoccupied the ground. I trust that this will not prove to be the case; and I am the more inclined to hope so from the circumstance that, although the despatch to General Darling, respecting the King's School, was not sent off till near five weeks after that relating to Dr. Lang's School, no direct operation with respect to the latter could be commenced upon till after his arrival, at least as far as regarded the advance of money by the Government of the Colony; Whilst, on the other hand, I am not aware of any obstacle in the way of making the requisite preparation for the King's Schools immediately upon the receipt of my despatch, by which their establishment was sanctioned. No time was lost here in obtaining and sending out the two Schoolmasters,* whose nomination I left entirely to the Bishop of London, well knowing that I could in no other way make so satisfactory a selection; and I believe that both those Reverend Gentlemen sailed from England by Septr. Dr. Lang did not leave this Country till June, so that my despatch, authorizing the King's Schools, preceded Dr. Lang's departure by more than two months, and must, I presume, have reached the Colony long before it could have been possible for the Government to have advanced any money towards the execution of his design.

I have been induced to enter into this long detail from the unfeigned anxiety which I feel to remove every uneasy feeling from the Archdeacon's mind, and I cannot for a moment doubt that my explanation of all these circumstances will have that effect.

The next point to which the Archdeacon calls the attention of General Darling is the arrangement,† which has recently been made with the Church Missionary Society for the purpose of enabling them to forward the conversion and civilization of the Aborigines of New South Wales, and which Mr. Broughton considers to be an improper departure from the principle laid down in the general Instructions of the Governor, whereby he is directed to avail himself of the advice of the Archdeacon in the pursuit of that benevolent object. I am persuaded that a consideration of the following statement of the circumstances of the

* Note 189.  † Note 190.
case will satisfy the Archdeacon that, what has been done, upon this subject, affords no just ground of complaint.

In the first place, the employment of the Church Missionary Society in this service is no novelty. In the years 1825 and 1826, when Lord Bathurst was Secretary of State for the Colonies, grants of Land* to the amount of 10,000 acres each were made to the London and Church Missionary Societies in trust for this very object; and it does not appear from the Records of this Office that this proceeding excited, at the time, any objection or jealousy on the part of the Ecclesiastical Authorities in the Colony. It might have been fairly assumed that they felt themselves unequal, from the extent of their regular and ordinary duties, to the discharge of additional functions at once laborious and incessant; for, in the Reports* upon this matter made by Archdeacon Scott, he remarks that any attempt to convert or civilize the Aborigines would be futile, unless done upon a large scale; he calculated that seven Stations, at least, would be required, involving an expense of £2,000 per annum, and he reported the utter inadequacy of the Colonial Establishment to undertake this charge, the Chaplains being unable, although severely worked, to attend even to the White Population. It was under these circumstances that Sir George Murray, in January, 1830, directed a communication to be made to the Church Missionary Society of his desire to set on foot a mission to the Natives, and he offered to place it under their Superintendence. The Society having consented, the sum of £500 was placed at their disposal, to be paid year by year out of the Colonial Revenue, the Government reserving the right of discontinuing the Grant, if they should consider that the plan had failed, and also of examining the expenditure of the money. After some delay, it fell to my lot to sanction the arrangement proposed by Sir George Murray; the Missionaries embarked, and instructions were addressed to you upon the subject, on the 2d of Decr., 1831, together with copies of the whole correspondence, which had preceded the final decision.

I cannot see in any part of these transactions anything which bears even the appearance of intentional slight of the Archdeacon; nor do I know how a Mission of this description could be more easily carried on than through the medium of a Society, constituted (as its name imports) for the express purpose of propagating the Doctrines of the Church of England amongst the Heathen in different parts of the World. It may in fact be doubted whether I could have found elsewhere persons willing to undertake a task so arduous in its details and so uncertain

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*Note 191.
in its results. I can, however, have no wish that you should decline to avail yourself of the Archdeacon's advice in the execution of the scheme, although it is obvious that care must be taken not to give to the Missionaries an impression that it is intended to supersed them in the management of it. I rely upon your own discretion, as well as upon that of Mr. Broughton, in any attention which it may belong to either of you to give to this matter. All must feel interested in the successful attainment of an object, which involves the improvement of many wretched People by extending among them the benefits of civilization and the Blessings of Christianity; and I can confidently affirm that neither my Predecessor nor myself were influenced upon this subject by any other consideration than an anxiety to promote it in the manner which appeared to offer the greatest practical facilities.

I am, &c,

GODERICH.

Viscount Goderich to Governor Bourke.

(Despatch No. 103, per ship Planter; acknowledged by Governor Bourke, 1st May, 1833.)

Sir,

Downing Street, 14 June, 1832.

This despatch will be delivered to you by Mr. James Busby, who is proceeding to New South Wales, thence to take his departure for New Zealand, at which place he will have authority to act as His Majesty's Resident, in pursuance of the arrangement communicated to you in my despatch No. 75 of the 15th of March last. This appointment has been made, partly with a view of protecting British Commerce in the Islands of New Zealand and in the adjacent Islands in the South Sea, and partly in order to repress the outrages, which unhappily British Subjects are found so often to perpetrate against the persons and property of the Natives and the peace of Society in those Regions.

I am, indeed, well aware that the Law is at present very inadequate to give full effect to such a Mission. The power of bringing to trial within the Australian Colonies persons committing Crimes in the adjacent Islands appears, from the single experiment which has come under my observation, to be almost nugatory. Nor, indeed, would it be reasonable to anticipate a different result. There is not, within any of those Countries in which the Offence may be committed, any authority competent to seize or to detain Offenders. There is no power of compelling either the Criminals or the Witnesses to resort to New South Wales; and, in the case of minor offences, the impossibility of inflicting any punishment on the spot affords a virtual
and complete impunity. Nor can it be forgotten that, in the peculiar circumstances which Society exhibits in the South Sea Islands, many actions either impracticable or venial in Europe may deserve severe punishment. Thus, for example, the fomenting of Wars between barbarous Tribes for selfish purposes, though a crime of the deepest malignity, is of course prohibited by no European Code; and the extraordinary traffic* in Human Heads, which prevailed between New Zealand and New South Wales, is an instance of a transaction, which derives its danger and criminality almost exclusively from circumstances and considerations applicable to no other Country than that in which it occurred. The duty of rescuing uncivilised Nations from the fearful calamities so often produced by the vicinity of European Settlers and Navigators may be collected from almost every page of the history of that intercourse; and, in order to render such protection effectual, it may be necessary not only to provide for the enforcement of the Criminal Law as it exists amongst ourselves, but for the adaptation of that Law to new and peculiar exigencies.

With these views, Viscount Howick has obtained leave to bring into the House of Commons a Bill,+ of which I enclose a copy for your information. Should it pass into a Law, the Legislative Council of New South Wales will have the power of rendering Mr. Busby’s Mission effectual to the purposes with which it has been undertaken. Should the Bill not pass, his Mission will still not be unattended with important advantages, and His Majesty’s Government will be acquitted of the reproach of an acquiescence in crime, which they will have done the utmost in their power to prevent.

You are so perfectly aware of the objects, which have led to this appointment in a commercial point of view, that I do not feel it necessary to enter into any detail as to the nature of the Instructions, with which Mr. Busby should be furnished by you in regard to this branch of his duty. But it is obvious that he will derive great advantage from a strict union and cordial co-operation with the Missionaries in the extension of Christian knowledge throughout the Islands; and you will not fail to impress this, amongst other points, upon his attention.

I transmit, herewith, under a flying Seal for your information, a letter which I have addressed to the Chiefs of New Zealand, in answer to the communication from them, which accompanied your despatch No. 2 of the 23d Decr. last, with the delivery of which Mr. Busby will of course be entrusted; and you will consider yourself authorised to supply Mr. Busby with such articles

* Note 78.  † Note 192.
1832.
14 June.

Presents for Maori chiefs.

Letter to Maori chiefs.

Lord Viscount Goderich, one of the Principal Secretaries of State to His Majesty the King of Great Britain, to the Chiefs of New Zealand.

Friends!

I am commanded by the King to acknowledge the receipt of the letter, which you addressed to His Majesty and which you intrusted to Mr. William Yates to forward to England.

The King is much gratified to find that the cause for alarm, which appears to have existed at the time when your letter was written, has entirely passed away; and he trusts that no circumstances may occur in future to interrupt the Internal tranquility of New Zealand, which is so necessary to the maintenance of a close commercial Intercourse between the Inhabitants and those of Great Britain.

The King is sorry for the injuries which you inform him that the people of New Zealand have suffered from some of His Subjects. But He will do all in His power to prevent the recurrence of such outrages, and to punish the Perpetrators of them according to the Laws of their Country, whenever they can be apprehended and brought to trial; and the King hopes that mutual good will and confidence will exist between the people of both countries.

In order to afford better protection to all classes, both Natives of the Island of New Zealand and British Subjects who may proceed or be already established there for purposes of Trade, the King has sent the Bearer of this letter, James Busby, Esqr., to reside amongst you, as His Majesty’s Resident, whose duties will be to investigate all complaints which may be made to him. It will also be his endeavour to prevent the arrival amongst you of men, who have been guilty of Crimes in their Country and who may effect their escape from the place to which they may have been banished, as likewise to apprehend such persons of this Description as may be found at present at large.

In return for the anxious desire which will be manifested by the British Resident to afford His Protection to the Inhabitants of New Zealand against any Acts of Outrage, which may be attempted against them by British Subjects, it is confidently expected by His Majesty that, on your part, you will render to the Resident that assistance and support which are calculated to promote the object of his appointment, and to extend to your Country all the benefits which it is capable of receiving from its friendship and alliance with Great Britain.

I am, &c.,

Goderich.

[Enclosure.]

Appointment of J. Busby as Resident.

Presents for Maori chiefs.

Goderich.
HAY TO BOURKE.

UNDER SECRETARY HAY TO GOVERNOR BOURKE.

(Despatch per ship Planter.)

Sir,

Downing Street, 14th June, 1832.

I have the honor, by direction of Viscount Goderich, of transmitting to you the enclosed Copy of a Memorandum prepared by Mr. Busby, upon whom, as you are already informed, his Lordship has conferred the appointment of Resident at New Zealand.

In reference to that part of the Memorandum which relates to the preparation at Sydney of the frame of a House, Lord Goderich desires me to acquaint you that he will authorize a compliance with Mr. Busby's request, provided it will not be attended with any great expense, his Lordship having been given to understand that materials for that purpose cannot be easily found at the place at which Mr. Busby will have to establish his residence. Lord Goderich also desires that advantage may be taken of any Ship of War, which may be at New South Wales at the time of Mr. Busby's arrival in the Colony, to convey him to his destination, and that the Officer in command of her may be requested to direct one or more of the Ship's Carpenters to assist in the erection of the House, the frame of which Mr. Busby proposes to have constructed at Sydney.

I have, &c,

R. W. HAY.

[Enclosure.]

MEMO, BY MR. JAMES BUSBY.

As the influence which I will possess over the minds of the N. Zealanders will be altogether of a moral character, it is of the highest importance that I should appear among them in circumstances that would command their respect.

Mr. Coates of the Missionary Society informs me that he doubts the practicability of my putting up a house at all, as a private individual, and if practicable that the expense will be enormous. With the means at the command of the Colonial Govt. in Sydney, a house might be furnished to me in frame with the greatest facility; and Mr. Barrow has suggested that, were I sent down in the Ship of War upon the Station, the Carpenters of the Ship could easily put it up.

The Chiefs of the Islands having lately written a letter to the King, it would be very desirable that some answer to this letter should be sent by me, and that I should be presented to the King, for, with their simple ideas of Majesty, it would detract not a little from the respect in which they would hold me, if I had it not in my power to say that I had been in the presence of the King.

I ought also to have some presents to conciliate the Chiefs on my landing, but, though no great expense would be requisite, the state of my own finances will not permit this.
1832.  
14 June.  
Request for uniform as consul.

It would also be important that I should wear a Uniform (that of a Consul for instance) as a visible mark of distinction, that would be recognised by the English Traders and others upon the Coast.  
The means of enforcing my authority over the runaway Convicts and others would probably be better left for the consideration of the Governor of New South Wales.  
22 May, 1832.  
JAMES BUSBY.

UNDER SECRETARY HAY TO GOVERNOR BOURKE.  
(Despatch per ship Hercules.)

15 June.  
Criticism of requisitions.

Sir, Downing Street, 15 June, 1832.  
I am directed by Viscount Goderich to transmit to you, for your information and guidance, the enclosed copy of a letter from the Board of Ordnance to the Treasury, commenting upon certain Requisitions which were sent home by your Predecessor for Stores for the current year; and I am to express Lord Goderich's hope that the Instructions conveyed to you in his Circular despatch of the 2d March last, will prevent the recurrence of the irregularity in sending home Requisitions of this nature, pointed out in Mr. Byham’s letter.  
I am, &c.,  
R. W. HAY.

[Enclosure.]

MR. R. BYHAM TO HON. J. STEWART.  

Sir, Board of Ordnance, 2 December, 1831.  
Having submitted to the Board of Ordnance your letter dated the 3d Ultimo, enclosing two Requisitions which have been received from N. S. Wales, one for Clothing for the Mounted Police and Body Guard of the Governor of that Colony, and the other for Ordnance and other stores for the service of the year 1832.  
I have the honor to request you will inform the Lords Comrs. of the Treasury, that a general demand for service of the different Depts. at N. S. Wales in the year 1832 (forwarded in your letter of the 6th Jany. last) has already been fully considered by this Board, and authorized to be supplied as notified to you in my letter of 25 Feby., 1831. This demand, it appears, was compiled with great care by the Commissary General at the Station from the Requisitions of the different Depts. of the Colony and was submitted, previously to its transmission to this Country, to the examination of a Board of Officers specially assembled for the purpose. But the Board of Ordnance beg to observe that, if after these formalities, separate Requisitions from the local Heads of the Colonial Depts. are to be transmitted to this Country without passing thro’ the hands of the Officers who compiled the general demand, and who alone could be aware either of the available Store already in the Colony, expected from England, or required in that demand to meet the probable wants of the ensuing year, it must be obvious that their labors would be comparatively useless, and the object they were designed to prevent, viz., the accumulation of unnecessary quantities of stores in the Colony be completely frustrated.
The Requisition, now sent home from the Major of Brigade, strongly confirms the Board in these opinions, for, in the general demand already referred to, a Column was devoted to that Officer's Dept., in which all those Stores ticked in red ink in the present demand (enclosed) were included (together with others not enumerated in the latter Requisition) and it was clearly shown that such was the Store already in the Colony, that but in few cases was any supply wanted from England, and those few have already been made good by issues on that demand.

Had therefore the enclosed Requisition from the Major of Brigade been submitted to the Commissary General before it was sent home, he would immediately have seen that a provision had already been made for nearly half of the Articles included in it. The Board therefore beg leave strongly to urge the propriety of adhering to one uniform system in transmitting demands for Stores from the above Colony; and, in soliciting the attention of the Lords of the Treasury to the inconvenience and needless expenditure which must arise from any deviation from that system, the Board request their Lordships will be pleased to give such directions to the Colonial Officers as may guard against a recurrence of these circumstances. For the reasons herein stated, and as the General demand, before referred to, purports to include all the Stores which in the opinion of the Colonial Board will be wanted for the service of the year ending Decr., 1832, and moreover as no special circumstances are stated to shew the necessity of the additional Articles now demanded, the Board beg to submit to their Lordships that all the Articles included in the present demand from the Major of Brigade may be withheld.

I am commanded to add that orders are given for the supply of the Clothing for the Mounted Police and the Governor's Body Guard. I have, &c.,

R. BYHAM.

[Sub-enclosure.]

[The requisition for ordnance supplies has been omitted.]

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UNDER SECRETARY HAY TO GOVERNOR BOURKE.

(Despatch per ship Hercules.)

My Dear Sir,

Downing Street, 15 June, 1832.

Lord Goderich has desired me to send you a copy of a letter,* which he has received from the People who were removed from Pitcairns Island to Otaheite, informing his Lordship that they have been compelled, from the unhealthiness of Otaheite, to return to the former island. I also enclose an extract of a letter from Capt'n. Hill, who appears to take an interest in these People, in which he states them to be in want of a supply of Soap, etc. You will perceive, by the answer which has been returned to Capt'n. Hill, that some expectation has been held out that the Government will afford them assistance in this respect. Lord Goderich, therefore, has directed me to convey to you his authority to forward to Pitcairns Island a small supply of such

* Note 193.
necessaries as you may learn from these People that they most need, whenever there may be a favorable opportunity of communicating with that Island; but you will distinctly understand that it is not intended to incur any great expense on this account.

I remain, &c.,

R. W. Hay.

[Enclosure No. 1.]

EXTRACT of a letter from Captn. J. Hill to Viscount Goderich, dated the Society Islands, 20th Novr., 1831.

"It seems that they are pretty well supplied with the most essential articles for the present except common Soap, which they have no means of obtaining, and are, it is also said, becoming rather negligent as to their ablutions. I have brought out with me from England certain things for them, such as Bibles, elementary School Books, etc. But hereafter possibly they may stand in need of some trifling necessaries, as common Duck for Frocks and Trowsers, etc., with strong threads, needles, Fish-hooks and Soap."

[Enclosure No. 2.]

UNDER SECRETARY HAY TO CAPTAIN JOSHUA HILL.

Sir,

Downing Street, 31 May, 1832.

I am directed by Lord Goderich to acknowledge the receipt of the letters, which you addressed to his Lordship on the 20th Novr. and 12th Decr. last.

His Lordship desires me to express to you his regret that the humane intentions of His Majesty in regard to the People of Pitcairns Island should have been frustrated by circumstances, which it was impossible to foresee and which have compelled them to leave Otaheite. You will be good enough to acquaint them that Lord Goderich has received their letter, explaining the causes of their return to Pitcairns Island, and to assure them of the interest which His Majesty continues to feel in their favor. A communication has been made to the Governor of N. S. Wales on the subject of the supplies particularly Soap, of which you state them to be in want, and without pledging the Govt. to send them the Articles in question, he has been authorised to forward to them such necessaries as may be of most essential service to them, but which will not greatly increase the expense which has already been incurred on their account.

I am, &c.,

R. W. Hay.

VISCOUNT GODERICH TO GOVERNOR BOURKE.

(Despatch No. 104, per ship Fanny; acknowledged by Governor Bourke, 1st February, 1833.)

Sir,

Downing Street, 18 June, 1832.

I have received and referred for the consideration of the Lords Commissioners of the Treasury General Darling's despatch No. 77 of the 19th September last, with which he transmitted to me a representation from the Collector and Controller of Customs at Sydney, as to the unfitness of the present Revenue Cutter for the duties of the Department.
I am happy to acquaint you that their Lordships have given directions to the Board of Customs to send out another Vessel for this service.

I enclose, for your information and guidance, a copy of an Order in Council, which has been passed, for extending to the Customs Officers in the Australian Colonies the powers vested in those Officers belonging to the British North American Colonies by the Statute 6th Geo. 4th, Cap. 114, Sec. 50.

I am, &c,

GODERICH.

[Enclosure.]

ORDER-IN-COUNCIL.

At the Court at St. James's the 27th of June, 1832.

PRESENT:—The King's most Excellent Majesty in Council.

Whereas, by an Act passed in the 6th year of the Reign of his late Majesty King George the Fourth, intituled "An Act to regulate the trade of the British Possessions abroad," it is amongst other things enacted that it shall be lawful for the Officers of Customs to go on Board any ship in any port in any British Possession in America and to rummage and search all parts of such ship for prohibited and uncustomed goods, and also to go on board any ship hovering within one league of any of the Coasts thereof, and in either case freely to stay on board such ship so long as she shall remain in such port or within such distance; and, if any such ship be bound elsewhere and shall continue so hovering for the space of twenty-four hours after the Master shall have been required to depart, it shall be lawful for the Officer of the Customs to bring such ship into Port and to search and examine her cargo and to examine the Master on oath touching the cargo and voyage; and, if there be any goods on board prohibited to be imported into such possession, such ship and her cargo shall be forfeited; and, if the Master shall not truly answer the questions which shall be demanded of him in such examination, he shall forfeit the sum of one hundred pounds. And whereas it doth appear to his Majesty expedient and salutary that so much of the said Act, as is hereinbefore recited, should be extended to and be in force within His Majesty's Colonies of New South Wales, Van Diemen's Land and Western Australia. And Whereas it is, by the said Act, further enacted that it shall be lawful for His Majesty by and with the advice of His Privy Council, by any Order or Orders in Council to be issued from time to time, to give such directions and make such Regulations touching the Trade and Commerce to and from any British Possessions on or near the Continent of Europe, or within the Mediterranean Sea, or in Africa, or within the Limits of the East India Company's Charter (excepting the Possessions of the said Company), as to His Majesty in Council shall appear most expedient and salutary; and that, if any goods shall be imported or exported in any manner contrary to any such Order of His Majesty in Council, the same shall be forfeited together with the ship importing or exporting the same. Now therefore His Majesty, by and with the advice of His Privy Council and in pursuance and exercise of the powers vested with him as aforesaid, doth order and it is hereby ordered that so much of the said Act, as is first
HISTORICAL RECORDS OF AUSTRALIA.

1832.
18 June.
Order-in-council for extension of powers of customs officers in Australian colonies.

hereinbefore recited, shall extend to and be in force in His Majesty's said Colonies of New South Wales, Van Diemen's Land and Western Australian, and the same is hereby extended to the said Colonies accordingly.

And the Right Honorable the Lords Commissioners of His Majesty's Treasury and the Right Honble. Viscount Goderich, one of His Majesty's Principal Secretaries of State, are to give the necessary directions herein as to them may respectively appertain.

W. BATHURST.

19 June.
Refusal to consider memorial from J. Norris.

UNDER SECRETARY HAY TO GOVERNOR BOURKE.
(Despatch per ship Fanny.)

Sir, Downing Street, 19 June, 1832.
I am directed by Viscount Goderich to request that you will acquaint Mr. James Norris, who, previously to the late reductions in the Dock yard at Sydney, appears to have held the Situation of Storekeeper, that the Memorial which he addressed to the Secretary of State on the 4th November last has been received at this Department, but that, from its not having been transmitted through the Governor, his Lordship cannot, in conformity with the Regulations already made public in the Colony and with those which you have been lately directed to promulgate, take his case into consideration. Of the nature of Mr. Norris' Services, Lord Goderich can of course know nothing without a previous report from you; but, whatever may be their merits, his Lordship would not feel himself at liberty to grant to him any Land, excepting by purchase upon the terms upon which, alone, it is now to be obtained.

I have, &c.,
R. W. HAY.

1 July.
Claim of R. Dacre for land grant.

UNDER SECRETARY HAY TO GOVERNOR BOURKE.
(Despatch per ship Fanny.)

Sir, Downing Street, 1 July, 1832.
I am directed by Viscount Goderich to transmit to you a copy of an application which he has received from Mr. Ranulph Dacre, claiming a Grant of land according to the Regulations in force prior to those which have been lately made public in the Australian Colonies. I am further directed to transmit to you, under a flying Seal, the reply which his Lordship has directed me to return to Mr. Dacre's letter, by which you will perceive the principles upon which alone his Lordship is disposed to admit his claim; and I am to desire that you will cause it to be delivered to that Gentleman.

I am, &c.,
R. W. HAY.
MR. RANULPH DACRE TO VISCOUNT GODERICH.

My Lord,
Sydney, New South Wales, 23 Decr., 1831.

By a Regulation* published in January last relative to the granting of land in this Colony, I am a considerable sufferer, and, as I do not imagine it was your Lordship's intention to apply the Regulations of January to persons who had embarked previous to that date, I will briefly state my case, trusting that it may be favorably received.

I first visited these Colonies in 1823, returned to England in 1827, and since that period have twice been out in the command of a ship. I employed most of my time in establishing a trade with New Zealand and the Society Islands, also in examining the N.E. Coast of New Holland at my own expense and risk, having been twice wrecked, for which Sir Thomas Brisbane promised to remunerate me. In 1830, I left the Colony; having made every arrangement for becoming a Settler in the true meaning of the word in this Colony in Septr. and Octr. I went to the Colonial Office in London, and was recommended to wait until the New Regulations came out.

I did so, and on Jany. 5 received a Copy of them, by which land was to be sold; on the next day the Ship " Surry " sailed, and I had not time to apply to your Lordship for the indulgence that many have had in being considered entitled to have the land granted on the old terms and conditions.

I should also have been entitled to a Grant for my wife according to an order published by the late Governor; but, as he was embarking or preparing to embark, he had not leisure to attend to such applications.

I have a Capital of £3,000 and beg to refer your Lordship to my Uncles.
Life Dacre, Esq., 8 Harley St.
F. Dacre, Esq., 27 York Place,
and, as I married and settled in these Colonies from the inducement held out by the Government, I trust your Lordship will give me an order thro' my relations or thro' Mr. Robt. Brooks, 80 Old Broad Street, for a Grant of 2,500 Acres for myself and of 1,260 on behalf of my wife being married in this Colony.

I have, &c.,
RANULPH DACRE.

[Enclosure No. 2.]

[A copy of the reply is not available.]

VIScount GODERICH TO GOVERNor BOURKe.

(Despach No. 105, per ship Fanny.)

Sir,
Downing Street, 3d July, 1832.

I have received, and referred for the consideration of the Lords Commissioners of the Treasury, Lieutt. General Darling's despatch No. 84 of 3d October last, with which he transmitted to me a Volume of Regulations which had been framed with a

* Note 176.
1832.  
3 July.  

Approval of regulations regarding rations for convicts.

Possibility of further reforms.

I am happy to state that their Lordships have expressed themselves satisfied that these Regulations are, upon the whole, as simple and efficacious as, under present circumstances, can be expected; at the same time they are of opinion that still further improvements will be found practicable whenever the views of His Majesty’s Government, in regard to the employment of Convicts, and to the erection of Public Works essentially necessary by Contract, can be more fully acted upon. I feel satisfied that you will give these subjects your best attention, and therefore it is unnecessary for me to do more than to state that the chief object, which the Treasury have in view, is to ensure the discontinuance of the issue of Rations, when consistent with the interests of the Public, and the simplification of the Ration when it is issued, avoiding all alterations not absolutely essential, in order that complication in the Commissariat Accounts may be prevented, and that they may be well controlled and checked on the spot, and transmitted home for final examination as early as possible, no Provision Accounts from New South Wales having reached the Treasury for a period later than the 24th Decr., 1828.

I am, &c,

GODERICH.

4 July.

Claim by Revd. W. G. Broughton re method for payment of salary.

Viscount Goderich to Governor Bourke.
(Despatch No. 106, per ship Fanny.)

Sir,

Downing Street, 4th July, 1832.

I have the honor to acknowledge the receipt of your Dispatch No. 14 of the 5th February last, enclosing an application from the Archdeacon, in which he prefers a claim to be paid the Salary of that Office in the same manner in which, by a late Bill which has passed the Legislative Council, the Salaries of the Governor and Judges have been secured.

This claim appears to be advanced on the part of the Archdeacon under the apprehension that, as the Appropriation of the Revenue is made dependent upon an annual vote of the Legislative Council, his salary cannot be so secure as when the appropriation of the Revenue rested exclusively with the Governor. Had any question been mooted in the Council, from which it was to be inferred that his Interests would be affected by the change which has been made in the cases adverted to, or were I of opinion that such would be the result of the measure by which a greater control, than they before possessed, has been bestowed upon the
Council, I should not hesitate in directing you to recommend to that Body the same course, which has been adopted in respect to your own Salary and that of the Judges; but, as I see no reason to apprehend any such consequences, and am, moreover, of opinion that much inconvenience might arise from calling for a permanent appropriation of so large a sum as that which the maintenance of the Clergy of the Established Church requires (for I could not recommend the Archdeacon's Salary to be provided for out of any particular source of Revenue without including also the Salaries of the inferior Clergy), I do not feel at liberty to meet the Archdeacon's wishes, on this point, in the way which he has requested. I have no hesitation, however, in stating that, from the arrangement entered into with him on his appointment to the Archdeaconry of New South Wales, I consider him to have a claim, so long as he shall discharge the duties of that Office to the satisfaction of His Majesty's Government, to the full amount of Salary at first assigned to it, and that, should any circumstances hereafter occur to interfere with the payment of that Sum to him out of the Colonial Revenues in the manner in which it has been customary to issue it, he will then have some right to look to His Majesty's Government for the adoption of other means by which his Income may be secured.

I have, &c.,

GODERICH.

Viscount Goderich to Governor Bourke.

(Despatch marked "Private," per ship Fanny; acknowledged by Governor Bourke, 9th February, 1833.)

Dear Sir,

Downing Street, 5 July, 1832.

Colonel Arthur having transmitted to me the Copy of a Letter which he had received from you, notifying to him your appointment as Governor of New South Wales and Van Diemen's Land, together with a Copy of his reply, and apprehending from the tenor of your Letter that you may not rightly understand your situation in relation to the Government of that Island, I deem it of importance that you should be informed that, notwithstanding you hold His Majesty's Commission* as Governor of Van Diemen's Land, it is by no means intended that you should exercise any control over or interfere with the Civil Affairs of that Government, which is considered wholly distinct and independent from your own Command, excepting so far as may relate to Military matters.

Should, however, any circumstances occur to induce you to proceed to Van Diemen's Land, Colonel Arthur's functions will

*Note 195.
1832.  5 July.
Administration of government in Tasmania.

Commission to be sent to G. Arthur.

Removal by R. Darling of records re Tasmania.

then of course cease, and the Government become vested and continue in you, so long as your presence there shall be deemed necessary; but, upon your again withdrawing yourself from the Island, the Government will devolve as before upon Colonel Arthur as Lieutenant Governor, with the same responsibility and independent of your controls. Under these circumstances, should you not have already forwarded to Van Diemen's Land your Commission as Governor of that Island, you will see the propriety of your immediately doing so, in order that it may be opened there, and the administration of the Government be conducted under the authority which it conveys.

I regret that General Darling should have taken with him to England all the Communications, which he may have received from Colonel Arthur in his capacity of Governor of New South Wales, or at all events that he did not leave Copies of them for your Information; for, although these communications may not have been of the nature of Official Reports (the independence of the two Commands would of course prevent their being so designated), yet they do not appear to have been of that confidential Character as to make it incumbent upon him to separate them from the other records of his Government; and I have expressed the wish to Colonel Arthur, should he have the means of doing so, that he would furnish you with Copies, which of course you will take care to leave in the Colony, together with any additional Correspondence which may in the mean time take place between you and him, for the Information and guidance of your Successor, whenever circumstances may lead to the close of your administration.

I am, &c,
Goderich.

6 July.
Land grants withheld by R. Bourke.

VISCOUNT GODERICH TO GOVERNOR BOURKE.
(Despatch No. 107, per ship Fanny.)

Sir,
Downing Street, 6 July, 1832.

I have the honor to acknowledge the receipt of your Dispatch No. 18 of the 7th February last, transmitting a return of certain Grants of Land, promised by Lieut. General Darling and Colonel Lindesay, of which possession had not been given to the parties previously to your arrival in the Colony, and which you had thought it right to refuse completing, conceiving that you had not authority to dispose of such allotments otherwise than by sale.
The first, in order, of these applications is one from Mr. A. C. Innes, late Major of the Buffs, who appears to have been desirous of obtaining one of the disposable allotments of ground on Woolloomooloo Hill. The date of Mr. Innes’ application for this Land is the 3d of June, 1830, and a refusal seems to have been given to it, in consequence of those allotments having been reserved for the officers of the Civil Government who were obliged to reside in Sydney. On the 20th October, 1831, however, General Darling appears to have given Authority to the Surveyor General to allow of the selection by Mr. Innes of the Land in question. The papers, accompanying your Dispatch, do not shew upon what grounds this change of determination on the part of General Darling originated; but it is probable that finding, upon the receipt of the new Instructions respecting the disposal of Land, that Civil Officers could no longer receive grants without purchase, he considered that the original cause for his refusal no longer existed, and that Mr. Innes was entitled to benefit by his former Application. I cannot, however, admit this reasoning (if it be that on which General Darling acted) as giving Mr. Innes a claim to this Land upon any other terms than the new Regulations authorize: It was only in favor of those persons to whom positive promises of Land had been made, or who were warranted in expecting Grants under the former system, from their having emigrated in ignorance of the change that I considered an exception should be made; and as Mr. Innes, up to the period of the arrival in the Colony of my Dispatch of the 9th January, 1831, had been refused the allotment for which he applied, his case does not come within the spirit of that Paragraph of it, by which General Darling was authorized to relax the Regulations; and I regret, therefore, that I do not feel at liberty to confirm the Grant which Mr. Innes had received. The next claim, which you submit to my consideration, is that which proceeds from the Trustees of the female School of Industry, who appear to have applied to the Local Government on the 1st of May, 1830, for a Grant for the benefit of that Institution. There seems to have been no objection offered on the part of the Local Government to a Grant being made for the object solicited; but the particular allotment at first applied for having been reserved for public purposes, the Local Government had no opportunity of giving its sanction to another selection, until after the arrival in the Colony of the new Land Regulations, when General Darling, by a Minute dated the 8th October, 1831, gave permission to the Trustees to select two Building allotments at the place known as the Military Garden on the Parramatta.
1832.
6 July.
Application for land grant for school of industry.

Approval of land grant.

Application by M. Craig for land grant.

Refusal of application.

Road for the benefit of the before mentioned Schools, they being "much incumbered with debt owing to the expenses which have been necessarily incurred in providing for the branch of that Institution which has been recently established at Parramatta"; and it being "a matter of the first importance in the present state of the Colony that Individuals of the lower classes should receive every possible assistance in obtaining a suitable education for their children." Under these circumstances, I am disposed to acquiesce in the propriety of the Land in question being made over to the Trustees for this Institution, it appearing that although the Trustees could not for the reasons assigned obtain a Grant at the time they made application for it, the Government at no moment objected to their receiving one, and, moreover, the Land being for a public object, there are not the same powerful reasons against exempting the Grant in this case from the late Regulations as in that of an application from a private Individual.

The third case to which your Dispatch refers is that of Mrs. Craig, late Mary Panton, who appears to have applied on the 6th October, 1831, for a grant of Land in consequence of the practice, which previously existed of bestowing such Indulgences on Ladies on their Marriage. As the application made by this Lady was subsequent to the arrival in the Colony of my Instructions forbidding all further Grants of Land to be made without purchase, and as there do not appear to be any circumstances alleged in this case excepting the general rule which previously existed, I do not consider that she has any claim which may not be quoted as a Precedent by others, to whom it would not be possible without great inconvenience to extend the principle; and you will therefore acquaint this Lady that I am prevented from confirming the Grant, which General Darling had proposed to give to her.

The fourth and last cases, to which you refer, are those of Mr. Thomas Henry Burner and Mr. Edward Lakeman, who appear, on the 20th of October, 1831, to have received the permission of General Darling to select a Town Allotment each at Parramatta. As no particulars are communicated in respect to these applicants further than the mere Memorandum of General Darling, by which the selection of their Land was authorized, I have no observation to make on these cases, excepting to approve of your refusal to convert this "permission to select" into a free Grant.

I have, &c.,

GODERICH.
BOURKE TO GODERICH.

VISCOUNT GODERICH to GOVERNOR BOURKE.
(Despatch No. 108, per ship Fanny.)

Sir, Downing Street, 6 July, 1832.

With reference to that part of my despatch No. 19 of the 18th Sept., 1831, in which I notified my intention to employ the late Archdeacon of New South Wales in the selection of a proper person to take charge of the Female Orphan School at Paramatta, I am sorry to acquaint you that Mr. Scott has intimated to me that his efforts for this object have been quite unsuccessful, and that he sees no prospect of being able to procure the services of a trustworthy person, properly qualified for the duties of the School. Under these circumstances, I think the preferable course will be to authorise Archdeacon Broughton to select from among the Colonists any person whom he may consider best qualified for the situation, and, by engaging his services for a limited time, there will be less difficulty in removing him, should he prove incompetent or otherwise unfit for the duty.

I have therefore to request that you will make the necessary communication to the Archdeacon upon the subject.

I am, &c.,
GODERICH.

GOVERNOR BOURKE to VISCOUNT GODERICH.
(Despatch No. 66, per ship Agnes.)

My Lord, Government House, 6th July, 1832.

I have the honor to transmit a Minute of the Executive Council, relating to the Conviction of John Wilde for the Murder of his wife, and a letter from and Notes of the Judge who tried the case, together with Petitions praying for a Mitigation of Wilde's Sentence.

It appeared to be the impression of Mr. Justice Stephen that the facts of the case do not warrant a Conviction for Wilful Murder; and therefore he addressed the letter to me, upon which I ordered execution to be Stayed, and Subsequently, with the Advice of the Executive Council, respited it until the King's pleasure shall be made known.

I entertain the hopes that His Majesty may be graciously disposed to take the view of the case, which induced the Judge to recommend and the Council to advise the Respite, and that a lenient Commutation to such punishment as is usually awarded...
to Manslaughter may be the result; in which event, I would beg leave to remind Your Lordship, that Wilde will have suffered more than a Year’s imprisonment before the Communication of His Majesty’s pleasure can be received here.

I have, &c.,
RICH. BOURKE.

[Enclosure.]

[2d and 3d William IV, cap. 62.]

VISCOUNT GODERICH TO GOVERNOR BOURKE.
(Despatch No. 109, per ship Fanny.)
10 July. Downing Street, 10 July, 1832.

Sir,

I have the honor to acquaint you that The King has been pleased to approve of the 21st Regiment of Foot proceeding in Detachments to New South Wales, in charge of Convicts, and, on the arrival there of the Service Companies of that Corps, of the 63d Regiment being sent on to Madras to relieve the 48th Foot.

I am, &c.,
GODERICH.

VISCOUNT GODERICH TO GOVERNOR BOURKE.
(Despatch No. 110, per ship Fanny.)
11 July. Downing Street, 11 July, 1832.

Sir,

I herewith transmit to you, for your information and guidance, a copy of an Act, which has been recently passed by Parliament, “for abolishing the punishment of Death in certain cases and substituting a lesser punishment in lieu thereof”; and I beg particularly to call your attention to the 2d Clause of this Act, by which the powers, vested in the Governors of the Australian Colonies in respect to granting Pardons and other indulgences to Convicts, are placed under certain limitations.

I am, &c.,
GODERICH.

[Enclosure.]
Mr. Marshall, Assistant Surgeon of the Flag Ship in India, has been directed to proceed in the "Fanny." I have to desire that, on Mr. Marshall's being relieved from his charge, you will provide him with a passage to India, if there should be no Ship of War at New South Wales, and charge the expense to the Funds appropriated to the Maintenance of Convicts. I am, &c.,

GODERICH.

VISSCOUNT GODERICH TO GOVERNOR BOURKE.
(Despatch No. 111, per ship Parmelia.)

Sir,
Downing Street, 24 July, 1832.

Since I addressed to you my despatch No. 97 of the 12th May last, the Lords Commissioners of the Treasury have expressed to me their opinion that the Government of Swan River is only chargeable with the expenses attending the removal of the three Prisoners, whom Governor Stirling sent to Sydney under the impression that they were runaway Convicts; but that the Damages and Costs in the Actions, brought by the Men against the Sheriff, should be defrayed either by that Officer or by the Government of New South Wales.

I apprehend that the measures, taken by the Sheriff for the detention of the Prisoners, were in pursuance of orders issued to him by the Governor; and, as he cannot, therefore, be held responsible for the consequences of them, the charge, amounting to £678 1s., must be repaid to the Colonial Treasury by the Commissariat out of the Funds appropriated for the maintenance of Convicts.

The Damages and Costs awarded against Capt'n. Sandilands for forcibly conveying the men to Sydney, amounting to £459 14s. 6d., will be paid out of the money voted by Parliament in aid of the Swan River Settlement; and this sum, when received, will be issued to the Agent for New South Wales in repayment to the Colonial Treasury, from which source you were directed by my above mentioned despatch provisionally to defray the expenses occasioned by this transaction. I am, &c.,

GODERICH.

GOVERNOR BOURKE TO UNDER SECRETARY HAY.
(Despatch per ship Rubicon; acknowledged by right hon. E. G. Stanley, 15th April, 1833.)

Sir,
Government House, 29th July, 1832.

I have the honor to acknowledge the receipt of Viscount Howick's Despatch of the 14th August, 1831, directing an enquiry into a Complaint made by a person of the Name of Shairp, who
states his father in Law, Mr. James Milson, to have been unfairly deprived of 350 Acres of Land, to which he was entitled on the North Shore of Sydney Cove. A Correspondence upon this Subject, Commenced in 1828 between Mr. Milson and this Government, having been carried on from that time to the present, has now increased to such a size as to make it difficult to represent the case in a Clear and Concise manner; but, after a careful perusal of the Statements and letters on this Subject, the principal facts may be thus Stated.

Upon Application to Sir Thos. Brisbane, in the year 1824, Mr. James Milson received authority to Select 300 Acres of Land near Pennant Hills, An inland Situation distant 14 or 15 Miles from Sydney, and having Notified his Choice to the Surveyor General, was by him informed that, the Land having been previously Charted to another Person, he must make another Selection. In consequence of this, Mr. Milson, on the 11th August, 1828, signified his intention of taking his Land on the North Shore of Sydney Cove, at the same time proposing that 50 Acres Should be given him on the Shore, and 300 further in Land. It may be proper here to inform You that Mr. Milson's first application Stated the quantity of Land, to which he was entitled, to be 300 Acres only, and that, in his Subsequent Communications, he declared it to be 350. The Original order of Sir Thomas Brisbane having been destroyed by fire, the truth of this Statement could not be ascertained, and he was therefore allowed to select the larger quantity. In this Stage of the business, Considerable delay arose from Mr. Milson's repeated applications to have Measured and Charted to him a certain Spot on the North Shore, on which he then resided as Lessee to Mr. R. Campbell, although frequently informed that it had been previously granted to that Gentleman; At length when the Survey of the North Shore was Completed, and the different farms were Measured, the Land, which Mr. Milson had applied to have Charted in his name, having been found to belong to Mr. Campbell, he was directed to Select another 50 Acres on the North Shore and 300 in Land, according to his application of the 11th August, 1828. Mr. Shairp's Complaint now is that Mr. Milson was not permitted to retain the Land, on which he resided for Some time as Lessee to the proprietor, but of which it would appear, from Shairp's Statement to Mr. Gillon, that he had been in Authorized possession. The fact, however, is that he was informed by the Government, during the time of his residence on it, that it was the property of Another.
From this Statement, the Secretary of State will, I trust, perceive that no injustice whatever has been done to Mr. Milson, more particularly as the Land he now holds is of much greater Value than his original Selection at Pennant Hills.

I have, &c.,

RICHD. BOURKE.

GOVERNOR BOURKE TO VISCOUNT Goberich.
(Despatch No. 67, per ship Rubicon; acknowledged by right hon. E. G. Stanley, 15th April, 1833.)

My Lord, Government House, 1st August, 1832.

I have the honor to inform Your Lordship that, in an abstract laid before me in the Month of May last Containing Grants of Land for approval, there appeared one for 640 Acres as a Marriage portion to Miss Phillips, the daughter of a Settler on Hunter's River, Married Subsequently to the 1st July, 1831, at which time the Regulations for the Sale of Land were promulgated here. The Order for the Grant is dated the 29th September, 1831.

Having Uniformly refused to complete Grants obtained under Such Circumstances as the foregoing, I informed the applicant that the case Should be referred for Your Lordship's Commands. I have I believe, in cases of a Similar description already brought before Your Lordship, recommended that the dispositions made by my Predecessor Should be carried into effect.

I have, &c.,

RICHD. BOURKE.

GOVERNOR BOURKE TO UNDER SECRETARY HAY.
(Despatch per ship Rubicon; acknowledged by under secretary Hay, 13th April, 1833.)

Sir, Government House, 1st August, 1832.

I have the honor to acknowledge the receipt of Viscount Howick's Despatch, dated 19th November, 1831, enclosing a Memorial to the Secretary of State from a person named Gillyan, in which a Complaint is brought forward against Captain Crotty of the 39th Regiment, formerly Commandant at Port Macquarie. In obedience to his Lordship's Commands, I have called for the Correspondence which formerly passed on this Subject; and, having found from papers in the Military Secretary's office that General Darling had minutely investigated the Same Charges, J. Gillyan, when formerly brought under his Notice, and had Considered them groundless throughout, I have not thought it necessary to
1832.
1 Aug.

Action proposed by R. Darling.

take any further Steps in the Matter. General Darling also states, in a Memorandum written on that Occasion, that it was his intention to suggest the propriety of adopting some measure such as depriving Gillyan of his Pension, or by some other means to deter persons in his situation from bringing forward charges, which they have carefully abstained from doing whilst under military law, they being well aware of the consequences which would under those circumstances attend such a proceeding.

I have, &c.,

Richd. Bourke.

2 Aug.

Claim of C. Murphy to estate of husband.

Sir,

Downing Street, 2 August, 1832.

With reference to the letters addressed to your predecessor of the dates mentioned in the margin* relative to certain property belonging to a poor woman, named Catherine Murphy, widow of the late sergeant James Murphy of the 48th regiment, I am directed by viscount goderich to call your attention to this person’s case in the hope that through your means the property in question may be recovered or a proper consideration for the same be obtained from the party who appears to be in possession of it.

It seems that the husband of this female served some years with his regiment in New South Wales and that, having by his own and his wife’s industry accumulated a little property, he laid it out in the purchase of cattle with the intention of obtaining his discharge and becoming a settler in the colony. Before, however, this plan could be realized, his regiment was ordered on to India, whither he accompanied it and where he afterwards died. Previously to his leaving New South Wales, it would appear that he placed his cattle and other property under the charge of Mr. George Innes of Bathurst, who, in two letters which he addressed to Mr. McLeay, dated the 15th November, 1830, and the 2d Octr., 1831 (copies of which with other papers accompany this communication) acknowledges to have the charge and furnishes a list of them. Mr. George Innes also informs Mr. McLeay that he had sent to Mrs. Murphy an order to draw for £35 upon his brother, Mr. Robert Innes, agent for the commercial bank at Wick; but you will perceive by the letter from Mr. Robt. Innes, also enclosed, dated the 7 May, 1832, that he denies ever having received from his brother any letter in which the name of Mrs. Murphy is mentioned, or any authority for paying to her the sum mentioned. Under these circumstances,
HAY TO BOURKE.

Lord Goderich has been induced to provide Mrs. Murphy with a Passage to New South Wales, and requests that, upon her arrival in the Colony, you will give her such advice as you may think best to enable her to recover the property which she appears to have there, and of which the Secretary of State cannot but apprehend that it is the object of her late husband's agent, Mr. George Innes, to deprive her, having neglected to forward the remittance which, in the Letter to Mr. McLeay above referred to, he promised to do, or to take any of the other steps which he has professed for delivering over to the representatives of the late Sergeant Murphy the Stock of which he has so long had the charge.

I have, &c,

R. W. HAY.

[Enclosure.]

MR. G. LAMB TO UNDER SECRETARY HAY.

Sir, Whitehall, 21st July, 1832.

I am directed by Viscount Melbourne to transmit to you the enclosed Petition of the Widow Catherine Murphy, together with the documents which accompany it, soliciting a passage to New South Wales in order that she may be enabled to recover her property there, which, it appears, consists of 118 Head of Cattle.

And as it seems to Lord Melbourne to be generally a Case of great hardship and particularly so, since the holder of the Petitioner's Cattle has neglected to comply with his promise of remitting to her the sum of £35 (as appears by his Brother's Letter, No. 5, dated 7th May, 1832) which, had he fulfilled, the Petitioner would have been enabled with her own means to have revisited the Colony, and which Lord Melbourne conceives forms a new and very strong feature in the case, since it was last before the Colonial Department. I am to desire that you will submit the Petition to Lord Goderich for His Lordship's favourable consideration.

I am, &c,

G. LAMB.

[Sub-enclosure No. 1.]

The Humble Petition of Catherine, Widow of the late Sergt. James Murphy, 48th foot.

The Right Honble. Lord Visct. Melbourne, Secretary of State for the Home Department, etc., etc., etc.

Humbly Sheweth

That, having accompanied her husband (aforesaid) to New So. Wales which place the Regt. remained for upwards of seven years, and, her husband having been selected as a most deserving non commissioned Officer to go on Command to Bathurst, Petr. and her husband by their Industry accumulated a sum of money the which they, by the advice of friends, laid out in the purchase of Horned Cattle with an Intention, if fortune favoured him in his discharge, to return as an Emigrant to that Country; but, the Regt. being called on Route to Madras, the Cattle was left in care of Mr. George Innes of Bathurst under regulated terms; her husband
remained in the East Indies for nearly two years when he was ordered to be sent to England for the purpose of being invalided, and died on his passage the 18th day of Feb'y., 1826, leaving Petr. and four Orphans (three of which were born in New So. Wales and the fourth ten days before the death of her father at sea to lament their heavy loss).

Petr. on her arrival in Ireland wrote several times about her property through the Secretary of State's Office for the Colony, where she was directed by the several heads of Departs., but can't find any remedy but that accs. have been recd. from that Colony about her property. She repeatedly sent for a remittance of money but all to no purpose; she has humbly solicited a passage but her intreaties were not listened to; she is highly of opinion that something contrary to her wishes has happened her property wherein she can't procure any other satisfaction than what she here encloses. She humbly begs that your Lordship will take her and her four Orphans into consideration, and, if necessary, to institute an enquiry into her case, and further begs that your Lordship will place her complaints before our Most Gracious and well beloved Sovereign the King to allow her in person a passage to that country to arrange her affairs and procure a living for her unfortunate suffering children, which are now feeling the want of their parent.

Petr. has no objection to pay her passage out of her property immediately after disembarkation in Sydney (the enclosed return and Letters will point out the necessity Petr. is under of soliciting your Lordship's interference) ; at the same time observing the many great obligations She is under to the several Secretaries of State of the Colonies for their Lordships' support, she most humbly begs your Lordship's protection and interference and your Petitioner and her four destitute Orphans will ever Pray,

CATHERINE MURPHY, Widow.

Tullamore, 17th May, 1832.

The enclosure is to be returned.

Statement of account by G. Innes.

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<th>Description</th>
<th>£</th>
<th>s</th>
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<td>Paid for Bay Filly at Richmond Pound where She</td>
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<tr>
<td>was when I sent to Mr. Hays for her</td>
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<td>Paid for a Bull to Mr. Ranken</td>
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<td>Services of Horse My Lord, 1824</td>
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<td>Services Kennedy's Horse</td>
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Total £48 0 0

Capita, September 25th, 1828.

Geo. Innes.