DARLING TO MURRAY.

85

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

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

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

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

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

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

1831. 15 Feb.

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

I have, &c.,
RA. DARLING.

[Enclosures.]
[These voluminous papers have been omitted. The claims were
made by the Reverends S. Marsden and R. Cartwright for fuel,
rations and slops for a convict servant, and rations for themselves
and families; the latter also made a claim for neglect to provide him
with a globe. The amount of the claim of the former was
£1,381 8s. 7d. and of the latter £2,550 10s. 10d. The amount recom­
mended by William Lithgow for the former was £840 3s. and by
archdeacon Broughton for the former £533 6s. 9d. and for the latter
£242 4s. 5d.]

GOVERNOR DARLING TO UNDER SECRETARY HAY.
(Despatch per ship Royal Admiral.)

16 Feb.
Sir,
Government House, 16th February, 1831.

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

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

* Marginal note.—93, 1828 (see note 27).
and Stock in general sold at an extravagant rate, have been completely ruined. Their Lands have passed into the hands of Mr. Terry and people of that Class, who lend money at an exhorbitant interest and soon obtain possession of the Estates of their Debtors. The Emancipists are thus Monopolizing to a considerable extent.

I have, &c.,
RA. DARLING.

Governor Darling to Sir George Murray.
(Despatch No. 23, per ship Royal Admiral; acknowledged by Viscount Goderich, 17th September, 1831.)

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

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

I have, &c.,
RA. DARLING.

[Enclosure.]

Mr. Burman Langa to Governor Darling.
Sir, Sydney, 17th February, 1831.

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

I have, &c.,
BURMAN LANGA, Comptroller of Customs.

Governor Darling to Under Secretary Hay.
(Despatch marked "Private," per ship Royal Admiral.)


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

* Note 28.
the local Government and the Council considered that they were following the same course, which had been pursued by His Majesty's Government and Parliament, and which proceeding, with reference to the circumstances of a Convict Colony, was perhaps more necessary in New South Wales than could possibly have been in England. I now observe that an Act* of Parliament was passed during the last Sessions repealing the Act above alluded to; still the intention to repeal that Act was not known here, when the Colonial Act was brought under the consideration of the Council, and the local Government felt not only that it was fully borne out in the adoption of the Measure by the licentiousness of the Press, but by the Law, which existed at Home and which in fact suggested it.

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

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

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

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

* Note 29. † Note 30.
not allowed to receive Grants or to lease Land; but it is impossible to prevent their sending their Cattle to graze beyond those limits.

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

I have, &c,

EA. DARLING.

[Enclosure.]

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

GOVERNOR DARLING TO SIR GEORGE MURRAY.

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

Sir,

18th February, 1831.

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

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

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

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

* Note 31.
1831.
18 Feb.

Necessity for an assistant to Revd. S. Marsden.

Duties in parish of Parramatta.

Request for appointment of master at female orphan school.

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

I have, &c.,

RA. DARLING.

[Enclosure.]

ARCHDEACON BROUGHTON TO GOVERNOR DARLING.

Sir,

Church Corporation Office, 17th February, 1831.

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

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

Services during the Week at the Jail and Hospital alternatively.

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

Having also laid before your Excellency, by Mr. Wilton's desire, his resignation of the Mastership of the Female Orphan School (retaining however his Appointment of Chaplain), I have to prefer a request to the Right Honble. the Secretary of State, that a fresh appointment may be made to the Vacant office. In justice to the gentleman who may succeed to the same, I think it right to Notice that the duty of instructing the numerous Children, and of daily Superintending the establishment in all its details will be fatiguing and probably irksome, and must so occupy all the time he can spare from parochial services, as rarely to admit of his absence even for a single day. Under all circumstances, I am of opinion that it will be a most difficult task to engage the Services of any gentleman duly qualified to discharge the office of a parish Minister, and at the same time contentedly to submit to toil and Confinement of attending to the orphan School. It will indeed be in vain to expect that it should be done except by a person, who can find his reward chiefly in the consciousness of sacrificing his time and attention to the welfare of a most useful and important Institution. I would with submission observe that, as there is no person in
England who could be expected to enter so warmly into the Welfare of this School as Mr. Archdeacon Scott, so it is certain there can be none so well qualified to judge of the disposition and qualities of the person who would prove an efficient Successor to Mr. Wilton. The Nature of the Office renders it advisable that it should be filled by a Married Man, but the apartments allotted to the Master in the Institution are not adapted for a family of children.

I have, &c,

W. G. BROUGHTON.

GOVERNOR DARLING TO SIR GEORGE MURRAY.

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

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

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

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

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

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

I have, &c,

EA. DARLING.

[Enclosure No. 1.]

CHIEF JUSTICE FORBES TO GOVERNOR DARLING.

Sydney, 22nd October, 1830.

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

It has been reported to me by the Chief Clerk of the Supreme Court that the Bill of Costs, in the Case of Hall v. Rossi and others, amounting to £208 18s. 10d., which was taxed by the Master at £156 14s. 10d., ought to have been reduced to £82 15s. 1d.; that, in the action of Hall v. Hely, the Bill amounting to £140 19s. 10d., taxed by the Master at £105 17s. 1d., ought to have been reduced to £73 12s. 4d.; and that, in the action of Hayes v. Hely, the Bill amounting to £148 13s. 10d., taxed by the Master at £113 11s. 6d., ought to have been reduced to £82 2s. 2d., making together a total reduction from the three Bills of Costs of £138 19s. 3d.

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

I have, &c,

FRANCIS FORBES,
Chief Justice, Supreme Court.

* Note 32. † Note 33. ‡ Note 34.
[Enclosure No. 2.]

MR. W. CARTER TO COLONIAL SECRETARY MACLEAY.

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

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

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

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

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

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

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

I have, &c.

WILLIAM CARTER, Master to Court.

[Enclosure No. 3.]

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

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

In answer to your letter of the 20th September last, and 27th ultimo, respecting the Bills of Costs in the cases of Hall v. Rossi, Hall v. Hely and Hayes v. Hely, the latter of which letters I did not receive until my return from Bathurst, I have the honor to inform you, for the information of His Excellency the Governor, that I had not obtained the office copies of the whole of these Bills from the Supreme Court Office, when I left Sydney to attend the Bathurst Circuit, a delay which was partly occasioned by Mr. Keith raising every obstacle to filing the Bills in question, and partly by the press of business in that Office during the sittings of the Court, both on the Criminal and Civil side; at the same time, I...
1831.
19 Feb.

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

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

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

I have, &c.

W. H. MOORE.

[Enclosure No. 4.]

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

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

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

I have, &c.

W. H. MOORE.

[Enclosure No. 5.]

CHIEF JUSTICE FORBES TO GOVERNOR DARLING.

My dear Sir,

Sydney, 19th February, 1831.

I fear that, in consequence of the adjournment of the Court
until the 1st of next month, the question of costs in the cases of
Hall and of Hayes against Hely and Rossi will not be determinable
before that time. The question is, whether the Court has the
power to refer the Costs for re-taxation by the Master, after they
have been regularly taxed by the Master, in the presence of the
parties or their Attornies, and final judgment signed, and the
Amount settled and acquiesced in for several terms. The Causes
are out of Court, and the only point is whether we have the power
to re-open them in the way required of us. Mr. Moore has prudently confined himself to very general remarks; the details of the several proceedings will shew that the Case never rested with the Judges until the 14th inst., the last appointed day of term; the point was for the first time argued on its merits on that day, and was adjourned, to give the Judges time to look into the practice, and see if they have the power to reopen a bill of Costs, as between party and party to a cause, after it has been finally settled and the Cause out of Court.

I remain, &c.,
FRANCIS FORBES.

GOVERNOR DARLING TO SIR GEORGE MURRAY.
(Despatch No. 26, per ship Royal Admiral; acknowledged by Viscount Goderich, 25th August, 1831.)

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

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

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

I have, &c.,
RA. DARLING.

[Enclosure.]

CHIEF JUSTICE FORBES TO GOVERNOR DARLING.
(Sydney, 22nd October, 1830.)

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

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

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

I have, &c.,
FRANCIS FORBES, Ch. Justice.
(Despatch marked "Private," per ship Royal Admiral.)

Dear Sir,

Government House, 22nd February, 1831.

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

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

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

You will perhaps recollect that Captain Wilson applied, not long since, for an addition to his Salary, considering his Income of £700 a Year inadequate to the proper support of his Situation. It may fairly be asked then, how he can live on a reduced sum, his Furniture and everything he possessed having been seized and sold. I confess, I cannot but consider it highly discreditable to the Government that its officers should subject themselves by their proceedings to be in such a situation. Captain Wilson is the more extraordinary, as he has been here so short a time. I admit that it appears only reasonable, that the Officers of the Government should be allowed to employ the Savings from their Incomes or any money they may possess for the benefit of their Families; but then it becomes difficult to draw the Line, and the Man, who has a thirst for speculation, which I fear has been too general of late, indulges his passion without the local Government having the means of checking it.
You will perceive, by my Despatch of the 23rd September last, No. 58, that I brought the Subject under the consideration of the Executive Council some time back. The Council, thoughtfully impressed with the impropriety of the Officers of the Government entering into speculations, were at a loss to suggest any means for checking it, and could only recommend that all Persons receiving appointments should be bound by such conditions as His Majesty’s Government should deem it proper to impose in this respect. I also suggested, on that occasion, that the Officers of the Government should be allowed a “Town Allotment” to enable them to build a House for the residence of their Families and two or three Square Miles of Land at the utmost for the purpose of a Dairy. I should now reduce the quantity to one Square Mile, to be taken in the County of Cumberland, so as to render it as available as possible for the purpose for which it is granted. Land in Cumberland has become so valuable from local advantages that I felt it necessary to bring the subject under the consideration of the Council, and it has been determined that no Individual shall in future be allowed more than one Square Mile in the County. That quantity near Sydney is considered preferable in most cases to a large Grant in a more remote situation.

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

I have, &c.

RA. DARLING.

GOVERNOR DARLING TO UNDER SECRETARY HAY.
(Despatch per ship Royal Admiral.)

Dear Sir,

Government House, 23rd February, 1831.

I have felt it necessary, in consequence of the delay which has taken place in preparing the Blue Book for the Year 1829, to request Mr. McLeay to explain the cause by Letter, in order that I might transmit it to you and let him speak for himself. In forwarding the enclosed Copy of his Letter, I am bound in justice to him to state that it is quite impossible for him to get through the Business he has to transact, which is not only very extensive but multifarious, without additional means. I can state from my own observation and knowledge that no Man can be more zealous or indefatigable; Besides which, there are few so competent as Mr. McLeay, his official experience enabling him to get through business with greater facility than almost any person I ever met with. I have observed, with much concern, that his health has lately given way, and I am quite satisfied the
1831.  
23 Feb.

1) Legal affairs attended by A. Macleay.

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

Reasons for delay in completion of "blue book."

HISTORICAL RECORDS OF AUSTRALIA.

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

I perceive that Mr. McLeay has adverted to the manner in which a considerable portion of his time has been occupied by the legal Affairs of the Government. This was occasioned by Mr. Baxter's idleness and incompetency, which was the cause of much time being lost in interviews, and urging him by repeated letters to proceed in matters in which the Government was concerned. He was thus a dead weight rather than any Assistance to it.

Mr. Sampson, the Solicitor General, was equally inefficient. Should their Successors prove to be good practical Lawyers, as I trust they will, it will be a great relief to the Government.

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

I have, &c,

EA. DARLING.

[Enclosure.]

COLONIAL SECRETARY MACLEAY TO GOVERNOR DARLING.

Sir, Sydney, 23rd Febry., 1831.

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

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

RA. DARLING.
VISCOUNT GODERIC TO GOVERNOR DARLING.

(Despatch No. 22, per ship Palambam.)

Sir, Downing Street, 28th February, 1831.

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

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

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

I have, &c.,

HOWICK.

[Enclosures.]

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

VISCOUNT HOWICK TO GOVERNOR DARLING.

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

Sir,

Downing Street, 2 March, 1831.

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

I am, &c.,

HOWICK.
HOWICK TO DARLING.

[Enclosure.]

MRS. GRAY TO VISCOUNT GODERICH.

My Lord, 13 February, 1831.

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

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

5 King Edward St., Wapping.

ISABELLA GRAY.

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

VISCOUNT HOWICK TO GOVERNOR DARLING.

(Despatch per ship Exmouth; acknowledged by Governor Bourke, 5th January, 1832.)

Sir, Downing Street, 3 March, 1831.

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

HOWICK.

[Enclosure.]

[A copy of this paper is not available.]
1831.
4 March.

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

Sir,

Downing Street, 4 March, 1831.

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

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

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

I am, &c.,

GODERICH.

[Enclosure.]

Mr. E. Barnard to Under Secretary Hay.

Sir,

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

I have the honor to acknowledge your letter of the 13th Ult., conveying to me the Instructions of Secretary Sir George Murray to report for his information the result of the application on behalf of the Relatives of Ansley Megran, as communicated to me by the letter of Mr. H. Twiss, dated 25th June, 1828. In reply, I have the honor to acquaint you that the first communication on this subject was made to me by Lord Dufferin in the year 1824, and that I consequently made a reference to New South Wales in the month of May in that year, and ascertained that a sum of money, amounting to £88 9s., was in the hands of the Registrar of the Supreme Court at Sydney on account of the legal Representatives, which result I
communicated to James Megran the person interested, who, through Lord Dufferin, had addressed to me the original application, adding that I would write to him again on the proper course for recovering the money.

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

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

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

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

I have, &c.,

EDWD. BARNARD.

VISCOUNT GODERICH TO GOVERNOR DARLING.

(Despatch No. 24, per ship Camden.)

Sir,

Downing Street, 10th March, 1831.

I have received your despatch, dated the 12th of August last No. 52, respecting the amount of the charges made by the different Officers and Persons, employed in attending the adjourned or, as they are termed, the Circuit Courts in New South Wales.
1831.
19 March.

Expenses of principal legal officers.

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

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

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

* Note 35.
The charges, made by the Attorney General for his personal Expenditure during his attendance on the Circuit, is £3 per diem. The Council have, I think, with great reason reduced the charge to Forty Shillings. I am perfectly aware of the insuperable difficulty of making an accurate assessment in this country of charges to be incurred under any particular head of Expenditure in a Colony so remote as New South Wales, and in which many of those circumstances, with which an Inhabitant of this Kingdom is familiar, are so completely changed and even reversed. Still I cannot believe that in New South Wales it can be necessary or proper that a single man should daily incur Table expenses amounting to Thirty Shillings, or that Twenty Shillings a day can be a reasonable charge for the maintenance of a Person who, though designated as a Clerk, is rather in a Menial Employment. The charge of two pounds per diem for Horses and Coachman can hardly be counted essential on an occasion, where the same journey is performed by many Gentlemen at the same time; and, although the state of the Country may require the attendance of a Mounted Policeman, yet it is a charge not to be allowed, unless it is essential to the personal security of the Attorney General.

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

The Attorney General of New South Wales would, I am convinced, not weaken his hold on Public respect, were he to defray the charges of his circuit at the sum awarded by the Council, A sum, as I am informed, which would cover the daily charge of the most expensive Circuits, which the Gentlemen of the Bar in England are accustomed to perform.
For the reasons already given, I think the sums appropriated by the Council for the expenses of the Sheriff, Registrar, the Clerk of Arraigns, and Crown Solicitor are sufficiently high. The last of those Gentlemen has transmitted a very full account of certain inconveniences, to which he was exposed in one of these journeys from the want of a better equipage. The narrative seems to me rather to show that, in New South Wales as in all other Countries, travelling is often attended by incommodities, which may be borne patiently without any great exertion of fortitude, and which can be averted only by management and foresight.

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

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

10 March.

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

I am, &c.,

HOWICK.

Viscount Howick to Governor Darling.

(Despatch per ship Georgiana.)

Sir,

Downing Street, 11th March, 1831.

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

I am, &c.,

HOWICK.

10 March.

Appearance to be maintained by judges.

Proposed fixed circuit allowance for judges.

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

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

I am, &c.,

GODERICH.

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

[Enclosure.]

REV. DR. WRENCH TO VISCOUNT GODERICH.

My Lord,

Underdean, 9th March, 1831.

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

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

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

I have, &c.,

C. J. GEORGE WRENCH.

List of creditors.

James Clifford, Saddler, Newnham ............. £2 11 8
Wm. Jefferies, Glazier, etc., Blakeney .............. 0 11 8
Charles Jennings, Victualler, etc. ............... 8 16 6
Richd. Lewes’ Wife, Laundress, Forest of Dean .... 14 0 0
Thos. Minchin and Co., Shopkeepers, Blakeney .... 11 7 10
Thomas Pirkes, Tailor, Blakeney ................. 6 16 8
Charles T. Phillips, Surgeon, Newnham ......... 9 13 6
Hester Sparrow, Shopkeeper, Blakeney ........... 25 0 0

78 17 10

Interest for 4½ years @ 5 p. ct. .............. 18 2 2

£97 0 0

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VISCOUNT GODERICH TO GOVERNOR DARLING.

(Despatch No. 25, per ship Camden.)

Sir, Downing Street, 14th March, 1831.

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

1831.
14 March.

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

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

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

I am, &c,

GODERIC.

VISCOUNT HOWICK TO GOVERNOR DARLING.
(Despatch per ship Camden.)

Sir, Downing Street, 14th March, 1831.

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

I am, &c,

HOWICK.

[Enclosure.]

MRS. GRAY TO VISCOUNT GODOERICH.

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

With the feelings of gratitude for your Lordship’s kindness in noticing my case, and in compliance with your recommendation, I have enclosed my marriage certificate; Also a letter in my
1531. 14 March.
Name assumed by J. Gray.

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

I am, &c.,

ISABELLA GRAY.

[Sub-enclosures.]

Copies of these papers are not available.

GOVERNOR DARLING TO SIR GEORGE MURRAY.

(Despatch No. 30, per ship Dryade.)

Sir, Government House, 14th March, 1831.

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

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

I have, &c.,

EA. DARLING.

GOVERNOR DARLING TO SIR GEORGE MURRAY.

(Despatch marked “Separate,” per ship Dryade.)

Sir, Government House, 14th March, 1831.

I have the honor to acquaint you in reference to my Separate Letter of the 10th of last month, that the sum of £200 has been advanced to enable Mrs. Baxter to return to England, it being found that £150 was not sufficient to provide her and her Children with the necessary accommodation on board Ship. She proceeds by the Dryade, the Vessel by which I now write, and has given in the name of Sir James Gordon of the Royal Navy, who is employed at Plymouth, as the person, being as she states related to her, who will reimburse the Government for the sum now advanced. I therefore request that the Colonial Agent may be desired to apply to that Gentleman accordingly.
I have only to add that Mr. Baxter has lately proceeded to Van Diemen's Land, having left his Wife in a state of complete destitution. I understand that her mind is occasionally very seriously affected; but her removal from this was desirable on every account.

I have, &c.,

RA. DARLING.

GOVERNOR DARLING TO SIR GEORGE MURRAY.

(Signature)

Sir,

Government House, 14th March, 1831.

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

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

I have, &c.,

RA. DARLING.

[Enclosure.]

[A copy of this letter is not available.]

VISCONT GODERICH TO GOVERNOR DARLING.

15th March, 1831.

[Signature]

[15 March.]

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

(Despatch No. 26, per ship Camden.)

Sir,

Downing Street, 22 March, 1831.

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

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

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

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

Thirdly, That, in addition to their salaries from the Government, the Masters at Sydney should receive an allowance for House Rent of £120 a year for three years certain, by which time it is supposed that the School, should it succeed, will be established on such a footing as to render any assistance from the Government in this respect unnecessary, or that the allowance of £120 should be liable to a reduction of £3 a year for every Scholar beyond 60, which, supposing 100 Boys to attend, would relieve the Government from all expense on account of House Rent for the Master.

Fourthly, That, as an inducement to men of respectable character and acquirements accepting the situation of Masters of the two Schools, that they should be allowed land, the same as the Established Chaplains, that is, 1,280 acres at the end of 5 years.

Fifthly, That, with the same view as expressed in the last article, in the event of the Schools not succeeding, the Masters should be appointed to the first vacancies amongst the Colonial Chaplains.

The Establishment of Schools upon the plan suggested by the Archdeacon appears to be of the very first importance; consequently there are no objects, which I would not more unwillingly
GODERICH TO DARLING. 113

I have no objection to the salaries of £150 and £100 respectively, proposed for the two School Masters; but it is so important to avoid adding to the expense of the present Church Establishment that it must be distinctly understood that the allowance for House Rent shall not be continued for more than three years, and that, according to the arrangement adverted to in the proposition No. 3, the Masters are to depend for the remainder of their Income upon their Scholars. Education must not be rendered expensive, but it is, at the same time, most important that, with the exception of Orphans and the Children of Convicts, it should not be entirely gratuitous; and the requiring therefore a moderate payment from the Scholars will both raise in their eyes the value of the Instruction afforded, and give the Master a stimulus to exertion.

With respect to the additional Clergymen, whom the Archdeacon wishes to be sent out to undertake the management of the two Schools in question, care will be taken to select proper Persons to fill those situations, who may at the same time act as Assistant Chaplains; but I can hold out no promise that, in the event of the failure of the proposed Schools, they will be appointed to any vacancies, which may occur among the regular Chaplains.

Participating in the objection, which was felt originally by yourself to Clergymen being permitted to become the Owners of a more than a very moderate Glebe, I regret that I cannot acquiesce in the plan proposed by the Archdeacon for allowing to the Masters of the two schools portions of Land, the same as are received by the Established Chaplains.

Land vested in the hands of Trustees is, even in this Country, seldom turned to the best advantage; and, in a new Colony where it is comparatively of so little value, I believe it requires all the vigilance and enterprise, which are only to be expected from self interest, to make it really profitable.

With respect to those Clergymen, who have already obtained Land upon the principle recognized by Sir George Murray in his dispatch of the 25th of May, 1829, No. 113, and who may have gone out to the Colony on the faith of the promise thereby held out to them, I should propose that, instead of the Land itself, its price, which at the rate fixed in your Instructions would be £320, should be vested in the hands of Trustees to form a fund for the benefit of their families. But those Clergymen, who may in

1831.
22 March.

Approval of proposed schools.

Salaries for masters.

Payment by scholars.

Selection of clerksmen as masters.

Objections to land grants for masters.

Proposed cash payment in lieu of land grant.

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future arrive in the Colony, must understand that the same rule will apply to them as to other Public Functionaries, and that they must not expect an advantage, which is not enjoyed by Clergymen in this Country where it is so much more difficult to make provision for a family.

Whenever the state of the Treasury may enable you to do so, I shall not object to your erecting a building at Parramatta fit for the accommodation of the Boarders, with the necessary portion of land attached to it for a garden and Play ground.

But this Building must be of the plainest and most economical description and will of course be erected by Contract, no public works of any kind (as you have already been informed)* being in future to be carried on by the assistance of Convicts, all of whom, with the exception of those whose conduct may call for peculiar severity, being now assignable to the Settlers. I am, &c,

GODERICH.

SIR,

VISCOUNT GODERICH TO GOVERNOR DARLING.

(Despatch No. 27, per ship Camden.)

Downing Street, 23d March, 1831.

I received on the 19th of this month your Dispatches enumerated in the Margin.† The early Departure of the Vessel, by which this will be sent, makes it necessary that I should for the present defer considering most of the subjects which you have brought before me.

Having now received from Mr. Justice Stephen a Letter; in explanation of his conduct, I have referred it, together with your Dispatches on the same subject and the accompanying Documents, for the consideration of the Law Officers of the Crown. This reference I have considered necessary in consequence of the misconduct imputed to the Judge having taken place in the exercise of his Judicial Functions, as, in such cases, I find it would be contrary to Precedent for the Secretary of State, without legal advice, to determine whether, in any observation he may have made from the Bench, a Judge has transgressed the Line of his duty. Until I shall be put in possession of the Sentiments of the Law Officers upon this most painful subject, I must abstain from pronouncing any opinion upon it; but I have thought it necessary that you should be aware that it had not escaped my attention.

* Note 36.
† Marginal note.—No. 54, 17 Augt., 1830; Separate, 38 Augt., 1830; 1 Sept., 1830; No. 55, 20 Sept., 1830; No. 56, 21 Sept., 1830; No. 57, 22 Sept., 1830; No. 58, 23 Sept., 1830; No. 59, 24 Sept., 1830; No. 60, 1 Oct., 1830; No. 61, 3 Oct., 1830; No. 62, 4 Oct., 1830; No. 63, 5 Oct., 1830; No. 64, 6 Oct., 1830; No. 65, 7 Oct., 1830; No. 66, 9 Oct., 1830; No. 67, 15 Oct., 1830; 30 Sept., 1830.
‡ Note 37.
GODERICH TO DARLING.

I have learnt with much regret that the Colony has been so seriously disturbed by the Bushrangers, and that you have had such just cause of alarm. I trust that the measures, which you have very properly adopted, may have put an end to the immediate danger; but I fear that, without some further precaution, there will be too much reason to apprehend its recurrence. The great extent of Country, over which the Settlers are now scattered, must put almost insuperable difficulties in the way of an effective superintendence of the Convicts, while it renders it almost equally impossible to prevent those, who succeed in escaping, from procuring an easy subsistence by plunder. The great increase in the numbers of Cattle and of Horses, some of which, if I am rightly informed, have become almost wild, adds much to the facility which these lawless characters must find in collecting and keeping together in formidable Bands; and, should they succeed, as it appears in one instance they have already done, in defying the force which can be brought against them, it is to be feared they will find numerous recruits amongst the large number of persons of the very worst character, who have become free by completing the terms for which they have been sentenced, or who are serving as assigned Servants in the remote Districts.

Under these circumstances, I think it will require the utmost vigilance upon your part to guard against the danger, which I apprehend and which is the more serious, as it can not be doubted that, should these Bands increase in strength, they will direct their first efforts to the release of the chain Gangs, by a union with whom they would be enabled to threaten the very existence of the constituted Authorities. The whole question is one which requires the serious and early consideration of His Majesty's Government. But, in the mean time, I quite approve of the measures which you have taken for increasing the force of the Mounted Police; and I would press upon your attention the extreme importance of checking, by every means in your power, the too great dispersion of Settlers, and of promoting, as far as it may be practicable, the concentration of the Inhabitants of the Colony.

The new Regulations with respect to the manner of disposing of Land will, I hope, have no inconsiderable effect in this way. By the Information contained in your Dispatches, and by the account of the Sales effected by the Corporation for managing the Clergy Reserves, I am led to believe that this effect might be increased, and that other advantages might also result from raising the price which you were directed to fix as the minimum. But I am unwilling to give you any positive Instructions to that
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HISTORICAL RECORDS OF AUSTRALIA.

1831. 23 March.

**Necessity for limitation of cattle grazing.**

effect, until I have had an opportunity of hearing from you upon
the subject of the Regulations, recently transmitted to you, under
which Land is hereafter to be disposed of, and until I may be
enabled to judge of their practical result. I am however strongly
of opinion that it would be advisable to restrict the extreme
facility of rearing Cattle, which will continue in consequence
of the manner in which you were directed to let the Land for
the Sale of which there is no demand. Nothing would be more
unfortunate than the formation of a race of Men, wandering
with their Cattle over the extensive Regions of the Interior, and
losing, like the descendants of the Spaniards in the Pampas of
South America, almost all traces of their original Civilization.
To the encrease of sheep which require a greater degree of care
and protection, there is not the same objection; and, as the
growth of Wool seems to be the most profitable branch of Colonial
Industry, I am unwilling to direct you to raise the rent of
grazing Land, by which it might be checked, though that would
be the most obvious means of preventing the Evil which I appre­
hend. But concurring, as I do, in the view, which appears to
have been taken of the subject by the Agricultural Society of
New South Wales in the last Report of its President, and, foresee­
ing the possible recurrence of very serious Evils to the well-
being of the Community from the encreasing numbers of Cattle
in those Districts where the unlimited range of pasture tends to
make them almost wild, I think it is matter, which requires the
early attention of yourself and your Council; and I shall be
glad to be furnished by you with any suggestion, which may
occur as best calculated to remedy or check the Evil.

I have, &c,

GODERICH.

**Viscount Goderich to Governor Darling.**

(Despatch No. 28, per ship Georgiana.)

24 March. Downing Street, 24th March, 1831.

_Sir,_

I have received your Dispatch No. 55 of the 20th of Sep­
tember last, and the accompanying Letter from the Archdeacon
of New South Wales, pointing out the want of accommodation
in the churches at Sydney, by which a very large proportion of
the Inhabitants are stated to be prevented from attending Divine
Service.

Considering the heavy expense which has already been in­
curred for similar purposes, I do not think I should be justified
in sanctioning a departure from the Rule laid down by Sir
George Murray of only defraying from the Colonial Treasury

*Note 38.*
one half of any expense, which may be occasioned by an extension of the Church Establishment. You will therefore only undertake the Building of the additional Church, recommended by the Archdeacon to be erected at Sydney and the enlargement of one of those now standing, in the event of the persons, for whose accommodation it is required, contributing an equal proportion of the estimated expense.

I have, upon the same grounds, to approve of your having, in consequence of the arrival of the Instructions alluded to, relinquished the Intention, which you had previously formed of renting a Building for a Chapel, and of employing a Clergyman, not belonging to the authorized Establishment, to officiate therein.

With respect to the deficiency, adverted to in the Archdeacon's Letter, of the means of religious Instruction afforded at present to the Inhabitants of the Colony, the same observations apply, which I have already made, as to the want of an additional Church at Sydney. I can take no steps for remedying this Evil, until I hear that the Inhabitants have come forward with an offer to pay one half of the Salaries of the new Chaplains, if any should be appointed. It is not without considerable reluctance that I have come to a decision, which may seem unfavorable to the Interests of Religion. I consider these Interests of such paramount importance that, if it appeared to me that by my refusal of pecuniary assistance to the extent demanded, they would be seriously injured, or the Colonists be deprived of that Instruction which in such a community is so peculiarly requisite, I should have been hardly induced by any Considerations of mere economy to withhold my consent from the proposed increase of Expence. I trust, however, that, in paying a strict regard to economy, I am in fact doing that which is most conducive to the higher objects in view, the religious Instruction and moral Improvement of the Colonists. Experience has proved that Men are prone to undervalue that which is too easily obtained, and that, if the expence of a religious Establishment, which they have not themselves come forward to maintain, is felt by them as a tax, even a worse feeling than indifference is sometimes created. It is on this account that I consider it so peculiarly important to avoid adding to the charge already so heavy, in proportion to the population, of the present church Establishment, unless I have the clearest Evidence that it is the desire of the Colonists themselves. If they really entertain such a wish, they will cheerfully consent to the arrangement proposed by Sir George Murray in his Dispatch of the 25th of May, 1829.

I am, &c.

Goderich.
Refusal of request by K. Snodgrass for town allotment.

Viscount Goderich to Governor Darling.
(Despatch No. 29, per ship Georgiana.)

Sir, Downing Street, 25th March, 1831.

I have received your Dispatch No. 58 of the 23d of September last, respecting Colonel Snodgrass’s application for an allotment of ground in the neighbourhood of Sydney for the purpose of erecting a residence thereon. According to the Rule laid down by which Officers, whilst holding military employment, were prohibited from receiving grants of land, Colonel Snodgrass was clearly not entitled to that indulgence at the time he applied for it; and, as by more recent Regulations no lands whatever are authorized to be disposed of otherwise than by public sale, it is of course impossible for me, consistently with this Rule, now to comply with that officer’s application.

I am, &c.,

Goderich.

Military allowances issued to J. T. Morisset.

Viscount Goderich to Governor Darling.
(Despatch No. 30, per ship Georgiana.)

Sir, Downing Street, 26th March, 1831.

I have to acknowledge the receipt of your Letter No. 60 of the 1st of October last, respecting the military allowances issued to Lieut. Colonel Morisset on a misconception of the terms of his appointment to the Staff as Commandant at Norfolk Island.

Although it does not appear to have been the intention of the Instructions, conveyed to you by Sir George Murray in his Dispatch of the 12th of April, 1830, to call upon Colonel Morisset to repay any of the military allowances received by him prior to his assumption of the before mentioned office (under the impression, as I should suppose that they had been issued to him, inadvertently, by the Colonial Government), yet, as it now appears that he had occasioned the mistake himself by applying for these extra allowances, when he could not but be aware that he had no claim to them, I approve of the course which you propose to adopt of requiring him to refund the whole of the allowances which have been issued to him contrary to the conditions of his appointment.

I am, &c.,

Goderich.

Despatch acknowledged.

Viscount Goderich to Governor Darling.
(Despatch No. 31, per ship Georgiana.)

Sir, Downing Street, 27th March, 1831.

I have received your Dispatch No. 62 of the 4th of October last, submitting a Statement from the principal Superintendent of Police in respect to his Department, and
recommending that an assistant Police Magistrate for Sydney should be appointed with a Salary of £350 per annum; and I have the honor to acquaint you in answer that, although it will be my duty shortly to convey to you Instructions for reducing the Expenses of some of the Departments, in conformity with the recommendation of the Commissioners, whose report was transmitted to you in my Dispatch of the 9th of January last, yet that His Majesty's Government will not object to sanction the increase which you have recommended in that of the Police, the necessity for which I regret to find has become so urgent by the circumstances mentioned in your Dispatch.

I am, &c,
GODERICH.

VISCOUNT GODERICH TO GOVERNOR DARLING.
(Despatch No. 32, per ship Georgiana.)

Sir, Downing Street, 28th March, 1831.

I have received your Dispatches Nos. 64 and 66 of the 6th and 9th of October last, enclosing applications on the part of Mr. C. D. Riddell and Dr. Bowman for Building allotments at Sydney; and I regret to acquaint you, in answer, that the principle I have laid down, as communicated to you in my Dispatch of the 9th of Jany. last, respecting the disposal of Lands in New South Wales, does not admit of my complying with these Applications.

I am, &c,
GODERICH.

GOVERNOR DARLING TO SIR GEORGE MURRAY.
(Despatch marked "Separate," per ship Janet Izat.)

Sir, Government House, 28th March, 1831.

In forwarding the accompanying Letters addressed to You by the Surveyor General, it might be sufficient to confine myself to the simple transmission of the Minutes of the Proceedings of the Executive Council, which are enclosed, to prove, without entering into the various subjects of his Representations, that Major Mitchell cannot, with any prospect of advantage to the Public Service or respect for the Character of the local Government, be continued in the office of Surveyor General. If, however, I were to abstain altogether from noticing his Statements and assertions, it might be supposed I was unable to explain them; I shall, therefore, though I confess with some reluctance, reply to such parts of his Representations as can be explained without entering into any long or inconvenient details.

* Note 9.
The Course, which I propose to pursue, is to bring under your notice some of the most important points in the Minutes of Council, begging to apprise You that the matters submitted to the Council are distinct from the subjects of Major Mitchell's Letters, which are addressed to You.

The Council, as will be seen, selected from a great mass of Papers, relative to the general proceedings of Major Mitchell, the several Documents which form the Appendix to the Minute.

The first point, to which it is my Duty to draw your attention, will be found in page 16* of the Minute, in which Major Mitchell protests against the exercise of the power vested in me by His Majesty's Instructions, and, in pursuance of which, I was acting with the advice of the Executive Council, stating that it is his intention to appeal to His Majesty's Government. This took place on the 4th February last. On the 9th of the same month, four days after, as will be seen on reference to Page 17,* he addressed a Letter to the Colonial Secretary desiring that his remonstrances against the measure in question might be submitted for the consideration of the Secretary of State.

Without entering into this question, in the manner in which the Council have viewed it in Par. 3, Pages 35, 6 and 7,* to which I request your particular attention, I submit that it was competent to me as Governor to have given Mr. Horton James the 39 Acres of Land, putting his Claim out of the question, and that the Protest and remonstrance of Major Mitchell were highly unbecoming his situation and disrespectful to the local Government.

It will be seen, Page 39 of the Minute of Council, that the Council, having fully considered the Papers laid before them up to that period, recorded their opinion as follows, vizt.:- "That the Language employed by the Surveyor General has been on many occasions inconsistent with the deference and respect, which should be manifested by every subordinate officer to the Head of the Government under which he serves. Adverting particularly to his letter of May the 7th, 1828, upon which His Excellency personally remonstrated with Major Mitchell, and to the letter addressed to the latter by the Colonial Secretary, in conformity with the Governor's Minute of 12th June, 1829, as well as to the Surveyor General's Memorandum on Captain Wilson's letter of the 29th September, 1830, his letter of the 28th December, 1830, on the same subject, his protest against the decision of the Council in the case of Mr. Horton James's Land (on which they have already strongly animadverted), his letter to the Colonial Secretary of the 9th February, 1831, on the same question, and to that passage of his letter of the 7th
DARLING TO MURRAY.

March, 1831, purporting that it has been his Duty to write thousands of letters, and he has not such a high opinion of his correspondence as to suppose, that a Governor, desirous of finding a Flaw, may not find several therein. They cannot but consider these as proofs of a long standing and still continued determination on the part of the Surveyor General to indulge in an unbecoming and disrespectful tone, in conducting his correspondence with the local Government."

The Council having adverted (page 40)* to the Surveyor General's letter of the 7th May, 1828, I beg to explain that, considering it not to be couched in those terms in which it was Major Mitchell's Duty to address the Government, I thought it better to communicate personally with him, as he had just then entered on the Duties of Surveyor General, when I pointed out to him the impropriety of indulging in any intemperate or angry feelings in his Official Correspondence; and I beg to instance this, as evincing a desire on my part to prevent any misunderstanding between him and the Government.

As a proof that this Admonition soon lost its effect, I request You will refer to Page 58* of the "Appendix" to the Minutes of Council, in which will be found a Letter from Major Mitchell to the Colonial Secretary, dated 3rd June, 1829, wherein amongst other observations of an indecorous nature are the following:—

"I am frequently occupied, in furtherance of this desirable object, when Mr. Charles Cowper and the Church Corporation are at Tea or at dinner or in Bed or at Church." It must be unnecessary for me to point out the extreme indecorum of introducing such observations in an Official Correspondence, the impropriety of which appears to be heightened by their being applied to the Archdeacon and the Clergy.

If it should be asked, why I did not represent Major Mitchell's proceedings, I will, Sir, frankly confess that I was deterred from doing so from a feeling that I had not received that support, which I conceived I had a claim to in other Cases, and that every failure in this respect must tend more and more to weaken the Government and might induce others to follow Major Mitchell's example.

It will be seen, on reference to Pages 42 and 43* of the Proceedings of the Council, that, although Major Mitchell had been fully apprised by the Colonial Secretary on the 31st August and 29th November, 1830, of the measures therein referred to, he stated, "I know nothing at all of the matter," and refused to meet the Director of Works or make a joint Report with him; on which, amongst other matters, the Council, as will be seen in Page 43, express themselves as follows, vizt.: "in these instances

* Note 40.
the Council are of opinion that the Surveyor General has been guilty of a neglect of Duty and disobedience of Orders; and, upon this decision, they are restrained from recommending his immediate suspension from office, only by an apprehension that any change in the Conduct of the Surveyor General's Office might be attended with inconvenience." The Council recommended at the same time (Page 45) that an intimation should be conveyed to him that, "On any repetition by him of the improprieties animadverted on by the Council, the Government will be under the necessity of resorting to the only measure by which this recurrence can be prevented."

Major Mitchell having repeatedly asserted in his letters and persisted, contrary to the fact, that an Extract of the King's Instructions to the Governor, as far as relates to granting and selling the Crown Lands, had been transmitted officially to the Commissioners for their guidance, the Council took more than ordinary pains in investigating this matter, when it will be seen, by reference to Pages 46, 47 and 48* of the Minutes, that the Extract in question was not transmitted to the Commissioners with the Colonial Secretary's letter of the 6th March, 1828, as stated by Major Mitchell, it being evident by that letter and the reply of the Commissioners that the only Documents, which accompanied it and which are distinctly enumerated in both letters, were, "the Instructions addressed to them by the Governor and their Commission of Appointment."

Major Mitchell feeling that he had improperly made use of a Document, not only in his local Correspondence but in the letters now transmitted to You, of which he has taken advantage to impugn my Conduct as Governor, which Document never was and never could have been communicated to him officially, being intended solely for the guidance of the Governor, seems to have determined, as the only means of exculpating himself, to persist in his assertion, trusting it must be presumed that the matter would not have been enquired into.

The observation of the Council on this point is as follows:— "It is therefore more surprising that he should even then have made so incorrect a statement as it is obvious he has done, and should still persist in the same."

Being desirous of obtaining Duplicates of Major Mitchell's letters for transmission to you, I desired, as will be seen by the Minutes of Council, Page 49,* that a letter should be written to him requesting he would furnish them. I beg to refer You to Major Mitchell's answer, Extract of which is inserted in Page 50, and to the remainder of the Minute, by which it will be seen that in this instance also the Council consider him to have been

* Note 41.
guilty of disobedience of orders and to have perverted the true meaning of the Colonial Secretary's letter by inserting the word "You" in his recapitulation of it, which is not in the original, with a view to leading to an erroneous impression of the Order conveyed to him; the Council therefore recommended, should he persist, after another application, in refusing to furnish the "Duplicates," that he should be immediately suspended from office.

I do myself the honor to transmit Copy of a letter, which was written to Major Mitchell in consequence and of his reply, by which it will be perceived that the reason, given in that Letter for having declined to furnish the Duplicates, is his not being aware it was usual and not having kept perfect Copies of his original Letters; while in his former Letter, which will be found in the Appendix, Page 132,* the reason he assigned was that he did not consider himself "bound" to furnish Copies of Letters sent to the Governor merely for transmission to the Secretary of State, nor did he think it would be respectful to that Minister to enter into any correspondence on the subject. You will yourself, Sir, judge by the Letter (see minute of Council, Page 49) addressed to Major Mitchell, whether he was required to enter into any correspondence with the Colonial Secretary.

Having gone so much at length into the Proceedings of Council, I feel, Sir, that I ought to stop here, having, as I persuade myself, clearly shewn that it must be impossible to carry on the Service with any prospect of advantage or hope of success, should Major Mitchell be continued in the situation of Surveyor General, after the spirit he has so openly manifested and the decision of the Council after 11 days' careful investigation that he had been guilty of repeated acts of disobedience of Orders, of disrespectful Conduct both to the Governor and to the Council, and of arrogating to himself the power of protesting and remonstrating against the Governor's Proceedings, in a matter in which he acted with the advice of his Council, as required by the King's Instructions, and in which Major Mitchell had no authority either as Surveyor General or Commissioner of Lands to interfere.

I have no doubt, Sir, that Major Mitchell, however unwarranted, has presumed on his being known to you, to assume a tone of independence and adopt a course of proceeding, which he would not have attempted under other circumstances. He has repeatedly threatened, as will be seen by his correspondence, to refer or appeal to you. In his letter of the 30th November, 1830 (See "Appendix" Page 89)* he desires that, when the Governor sets aside or does not adopt his Plans, that the Correspondence

* Note 42.
may be referred to His Majesty's Government as though the local Government had no power to control or interfere with him.

The pretensions, he has set up in other respects, are equally preposterous. It would seem that, under the 20th and 22d Paragraphs of the King's Instructions, the Governor cannot dispose of any land which may have been previously reserved for public purposes by the Commissioners. Still he seemed to have entertained no doubt, in the case of the Ground formerly reserved for a Dock Yard, that the Government on his Report of the ineligibility of the Situation was at liberty to appropriate it otherwise, but that the Government was in fact bound to place the Engineer's Yard on that Spot, because he recommended it as the most suitable situation, while I have no doubt that, on referring to the notes in reply to Major Mitchell's letter of the 28th January, 1831, You will be satisfied, that it was infinitely less eligible to say the least for that purpose, than the place which I determined on with the concurrence of the Council. Thus would Major Mitchell reduce the power of the local Government to the giving effect to his Measures and arrangements.

His extravagant notions seem to have been strengthened by the circumstance of the Road Department having been placed by your Orders under his immediate direction, and by your having desired that he should assume the Duties hitherto performed by the Commissioners for Land, which he has considered as so many tributes to his merit, rather than as the means of effecting the measures of economy, which it appears to have been the object of His Majesty's Govt. to establish.

It will be observed, throughout his Letters, that he speaks of the "interference" of the Government in the Business of his Department. In that of the 28th January last, Enclosure No. 3, Page 11,* he observes more pointedly, "It is needless for me to shew that much time and labor is lost by such interference on the part of the Government, in matters in which I am in fact considered responsible by the Public." Again, in the following Page (12) of the same letter in speaking of the Engineer's Yard, he says, "I as well as the Inhabitants consider the Scite adopted objectionable"; in both these cases putting the Government completely aside; while in the latter I am satisfied, he never spoke to any one Inhabitant on the subject, and I am equally sure, he would not have permitted any one to speak to him upon it; nor would they, from the sentiments generally entertained of his temper and disposition, have attempted to interfere in a Matter in which they could be in no respect interested. It must of course be immaterial to them where the Engineer's Yard is

*Note 43.
established. Major Mitchell thinks, while such assertions may have some weight, that there is little chance of their being questioned.

I shall only refer in this place to two other passages, in evidence of the extremely indecorous insinuations and arrogant pretensions of Major Mitchell. Page 4 of his letter of the 7th February last, Enclosure No. 4, furnishes some proof of the former, while it may be more necessary, in reference to the latter, to give his own words to prevent mistake, as they will be found in Page 6 of the same Letter. "Nor can I readily anticipate that the Appointment of Overseers, trifling and nominal as the Patronage is, will be transferred from a high and independent office like this, to which You have been pleased to appoint me, to one constituted by Local Authority in the face of it."

I now, Sir, beg to refer You to my notes on Major Mitchell's Letters, which I have endeavoured to reply to as fully as circumstances will permit. It would be impossible, without an useless sacrifice of much valuable time, to give detailed explanations of the various measures and arrangements referred to by Major Mitchell, so as to shew the reason of their being adopted or rejected; nor can I suppose it necessary for me to explain them. I shall merely observe generally that Major Mitchell's Plans are as extravagant as they are numerous. His object appears to be his own fame, that every thing should originate with or be improved by him, new Roads are recommended and the improvement of old ones suggested, Almost every time he goes into the Country, without any consideration of the means of accomplishing his Projects or the necessity of their adoption. I might instance here his Road to the Southward; it might perhaps be an improvement; but he admits himself that the Work would require much time and labor in its completion, as the Banks of the "Cataract River" over which it must pass are very steep and difficult; the "Razor Back" was therefore undertaken as more consistent with our means, and affording a perfectly convenient communication. It was also I think recommended by Major Mitchell as the best under existing circumstances. His Plans for new Roads to Parramatta and Liverpool, I must say appeared to me preposterous in the extreme. The present Roads to those places, one of which is to the extent of 15, the other of 20 miles, are as good as any in England, and have been made at the cost of between thirty and forty Years' labour. The reason for altering them I presume is that they were not laid down by Major Mitchell, and that he considers it as important that every Road in the Colony should owe its origin to his administration as Surveyor General.

* Note 44.
If the instances, I have now given, were not sufficient to justify the interference of the Government with the Business of his Department, many others might be enumerated; amongst which I will mention one which I discovered on my late Tour to Hunter's River, which will perhaps account for Mr. Surveyor Finch's readiness to act under a Junior Officer. I found Mr. Finch, who was attached to the Road Department by Major Mitchell, residing on his own Farm, a Grant of 2,000 Acres, on which and contiguous to Mr. Finch's residence, several Buildings were erected by the Government for the use of the Road Department, a Blacksmith's Shop, Store and Hospital, Mr. Finch being in possession of a complete Field Equipment, consisting of Tents, Bullocks and Men, six of each in number maintained at the expense of the Government, an Establishment, which no other Officer attached to the Road Department is allowed. Major Mitchell states that Mr. Finch was considered available for the general Survey of the Colony, as well as the Duties of the Road Department. This, however, is not the case with the other Surveyors, employed on the Roads; and I am satisfied, considering the extent of Road and number of Parties under his orders, Mr. Finch could not with advantage have been employed on any other Duty. Besides, it is obviously inexpedient to permit a Surveyor, under any pretext, to sit down on his own Farm with a number of Working Oxen and Men fed and clothed by the Govt., though he might occasionally have an opportunity of employing them in the Public Service. Coupling this with the circumstance of the Deputy Surveyor General and two officers of the Department being kept idle for four months at Port Macquarie, for want of the necessary equipment, I shall leave You, Sir, to judge of Major Mitchell's discretion in employing his officers, and the Claim which he has set up to be rendered independent of the Control of Government. But, even with respect to Major Mitchell himself, I have had some trouble, who, though he occasionally remains in Sydney for several months together, persisted in the necessity of his being constantly in possession of the usual Establishment of Men, Bullocks, etc., until I was obliged at last peremptorily to refuse it. It may be proper to observe that I have not annexed any notes to Major Mitchell's Letters of the 22nd of December last, Enclosure No. 2, as the subject to which it alludes is fully commented on in the Proceedings of the Council, Pages 42 and 43.*

The Enclosure of the 28th January last, No. 3, relates principally to the subject of Land. As this question was brought under the consideration of the Executive Council early in September last, and is not yet determined, I am under the necessity

* Note 45.
of delaying to enter into it, until I shall be able to communicate
the Sentiments of the Council upon the Matter generally; and
I have no doubt you will be satisfied that the course, which was
adopted, was the most prudent that could be resorted to under
existing circumstances, and that Major Mitchell's Representa-
tions generally are the result of disappointed Vanity and of a
captious, jealous disposition. He is undoubtedly a good prac-
tical Surveyor and an excellent Drafter, and it would have
been better had he been confined to these objects; I speak from
the experience of three years, during which period I have dis-
covered nothing in him to induce me to think him a man of
arrangement; but on the contrary, since the Department has been
extended, it has appeared to me that he was unable to conduct
it with any degree of advantage, while a great part of his time is
taken up in squabbling with the Departments and Individuals
with whom he has to act or communicate.

I perceive, in one of his Letters, he speaks of the "facilities"
which he affords the Settlers, who are not fastidious about their
land. If this be true, it is to be presumed they are all of the
latter Class, as I assure You the complaints are general of his
disobliging, unaccommodating disposition.

He would have acted more fairly, had he stated that the Emi-
gration to Van Diemen's Land, being greater than to this Colony,
was to be attributed to the circumstance of the persons coming
out to settle, first touching there, where inducements are held
out to them to remain, which, coupled with the circumstance of the
Climate being more like that of England, induces many to settle
there who had originally intended to establish themselves in this
Colony. It is to this circumstance and not to the 34 Pages of
Regulations, which would have been stated at five Pages and a
half did he pay any attention to facts, that the cause of the
Emigration to Van Diemen's Land, if it really be greater than
to this Colony, is to be attributed.

From what I have stated, I trust, Sir, You will be satisfied
that I had sufficient grounds for placing the Road Department in
other hands. It is evident that, having now the Duties of the
Commissioners for Land to perform, together with those of the
Survey of the Church and School Estates, in addition to the
Duties of his immediate Office of Surveyor General, Major
Mitchell has at least as much to attend to as he is capable of
superintending. I am aware that Major Mitchell was very much
displeased at not being employed in exploring the Interior, and
I have reason to think his Complaints were not confined to the
Local Government; But You will now judge whether he could
have been employed on that Service, without the suspension of

*Note 45.
his immediate Duties, which from the State of the Survey would have been attended with the most serious inconvenience both to the Government and the Colony. Major Mitchell’s argument was that his Predecessor, Mr. Oxley, had been employed on a similar Service; but, as I informed him at the time, the result did not satisfy me of the advantage of the measure. And I would now beg leave to ask, how Major Mitchell, after his reiterated representations of the backwardness of the Survey and his urgent applications for additional means to bring up the Arrear, could, with any degree of consistency or even of common regard to the Interests of the Colony, have been employed as Captain Sturt was on one occasion for five months and another for six.

I thought at the time that I had myself rendered some service in inducing Captain Sturt and Mr. Cunningham to undertake their first Expedition;* they certainly had performed a most important one in making known two considerable Tracts of Country, hitherto unexplored, and which in Captain Sturt’s Case in particular was only accomplished by the most persevering determination to effect his object and in which he suffered the severest privations to the great injury of his Health. I do not hesitate to say that Major Mitchell would not have performed these Services in a more complete or advantageous manner; and I shall leave You to judge of my disappointment in finding, by the Despatch* acknowledging the receipt of Captain Sturt’s and Mr. Cunningham’s Reports, that I was not authorised to express on the part of His Majesty’s Government one word in commendation of the important Services they had rendered.

Previous to the receipt of Your Despatch above alluded to, Captain Sturt again proceeded as soon as his health permitted on a second expedition* to the Southward, where his discoveries were of a very important nature. There still remains much to be done in that Quarter, and feeling as I do a very warm Interest in the success of the Colony, I would earnestly recommend the subject to your immediate attention, hoping that such arrangements may be made for the service as the importance of it appears to merit.

In the Administration of Mr. Huskisson, I was directed to report on a proposition† of a Mr. Ballantyne of Glasgow for exploring the Country from the Western Coast. I saw at once that the Expense would have been enormous, and that the project was in fact impracticable. Conceiving, from the circumstance of that proposition being referred to me, that any exertions I might use would be acceptable to His Majesty’s Government, I immediately directed my attention to the subject, and I considered myself peculiarly fortunate in obtaining the assistance

* Note 46. † Note 47.
of two Gentlemen so eminently qualified for the Undertaking, as the result has proved them to have been, and who proceeded with a very moderate equipment and made no stipulation for their Services being rewarded.

The last discovery of Captain Sturt’s is beyond all comparison the most important that has ever been made in this Colony, a Water Communication having been discovered from the Settled Districts to Encounter Bay on the South Coast.

I cannot close this Communication, without requesting Your attention, as recommended in the 32nd and 33rd Pages of the Minutes of Council, to the subject of the powers, as pointed out in that Document commencing at Page 30, with which Major Mitchell considers himself to be invested as Surveyor General, and sole Commissioner of Crown Lands, as he now conceives himself to be, and which, as will be seen by his proceedings, he supposes, authorise him to protest and remonstrate against the Governor’s giving a Grant of Land even with the concurrence of the Council, whenever he may think that the Individual has no claim to such indulgence. If Major Mitchell’s view of the matter be correct, the Government would indeed be unfortunate, which should have such a man as Surveyor General. I am myself satisfied that so palpable an anomaly as that of a subordinate Officer being vested with a power to control the Executive Govt, could never have been intended; and I shall, therefore, whenever necessary, assert the Rights of the Office I have the honor to hold without reference to his opinion.

I now beg to observe that, on a full review of Major Mitchell’s Conduct, he having been considered by the Council to have acted in several instances in direct disobedience of the Orders of the Government, to have treated both the Governor and the Council with marked disrespect, to have made use of a Confidential Document in arraigning the Measures of the local Govt. as a Document transmitted officially for his guidance, and having persisted in asserting that it was so transmitted, tho’ the contrary appeared to be the fact by the letter which he referred to in support of his assertions, and to have perverted the meaning of a Public Letter in order to convey an erroneous impression of what was required of him; To which I must add, his having made several unfounded assertions in the enclosed Letters, which he has addressed to You as His Majesty’s Principal Secretary of State for the Colonies; His having misapplied his time and his means on objects, which could not be attended to and were not

* Note 46.
† Note 48.
‡ Marginal note by Governor Darling.—The new Roads to Parramatta and Liverpool; Laying out part of the Govt. Domain for Mercantile Establishment; his projected improvement of the Town of Sydney.

Sec. I. Vol. XVI—I
1831.
28 March.

Reasons for non-suspension of T. L. Mitchell.

Difficulties of government.

Representations re misconduct of officials.

Refusal of leave of absence for T. L. Mitchell.

required, while others of an urgent nature have been neglected or delayed; and, withal, his ill and ungovernable temper, which render him an impracticable Servant of the Government, I should have considered it my indispensible Duty to suspend him from office; but, as it was not impossible that some inconvenience might be occasioned at the moment, it appeared to the Council and myself the safer course to put up with the Contumely we had experienced, rather than incur the responsibility of removing him.

I am constrained to observe, which I do with extreme deference and reluctance, that the injury is incalculable, which this Government has sustained by the Course hitherto adopted on similar occasions. Had a different Line been pursued, I have no doubt I should have been spared the necessity of bringing Major Mitchell’s name under your notice. I once more, Sir, entreat You to consider the peculiar nature of this Colony, and the Character and description of several of the Individuals who have been sent out to fill Appointments here. If the local Government is not supported, but should be left exposed to the Cavillings of every factious Malcontent, or be subject without redress to the insolence and opposition of its immediate Servants, a State of things will arise ere long, which may be regretted when too late.

You will not, Sir, I trust, impute to me a proneness to complain without cause. I some time since determined never to make another Representation; the gross misconduct of some of the Officers compelled me notwithstanding to bring their names under your Notice. In the case of Major Mitchell and others which I could name, I have used every possible forbearance and have remonstrated with him more particularly both personally and by Letter without effect, which would hardly have been the case, had he seen that I possessed any weight or influence; but, fully aware of the contrary from the result of former Representations, he appears satisfied that he incurred little risk in acting as others had done before him.

You will observe Sir, by the Colonial Secretary’s letter to Major Mitchell of the 18th Inst, that I have declined permitting him to return Home on Leave. I did not suspend him from office only from an apprehension that some inconvenience might possibly be occasioned by his discontinuing to act; the same reason would prevent me granting him Leave of Absence; but there is still a stronger, and I trust he will not be permitted to return Home, retaining his office, until the matter now at Issue be determined.

I have, &c.,
RA. DARLING.
It is with much reluctance that I venture to submit any statement respecting the Colonial Govt., because, having applied myself most devotedly to the performance of my duty, guided by an ambition to merit the approbation of the Govt. and the Public, and being confident that I have discharged that duty in a manner which entitles me to condemnation rather than censure, I feel I may be a loser by thus rendering it incumbent on the Governor of New South Wales, in forwarding this letter, to state grounds and reasons for treatment, of which I am about to complain, whereas my services during the last three years would, if duly appreciated, have rather deserved approbation.

With the hope of gaining at length, by assiduous perseverance, a fair share of that good will and support necessary to enable me to conduct the business of my Department, I have hitherto made the best progress I could under many difficulties; but the conduct of Genl. Darling towards me, more recently with respect to the Department of Roads and Bridges in particular, has been, I humbly submit, so unfair, that I cannot, without great injustice to myself or consistently with what I consider due to H.M. Service, holding the appointments with which you have honored me, any longer avoid submitting a statement of some of these difficulties. I have therefore the honor most humbly to submit the following, with copies of official documents as described in the subjoined list.

On the 12th Jany., 1830, it was notified* in the Gazette that the Orders for the Department of Roads and Bridges had been abolished, and that the duties were to be transferred to the Office of the Surveyor General, to whom communications were directed to be addressed. On the 7th July, a Notice* was published, informing the Public that the "Department" of Roads and Bridges was to be superintended by Ass. Surveyor Nicholson, whose orders all the other Assistants were directed to obey. And finally, I am informed, by a letter from the Secretary, dated 4th Decr., No. 30/1408, that the Road Department is to be re-established, and composed of Assistant Surveyors, who are to be independent of my orders altogether.

The effect of these different orders, as they concerned me, has been:

1st. To oblige me to give particular attention to the great roads of the Colony by surveying the ground, and marking them†

* Note 49.
† Marginal note by Governor Darling.—This is still his duty.
in the best direction it would admit of. 2dly. To deprive me of the benefit of that experience, the result of the labors which I had just completed, and of which I was about to avail myself by directing the Officers in the construction of the Roads I had planned. 3dly. To deprive me of the control of the Officers of the Department, for which I am responsible as the head.

Such, Sir, is the outline of the case I am about to submit, considering that under such circumstances, my best exertions can neither be useful to the Country, nor creditable to myself.

I beg to observe that the constant change of arrangement in matters of detail paralyzes all my efforts, and that, if I were on the contrary unequal to such duties, it would hardly be fair to deprive me of the assistance of those Officers especially appointed to the Department under my orders.* I beseech you to consider the circumstances under which this division has been made without any reference having been made to me as Head of the Department.

When the construction of the Roads was not under my directions but under an Officer of the Governor's nomination, forming a separate Department (as H.E. has again made it), that Officer was instructed in January, 1829, to make a Road to Bathurst according to a small plan of mine (No. 1). Upwards of a year elapsed, and it was understood that this new Road was going forward. A grant of land was given to a young man of the Country, however, for the discovery of the Road, on which I wrote to the Govt. and received an explanation that, altho' the Governor had been guided by my report in determining on the Road, that still Mr. Collits† was the first discoverer. When the roads were placed under my direction, I found that the new made Road was utterly useless, that it had been marked by the Countryman across hills and rivers, and this was the line opened by the Surveyor of Roads instead of my line! and so circuitous and remote from the proper direction that, after clearing a Road of 40 miles, the public do not use it. I have subsequently marked almost with my own hands the true line after a proper survey. The Gangs are working on it according to my directions. I have instructed the Overseer‡ respecting every turning of it, and I hoped, as the reward of my labors, to have accomplished some works of acknowledged public utility; but, in the midst of my arrangements, or rather when I have succeeded after much personal exertion in placing all the Gangs on proper lines, and could thus have directed the Road making with comparatively

* Marginal note by Governor Darling. — The changes, which have been made, were rendered necessary by the New Appointments to the Road Department made by the Secy. of State.
† Note 50.
‡ Marginal note by Governor Darling. — There is an Asst. Surveyor on the Spot.
little further trouble, the whole is placed in the hands of a subordinate Officer of my Department, who is not well acquainted with my views, and ignorant of the localities.*

I have corrected the old lines of road, discovered and laid down new lines; and, whereas formerly much labor was lost on false lines, and the work left to Overseers, all the Gangs are now employed on lines regularly surveyed, the work of each Gang having been pointed out by me. There are men too, whom I had taken pains to instruct in these lines, and who looked to me for the encouragement they deserved, but whom the Governor is determined, notwithstanding my representations of the state of the Works under these men, to discontinue at the end of the present month.

General Darling has not complained to me that my branch is worse conducted than formerly. I do not find that I have too much to do. On the contrary I cheerfully undertook an additional duty according to your pleasure as published in the Gazette, and, having performed it in such a manner as to feel an interest in the completion of my labors, I have now to complain that the Colonial Government has taken the work out of my hands, and deprived me of the control of a number of the Officers of my Department.

I consider it impossible that General Darling in thus taking from me the direction of the works, which I have planned, without any communication with me and without any alleged misconduct on my part, can have acted justly towards me, or for the benefit of the Colony.† I have on similar occasions appealed to himself, but I find there is no prospect of a discontinuance of such interference with the details of my Department, or of permanency in any arrangement proposed or commanded.

The exertions, I have made respecting the roads in particular and now rendered abortive by this last act of the Governor‡ were of no common kind; and I trust the correspondence, which I take the liberty to submit copies of, will shew that I have had the mortification of making them under a Govt, little disposed to afford me any support. To you, Sir, therefore, I appeal against the undue interference of General Darling in the affairs of the Roads, which you were pleased to commit to me; and I am sorry

* Marginal note by Governor Darling.—When a Line is once marked out, it only remains to make the Road. Mr. Nicholson would always have been kept in ignorance of the localities, had Major Mitchell continued in charge of the Depart'ent.

† Marginal note by Governor Darling.—This is the less surprising, as he speaks in a subsequent Letter of his “high and independent office.”

‡ Marginal note by Governor Darling.—That is being deprived of Superintending the making the Roads, which is all he has been deprived of; which in another letter he says he never “Condescended (I quote his own words) to make Roads.”

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28 March.
to say that, in the business of the Survey Department and the Affairs of the Comm’rs, there are official documents sufficient to prove that I have not been supported in the performance of my public duties.

I have, &c.,

T. L. MITCHELL, Surveyor General.

[Sub-enclosures Nos. 1, 2 and 3.]

[These enclosures detailed the “Duties of the Road Department,” the “Mechanics required for the Roads and Bridges,” and the “Provisions supplied to the Road Parties”; copies will be found in a volume in series II.]

[Sub-enclosure No. 4.]

DIRECTION OF GREAT ROADS.

[A] Extract from the Colonial Secretary’s letter of the 12th January, 1830, No. 30/26, addressed to the Surveyor-General.

I am directed by the Governor to inform you, in reference to your report on the new line of road to Bathurst transmitted in your letter of the 29th November, 1827, that, having lately examined the line on which the Road party is employed, it appears to His Excellency that there is a considerable deviation from the direction intended. His Excellency has therefore directed me to request that you will give instructions as soon as possible for the Correction of any error that may have taken place, and has also directed me to draw your attention to that road generally, as His Excellency considers that the difficulties to be surmounted in rendering it a good line of Communication are very great, and will require much skill in tracing some of the hills so as to render the road convenient for heavy drays, etc.

2. I am also directed by His Excellency to request that the new line of road may be determined with as little delay as possible, as He is anxious to send two hundred (200) men to be employed in opening and making it practicable, and that, as soon as you have considered the arrangements which will be necessary, His Excellency wishes to receive a Statement of the manner in which you propose to distribute the parties on the several principal roads under the respective Surveyors.

[B] Surveyor-General Mitchell to Colonial Secretary Macleay.

(Sir, Bathurst, 23 June, 1830.]

I have the honor to state for the information of His Excellency The Governor, with reference to the letter dated 29 November, 1827, that I have now marked the line of road which I originally proposed from the Vale of Clywd to this Settlement; and, although the measurement and Surveys are not sufficiently advanced to enable me to transmit a plan, I take the earliest opportunity of communicating with the Government on the subject, being aware of His Excellency The Governor’s desire to open this road as soon as possible. 
I have much satisfaction in being able to state that I have also succeeded in finding a very favorable descent from the Blue Mountains by a ridge nearly parallel to that of Mount York, but more in the direct line, so that the angle formed by the present road descending by Mount York to Collet's is cut off, by which the road is shortened considerably. The point of hill by which this descent may be effected, being parallel to the Mounts York and Clarence, I have named for the sake of distinction Mount Victoria.

The line I have marked in Continuation from Mount Victoria keeps a tongue of unbroken Ground to the river Lett, which it reaches about a mile and a half above its confluence with Cox's River, the most favorable situation for a bridge having been also selected; and I have instructed Mr. Elliot to remove to this spot the materials of the bridge, which has been erected about (21) two and a half miles higher up, at a place where the river, not being confined by rising Ground, has already formed a new Channel leaving the bridge on dry Ground on its right bank.

From the river Lett, the line proceeds along a single ridge till it intersects the road lately cleared, which is crossed for the purpose of heading the ravines, which render this road impracticable, and recrossed at the great bend it makes to the Northward, my line crossing the hollow and then gaining a ridge along which it continues to Cox's river at the foot of Mount Walker.

After passing Cox's river, one continuous ridge in the most desirable direction is followed to Solitary Creek, and thence another, which is an extremity of Honeysuckle Hill, leads to the side of that Mountain, whence I succeeded in making a gradual descent along the Western side of that range into the fine open and gently undulated Country to the Westward, passing near Hayes' Station and along very favorable Ground to the Southern Extremity of Stoney range where it intersects the road from Mr. Walker's.

The line is marked close under Stoney range in order to head the swampy and broken Ground where the present road passes nearer it's base, and thus crossing without acclivity the hilly and circuitous ridge by which Walker's road goes from Stoney range to Bathurst; it next descends by a very easy slope to a Sheep Station of J. P. Mackenzie, and is then continued through a favorable part of the Hills into the open country of Bathurst, entering the plains (as the unwooded Ground is termed) nearly on the boundary line between the Lands of Brown and Aspinall, and in a Situation whence, by keeping a straight line nearly due West to Bathurst, the open Ground is crossed where it is lowest and least undulating.

It must be satisfactory to His Excellency to learn that nearly the whole of the Soil crossed by this line is of a superior quality, although very little has been granted; Where the line crosses Solitary Creek, the soil is of the finest quality, and I have instructed Mr. Dixon to make a plan of the Ground there, that the Commissioners may be enabled to consider it's eligibility for a Village; and I would also beg to suggest this, as the best intermediate situation between the Vale of Clywd and Bathurst, for a Military Station.

I regret that Collett's Inn* should be thrown out by this line about two miles to the right (from Sydney) and I beg leave therefore to recommend any request of Collett's for additional land to His Excellency's favorable Consideration. There is an eligible Spot

* Note 50.
HISTORICAL RECORDS OF AUSTRALIA.

1831.
28 March.

Village site near foot of Mount Victoria.

Proposed construction of road.

for a Village near the foot of Mount Victoria, where Collett also wishes to select a small Grant for his Son; and, as I understand that the Commissioner, whom I wished to accompany me in making these reserves, is detained in Sydney, I must take upon myself to mark them out; I conclude it will be also necessary to fix on an eligible Situation here for the barrack or depot which the Governor wishes to be near the foot of the Mountains. With respect to the work required to open this road for the public accommodation, I have the honor to state that, as it is in no part thickly timbered, it would be most essential first to form the road down Mount Victoria, and make the other parts of the line where side cutting is necessary. These are:

1st. In descending to the River Lett.
2nd. In heading the ravines where the road newly opened is crossed.
3rd. In descending to Cox’s river.
4th. On the side of Honeysuckle Hill.
5th. Under Stoney range.

Gangs of convicts at Mount Victoria.

I have therefore considered it expedient to place the two Gangs employed near Mount York, and which are very weak, on the new descent by Mount Victoria, and I would recommend the following arrangements, provided the means can be afforded:

1st. That the Iron Gangs (Nos. 1 and 2) now on the upper and lower part of Mount Victoria, being very weak, should be united in one Gang under Overseer Plumley, and that a road party of (50) fifty men of the additional Hands required should take the Huts of No. 2 which would by this arrangement be ready on their arrival.

2ndly. That the bridge party on the river Lett, which consists at present of about 30 (thirty) working hands, should be made up to 50 (fifty) by the addition of 20 (twenty) good Workmen, and that then part might be employed in making the road to the river Lett, while the other portion is constructing the bridge.

3rdly. That a strong Gang should be stationed on Cox’s river, whence a party of about 20 twenty men might be employed under an Assistant Overseer in making the road round Honeysuckle Hill; the distance being short, the Overseer could visit this party three or four times a Week; The remainder of the Gang being employed on the road on each side of Cox’s river.

4thly. That another Gang should be stationed under Stoney range at about twelve Miles from Bathurst.

Few bridges will be wanted (considering the length of road) as the line is for the most part along continuous ranges. It seems to me very desirable however to make one of a substantial kind on each of the rivers Lett, Farmers Creek and Cox’s River. On the Lett it will be most convenient to avail ourselves of the wooden materials which have been prepared; but, on Farmers Creek and Cox’s River, I would propose that substantial Stone piers at least should be erected so that wooden beams may be laid across, until mechanics can be spared to this Department for the Construction of Arches; the more immediate object I have in View in proposing Stone piers being the Security of the bridge from drift timber carried down by the Streams in time of Flood, which, when wooden piles are used, are apt to accumulate and carry away the whole.
I would propose that a party of Stone Cutters, with one or two good Stone Setters, should be also employed on this road, and that good blocks of Granite should be cut from the neighbouring rock for these purposes; besides this party, the additional hands requisite for the speedy opening of this road are as follows:—

- Road Party at head of Mount Victoria .................. 50
- Additional to the bridge party river Lett ................ 20
- Strong road party on Cox's river ....................... 70
- Another Gang under Stoney range, say .................. 50

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I beg to add that Gunpowder will not be required excepting on Mount Victoria and at a turning on Mount Cox's river. For the first mentioned part, however, five or six Barrels will be immediately required. As Clement Doughty (whom I recommended to His Excellency for the place of Sub-inspector) has assisted me in making the whole of this Line, and knows my intention respecting the Construction of every part, I am anxious to have His Excellency's Sanction for placing him at those parts we are about to commence upon.

I have, &c.,

T. L. MITCHELL.

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[Note 51]
1881.
28 March.

Principle respecting existing lines of road.

Disapproval of removal of road parties to Mount Victoria.

Letter of instructions acknowledged.

Line selected incapable of material improvement.

Principle to be adopted in roadmaking.

nature, it is better, under present circumstances, to put up with them than commence a New Line, which cannot be completed but at a considerable expense, and the abandonment of which has been accomplished at the Cost of years of Labour.

His Excellency supposed that you had understood His views in this respect from the observations He made to you, when you presented the plan of the New Road to the Southward. What is now said will, He trusts, remove any doubt from your mind, and that you will be aware how important it is that there should be no misapprehension in matters of this nature. As the loss of time, which is occasioned by it, is a serious injury to the Public.

I am commanded to add, as you will of course perceive by the foregoing communication, that you should have awaited the necessary authority for removing the road Parties from Mount York to your newly projected Descent by Mount Victoria.

I have, &c,
ALEX. MCLEAY.

[Note 51.]

Sir,
Collett's Inn, 27th July, 1830.

I have to acknowledge the receipt of your letter, dated the 21st instant No. 30/873, in which you do me the honor to inform me, with reference to my report of the 23rd ultimo on the line of road marked by me to Bathurst, that the Governor, without entering further into the question, feels it quite impossible to sanction the alteration I propose near Mount York; That His Excellency cannot but think that, in the course of time, some other lines will be found as superior to that now proposed as that is to the one, which has been commenced; and that His Excellency desires it may be laid down as a General Principle that, unless the disadvantages of any existing line of road are of a very serious nature, it is better under present circumstances to put up with them than commence a new line which cannot be completed but at considerable Expense, and the abandonment of which has been accomplished at the loss of several years' labour. After such observations and the censure with which your letter concludes, few (I take leave to remark) would suppose that I was actually sent here by the Governor to lay down a road. His Excellency having judiciously condemned that which has been recently cleared.

The possibility of finding in the course of time some other lines as superior to mine as that is to those, which have been formed by Overseers, I deny; I defy any man ever to point out any material improvement in the lines laid down by me, for they have been marked only after a more careful survey of the ground than is made for such a purpose even in Europe, and I feel confident that.

With respect to the General Principle laid down for my guidance in roads, I beg to submit for the Governor's Consideration that I have not acted inconsistently with it in what I have done on any road; and I must understand that His Excellency also acted on that principle, when he sent an Officer of my rank and long experience on such duty; and that he would not have done so under any other than circumstances of a serious nature; applying the principle in
its strictest sense, I should say, that the remaining part of the line to Bathurst, so far from being "new and requiring to be made," as you are pleased to state, adding that it is therefore "less necessary to offer any observations," has on the contrary two roads on each of which years of labour have been bestowed; on that of Mount Blaxland, seven bridges have been made besides side-cutting in many places, and the new road has been cleared for about 40 miles, this line having been mistaken, it would appear, for that I originally recommended a few weeks after I had landed in the Colony. The line I then recommended (and which I have now marked) would be a third road, and, although it is ten miles shorter than the old road, and five shorter than the last cleared road, and would have no steep pulls, it cannot nevertheless be completed "without considerable expense." On the contrary, the descent by Mount Victoria I cannot but adopt according to the principle laid down, for I maintain, and it is not a mere matter of opinion, for I am prepared to prove not only that the distance is but one half or little more, and that the road would bear no comparison in point of steepness with the ill-laid-out road commenced behind Collett's, but that the former might be completed in less time, with less Gunpowder, and consequently at less expense; what has been commenced on the latter is worse than if nothing had been done, for it has given way; the fallen timber on the upper part has not been cleared, and a new line would be necessary throughout in order to make the most even of this hill, for the elevation on the present line is in parts as much as 13°, nearly one to four, the worst of the descent now used being only 15°. It was with this conviction, having been previously blamed by the Governor for not attending to the subject sooner, that I, without losing time, removed the Gangs to Mount Victoria. In thus taking the responsibility on myself, I did no more than my predecessor did, after I had marked out by the Governor's directions the line of ascent for the North road from the left bank of the river Hawkesbury, which operation certainly cut off a portion of his made road on the ridge above; and I must here declare, nevertheless, in reply to one charge in your letter, that, in whatever doubt I may have been unfortunately involved at any time respecting the Governor's views with regard to roads, I am not aware of having occasioned by my exertions any "serious injury to the Public."

The Secretary of State has been pleased to place the Road Department under my directions, and, although the addition to my duties increases an addition to my salary, I cannot consent to my salary without caring whether roads be made right or wrong. I conceive that the Offices of Surveyor General, Chief Commissioner and Surveyor of roads involve a high degree of responsibility respecting the direction of roads; and I trust that the work, I have begun on no vague report of any illiterate clown, but after a general survey by myself and Assistants, may be suffered to proceed on the General Principle laid down by the Governor, this being an extreme case (an Equilateral triangle of which my road forms one side, the other road two!) as will appear more plainly by the rough sketch I have the honor to enclose; but, if on the contrary I am required to abandon what I consider a work of permanent utility and importance, and which is strictly in conformity with the general principle laid down to prevent doubt on my part, then I must request that copies of the

* Note 52. † Note 53.
1831.  
28 March.  
Request for reference to secretary of state.  
Regret by T. L. Mitchell at want of approbation.  

Opinion in favor of pass at Mount Victoria.  

Letter acknowledged.  

Line of road condemned by R. Darling.  

HISTORICAL RECORDS OF AUSTRALIA.  

correspondence, with plans and sections of the roads may be submitted to His Majesty's Government, as such an abandonment must necessarily relieve me from the responsibility recently imposed by The Right Honorable the Secretary for the Colonies.

I cannot but feel much hurt and surprised at receiving such an answer to my report of a laborious and highly satisfactory survey, made expressly by the Governor's order, especially as a letter of similar purport reflecting on former reports induced me to address one directly to His Excellency, and request an audience, before setting out. Your present communication is a poor requital for such labours to a man conducting a trigonometrical Survey of the whole Colony besides, and loaded with the business of an extensive Department. By the Governor's directions, I have extended a survey along the three great lines of road through the Colony, North, South, and West; and it is extremely mortifying to find, after ascertaining by dint of much personal exertion, and to my own satisfaction, the best line in each case, that the Government is either silent or condemns; while the works already begun on my lines meet the approbation of the Public. I really do not understand this, for the survey just completed was hastened by His Excellency himself. I shall consider myself very ill used, if in this case I am compelled to abandon, without further enquiry, what has been already spiritedly commenced under proper directions by the Gangs. Being confident that the pass of Mount Victoria must finally be the road (as the mountains admit of none so good or direct), I am as anxious to prevent the further waste of means, as His Excellency The Governor can be. A more hearty cooperation on the part of Assistant Surveyors and even of Overseers may be counted on, in a work of unquestionable utility such as I consider that in question. To abandon it would leave a half removed rock, like a monument of labour uselessly applied, to my discredit and the discouragement of those whose duty it is to act under my orders.

I have,  
T. L. MITCHELL, Sr. Genl.

[A copy of the sketch of the roads descending the Blue mountains will be found in the volume of charts and plans.]

[E] Colonial Secretary Macleay to Surveyor-General Mitchell.  
(No. 30/981.)

Sir,  
Colonial Secretary's Office, 25th August, 1830.

I have had the honor to receive and submit to the Governor your letter of the 27th Ultimo No. 30/320 in reply to mine of the 21st No. 30/873, relative to the new line of Road which you propose to Bathurst.

In reply, I am directed to inform you that the correction of the error, with which you have commenced your letter, will shew you that the arguments brought forward, founded on the principle His Excellency has laid down, do not apply to the point immediately at issue.

You observe "few (I take leave to remark) would suppose that I was actually sent here by the Governor to lay down a Road, His Excellency having judiciously condemned that which has been recently cleared." The Road or rather Line, which His Excellency condemned and which the party was employed in Clearing was from Collett's to Bathurst, and had nothing whatever to say to

* Note 54.
Mount York, or the Road to Collett's, nor does His Excellency recollect that your attention was drawn to the latter in any manner. The descent at that place had been adopted, in consequence of your report of 29th November, 1827, and there was no intention of seeking another line down the Mountain. His Excellency was therefore naturally surprised to find, after this part of the Road had been in progress twelve Months, and much labour expended on it, that a new and distinct Line was proposed by you, which circumstance appeared fully to justify the observation that, in the course of time, some other line would probably be found as superior to that now proposed as it was to that which had been lately commenced.

It appears to His Excellency under all circumstances that the most advisable course will be to abandon the intention of altering the Road, and to employ the Men in repairing that which is already established.

I have, &c.

ALEXR. MCLEAY.

[F] Memorandum for the Governor respecting the Road to Bathurst.

1st. The present descent from the Blue Mountains to the Vale of Clywd is so steep, being at the rate of one foot in every four or fifteen degrees of inclination, that heavy drays ascend and descend it with the greatest difficulty. That pull in fact alone counts two days always to teams going between Sydney and Bathurst. No repairs on this road could materially lessen the difficulty and the rout is also very circuitous.

2nd. Were two hundred men collected at this point, I should therefore feel at a loss how to employ them on this road with any advantage to the Public, more especially as the Gangs on Mount Victoria would render the new descent practicable in six weeks more, by which, besides the Public convenience of an easy descent and shorter road, a saving would be made of two miles and three quarters of road making for ever, a circumstance in point of economy of considerable importance.

3rd. The present road by Mount Blaxland, whatever labour may have been bestowed on it, is now nearly impassable from the numerous swamps on that line; and, considering the steepness of the hills and circuitous route (ten miles more than my marked line), it would be a work of endless expense without permanent advantage to attempt to make it even passable, while the numerous bridges necessary, including the passage of the Fish River or Macquarie, and the ten superflinous miles to be kept up, would, besides the inconvenience to the Public, be a serious and lasting expense to the Government, whereas these may be avoided by making the new line lately marked, which, measured from the Blue Mountains, is ten miles shorter to Bathurst.

I trust that, when these and other circumstances are fully weighed and considered by the Governor, His Excellency will indulge me with permission to finish the work in progress down Mount Victoria, especially as the Iron Gangs are already huddled there, and the whole heavy work, being comprised in about seven hundred yards, renders this point a favorable one for commencing under the new system, which is, indeed, the case along the whole
Memorandum
by
T. L. Mitchell
in favour of
pass at Mount
Victoria.

1830.
28 March.

Sydney, 30th Augt., 1830.

[.] Colonial Secretary Macleay to Surveyor-General Mitchell.

Sir, Colonial Secretary's Office, 2nd September, 1830.

I have the honor, by the directions of the Governor, to
inform you that, under the circumstances stated in your Me­
memorandum to His Excellency of the 30th Ultimo respecting the
line of road to Bathurst, His Excellency is induced to cancel the
order conveyed to you in my letter of the 21st July last for dis­
continuing the Road commenced by you by Mount Victoria, and to
approve of the road from thence to Bathurst, according to the
direction recommended in your report of the 23rd June, No. 30/285,
being adopted.

I have, &c.,

ALEX. MCLAEY.

Notes* in reply to Major Mitchell's Letter to the Secretary of
State, dated 15th December, 1830.

A. The order of the 7th July, 1830, was issued in Consequence
of having discovered, in a personal Communication with Mr.
Nicholson (Major Mitchell being in the Country at the time) that,
although nominated to carry on the Duties of the Road Department
under the direction of the Surveyor General, when that Depart­
ment was first placed under his orders, Mr. Nicholson was totally
ignorant of the State or particulars of any of the Roads, havin;
having been kept constantly at the office. In Major Mitchell's absence, it
was therefore impossible to obtain any information respecting the
roads, and his duties as Surveyor General put it out of his power
to visit them as often as was necessary.

I shall shew that Major Mitchell's object in keeping Mr. Nicholson
at the Head Quarters of the Department was not confined to that
Gentleman. The jealousy of his disposition prevents his permitting
the Employment of any Person whom he supposes likely to deprive
him of the merit of any part of the Service.

Thus, the Deputy Surveyor General was kept as a perfect Cypher
in Sydney for nearly 18 months after his arrival, not being per­
mitted, even during Major Mitchell's absence, to see any but the
Commonest Letters, the others being selected for the Surveyor
General by his Confidential Clerk.

Major Mitchell, in other places as well as this, lays so much
stress on the circumstance of the Assistant Surveyors attached to
the Road Department being rendered "independent" of him. I
shall therefore ask, once for all, as that Department is no longer
under his superintendence, how he could properly Exercise any
authority over the persons Employed in it? Though these persons
were appointed Assistant Surveyors, it must be recollected that

* Note 55. † Note 49.
many of them were appointed for the Express purpose of being Employed in the Road Department, and not in the Survey of the Colony. It is rather singular that Major Mitchell should persevere in seeming not to understand the necessity of an arrangement, which is so obvious.

B. I consider it necessary to Enter into a full explanation of this matter, not merely because Major Mitchell has stated what is Contrary to fact, but as the circumstances attending it are such as must prevent their Escaping his recollection.

1st. Major Mitchell waited on me by Appointment on the 19th November last, previously to the meeting of the Executive Council, which assembled that day. I recollect the Circumstances more particularly, as he brought with him a Memorandum which is dated the same day, respecting the Church Lands in Cumberland. I then distinctly apprised him of my intention to separate the Roads from the Survey Department, stating my reasons for so doing as follows:—That, as the Survey of the Church and School Lands would be immediately placed under his direction, in Consequence of Instructions received from Home, and as the duties of the Commissioners for Land had just then devolved on him, I considered he would have as much to do, as he could possibly attend to, without carrying on the details of the Road Department.

2nd. I then asked, if Mr. Perry, the Deputy Surveyor General, could take charge of the Road Department, understanding, as I informed him, that he had not been Employed since his arrival in the Colony, a period of nearly 18 months; when he threw out insinuations, as he had done on former occasions, not very creditable to Mr. Perry, of which I took no notice, being satisfied they arose from a feeling of jealousy and apprehension of his being brought forward. He replied that Mr. Perry could not be spared.

I then pointed out to him that, as I should place Mr. Nicholson (who had acted under him) in sole charge of the Road Department, it would be impossible to Continue Mr. Finch, who was a Surveyor, as he could not be Expected to report to an Assistant Surveyor. He observed that Mr. Finch reported thro' Mr. Nicholson at present, and he was satisfied there would be no objection on his part to Continue to do so, when the Department should be separated.

It will be seen from these three several facts what degree of attention is due to Major Mitchell's Statement, viz., that “the Division has been made without any reference being made to me as Head of the Department.”

C. I have no desire to Contest trifling or immaterial points with Major Mitchell; but I cannot silently permit him to state what is not the fact. He says, “I found that the new made Line was utterly useless,” while it was I and not Major Mitchell who discovered, on my visit to Bathurst at the End of the Year 1829, that the Line had not been properly traced, and I drew up a Memorandum on the 9th of January, 1830, calling the Surveyor General's attention to the Circumstance. The fault in this Case was the Surveyor General's, who should have marked the new Line, the business of the Road Department being merely to make the Road after the Line has been determined, and marked by the Surveyor General.
Major Mitchell goes on to state, "that, after clearing a Road of 40 Miles, the Public do not use it."

I have only to observe on this that the Road he speaks of did not extend 20 Miles at the very utmost, and was not cleared. The Trees, which were not numerous, were merely felled, the Stumps being left in the Ground; the Road, consequently, could not be used.

D. He says "there are men too, whom I had taken pains to instruct in these Lines," and again, "these Men," I knew there was only one Man, but I thought it as well, as Major Mitchell indulges in this sort of misrepresentation to have the proof under his own hand, and I therefore annex a copy of his Letter, dated the 7th inst., No. 31/65. The point is certainly not very material; but, when a subordinate officer steps forward to charge his superior with improper conduct, he should confine himself strictly to facts. He talks of having instructed "these men" that is Clement Doughty, as he admits in his Letter of the 7th inst.; It would be impossible to furnish a more convincing proof of what I have stated respecting Major Mitchell's jealous disposition. Mr. Nicholson, who under the Surveyor General was charged with the General superintendence of the Roads, was kept constantly at Head Quarters and remained in perfect ignorance of everything relating to them. There was, besides, an Assistant Surveyor on the spot; still Clement Doughty, a Convict Overseer, was personally instructed by Major Mitchell in the Construction of one of the most important Roads in the Colony. Major Mitchell knew that Doughty would not deprive him of the merit of his New Road, and therefore instructed him personally, putting the responsible Officer aside. Major M. seems to have forgotten that Doughty was Employed for some months, as he requested, and that the reason for his not being continued was, that the Establishment did not admit of it, which was the cause of the "Drunken fellow," to whom he alludes, having been removed.

I cannot close my remarks on Major Mitchell's Letter, respecting Doughty, without requesting Your particular attention to it. The insubordinate tone and offensive Sneers, which he has presumed to indulge in, would themselves justify the severest measures. Not satisfied with having stated in a general way (in order no doubt to screen himself should an Explanation be required) what was not true, he replies, when called on, in a manner not to say the most disrespectful, but the most contemptuous, his observations, as will be seen, being directed to the immediate head of the Government.

RA. DARLING.

[Sub-enclosure No. 1.]

MEMORANDUM FOR THE COLONIAL SECRETARY:

Government House, 9th January, 1830.

1st. Let the Surveyor General be informed, in reference to his Report dated the 29th November, 1827, on the new Line of Road from Collett's to Bathurst, that, having lately examined the Line on which the Road Party is employed, it appears to me there is a considerable deviation from the direction intended. He will therefore give directions, as soon as possible, for the correction of any error that may have taken place; and I wish to draw his attention...
to that Line of Road generally, as it appears to me that the difficulties to be Surmounted in Rendering it a good Road are very great, and will require much Skill in tracing some of the Hills, so as to render the Road convenient for Heavy Drays, etc.

2nd. Request that the New Line may be determined with as little delay as possible, as I am anxious to send 200 Men to be employed in opening and rendering it practicable. And, as soon as he has considered the arrangements which will be necessary, I wish to receive a statement of the manner in which he proposes to distribute the Parties on the several principal Roads, under the respective Surveyors.

3rd. Inform the Surveyor General that it appears to me there are several Places, "Lapstone Hill," for example (which from the Steepness of the Ascent suffer extremely in heavy rains), where it would be advantageous to Station a few Men with an Overseer permanently, for the purpose of immediately repairing any damage which may be occasioned; and request his attention to the State of the Drains, observing that I found invariably that the Barrel Drains were choked by the rubbish and loose Stones which had been washed into them; and that it appears to me that Surface Drains, if judiciously constructed, may be Substituted with much advantage.

RA. DARLING.

[Sub-enclosure No. 2.]

SURVEYOR-GENERAL MITCHELL TO COLONIAL SECRETARY MACLEAY.

(No. 31/65.)

Sir,

Surveyor General's Office, 7th March, 1831.

I have the honor to receive your Letter, dated 5th inst., Letter No. 31/185, in which you request me to state, for the Governor's Information, the names of the Men alluded to in a paragraph which you quote from my letter to the Secretary of State, dated December last, the date of my letters recommending those Men, the situations they filled, and whether they were not employed under an Assistant Surveyor, who was immediately Charged with the direction and Superintendence of the Roads and the parties where the Men in question are Stationed.

In reply, I have first to express my surprise at being called on to explain to you a passage in a letter, which I addressed to the Secretary of State nearly three months since, and sent to the Governor that His Excellency might add what remarks He thought proper, and forward to the Minister. I beg to express my doubts also, whether I am bound to answer queries and furnish Documents in support of a Statement respecting which, although opposed to my own representations, I must continue in the dark. My letter resting entirely however on official documents, I am willing to afford the information now required, the subject being the most trivial in that letter.

I allude to Clement Doughty, the dates of my letters respecting him are Nos. 30/230 and 30/285, dated 17th May and 23rd June, 1830; the situation he filled was that of Sub-Inspector, long previously held by a Drunken fellow of no ability or Service whatever. That His Excellency should require information as to whether an
Assistant Surveyor was immediately over him seems to me very extraordinary, His Excellency having entered more into the details of the Road Department than I was ever able to do.* I did also allude, but less particularly, to overseers and assistant overseers in various parts, who had endeavoured to merit my approbation, and applied to me personally for encouragement, even after the arrangement which compelled me to tell them, that it was no longer in my power to do so.†

I have the honor to enclose copies of the letters respecting Doughty and of your letters Nos. 30/1246 and 30/1286, dated 25th October and 5th November, 1830, which Copies I beg you will be so good as attach to the others accompanying my letter to the Secretary of State; and, in conclusion, I beg to state my readiness to afford similar explanation of any other Sentence of my letter to the Secretary of State, being conscious that I have advanced nothing, which will not bear even this test, and anxious that there should be no longer delay in forwarding that letter, which must otherwise be overtaken by one of a Subsequent date, which I must now forward to the Governor. I have, &c.,

T. L. MITCHELL, Sr. Gen'.

[Enclosures to sub-enclosure No. 2.]

[1] SURVEYOR-GENERAL MITCHELL TO COLONIAL SECRETARY MACLEAY.
(No. 30/230.)

Sir,
Surveyor General's Office, Sydney, 17th May, 1830.

With reference to my letter No. 30/80, dated 15th February, 1830, I do myself the honor to recommend Clement Doughty, free by servitude, for the situation of Sub-Inspector in the Road Department vice Thomson dismissed; and I beg to state for the information of His Excellency The Governor that, although the temporary want of such an officer has occasioned some inconvenience, I have not had it in my power until now to recommend a person, whom I could consider qualified to fill the situation with advantage to the service. I have, &c,

T. L. MITCHELL, Sr. Gl.

[2] EXTRACT FROM A LETTER TO THE COLONIAL SECRETARY.
(No. 30/285, dated 23rd June, 1830.)

"As Clement Doughty (whom I recommended to His Excellency for the place of Sub-Inspector) has assisted me in making the whole of this line, and knows my intentions respecting the construction of every part, I am most anxious to have His Excellency's sanction for placing him at those parts we are about to commence upon."

I have, &c,

[Unsigned.]

[3] COLONIAL SECRETARY MACLEAY TO SURVEYOR-GENERAL MITCHELL.
(No. 30/1246.)

Sir,
Colonial Secretary's Office, 25th October, 1830.

With reference to my letter of the 28th of June, I am directed by His Excellency the Governor to inform you that, as the employment of Clement Doughty was therein authorised only until the arrangements for the Road Department should be completed, His Excellency has been pleased to order that this Individual shall be discontinued from the end of the present month. I have, &c.

ALEX. MCLEAY.

* Marginal note by Governor Darling.—For which reason it was taken from under his charge.
† Marginal note by Governor Darling.—Why has he not named them as he has been called. He never recommended any man but Doughty, who was continued in consequence for several Months.
‡ Marginal note by Governor Darling.—and no doubt equally satisfactory and respectful.
MR. T. C. HARRINGTON TO SURVEYOR-GENERAL MITCHELL.

(No. 30/1286.)

Colonial Secretary's Office, 5th November, 1830.

Sir, with reference to my letter of the 26th ultimo, I am directed by His Excellency The Governor to inform you that Clement Doughty, being employed in the Road Department at "Mount Victoria," may be continued until the end of the present year, it having been represented by you that his services are very desirable at that place, and will be so until the work is a little more advanced.

I have, &c.,

T. C. HARRINGTON.

[Enclosure No. 2.]

SURVEYOR-GENERAL MITCHELL TO SIR GEORGE MURRAY.

Sir, Sydney, 22nd December, 1830.

Having considered it necessary to pray your attention to the affairs of the Department under my charge in a letter* dated 15th Instant, I the more willingly presume at this time to submit the enclosed copy of a letter I have since received from the Director of Public Works, with my answer to it.

I beg to state that, after the Department of Public Works was established, an Officer, who came out an Assistant in this Department, was appointed Town Surveyor; that repeated applications were made to my predecessor, Mr. Oxley, that he should state what a Town Surveyor's duties were, to which no answer was ever returned by Mr. Oxley; that the Town Surveyor was finally ordered (I believe) to survey the Town, and that the measurements and description of town allotments of land is now carried on through that Office by the Government, which not having been the case formerly, a circuitous correspondence is also carried on through my office, which not unfrequently occasions the resurvey of the ground.

Being now called on to meet this officer and confer with him on the subject, I beg to submit that it is not consistent with my duties as Surveyor General that I should do so, or make any joint report on such a subject.

I have, &c.,

T. L. MITCHELL, Surv. Genl.

[Sub-enclosure No. 1.]

MR. C. WILSON TO SURVEYOR-GENERAL MITCHELL.

Sir, Office of Public Works, Sydney, 22nd December, 1830.

I do myself the honor to acquaint you that I have received His Excellency's instruction to consult with you, and to report jointly with you, what plan appears best calculated for insuring the speedy survey of the Town of Sydney, etc.

I shall be happy you will appoint a time for this duty; and, if it should be more convenient to meet at your Office, I will direct the Town Surveyor to attend.

I have, &c.,

C. WILSON, C.E., D.P.W.

* Note 56.
Refusal by T. L. Mitchell to make joint report.

1831.
28 March.

General statement re department of surveyor-general.

Practise adopted for location of settlers.

HISTORICAL RECORDS OF AUSTRALIA.

[Sub-enclosure No. 2.]

SURVEYOR-GENERAL MITCHELL TO MR. C. WILSON.

Surveyor General's Office, Sydney, 22nd December, 1830.

Sir, I have the honor to acknowledge the receipt of your note, and, in answer to it, to inform you that, as Surveyor General, I do not consider it incumbent on me to make a joint report on the Survey of any part of the Territory of New South Wales. I have, &c,

T. L. MITCHELL, Sr. Gl.

[Enclosure No. 3.]

SURVEYOR-GENERAL MITCHELL TO SIR GEORGE MURRAY.

Sir, Sydney, 28th January, 1831.

As it is possible that your expectations or views with respect to the department under my charge may not be fully realised, I take the liberty of transmitting, through His Excellency The Governor, a general statement for Your information.

The subjects, which I now propose to submit particularly to Your consideration are:

1st. The location of settlers on their lands, when they first come to the Colony; 2ndly. The present mode of disposing of Crown lands by grants or purchase, with the forms adopted; 3rdly. The duties of the late Commissioners for apportioning and valuing the lands of the Colony, which have now devolved on me.

With respect to the location of settlers, I beg to state that I have endeavoured, but unsuccessfully, to prevent the delay which persons, on coming to this country, always have occasion to complain of before they can obtain possession of their land; and, as emigration to New South Wales seems in a great measure to have ceased, while the population of the neighbouring Colony of Van Diemen's land, where settlers are immediately located, receives accessions by almost every vessel, I cannot but conclude that the difficulties a settler has to encounter here have at length become known in the mother country, and that the knowledge thereof has operated as one check to emigration to this colony.

After passing the ordeal of the Land board parties are directed by a printed letter to apply to the Surveyor General for a printed authority to select, for which they are to pay 2s. 6d. The inattention of people to the payment of this fee, either when applying by letter for the authority or when notifying their selection previous to receiving this form, frequently occasions further correspondence, and consequently delay, perhaps only on account of 2s. 6d. I have never been informed why, while all
DARLING TO MURRAY.

other fees have been long abolished, this should still continue to be exacted, when it is productive of so much inconvenience, and especially as the proceeds amount but to a few pounds annually, while I have to prepare each quarter an exact account, supported by affidavits, and specifying what coins each payment of 2s. 6d. was made in. I beg also to observe that this fee is more productive of inconvenience now than when settlers used to arrive frequently, as the natives of the colony, to whom small grants are now made, very frequently neglect to pay this fee, which, in some cases, I have had to pay myself; and it may easily be imagined what delay the necessity for protracted correspondence* in any matter may occasion in a country so extensive and thinly inhabited, as New South Wales is. I trust I may be excused in pressing on your notice a subject apparently so trivial, but I am desirous to explain the inconvenience which arises from a matter in itself so very insignificant.

The authority to select land is addressed to the Assistant Surveyors, who are distributed over the Colony; and when the extent of the territory open to selection is considered (being greater than that of Ireland), it may be easily conceived that, with every facility which could possibly be afforded by the Survey department, some time must be necessary to enable a stranger to make up his mind as to situation, as well as to select the land. Emigrants from home do not complain of this, for I have ever been ready to point out to those who were not fastidious† what I considered the best vacant land; but, "with the world all before them where to choose," I have found that men always prefer making the selection themselves, and that, having done so, whatever be the quality of the land, they are generally satisfied with it. But it is after such a selection has been notified to me, and it has been ascertained at my office that it is unobjectionable, that a delay occurs which has been productive of much inconvenience and expense to strangers, the time which they have still to continue in Sydney awaiting The Governor's decision on my report, being frequently as much as three months and the approvals taken together for the last six months give an average of 52 days or 7½ weeks for the time‡ between selections and The Governor's approval of each.

* Marginal note by Governor Darling.—I doubt whether he has had even any correspondence or difficulty on the subject.
† Marginal note by Governor Darling.—Everyone complains of his want of common courtesy, of his unaccommodating and disobliging disposition.
‡ Marginal note by Governor Darling.—In saying he might be much better employed than in making calculations of this nature, I do not mean to admit their correctness, as the present correspondence shews he will assert anything, which he thinks likely to answer his purpose.
1831. 28 March.

Practise adopted for location of settlers.

Method for disposal of crown lands by grant or purchase.

Aware of the unfavorable comparisons made between this Colony and that of Van Diemen's land in this respect, I addressed the letters Nos. 29/251 and 30/308 to the local Government, in which I offered to become responsible for the proper location of the settler as soon as the Governor had determined on the extent of land to be granted;* but the letters I received from the Secretary in reply (Nos. 29/965 and 30/983) will shew that this suggestion was not acted on.

On the second subject which I am desirous of submitting to your attention, I might refer to the Australian Almanack for 1831, for a number of the forms, rules, and regulations, respecting the granting of land, which afford matter for thirty-four pages of this book, and which, being published by authority, contains enough, in my humble opinion, when the "advice" in it on the same subject of half as many more pages is considered, to deter emigrants desirous of possessing land from seeking independence of that kind in this Country.†

I beg to represent that, in conducting the business of my office, reference must be had to the orders published by former Governors respecting land, and to all those of His present Excellency, and that these are altogether so conflicting as to embarrass the business of this department more than is, in my humble opinion, necessary. Conditions have been imposed in some cases, which succeeding Governors have not enforced; and, in early times of the Colony, possession‡ has been obtained or taken of land subsequently sold, in an improved state, while no legal title to the land can be shewn. I allude to the inconvenience occasioned by these circumstances chiefly for the purpose of shewing what difficulties the present complicated set of Government Orders respecting land may in time produce, if conditions are enforced, and what sacrifices may be made by individuals in that case, or by Government in the other. I beg to refer to my letter addressed to the Secretary No. 30/438 dated 30th November, 1830, in which I endeavoured to explain the nature and operation of these orders in detail.§ and I now proceed to submit that a mode of giving to individuals possession of land has been adopted, which by no

* Marginal note by Governor Darling.—I very soon discovered his thirst for power, and can adduce instances in his own case, which will prove it would have been unsafe to have to his own wishes.

† Marginal note by Governor Darling.—I shall not comment on observations which coming from a subordinate officer of the Government must be considered impertinent in the extreme.

‡ Note 57.

§ Marginal note by Governor Darling.—Major Mitchell brought forward no propositions while the Commissioners were in existence. As soon as they were discontinued, he sent in his plans, which were as much in opposition to the King's Instructions, as the system to which he alludes, and which was resorted to from necessity.
DARLING TO MURRAY.

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means accords with the spirit of the Royal Instructions to The Governor, and occasions much inconvenience in my office. Instead of the land being put up one Month for sale in the Surveyor General’s Office and sold to the highest bidder, when the bidding exceeded the average price fixed by the Commissioners, permission to hold large tracts with a view to eventual purchase has been granted to such applicants as The Governor approved of. Thus about 250,000 acres of the best of the vacant land is held by individuals in a way which prevents me from measuring and mapping such lands, and without any benefit to the revenue; while persons entitled to grants are necessarily excluded in making selections from the tracts where such unmeasured possession has been permitted. I beg to refer to my letter to the Secretary No. 30/487, dated 12th November, 1830, for further details on this subject, and to state that I have received no answer to that or to the above mentioned letter, respecting the present regulations.*

As the only grounds for such a deviation from the system laid down in the King’s Instructions to The Governor (dated 17th July, 1825) appeared to be, as stated in the printed forms, that the valuation by the Commissioners has not been made, and, as my attempts to make that valuation with the Commissioners were frustrated by the local Government,† I considered it my duty, as soon as the whole business of the Commissioners devolved on me, to submit to the Government, with the abovementioned letter (30/487), an average valuation of the waste lands in the Colony, which my general survey had enabled me to make, the only difference between the valuation commanded by the Instructions, and that, which I submitted, being that this was made by districts instead of being made by parishes as required by the instructions.‡ This was a deviation which it may be easily understood admitted of a more immediate valuation in a country where the population is scattered over such an extent that the division into parishes would be merely nominal on ½ths of its surface; and, as in some districts of considerable extent, with the same or similar local advantages, an average value may apply more uniformly, than in parishes where it might be unavoidable from the necessity for equalizing such divisions, that one half was good land, and the remainder land of little value. I beg to submit that this average valuation is sufficient to enable the

* * Marginal note by Governor Darling.—The subject has been before the Executive Council since the month of September last, and will be reported on.
† † Marginal note by Governor Darling.—Not true.
‡ ‡ Marginal note by Governor Darling.—Major Mitchell here admits that his propositions were not in conformity with the King’s Instructions. They could not therefore be acted on.
Method for disposal of crown lands by grant or purchase.

Government to proceed with the sale of such lands, at least as are now held with a view to eventual purchase, and that, if these lands are not either resumed or sold, the occupants are likely to become the possessors unconditionally, as has been the Case with conditional sales made by former Governors. I beg to add for Your further information on this subject that the proportion of good land in this Colony is not equal to one seventh of the surface, and that the disposal of extensive tracts to individuals in this manner is much against its prosperity, now that a full seventh of the surface is already in the hands of settlers. At present the regulations for the sale of lands are stated to be suspended awaiting orders from home; and in the publication I have alluded to, no notice is taken of my valuation, while the notice, that the duties of the Commissioners had devolved on me,* was struck out of the proof sheet of that book at the Secretary's Office. I beg therefore to submit this valuation with the letter to which I have already referred (No. 30/487) and to state that so much waste land is now held by individuals with a view to eventual purchase, that applications for more had ceased to be sent to my office by the Secretary, before the regulation was suspended.

On the next subject namely the duties of the Commissioners generally, I consider it absolutely necessary that I should address myself to you under present circumstances. I have already stated that the System, with which this Commission originated, is not in operation with regard to the sale of waste lands, and the reason alleged for the deviation† is that the Commissioners have not made the average valuation. I have the honor to annex copies of letters dated 27th September, 1828, and 13th December‡ same year, by which I trust it will appear that I was not supported as Chief Commissioner in my endeavours to obtain a valuation according to the letter of the Instructions, and I have stated that, since the duties devolved entirely on me, I have submitted a valuation which has not been acted on.§ I have the honor to enclose documents, by which I trust it will appear that the manner in which the reports of the Commissioners on other branches of their duty have been noticed by the Government, was

* Marginal note by Governor Darling.—For what could it have been noticed? His vanity and littleness of mind are obvious in this observation. He seems to have taken offence because he was not notified as sole Commissioner, an appointment which he does not hold. He is to carry on, as Surveyor General, the duties heretofore performed by the Commissioners.

† Marginal note by Governor Darling.—By whom? I have not been informed why the Commissioners have been discontinued, or at whose suggestion.

‡ Marginal note by Governor Darling.—It will be seen on reference to his letters that he complains without reason. An Assistant Surveyor was merely attached in aid of the Commissioners.

§ Marginal note by Governor Darling.—It was submitted in Novr. last, is contrary to the King's instructions, and the subject is generally under consideration of the Council.
very discouraging, at least to me; but, whatever I may feel personally, I beg to observe that my object is to inform you what my exertions have been, and of the present state* of affairs in my department and to leave it to Lieut. General Darling to explain to You on what grounds my humble efforts could be discouraged without prejudice to the public service.

Adverting to the duties of the Commissioners, I have to state that, beside the division of the territory, and valuation of waste lands, they were also charged to report what particular lands it might be proper to reserve, not only for the Clergy and School Estate, but "for public roads and other internal communications whether by land or water," etc., etc. I have the honor to annex copies of two reports from the Commissioners "with charts or maps subjoined" on the subject of Great Roads and also a letter to the Commissioners in reply dated 15th May No. 30/3, in which they are informed that the Surveyor General had "wasted valuable time in obtaining information and preparing Reports which could not be acted on."

I beg to state that on the receipt of this letter I addressed one directly to The Governor, of date the 27th May, a copy† of which I have the honor to enclose with a List (C) shewing that, of twenty one plans which I had previously submitted, all had been previously ordered by the Government, with the exception of two or three which had subsequently been approved of. Having applied personally to His Excellency respecting this charge, He referred to one plan in particular for the division of part of the domain around Government house at Sydney into waterside allotments for merchants; I then learnt that he was not aware that this was expressly ordered by his Secretary.‡ I have now the honor to submit copies of the letters on the subject (letters 30/869 et seq.) and also the plan.

I did hope that after that interview I should have been allowed to perform my duty with more satisfaction to myself than I had previously; but my Report on a new line of road to Bathurst, which, when I saw the Governor, I was on my way to lay down by His orders, was answered by a letter so contrary.§ to what I

* Marginal note by Governor Darling.—He has employed himself in suggesting roads which were not required, for example, one from Sydney to Parramatta, the existing road being as good as any in England, and in projecting plans for the improvement of Sydney when he might have been much more advantageously employed.
† Note 58.
‡ Marginal note by Governor Darling.—He was asked to send in the plan which he stated he was ready to submit. It will be seen in reference to the plan, how extensive and impracticable his propositions were.
§ Marginal note by Governor Darling.—The letter "being contrary," etc., may be explained as follows:—Major Mitchell was sent to connect the line from Collett's to Bathurst, when he proposed a new descent at Mount York, the parties being then employed in making a road down that Mountain, which he had either approved of or suggested 12 months before.
thought I had reason to expect, after planning a great public work likely to be soon the most useful and permanent in the Colony, that I submitted a copy* of it for Your consideration, with the letter which I had the honor to address to you on the 15th December last, respecting the road department.

I beg now to state with reference to the report of the Commissioners on the Great road Southward, in what manner the labour of the gangs (till lately under my direction) has been applied during last year; At first I removed a gang, which had just finished a more circuitous portion of road, to open a path along the new line which the Commissioners had selected, at the Governor’s desire, across the Razor Back range. Two months elapsed and no answer was returned to the report, while it was hinted that the new line was not to be permitted. I therefore removed the gang to its place in the more distant part, which had received the Governor’s sanction. This Gang had scarcely got hatted in the new situation, when I was ordered to make this Razor Back road, and another movement was necessary. It is needless for me to shew that much time and labor is lost by such interference on the part of the Government in matters in which I am in fact considered responsible by the public.† In the meantime, I have to act contrary to my own judgment, the Razor Back mountain not being in the line I would make this great road, a quite different line having been recommended by the Commissioners in their report* dated 17th April, to which I have had the honor to refer.

With regard to the other subjects to which the Commissioners were instructed to direct their attention, namely “Scites of towns, villages, churches, or places for recreation or amusement, or scites of quays or landing places,” etc., I have the honor to state that what they suggested on such subjects has not been adopted, and even where my report has been called for by the Government, my plans* have seldom been acted on, and the Commissioners have not been referred to in such matters, even with respect to Sydney. I shall here cite two instances in support of this part of my statement; a third church is about to be built in Sydney§ without any reference having been made to the Commissioners, although the Colonial Secretary is chairman or secretary to a committee of the inhabitants. The other instance, I allude to, is where I was called on for a plan of an Engineer’s yard and submitted one of a spot the Commissioners thought particularly well adapted for the purpose; the Governor however decided on a

* Note 60.
† Marginal note by Governor Darling.—This is a new doctrine—a subordinate officer of the Govt, being responsible to the public.
‡ Marginal note by Governor Darling.—Many of Major Mitchell’s projects are the result of his vanity, being intended to immortalize his name, are not practicable from the want of means, and perhaps may never be realized.
§ Marginal note by Governor Darling.—See accompanying notes.
a different place altogether, without further communication with me on the subject, and I as well as the inhabitants, consider the scite adopted objectionable.

In order to shew how little importance has been attached to the Reports of the Commissioners, I beg to submit that Lord Bathurst having recommended in a letter dated 26th August, 1826, No. 61, that lands should not be sold as extensive Grazing farms within a certain distance of the sea shore or navigable streams, and the Commissioners having been called on to determine within what distance of the sea or rivers, selections of land for such purposes might be permitted, recommended four miles as the distance, and this was approved of by the Governor. Recently, however, I received a letter in which I was apprised that the Governor, availing himself of the advice of the Executive Council, had determined that extensive purchases of land should be allowed even to the seashore.* No reason was assigned for this deviation from the line fixed for the reserve by the Commissioners, which is the more remarkable as no application for the purchase of land in such a situation has been transmitted to me since, with the exception of one from the son of the Colonial Secretary. I took the liberty of personally observing to His Excellency that the report of the majority of the Commissioners, when disapproved of by His Excellency, could not according to His Majesty's Instructions be set aside† without reference to the home Government; but He only observed that this was placing the Commissioners above the Government. Such however is the tenor of the King's Instructions‡ respecting the Commissioners, whose duties having now devolved on me, I am naturally desirous to ascertain whether any limitation or extension is intended, and I take leave to submit that it is more necessary that my duties in this respect should be well understood, as the local Government has paid but little attention to the Reports of the former Commissioners. The only documents I now have for my guidance in the discharge of their duties are the Governor's Instructions to them, and a copy of His Majesty's to the Governor, dated 1831.

28 March.

Duties of commissioners for apportioning and valuing lands.

* Marginal note by Governor Darling.—This is not true. As Grants are allowed to be given to the extent of 4 square miles, there was no cause why purchases should not be permitted to the same extent. "Extensive purchases" are not allowed.

† Marginal note by Governor Darling.—As he has stated this, he should in common fairness have added, that the application was refused. I am astonished at his effrontery in alluding to such an instance as this, when he must recollect that it is not long since his brother was found to remove from a piece of land, which he had received on his report as Surveyor General, and that he himself has, since this correspondence commenced, been allowed to take his own Grant in two separate allotments, which was done only on his urgent and repeated entreaty.

‡ Marginal note by Governor Darling.—As he has stated this, he should in common fairness have added, that the application was refused. I am astonished at his effrontery in alluding to such an instance as this, when he must recollect that it is not long since his brother was found to remove from a piece of land, which he had received on his report as Surveyor General, and that he himself has, since this correspondence commenced, been allowed to take his own Grant in two separate allotments, which was done only on his urgent and repeated entreaty.

§ Marginal note by Governor Darling.—He has most improperly made use of them, as will be seen by the accompanying Minute of Council.
1831.
28 March.

Duties of commissioners for apportioning and valuing lands.

17th July, 1825. It appears plain, by the last of these documents, that those cases, in which The Governor differs in opinion from the Majority of the Commissioners, should be referred to His Majesty’s Government, and as it must appear by the enclosed documents that I have either altogether misunderstood the nature of my office, or that The Governor is unwilling to do justice to my exertions, I have taken the liberty of informing You how matters stand, that what I have done, as well as a Commissioner as in the capacity of Surveyor General, may be known to you, and that Lieut. General Darling may have an opportunity of explaining to you, if He thinks proper, his views and intentions in cases which involve me in doubt as to my proper duties, or where the labours of my department and the exertions of the Commissioners, have not met with that consideration, which, in my humble opinion, was due to them.

I have, &c,

T. L. MITCHELL, Surv’r Genl.

Notes in reply to Major Mitchell’s Letter to the Secretary of State, dated January 28th, 1831.

(No. 20.)

He could not possibly have made a more unfortunate selection. I shall shew that he has stated what is totally untrue, in one of the instances alluded to, and that the arrangement he suggested in the other was the most inconvenient and injudicious possible. I have observed in another place that Major Mitchell is a “good practical Surveyor and an excellent draughtsman.” Beyond this, he possesses no merit. He is a Man of no arrangement, and is totally unequal to the Management and proper Conduct of an extensive Department. But, if he were more capable, his ill temper would render his talents abortive! But to return to the two instances he has alluded to, “a third Church is (not) about to be built in Sydney.” Nor is the Colonial Secretary, as he states, either Chairman or Secretary to a Committee of the Inhabitants, or in any way Concerned in the matter he alludes to. But, if the Church were about to be built, any reference to the Commissioners would be unnecessary, as the foundation* has been laid many Years, which he must be aware of from his own observation.

As to the other instance, the site of the Engineer’s Yard, the accompanying Minute of the Proceedings in Council, Explains satisfactorily, the reasons why the site adjoined the Prisoners’ Barrack was adopted, and shews as clearly that Major Mitchell has no claim to the merit of judicious arrangement; still, he expects that the Government is to bow to his suggestions with deference, and adopt implicitly, whatever he recommends.

According to the Plan suggested by me and adopted with the advice of the Council, the Men will work on the Spot where they reside, which is in fact out of the Town; while, according to Major Mitchell’s, they would have been subjected to walk a very considerable distance, on each occasion, four times a day, through the very

* Note 60.
Centre of the Town, not only to the great annoyance of the Inhabitants, but loss of the time Employed in going to and fro. Most of Major Mitchell’s Plans have just as much claim to merit as this. Besides, had Major Mitchell’s proposition been adopted, it would have been necessary to have filled in a very large portion of the proposed site, which is under deep Water.

RA. DARLING.

[Annexure.]

Extrait from Minute No. 27 of the proceedings of the Executive Council on the 19th of August, 1830.

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

In reference to the proceedings on the 2nd January last, His Excellency the Governor informed the Council that he had examined the site proposed for the “Engineer’s Yard” in Darling Harbour (accompanied by the present Director of Public Works and the Officer who lately acted in that situation) as also the Yard adjoining the Convict Barrack in Hyde Park, in order to ascertain its eligibility for the above purpose, when it appeared that the latter place held out many advantages over the former. The workmen and labourers would be saved the fatigue and the Government the loss of time of their walking a considerable distance four times a day, proceeding to their work and returning to their meals and their Barracks, when the work is finished for the day, a distance taken altogether perhaps little short of eight miles. The inconvenience besides of such a number of Prisoners passing to and fro through the town would be avoided. It is to be observed that the Government Quarry in Woolomooloo Bay affords a very convenient place for landing timber, etc., required for the department of public works, and is only a short distance from the Barracks where the Engineer’s Yard is now proposed to be established.

The Council after a careful consideration of the subject perfectly concurred in the expediency of the arrangement proposed by His Excellency the Governor, which would not only be attended with great convenience to the Inhabitants of the town by the removal of the “Lumber Yard” but with advantage to the Government generally, and recommended its adoption accordingly.

A true Extract:—E. DEAS THOMSON, Clk., Co’l.

[Sub-enclosures.]

Correspondence referred to in the accompanying letter dated 28 January, 1831.

[1] Surveyor-General Mitchell to Colonial Secretary Macleay.

No. 29/251.

Sir, Surveyor General’s Office, 3rd September, 1829.

I beg leave to refer to the arrangements, which His Excellency the Governor has been pleased to make for the dispatch of Public business by the Government Order* of the 1st Inst., as I am in hopes that they will contribute very much to the despatch of business in this Department, and consequently to the advantage of the public.

Before I submit any suggestion however, with a view to such alterations as may appear expedient to enable me to conduct the

* Note 61.
business conformably to The Governor's intentions, I must acknowledge the advantage derived from the Half Monthly report of selections which has contributed much to the establishment of order and arrangement in the business of this office. These being established, I would do myself the honor to suggest the adoption of some mode, by which persons selecting Land may obtain possession with less delay than they can according to that part of the present system, to which I have the honor to allude. In the present form of that report a Column stands, which was originally for the insertion of the description given by the selector of each tract of land, another which was for the report of the Surveyor General, and a third for the decision of His Excellency The Governor. Now the original purpose of the first and second of these Columns is essentially changed. By your letter No. 28/506 of the 18th September, 1828, I have His Excellency's directions to modify the description in the first Column, which was originally that given by the individual; and your letter No. 29/170 dated 2nd March, 1829, I am instructed to insert no objectionable selection in the Return. I trust the nullity of these two columns will appear to His Excellency therefore when the original purpose is considered. For if I rectify the description in the first Column, it unnecessary that I should state in the second that it is unobjectionable, or that the land is vacant; were it otherwise, the selection ought not to appear in the Abstract. With respect to the approval of The Governor, I am not aware of any instance in which His Excellency has not been satisfied with my report as to the situation of the Land. On these Considerations I would therefore beg leave to propose, 1st. That, when an individual has received His Excellency's authority for obtaining Land and has sent a satisfactory description of it to this Office, that such description being noted on the Map, etc., should be transmitted (either forthwith or weekly) to you, and published by His Excellency's authority in the Gazette, which would thus become a record of grants or purchases as well as a useful notice to all persons adjoining Lands thus alienated. As the Half Monthly Return of selections is productive of much less official inconvenience than the several monthly reports of purchases, etc., by which the vague descriptions of Land by individuals frequently now appear in the Gazette, and which I expected would have been altered before this time, I shall not offer any observation respecting them, as the mode I have now the honor to recommend would apply to all; and in Conclusion I beg to observe, for the information of His Excellency The Governor, that I do not desire any additional responsibility but that, besides the diminution of the number of Monthly and Half Monthly Returns which occasion so much writing, my only object is the immediate location of settlers on their lands.

I have, &c,

T. L. MITCHELL, Surv. Genl.


(A. No. 29/965.)

Colonial Secretary's Office, Sydney, 12th October, 1829.

Sir,

I have had the honor to receive and submit to the Governor your letter of the 3rd September, No. 29/231, referring to the arrangements for the despatch of business, laid down by The Government order of the 1st of that month, No. 43, and suggesting that,
instead of continuing the Half Monthly Abstracts of Selections of lands as heretofore, the Column for the Description furnished by the applicant should be omitted in future, and correct descriptions, of such selections as are unobjectionable, be transmitted to me, either forthwith or weekly, and His Excellency’s Approval of them published in the Gazette, also recommending that a similar arrangement should be adopted, in lieu of the Monthly Abstracts of Purchases and Grazing Leases.

In reply, I am directed by His Excellency to inform you that it appears important to retain the descriptions, as furnished by the Individuals, and that no alteration, therefore, is to be made in the form of Abstract, nor does it appear advisable to change the established period of transmitting them; but that your suggestion will be adopted with regard to the Publication in the Gazette, this measure appearing advantageous from its affording a permanent Record of the lands granted, and apprising all parties concerned of their respective boundaries.

I have, &c.

ALEX. McLAY.


(No. 30/308.)

Sir, Bathurst, 21st July, 1830.

I beg to refer to my letter No. 29/251 dated 3rd September, 1829, and to submit in addition to it, for the consideration of The Governor, the following representation on the unnecessary delay which attends the present mode of conducting the business of my Department.

I feel confident that His Excellency is aware of the inconvenience and loss of time, which a Settler may be subjected to by uncertainty and delay in the affairs of land, especially where the loss of a season might be prevented, and that my endeavours to obviate the evil are not inconsistent with my duty; and, considering the great scale of this department now and finding it impossible to act in matters properly belonging to my Office without superfluous and tedious correspondence through yours, I am most anxious to be free from the responsibility which such a state of things still attaches to me, the inconvenience and mortification of not being able to act without delay in the simplest matters being quite unpleasant enough without it. I have shewn in my letter above alluded to that the Half Monthly Report no longer contains either my report or the Settlers’ selection; it is then (in virtue of Instructions received from time to time) become merely a List of Selections properly described and unobjectionable. I beg now to point out the principal inconveniences affecting Settlers in this Return, which without such Concomitants need not be objected to. The first is, that I am particularly directed by your letter, dated 24 July, 1826, to inform persons selecting that, however satisfactorily it may have been ascertained at the Office that the land is vacant, they are not to enter upon it, or consider it likely to become theirs, until they receive authority from you to take possession. The consequence is that frequently two months elapse and sometimes more, not to mention the delays occasioned by the irregularity of letter delivery and uncertainty of addresses in this Country. The returns of lands purchased or let are still more objectionable, while, the
1831.
28 March.

Inconvenience due to errors in description.

Proposal for possession to be granted by T. L. Mitchell.

Fee charged on applications for land.

Objections to control of secretary's office over location of lands.

Another inconvenience in these returns is that, when alterations of boundary lines are necessary or of lands improperly or unsatisfactorily situated, it is not in my power at least with any certainty as to time, to make an alteration, and the wording of the description in the letter authorizing possession is sometimes not so complete as that of the Report, some part being omitted which might be of some importance in disputed cases.

I did myself the honor to suggest that, when His Excellency The Governor had determined to make unto any individuals a Grant of Land, that I should be held responsible for what remained to be done in order to locate him upon it.

I propose that the insertion of his name and selection in the list should be enough to warrant his taking possession. The clerks in your Office complain in some cases of the want of Maps, and, in order to shew more clearly how the affairs of this Office are subject to Persons there, I beg to state what has occurred to me at Bathurst. It is still part of the system (if system it can be called) to direct the person, who is to have a grant, to apply at my Office for an authority for which he pays 2s. 6d., and it is often my painful duty to reply to letters of selection from remote parts that this has not been done, occasioning much delay as was the case with some small settlers. Having divided part of the reserve and according to the Governor's instructions through you sent in a plan, I requested the numerous applicants who had authority from my Office to make their selections by it; but, after arranging these in the Plan and sending them to Sydney on authority signed by Mr. Harington, some of the very allotments already selected on an authority for which a fee had been paid, Others have presented orders with the same signature requesting me to measure their lands.

I beg to state that I did hope on coming to Bathurst to have been able to have justified the expectations people entertained that their long delayed selections might be speedily arranged; but even this is not in my power, and I trust His Excellency The Governor will reform this branch of the Government, for there is nothing more discouraging than to be compelled, when at the head of a Department, to deal in negatives only. The affairs of land I consider almost entirely in Mr. Harington's hands, not in mine. During my predecessor, Mr. Oxley's, protracted illness when his Office was in other hands, the business appears to have merged too much into that of the Colonial Secretary, and I considered that the trammels in my case might be thought necessary, as I had come so recently to the Colony. Now the state of the department is different, while, notwithstanding my representations, the complication in an increased degree is still continued. Hence also besides the delay complained of by the Public, the interminable correspondence which has occupied so much of my valuable time during the last three years I trust His Excellency The Governor will now enable me to act for myself.

I have, &c.,

T. L. MITCHELL, Sr. Gl.
Sir,

Colonial Secretary's Office, 26th August, 1830.

I have had the honor to receive and submit to the Governor your letter of the 21st ultimo, No. 30/308, on the subject of the present mode of carrying into effect the various orders for Land, and am directed to convey to you His Excellency's pleasure thereon, as follows:—

1. With reference to your complaint that, in the letters authorising possession of Lands, the descriptions are not copied verbatim from your Half Monthly Abstracts, I do myself the honor to inform you that no deviation has been admitted at any time, except with the view of expressing with greater brevity and clearness what appeared to be described obscurely by the original applicants, and in compliance with the suggestion contained in your letter of 21st October, 1829, No. 29/326, namely, that "it would be better to omit all unnecessary particulars, as they only render more difficult the final measurement according to rules."

The only error, however, of any importance, that occurs to my memory as having been definitely pointed out, was that in the case of Mr. Parrell, reported in your letter of 31st May, No. 30/248; and, since the Deputy Surveyor General expressed, verbally, a wish that the descriptions contained in the Abstracts should be strictly adhered to, I am not aware that any alteration has been made.

2. But with respect to your observation that erroneous descriptions of rented Lands are inserted in the Gazette, I do myself the honor to point out that all applications of this nature are referred to you before publication, and that the descriptions published have always been taken (with the modification above mentioned) from those contained in your Abstracts.

3. With reference to the confusion which has occurred in the selections on the Reserve at Bathurst, it appears that no Orders were issued from this Office on the subject, with the exception of signing those Letters conveying authority to select, and giving possession of land which had been duly reported on in your abstract.

4. The Governor has had under consideration your representation that, finding it impossible to act in matters properly belonging to your Office, without superfluous and tedious correspondence through the Colonial Secretary's, you are most anxious to be free from the responsibility, which such a state of things still attaches to you, accompanied by your suggestion that the insertion of a selection in your Abstract should be sufficient to warrant a party in taking possession, and I am commanded by His Excellency to observe that after the Individual receives the order for land, you have the whole control over his selection, until finally confirmed, and by the Government Order of 1st September, 1829, No. 43, all applications upon the subject are directed to be made to you. Under these circumstances, His Excellency has directed me to inform you that he conceives you possess every necessary power, and therefore cannot transfer to you the greater degree of it, which you appear to wish.

I have, &c,

ALEX. MCLEAY.
[5] Surveyor-General Mitchell to Colonial Secretary Macleay, (No. 30/487.)

Sir,

Surveyor General's Office, 12th November, 1830.

I have the honor to acknowledge the receipt of your letter No. 30/1250 dated 28 ultimo, by which I learn that the Commissioners for apportioning and valuing the lands of the territory are to be discontinued, and that I alone am now, as Surveyor General, responsible for the duties which were required of them. Having had the honor to be Chief Commissioner for some time past, it becomes my duty to report generally for The Governor's information what progress has been hitherto made in the division of the territory, the valuation of ungranted lands, and in setting apart those reserves, which the Commissioners were instructed to select for various purposes specified in their instructions.

By the first Clause of those instructions, the division into Counties, hundreds, and parishes according to natural boundaries such as rivers, streams, and high lands was proposed, and the Commissioners were instructed to report their progress in this division annexing Charts to their reports.

The Commissioners were next instructed (by the fourth Clause) to make a valuation of all the waste lands in each County, ascertaining for this purpose the average value of the lands in each parish separately by enquiring what sum might be expected to be paid if sold for ready money at the time of the conveyance in tracts of three square miles to be held in fee simple, and they were to report their progress in the valuation as aforesaid.

By the seventh Clause, the Commissioners were instructed to report what lands it may be proper to reserve for public roads, and other internal communications, whether by land or water or as the sites of Towns, Villages, Churches, School houses or parsonage houses, or as places for the interment of Dead, or as places for the future extension of any existing Towns or Villages, or as places fit to be set apart for the recreation and amusement of the inhabitants, or as the sites of quays or landing places, which it may at any future time be expedient to erect, form, or establish on the sea Coast or in the neighbourhood of navigable streams, or which it may be desirable to reserve for any other purposes of public convenience, utility, health or enjoyment, and to distinguish in charts subjoined to those reports such reserved tracts.

By the ninth Clause, the Commissioners were instructed to make out and set apart in each and every County, hundred, etc., into which they might from time to time divide the said territory, a tract of land comprising one seventh part in extent and value of all the lands in each and every such County to be thenceforward called and known by the name of the Clergy and School Estate of such County. On this subject, the Commissioners were instructed to make a special and distinct report to The Governor.

In the division of the territory according to natural boundaries, I have the satisfaction to state that what has been done is in conformity to the instructions, and that the Assistant Surveyors are now chiefly employed in tracing such natural lines as will be available for this purpose, and will at the same time form a satisfactory map of the country, also that the subdivision into parishes has kept pace with the progressive advance of cultivation.
The Valuation has been confined to the County of Cumberland by parishes and to an estimate of the average value of land throughout the Colony in obedience to His Excellency The Governor's instructions to the Commissioners, dated 24th April, 1828. The valuation of the land by parishes has not been further proceeded with; and, although I did make an effort to obtain a valuation on this principle of the County of Bathurst, which was frustrated by difficulties of a different description vide my letters to His Excellency dated 27th September, 1828, and your letter to me dated 29th October, 1828. No. 28/607, I would nevertheless submit that the peculiar nature of the Country in general is much against such an arrangement, the good land bearing a very small proportion to the rest, which lies waste and is so broken by rocky ravines that any artificial division of it into squares or sections must be in many places little more than imaginary and could not be practically useful. Such portions of the country as are favorable for such divisions have been however divided into parishes and also into Sections according to the instructions, viz., The Hunter's River district, the county of Bathurst, and the banks of the Brisbane at Port Macquarie. I am still therefore desirous to recommend to His Excellency the adoption of an average value of the lands of the Colony for the purpose of fixing one rate of quit-rent according to the report of the Commissioners, dated 26 April, 1828.

I beg to explain, however, that for the sale of lands according to His Majesty's instructions (of which the Commissioners have received an Extract from His Excellency The Governor for their guidance) a more detailed valuation is necessary, and the Commissioners have been valuing the waste lands in Cumberland, because that County, having been divided into parishes, the Commissioners considered that there they could act most consistently with their instructions which direct them to ascertain the average value of land in each parish separately. In the meanwhile, the occupation of land in all parts of the Colony has been permitted with a view to the occupants becoming purchasers when such land should be valued by the Commissioners and put up for sale; this permissive occupancy being a deviation from the original arrangement, which I consider it my duty to point out, especially as the difficulties occasioned by it in my office are very perplexing as I shall endeavour to shew in a separate communication.

The Reservation of land in each county for the various purposes specified has been attended to in conformity to the instructions; and I beg here to state that, although regular reports have not been submitted by the Commissioners on the different reserves, I have always, in reporting singly, acted at the same time as organ of the Commissioners by ascertaining their opinion and reporting accordingly.

Lastly, The Reserve for the Clergy and School Estate, having been more particularly recommended to the attention of the Commissioners, has been now set apart not only in the settled districts where it could only be obtained in numerous detached portions, but also in the newer counties and remote districts, where it has been possible to set aside entire tracts of average value recommended by the instructions.
1831.
28 March.

Special reports submitted.

Objections to permissions for occupancy of lands.

Instructions to governor re disposal of lands.

The foregoing general statement will, I trust, be sufficient to shew the Governor how far His Excellency's instructions have been carried into effect by the Commissioners; but, as some latitude has been taken both in the manner and order in which the various duties were to be performed, I consider it necessary to submit for His Excellency's further information and satisfaction, First, a report on the present state of lands intended to be sold according to the valuation of the Commissioners; Secondly, A Report on all the reserves for public purposes, public roads, towns, villages, etc., etc., and Thirdly, A Report on all the lands set apart for the Clergy and School Estate.

On the subject of lands to be sold according to the valuation of the Commissioners, I take leave to observe that permission to individuals to hold lands with a view to eventual purchase has now been granted so extensively, that no valuation by parochial divisions is likely to include all, many of the tracts lying on the very limits of the Colony. Upwards of 240,000 two hundred and forty thousand acres are held in this manner on public notifications of different dates, which taken together admit of constructions on which unprincipled individuals may avoid the payment of rent for their Cattle runs, affording them a means of excluding other settlers or of reserving lands for the future selection of their Friends; in short, the door is opened to every species of trickery in the occupation of Crown Lands, and shut against the new settler or grantee to whom the vacant lands in the located and richest districts are rendered unavailable by such an arrangement.

I would therefore beg leave to refer to the extract from His Majesty's instructions* to The Governor, which has been transmitted to the Commissioners, and to suggest a reasonable adaptation of these to the actual circumstances of the Colony. I trust I may, therefore, take the liberty first to refer to the King's instructions on that head.

By the 33rd clause, all the waste and uncleared lands, which shall remain after making such several reservations, are directed to be granted to private persons willing to make settlements thereupon, and the average price, at which the same will be sold, is to be published in the Gazette as soon as the Commissioners shall have made any report on the average value of the Lands.

By the 35th clause, it is ordered that Lists of all the parishes, in which lands may remain for sale, with their average prices be publicly exhibited in the office of the Surveyor General of New South Wales; and that no such lands shall be sold or disposed of until the average price hath been so exhibited during one Calendar month; and that the highest offer made for any such lands during such month shall be accepted provided that it at least amount to the average price; and that, to secure uniformity in all applications, printed forms are to be prepared and delivered at the office of the Surveyor General to any person on payment of the fee of 2s. 6d. and no more, and that such applications be received in such written form and none other.

By the 39th Clause, it is ordered that such lands be put up in lots of 1,920 acres, as nearly as may be, and that, to prevent uncertainty and confusion, charts with division lines, by which the whole will be divided into lots of 640 acres, are to be prepared, to which the Commissioners are to annex Schedules of descriptions, and that

* Note 62.
DARLING TO MURRAY.

such lots of 640 acres shall be described in the public charts by a numerical mark, to which all offers and all such grants are to have reference.

By the 42nd clause (His Excellency is authorized), at the expiration of six months after the time when any lands shall have been offered for sale at the average price, and not sold, to make grants of such lands without purchase to any person applying for such grants by a printed form with blanks to be delivered at the Surveyor General's Office on payment of 2s. 6d. and by the 44th clause a quit rent of 5 per cent, on the value fixed by the Commissioners is to be payable on all such grants.

In order to carry the intended sales into effect, I would therefore beg leave to propose that the valuation be made by districts rather than by parishes, at least for immediate purposes, as a valuation by parishes or tracts of twenty five square miles would not give the actual value of each lot according to the quality of soil any more than a valuation by districts, whereas in this Country local advantages are so important that indifferent Land situated near the Sea, a river or great road may be sold, when land of the best quality in those parts which are difficult of access or remote from such advantages is worth nothing. I beg therefore to suggest a valuation according to districts determined by such circumstances affecting the value of the land as may admit of one average valuation, and in which, although extensive, there may be an uniformity in the general quality of the soil, as well as in position, with regard to the Sea Coast, Rivers, Mountains, etc., etc.

With respect to the charts commanded by the 30th clause to be prepared with section lines to prevent uncertainty and confusion, I beg to state for The Governor's information that the maps are now sufficiently complete for this purpose, as no confusion has yet arisen from my reports on the situations of these intended purchases. Under such circumstances, I have the honor to submit an average valuation of the lands in the districts where lands have been applied for. This value I have founded on recent sales as well as on local advantages or disadvantages, taking into consideration also the general quality of the soil, and of the timber as well as the state of the surface for cultivation. I have borne in mind that it is necessary to estimate the value by enquiring what price the lands would bring in ready money at the time of a conveyance in tracts of three square miles to be held in fee simple, and that such valuation can scarcely be too low at present as it will perhaps appear more plainly when the lands are put up to sale.

I beg leave, therefore, to suggest that His Majesty's instructions may be carried into effect by the public offer for sale by exhibition of lists at my office of the lands, which have been applied for by various individuals, enumerated in the following Schedule as having received from your office a printed authority to hold lands therein described, until they can be valued by the Commissioners, and that the average value of land in the several districts may be notified for the sale of such lands, it being however desirable that the further sale on the same conditions be postponed until the Clergy and School Estate for each county can be clearly defined.

In conclusion, I beg to add that I shall do myself the honor to submit the other two reports separately.

T. L. MITCHELL, Sr. Gl.
### Average Valuation of Land in New South Wales according to the Instructions to the Commissioners of Valuation and Survey

<table>
<thead>
<tr>
<th>County</th>
<th>District or Parish</th>
<th>Valuation per Acre</th>
<th>Price of 1,920 Acres</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Cumberland</td>
<td>Minto</td>
<td>5 0</td>
<td>480</td>
</tr>
<tr>
<td>2. Camden</td>
<td>Petersham</td>
<td>5 0</td>
<td>480</td>
</tr>
<tr>
<td></td>
<td>Cow Pastures</td>
<td>5 0</td>
<td>480</td>
</tr>
<tr>
<td></td>
<td>Illawarra</td>
<td>4 0</td>
<td>384</td>
</tr>
<tr>
<td></td>
<td>Mittagong</td>
<td>3 0</td>
<td>288</td>
</tr>
<tr>
<td></td>
<td>Shoalhaven River</td>
<td>3 0</td>
<td>288</td>
</tr>
<tr>
<td>3. Saint Vincent</td>
<td>Between the Coast Mountain and the Sea.</td>
<td>2 0</td>
<td>192</td>
</tr>
<tr>
<td>4. Northumberland</td>
<td>Tuggerah Lakes</td>
<td>1 6</td>
<td>144</td>
</tr>
<tr>
<td></td>
<td>Banks of the Hunter</td>
<td>3 0</td>
<td>288</td>
</tr>
<tr>
<td></td>
<td>Lake Macquarie</td>
<td>3 0</td>
<td>288</td>
</tr>
<tr>
<td></td>
<td>Ettalong and Wyong</td>
<td>4 0</td>
<td>534</td>
</tr>
<tr>
<td>5. Gloucester</td>
<td>Banks of the Hunter</td>
<td>3 0</td>
<td>288</td>
</tr>
<tr>
<td>6. Durham</td>
<td>Wollongong</td>
<td>3 0</td>
<td>288</td>
</tr>
<tr>
<td></td>
<td>Paterson's River</td>
<td>3 0</td>
<td>288</td>
</tr>
<tr>
<td></td>
<td>Glenden and Fal Brook</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Banks of the Hunter</td>
<td>2 6</td>
<td>240</td>
</tr>
<tr>
<td>7. Hunter</td>
<td>Upper part of the Hunter</td>
<td>2 6</td>
<td>240</td>
</tr>
<tr>
<td>8. Cook</td>
<td>Mount York, Vale of Glamorgan</td>
<td>3 0</td>
<td>288</td>
</tr>
<tr>
<td></td>
<td>Emu Valley</td>
<td>5 0</td>
<td>480</td>
</tr>
<tr>
<td>9. Argyle</td>
<td>Upper part of the Shoalhaven River</td>
<td>3 0</td>
<td>288</td>
</tr>
<tr>
<td></td>
<td>Cookburdeon</td>
<td>2 0</td>
<td>192</td>
</tr>
<tr>
<td></td>
<td>Inverary</td>
<td>2 0</td>
<td>192</td>
</tr>
<tr>
<td></td>
<td>Head of the Wolandilly</td>
<td>1 6</td>
<td>144</td>
</tr>
<tr>
<td>10. Murray</td>
<td>Upper part of the Shoalhaven River</td>
<td>1 6</td>
<td>144</td>
</tr>
<tr>
<td></td>
<td>Lake George</td>
<td>2 6</td>
<td>240</td>
</tr>
<tr>
<td></td>
<td>Limestone Plains</td>
<td>2 0</td>
<td>192</td>
</tr>
<tr>
<td>11. King</td>
<td>Neighborhood of Yass Plains</td>
<td>2 0</td>
<td>192</td>
</tr>
<tr>
<td>12. Geographe</td>
<td>Western parts</td>
<td>1 6</td>
<td>144</td>
</tr>
<tr>
<td>13. Bathurst</td>
<td>Near the Settlement</td>
<td>2 0</td>
<td>192</td>
</tr>
<tr>
<td>14. Rockburgh</td>
<td>On the River Macquarie</td>
<td>4 0</td>
<td>384</td>
</tr>
<tr>
<td>15. Phillip</td>
<td>Goulburn River</td>
<td>2 0</td>
<td>192</td>
</tr>
<tr>
<td>16. Brisbane</td>
<td>Upper Branches of River Goulburn</td>
<td>2 0</td>
<td>192</td>
</tr>
</tbody>
</table>

These districts do not include all the Waste Lands in the several Counties, being those districts only in which lands are now held with a view to purchase by individuals. The sale of Waste Lands in general not having been contemplated until all the reserves had been set apart and approved of.

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**[6] Surveyor-General Mitchell to Colonial Secretary Macleay.**  
(No. 30/488.)

Sir,  
Surveyor General's Office, Sydney, 13 Nov., 1830.

In further elucidation of my report No. 30/487 dated 12th instant, I have the honor to refer to the Government Orders, Government Notice and Colonial Secretary's Letter noted in the margin,* to point out to you for the information of His Excellency The Governor the conflicting nature of these regulations and the consequent difficulty I labor under in reporting and deciding on selections of land, which I believe I shall best explain by commenting on each separate regulation and shewing what appears to me defective or contradictory.

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*Marginal note.—Govt. Order, 21 Augt., 1828, No. 25; Govt. Notice, 23 Octr., 1828; Govt. Order, 17 Augt., 1829, No. 40; Col. Sec.'s Letter, No. 29/1,079.
1. With respect to the Government Order No. 26, which states that "persons admitted as Purchasers will be required to pay a rent at the rate of 20 shillings per Hundred acres, as at present, until the proposed arrangement shall be approved or some other substituted by orders from Home," I beg to observe that, had this simple regulation been adhered to and the rent strictly enforced, which has not been done, the numerous applications (many for 10,000 acres), by which the maps are now covered with Memoranda, would never have been made, but on the contrary merely such as the parties were really interested in and desirous of holding, and then a very considerable revenue would be accruing from them to the Crown, whereas at present no rent is demanded and applications are made without hesitation by persons, who can have no intention of bidding for the lands when put up for sale.

2nd. With respect to the Government Notice of the 23rd October, 1828, referring to the Government Order above, No. 26, and stating that the applications of persons, who are in debt to the Government, cannot be complied with and will not be replied to, I have to remark that although the first part of this paragraph relating to debt has been in some instances acted on, yet it is not until the applications are submitted to me; thus for a considerable period, valuable portions of land have been shut out from the selection of Grantees, while I have had to receive, report on, insert on the Maps and finally to cancel applications evidently inadmissible, and which should consequently have been withheld from my office, particularly as the last part of the paragraph states that they will not be replied to; whereas by sending them to me, the reply is rendered indispensable; moreover the applications for portions below the minimum quantity of 1,920 acres (which 1,920 acres is in accordance with Earl Bathurst's instructions, and also alluded to in the 3rd paragraph of the Government Order No. 26) should likewise be withheld from my Office.

3rd. With respect to the Government order No. 40, in the second paragraph of which it is stated that land thus applied for has been in most cases reserved, I have to remark that, although the 4th paragraph states that no further communication will be made, still, as discretion and consequent decision on the part of His Excellency The Governor is implied, I do not see how a communication to that effect can be dispensed with, and my having been in one or two instances favoured with such a communication in some measure points out its necessity; but I have been left still ignorant of His Excellency's pleasure on most of these very numerous applications. The result of this regulation, acting with the previous one No. 26, has been that all sorts of the most irregular and indiscriminate applications have been made for Government and Township reserves, for portions only fit for small grants, etc., the parties so applying, concluding from the 4th paragraph that no refusal would be made, have, I am informed, gone so far in some instances as to fence in Government Reserves thus applied for, and I beg to offer as an illustration of the defect of these regulations that were an ignorant person to apply for a portion of the domain, no objection would be started, and the party would continue under the impression that his application was approved. Were it a matter of notoriety that every individual applying to purchase land would make an unobjectionable selection, then this Government order would be likewise unobjectionable; but, as it at present
stands, it is not in my opinion a discreet public notification. I beg also to press upon His Excellency's attention that, although an act of Council* has been passed for the resumption of Crown Lands, still it would be difficult to dispossess the occupant of a Crown Reserve or other objectionable land, if that occupancy were founded upon an improper construction of a Government Regulation. I have also to remark that His Excellency the Governor, having in one instance permitted a portion of the land applied for to be purchased by an individual not indebted to be selected for a Grant, see Half Monthly Return No. —, such a precedent is thus established that I might be at a loss, but for the King's Instructions, to know whether I should consider all lands applied for by purchasers open to selection or not; were the rent enforced, there would exist no doubt that they were not open to selection, but this would not be consistent with the intentions of His Excellency nor of His Majesty's Government in requiring a Valuation for the sale of these lands.

4th. I beg now to refer to the Colonial Secretary's letter No. 29/1079 and particularly to that part of it which states, of persons applying to purchase, that, although by the Government Order No. 40 the land is reserved for them, still if they require the immediate use of the land, that they are to rent it on a Grazing Lease of Twenty Shillings per one hundred acres, if not adjoining their own lands, and at 2s. 6d. per one hundred acres if adjoining, which I must own I do not altogether understand; but I imagine it to be a modification of the Government Order No. 26 (though not notified to the Public) exempting persons from paying more than 2s. 6d. rent for lands, which the applicants desire to purchase, when adjoining their granted lands, and that the Grazing Lease is the form by which the Government wish to obtain the rent of 20 shillings per 100 acres, as set forth in the Government Order No. 26; but, if the land be reserved according to No. 40 and not open to selection and the occupant is not liable to be called on for rent, it cannot be supposed that anyone would be silly enough to pay a quit rent of 20 shillings per 100 acres as a Grazing Lease thereof. The terms of these Grazing or Half Yearly Leases as published from time to time in the Gazette are that they are to be resigned in six months, if selected for a Grant, but it is not stated in the notice whether they may not also be sold, nor is there any stipulation when they should be resigned in such a case; and thus the public may consider them open to selection.

I trust that by this statement it will be sufficiently evident to the Governor that it is almost impossible for me to act with becoming decision amidst so many regulations, which appear to me contradictory; and, however disagreeable a duty it may be to point out these discrepancies, still I feel it incumbent on me as Surveyor General to do so, in order that His Excellency may be fully aware of the necessity for disposing of the lands according to the intention implied by his instructions to the Commissioners, and declared in the printed letters, which have been issued to the Individuals now holding lands from the Colonial Secretary's Office.

I have, &c.,

T. L. MITCHELL, St. Genl.

* Note 63.
Sir,

The Colonial Secretary having requested in your Excellency's name by a letter dated the 18th instant that the Commissioners of Survey and Valuation should consider and report jointly to him in what manner it might appear to him that their services could be most beneficially and promptly employed in furtherance of the objects of His Majesty's Instructions for dividing the Territory, suggesting also, by the command of Your Excellency for their consideration, whether, as the Surveyor General cannot be spared from Sydney for any length of time, the other two Commissioners might not be advantageously employed in distinct objects or in different parts of the Colony for the purpose of obtaining such information as would prove useful to the Commissioners when proceeding collectively to define the boundaries of counties, etc., and to determine the value of lands; the Colonial Secretary being further commanded to call their particular attention to the necessity of setting apart without delay, such land as may be required for the several purposes pointed out in the King's Instructions in all those parts of the Colony, in which such reserves have not yet been made, as great inconvenience must arise from the disposing of land previously if this is not attended to.

With reference to the report submitted to the Colonial Secretary by the Commissioners in obedience to your Excellency's commands, as conveyed to them by the letter above mentioned, I have now the honor to state the opinion I entertain as a Commissioner on the subjects above stated, and the grounds and reasons on which I, as Surveyor General and Chief Commissioner, differ in my view of one particular subject from one of the joint Commissioners.

I beg leave therefore first to inform your Excellency that the subject of the communication from the Colonial Secretary has engaged my attention for a considerable time past and that the measurement of districts is proceeding as rapidly as the limited scale of the Surveying Department will admit of, in various parts of the Colony, and that in my humble opinion the judgment of a Commissioner preceding his Colleagues in any one County is required chiefly in estimating the average value of the whole County, and making a selection of one seventh portion, which shall be in fact an epitome of the whole, or equal to the seventh part thereof, both in extent and value. It is obvious that this requires much investigation and research, and I would respectfully submit, whether this duty, when performed by a discreet and skillful Commissioner, might not facilitate and shorten the final Survey to be made by the Board. The selection of boundary lines must still also be determined by them, guided by the map to be provided by the Surveyor General's Department. I would, therefore, submit for your Excellency's consideration that it is chiefly in valuing the whole County and selecting the Church and School portion that any useful information could be gathered for the general purposes by one Commissioner, and I would therefore propose that one Commissioner should proceed to a district, of which the natural lines, points, and superficial extent have been determined, and 1st inform himself of the general value or equality of the Land, and then select what he considered a proportionate tract of equal average Value.
Sir, 
Sydney, 27th September, 1828. 

The Colonial Secretary having, in a letter dated the 15th September instant, requested by your Excellency's desire the joint report of the Commissioners for the Survey and valuation of lands, respecting the steps which it will be necessary to take for the purpose of putting the Trustees of Clergy and School Lands in possession of the Church Reserves on Hunter's River, I have the

2nd. That he should endeavour to ascertain the best natural boundaries for Parishes, Villages, Reserves, etc., according to the Instructions.

3rd. That he should inform the Chief Commissioner when he was prepared to lay the results before the other Commissioners for mutual discussion, that they might report their progress to your Excellency and complete simultaneously the final division and valuation of that portion of the Territory. 

I beg leave to add that with these objects in view I, a few days before the date of the letter abovementioned, requested Mr. Bowen to undertake this duty in the County of Bathurst. To that gentleman's opinion of the measures proposed, I beg now to refer Your Excellency, and to proceed to state the grounds on which I cannot concur in it.

Mr. Bowen proposes that several of the most efficient Surveyors in the Department committed to my charge should be placed under his orders and direction; the question seems, therefore, to be simply whether I am to perform the duties of the Office I hold as Surveyor General, being also ex officio Chief Commissioner, or that the Joint Commissioners are to act ex officio as Surveyor General. I object not only to the general principle of transferring the control of the Officers of my Department to the Commissioners, but also on the ground of expediency. The instructions issued by me to the Surveyors are shaped with a view to combine and accomplish simultaneously the general purposes of the Department and the objects of the Commissioners. The survey of the lines of Water Courses and of ridges of hills is equally essential in both cases. Were it practicable to make a selection from amongst such for boundaries in the midst of a Country covered with wood, it is probable that the Surveyor from his experience would make the most judicious arrangement. It will be found, however, when attempted practically, that it is necessary first to survey and then to select, if indeed the few natural lines in this Country will admit of selection; quantity in other cases must guide the division by straight lines, which is in fact the manner in which part of the County of Bathurst has already been divided by the late Surveyor General.

I have, therefore, most respectfully to solicit your Excellency's support in performance of the duties of this Office, which I have now the honor to hold under your Excellency's Government, and for which I have been selected as a topographical Surveyor, and that, should even a majority of the Commissioners propose the measure now so modestly insisted on by Mr. Bowen, who I believe never made a topographical survey of any Country, that your Excellency will be pleased to ascertain the pleasure of His Majesty, or of the Right Honorable The Secretary of State for the Colonies on the subject.

I have, &c.,

T. L. MITCHELL. 

[8] Surveyor-General Mitchell to Governor Darling.
honor to state that, on the 24th instant, the Commissioners, namely
Mr. Cordeaux, Mr. Bowen and myself, met accordingly with the
intention of drawing up, after due consideration, the report required.

Not having unanimously concurred in opinion respecting this re-
port, it becomes my duty, in obedience to the 13th paragraph of your
Excellency's instructions to the Commissioners dated 6th February
last, that I should communicate to your Excellency the Grounds
and reasons, on which I entertain a different opinion from that
of one of the joint Commissioners.

My opinion is that your Excellency should have been informed
in this report by the Commissioners, “that no further steps besides
the measurement were considered necessary, as these lands have
been already ascertained to be equal to one seventh in average value
and extent of the granted and grantable lands on and near Hunter's
River, and that therefore the line, when the arrangements could be
completed, depended on the arrangements made for the measure-
ment of these lands by the Surveyor General.”

Lieutenant Bowen contended (in a discussion of two whole days
to the delay of all other business) that it should be represented
in the report to your Excellency, “that the Surveyor, now employed
at Hunter's River, or another should be sent to measure Church
reserves only.”

It must be obvious to your Excellency that I could not sign a
report proposing an alteration in my own Arrangements, made to
the best of my judgement, with a view to combine (in the applica-
tion of limited means) the other business of the Department with
that of the Commissioners. I beg now to state the ground on which
I differ in opinion from Mr. Bowen is simply this, that it forms no
part of the duty of a joint Commissioner to interfere in the arrange-
ments, which it is my duty to make as Surveyor General.

Had the Report been made to the effect above stated, viz., that,
on the completion of the measurement, Your Excellency's intention
of giving over the Church Reserves could be carried into effect.
It would remain with your Excellency to determine whether any
portion of the Department under my charge should be employed
exclusively for this purpose or not.

I have, &c.,

T. L. MITCHELL.

(A. No. 28/601.)

Sir,

Instructions have been this day given to the two Junior
Commissioners for apportioning the Territory, Messrs. Cordeaux
and Bowen, to proceed immediately and commence separately to
select the lands, which are to be immediately reserved in the
Counties of Bathurst and Argyle, if the Surveys are in a state of
sufficient progress for that purpose, and in any other Counties
which may appear to the Board of Commissioners more eligible, if
they are not reserving one-seventh in those Counties, and one-fifth
in any that are not surveyed.

I am accordingly directed by His Excellency The Governor to
desire, with reference to my letter of the 29th October, No. 28/608,
that, as therein ordered, you will cause an Assistant Surveyor to
attend each of the Gentlemen above mentioned, and obey his in-
structions while engaged on this service.

I have, &c.,

A. MCLEAY.
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HISTORICAL RECORDS OF AUSTRALIA.

1831.
28 March.

Report by commissioners on roads through Cowpastures to Stonequarry creek.

[10] The Commissioners to Colonial Secretary Macleay.

Sir,

Office of Commissioners for Apportioning and Valuing the Lands of the Colony, 17th April, 1830.

In compliance with your letter of the 11th September last, No. 29/27, stating that you are directed by His Excellency The Governor to request our opinion, which of the two roads leading through Mr. McArthur's lands in Camden it would be desirable to complete first, viz., the road by Manangle or the road over the Razor Back Range. We have the honor to state that, although your letter only requires our opinion as to which of these two roads it is desirable to complete in the first instance, yet we considered that, if a better line could be discovered particularly in point of direction, it would be an object fully worth the attainment.

With a view therefore of ascertaining the best practicable line, as well as to enable us to report more fully and satisfactorily, it was considered essential that a survey should be made of the Razor Back Range. This having been lately completed, we proceeded assisted by the plan to examine the country, and the result was the discovery of a line more direct than either of the roads, and of much less acclivity than that already laid out across these mountains.

The best direction for the range road being thus established, a point we considered of some importance, it remained for us, in compliance with your letter, to form our opinions on the question therein submitted "which of these two roads it would be desirable to make first." The following circumstances suggesting themselves as the chief considerations:

1st. From the river to the Stonequarry, the Manangle road has just been rendered as good as the natural obstacles and the present means of the Road Parties will allow. From Campbell Town to the river, however, a good deal is yet to be done, and the building of the bridge under the most favorable circumstances would require considerable time. Some Bridges will, however, be required. But they need only be on the simplest construction, and, in almost every place where one is necessary, the materials with which to make it can be procured at the distance of a few rods.

2nd. The newly discovered line over the Razor Back is of less acclivity than the one already laid out over these mountains, and will not require so much side cutting. Some Bridges will, however, be required. But they need only be on the simplest construction, and, in almost every place where one is necessary, the materials with which to make it can be procured at the distance of a few rods.

3rd. The Persons, really the most interested in the determination of this question, are those living in the District of Campbell Town and its immediate neighbourhood on the one part, and the settlers of the Western parts of the County of Cumberland on the other.

By making the range road first, the former we think cannot suffer any decided inconvenience, but, by completing the Manangle line first, the latter must make a detour that would give them several miles of additional travelling.

As therefore the range Road (we mean the new one) in point of general direction is certainly the best of the two, almost equally convenient to all parties, and as we think can be made practicable in the least time, we are of opinion that of these two particular roads it is advisable to complete the one over the Range first. It appearing to us that this may be done in a short time by cutting
to a breadth of eight feet in the first instance where it is required, which would render the road quite practicable from the Bridge.

That being accomplished, we cannot perceive any utility at least for the present in the expending of any more labour on the Manangle Road in the direction of the proposed Bridge, although the future right to complete it must not be surrendered.

In considering the parties interested in these two roads, the only persons* whose situations seem to require individual notice, it will be seen by the Map, are Messrs. Douglass, D’Arietta, Cowper, and Cavenagh. They certainly would require the use of the Cross road, as it is termed, which Mr. McArthur is so anxious to shut up from the Public. But, as that gentleman must pass through their lands to get to a part of his own, we may safely presume he will continue to allow them the use of the cross road as far as its intersection with the new range line. The intersects of course being only reciprocal.

While on this duty we take the liberty of observing that we could not but bear in mind that the road through the Cow pastures is the great line of communication between Sydney and the Southern parts of the Territory, and that, in a Country like New South Wales where there is such a lamentable deficiency of Streams either navigable, or that can be rendered so by any exertion of art, we naturally concluded it must ever be one of the leading objects of Government to counterbalance such a great physical defect by making the chief lines of communication by land as direct and practicable as possible. Now the line of road just discovered, however crooked, is the best that can be found through the Cow-pastures. But it cannot be disguised from the very nature of the surface of a considerable part of the District that the ablest Engineering will never make it a good road, without, in numerous instances, sacrificing distance to avoid the steep pulls or pinches.

Influenced therefore by these considerations, we were led to examine a part of the country, which, when looking at the map, presented a much more desirable line of direction for a great Southern Road.

On inspecting the Map, it will be seen that the road near Lupton’s† has a remarkable turn nearly at a right angle which takes it through the Cowpasture District. The line we examined is a continuation of the road in a straight line beginning at this bend to the River Nepean, thence across (still nearly in a straight line) to the Cataract River at a pass near one of Sykes’ farms, and from thence by an easy line to Liverpool.

The whole Country through which this road would pass, from what we saw ourselves and the information we collected, may be called level in comparison with the district we have spoken of, and the distance between Lupton’s would be shortened more than eight miles.

The only real difficulties to surmount would be the passage of the two rivers. They certainly appear somewhat formidable. But on a careful examination anything but impracticable. There is abundance of good stone at both the places where it would be necessary to pass, and we conceive that bridges uniting simplicity with economy and durability could be erected without any very extraordinary quantity of labour. One great objection to the adoption of the Manangle Road being the instability of the Banks of the

* Note 64. † Note 65.
Nepean where the Bridge would be required, as they assume a different character in its course through the alluvial land of the Cowpastures.

The whole of the new line in fact, exclusive of the distance saved when compared with the other, as we have stated, could be made infinitely more practicable, more convenient to the greater number of Travellers going Southward; and, recurring to the Manangle Road, it would be rendered altogether unnecessary, as only one main road through the Cowpastures would be required.

It is also fortunate, should this new line ever be adopted, that there is land which commands good water at the three places where it might be thought best to place Villages.

The motive that first led to the adoption of the circuitous road through the Cowpastures, it is obvious, was the facility of passing the Bargo river at the place where it now crosses it. The available means of overcoming even ordinary difficulties in the earlier times of the Colony were so insufficient, that rivers and Mountains were necessarily passed at the places, which presented the fewest natural obstacles, little attention being paid to the direction of the roads. The circumstances of the Colony are now, however, happily changed. There is both more disposable labour and, what is equally as valuable, more skill in the application of it. What was formerly considered insurmountable may be now only regarded as an ordinary difficulty; and, where the object to attain is of lasting importance, minor difficulties cannot be entitled to much consideration.

These remarks may perhaps be considered foreign or superfluous to the particular question to which our attention was called; but we trust the general importance of the subject will be admitted as an excuse; and, with this impression, we take the liberty of drawing His Excellency's attention to the suggested alteration, of which we have also the honor to submit a plan with sketches of the passages of the two rivers.

We have, &c.

T. L. Mitchell.
William Cordeaux.
George Innes.

(No. 30/685.)

Sir, Colonial Secretary's Office, 10th June, 1830.

His Excellency The Governor having had under consideration the report of the Commissioners of Survey, who were instructed to consider which of the two roads it would be desirable to make first through the Estate of John Macarthur, Esquire, at Camden, the one passing by way of Manangle, or that over the Razor Back Range.

I have the honor to inform you that, in pursuance of their recommendation, His Excellency has been pleased to order that the new line proposed by them over the Razor Back is to be completed in the first instance, and to request that you will accordingly proceed with it with as little delay as possible. I have, &c.

Alexr. McLeay.

[12] The Commissioners to Colonial Secretary Macleay.
Office of Commissioners for Apportioning and Valuing the Lands of the Colony, 16th May, 1830.

Sir,

The late heavy rains having much injured the roads of the Colony, and the numerous robberies by Bushrangers having made
DARLING TO MURRAY.

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them also very unsafe, we have been induced, with inference to the
7th paragraph of our instructions, to give them our immediate con-
sideration without waiting for the more final reports on the
Counties.

The roads from Sydney to Parramatta and Liverpool pass through
two hundreds of the County of Cumberland with which we are at
present occupied, and, being the most used from these circum-
stances, they have claimed our first attention.

The first few miles of the Parramatta Road, until where the
road to Liverpool branches off, leads over a succession of steep
hills. The remainder is not very level, has many Bridges over the
Creeks and Water Courses, and at the latter end is very crooked.

The road to Liverpool, from where it leaves the other, is also
in some places very hilly and exceedingly Crooked.

These defects, which are quite apparent, make these roads in-
convenient to travel on, difficult and expensive to keep in repair and
unsafe, as it is found the hills are very commonly the places chosen
as the most favourable situations for robbers to make their attacks.

The foregoing circumstances, and the late wet weather having
rendered some heavy repairs immediately necessary, induced the
Surveyor General to cause a survey to be made of the direction of
the Principal range dividing the hollow descending to Cook’s River
and Prospect Creek from those of the Parramatta river.

From the survey, it has been ascertained that a new line* for the
road to Parramatta and Liverpool can be carried along the dividing
ground, by which seven bridges and almost every hill on both sides
will be avoided, the distance in travelling from Sydney to Parra-
matta shortened a mile and a half and from Sydney to Liverpool
three miles.

It will be perceived by the accompanying Sketch, which we do
ourselves the honor to transmit, that by following this new direc-
tion the same road would lead both to Parramatta and Liverpool
until within about two miles of Haslem’s Bridge, and save in that
instance three miles of road making. The road to Liverpool, from
where it would leave the Parramatta road, would be a straight line
of about five miles to Bowler’s Bridge at the Turnpike, the whole
of this line being along very flat ground where a bridge would not
be required.

Were this line therefore once opened, we conceive it would be
found by far the most useful, shorter, less difficult and expensive
to keep in repair, and as to safety from being nearly straight and
level, by opening it 100 feet wide, a few mounted men, we think,
would be found sufficient to prevent the depredations to which
travellers on the present roads are so liable.

We are not unaware of the trouble and expense of opening a new
line of road, and relinquishing one on which much labour and
expense have been expended, and which is deemed to be in many
places completed.

Considerable portions, however, of the roads in question are far
from being Completed, and what is done, however durable it
appears at present, yet sooner or later will require repairing.

If the superiority of the new line therefore be admitted, there
remains but the expense of opening it to be considered. The roads
now in use are very hilly, which are the most expensive to keep
in repair, as the numerous bridges on them will soon require to
be rebuilt, as they are both badly constructed and the materials

* Note 66.
very perishable, and when rebuilt must be kept in constant good condition. With much deference, we submit, it appears to us that in the course of no long period of time the new line would be found by much the least expensive.

Some obstacles might arise on the part of individuals through whose lands the new line would pass; but they might also be made, were it deemed expedient, to widen the present lines with the view of rendering them more safe, and which we presume must be done, if they be continued to be used. In either case, an act of Council might be necessary.

It was our intention to call His Excellency the Governor's attention to these roads in our report on the two hundreds before mentioned; but, as all the impressions of the Parish Maps are not taken from the Lithographic Press, and the subject appearing to us of much and immediate importance, we have been induced to make a more special report on it.

We have, &c.

T. L. MITCHELL.
GEORGE INNES.
WILLIAM CORDEAUX.

[13] Colonial Secretary Macleay to the Commissioners.
(C. No. 30/3.)

Colonial Secretary's Office.
Sydney, 15th May, 1830.

I have had the honor to receive and submit to the Governor your communication of the 10th instant, proposing a new line of Road from Sydney to Parramatta and Liverpool together with the plan enclosed.

In reply, I am directed by His Excellency to inform you that he was not before aware of any intention on the part of the Government to alter the present line of road between the above Towns; and that, as he is satisfied that it would not under present circumstances be expedient, he has not thought it necessary to enter into the subject.

I am also commanded to take this opportunity of stating that His Excellency, having received other plans at various times from the Surveyor General of alterations and changes which he proposes to be made, feels it his duty to point out to that Officer that it will be desirable in future, before he occupies himself in matters of which the Government is not cognizant, to ascertain whether the undertaking is considered expedient; otherwise he must see that much valuable time may be wasted, as in the present instance, in obtaining information and preparing Plans and Reports which cannot be acted on.

I am further directed to add that, whenever those arrangements, which are indispensable to the accommodation of the Public, and to which the Surveyor General's attention has been directed by the Government, shall have been completed, and the time and the means of the latter will permit of improvements being effected, it will then be a fit opportunity to entertain propositions of this nature. But that, in cases where the Public already possesses good roads, it would hardly be advisable to incur the trouble and expense of making new lines, merely because they would be more convenient or a little shorter.

I have, &c.

ALEXR. MCLEAY.
Sir, Sydney, 27th May, 1830.

Having read a communication from the Colonial Secretary, dated 12th instant, addressed to the Commissioners for Appor-tioning the Colony, which I conceive unjustly reflects on my con-duct in the performance of the duties of my office, I feel reluct-antly compelled in my justification to submit to Your Excellency the following statement:—

In the first place, Your Excellency is aware the superintendance of the Road and Bridge department has lately been added to my other duties; my particular attention in consequence became neces-sary to the great roads of the Colony, more especially as the late rains had rendered them in many places almost impassable. Among other measures with regard to them, which I deemed advisable, was an exact survey of the Country between Sydney and Parramatta to ascertain the expediency of leading the roads to the latter place and Liverpool by a shorter and more convenient line; and, as it appeared to me by the 7th Paragraph of Your Excellency's Instruc-tions to the Commissioners of Survey that they are concerned in any new lines of roads, I called upon them to join me in a report on the subject (dated 11th May, A.). In the answer by the Colonial Secretary to this, to which I have already alluded, it is said in the first place that Your Excellency was not aware of any intention on the part of Government to alter the present line, and that, as you are satisfied that it would not under present circumstances be expedient, You have not thought it necessary to enter into the subject. Secondly, follows the reflection of which I complain which is to the effect that I have wasted valuable time in obtaining in-formation on matters of which the Government is not cognizant and in preparing plans and reports which cannot be acted on.

The interpretation of the paragraph of the Commissioners' In-structions, which led me to think it part of their duties to point out new lines of road, can at the utmost but amount to a miscon-ception of its meaning, but with the greatest deference I am still of that opinion.

That I should have occupied myself in matters of which the Gov-ernment is not cognizant, without ascertaining whether the undertak ing was expedient, cannot I would submit be attributed to me in this case, as the report in question only shews that I have done this and no more, viz., that I have ascertained the expediency or prac-ticability of the measure, and I beg leave to be informed if I am to understand that it forms no part of my duty to ascertain the expediency of any improvement until it is suggested by the Government.

With respect to the alleged waste of time on my part as Sur-veyor General in occupying myself with plans of alterations and changes, of which the Government is not cognizant, I beg to state that, with very few exceptions, every plan I have made has been connected with surveys, first ordered by the Government, and I believe I am correct in stating that the exceptions have been honored with Your Excellency's approbation. I do myself the honour however to transmit a list of them by which it would appear that a preceding report of the Commissioners (E) dated 17th April, to which a plan was annexed, and my last report (D) with plans (dated 26th March) on the Great road Southward are the
Proposed new line of road to Parramatta.

In reply to the last paragraph of the letter in question, I have only to observe that my attention having been already particularly called to the Parramatta road, and having then observed the bad state of the numerous bridges, and the difficult hills it crosses, I felt it my duty to consider how these defects could be remedied or obviated, and the Report alluded to states my opinion and that of my colleagues to the effect that the means at the disposal of Government for the construction of roads and bridges might be applied with greatest advantage by the adoption of the lines recommended therein.

I trust I have already proved that I have not wasted any valuable time in preparing plans, and, if it be necessary to shew that I have not been idle in the performance of my duties, I have the satisfaction of being able to state that I have myself nearly completed a trigonometrical survey of the settled parts of the Colony, since I have been at the head of the department, although the writing business of the office has encreased in a very great degree.

In justice to myself, though at the same time with considerable reluctance, I cannot but say that, in much of the correspondence I have had with the local Government, there has appeared to me a disposition to disregard rather than attend to my representations; and, it is under this impression that I have been induced to make the present communication to Your Excellency, as well as to prevent the charges, of which I complain, being recorded against me, as the works it alludes to, I feel confident, will at some time meet the approbation I had expected.

I therefore trust what I have said in explanation will be sufficient to remove from Your Excellency's mind any idea of my time as regards the public service having been unprofitably occupied. Should Your Excellency however still incline to think so, I must request, however painful, that Your Excellency will be pleased to forward this letter to Sir George Murray with the papers and plans referred to by letters A, B, D, and E, that he may be enabled to form a judgment if I have either wandered willingly from the public duties of Surveyor General or uselessly wasted my time as stated to the Commissioners in the Colonial Secretary's letter, in order that some fixed rules may be laid down for my guidance, which may preclude the possibility of my acting under the erroneous impression of being right, and of having afterwards the mortification of finding that my exertions meet with censure instead of approbation.

I have, &c,

T. L. Mitchell, St. Genl.

Plants prepared by T. L. Mitchell.

[These plans were twenty-one in number as follows:—plan of road to Bathurst; design for village of north harbour; survey of ground to east of Sydney and of north shore; map of southern part of colony; plan for ferry at Kuring point; map of colony in counties; survey for proposed dock yard; plan of veteran allotments at Matraville and for town of Matraville; plan for road near Wiseman’s ferry; two plans of great northern road; design for town at Goulburn plains; three designs for improvements in Sydney; two plans of great southern road; plan of proposed road at Razor back; plan of roads from Sydney to Parramatta and Liverpool.]
Colonial Secretary Macleay to Surveyor-General Mitchell.
(A No. 29/869.)

Colonial Secretary's Office,
Sir, Sydney, 16th September, 1829.

In transmitting to you the accompanying application of Mr. John Lambe, for a piece of land near Dawe's Battery for the purpose of "docking vessels," I am directed by The Governor to request that you will point out to me, for His Excellency's information, some spot, not in Darling Harbour, which may be eligible for the purpose specified. Land in the Quarter above applied for having been refused to many applicants, whose pursuits were of equal importance to them.

I have, &c.,
ALEX. MACLEAY.

[Sub-enclosure.]

Messrs. Lamb, Buchanan and Co. to Colonial Secretary Macleay.

Sir, Sydney, 20th August, 1829.

Amongst the objects I contemplated when forming a Mercantile Establishment in Sydney, was the importance of and setting up a Patent Slip for Docking Vessels, whereby the tedious and dangerous method, now resorted to of heaving down to repair, would be superseded. But, on inquiry, I find that my plans cannot be carried into effect, unless the land necessary is granted by Government, as the price of it, added to the cost and freight of the Machine, and expense of laying "ways" would exceed the Sum of Three Thousand Pounds, to which we have determined to confine ourselves.

However, as the Object is one, which promises great advantage to the Colony, I venture to point out a spot, apparently well suited, which is unoccupied, and I believe not allotted, and to request a Grant of it, or of such portion thereof as His Excellency the Governor may think proper.

The Piece of Ground alluded to is on the left of a road which runs past Dawe's Battery and extends from Messrs. Jones and Walker's Premises to the old Government Slaughter House, for which Building, if required, I should be ready to pay.

Referring to the enclosed Extract from the Edinburgh Encyclopaedia, as the merit and great utility of Morton's Patent Slip,

I have, &c.,
LAMB, BUCHANAN AND CO.

Surveyor-General Mitchell to Colonial Secretary Macleay.
(No. 29/288.)


I have to acknowledge the receipt of your letter dated 16th Instant No. 29/869 in which you transmit an application from Mr. John Lambe for a piece of land near Dawe's Battery for the purpose of docking vessels, and request at the desire of the Governor, that I should point out for His Excellency's information some spot, not in Darling Harbour, which may be eligible for the purpose specified. In reply, I have the honor to state that I am...
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not aware of any vacant land on the water side at Sydney besides that on Darling Harbour, unless a portion under the Military Hospital, and the road leading to the Stone quarries may be considered eligible, as being apart from the large reserves commonly understood to comprise the land to which applications allude. The ground is there very steep, and, if it would answer the important purpose of the present applicant, I should be sorry to find it my duty to offer any objection to his having an adequate portion of it.

I beg to observe with respect to the land he points out that all land in the neighbourhood of Forts, etc., such as Dave's Battery, is directed to be reserved by the Secretary of State's letter Circular No. 2, dated 30th May, 1827; and, in this point of view, it is to be regretted that the promontory of the Miller's Point has not been reserved, that point being of much importance for the defence of the proposed Naval Dockyard and the navigation of the river.

I would do myself the honor to suggest for His Excellency's consideration, the paucity of vacant water frontage for mercantile purposes in Port Jackson being likely to prove an impediment to the commercial prosperity of this Colony, whether it might not be deemed advisable to give up the lower part of the Government Domain* behind Macquarie Fort for the purpose of forming wharfs, warehouses, and dockyards so essential to any Colony, and without which the advantages of the fine harbour of Port Jackson, on which the prosperity of this so much depends, must be in a great manner lost, its shores being nearly all monopolized by a few individuals.

Such a boon from His Excellency would, I humbly submit, claim the gratitude of every man interested in the welfare of this Colony; and, as it does not appear to me that the domain would materially lose much by the excision and that it might be enlarged on the other side, I take leave to submit for His Excellency's consideration:

1st. That a line due East to the middle of the West shore of Farm Cove should extend between the Domain, and the ground to be opened from the bight of the harbour opposite to and due East from the King's wharf on the West.

2nd. That Macquarie place should be continued in a straight line to this point, which would thus form a direct approach to this new wing of the Town, passing under the high Wall of the domain, the privacy of which would not be disturbed.

3rd. That the shore should be divided into allotments of fair and moderate extent for the specified purposes, reserving the deep part near the Stairs for King's ships till a dockyard on a large scale could be established.

I shall only add now, in conclusion, that I shall be happy to submit a plan in detail, should His Excellency the Governor think fit to make such an arrangement; and that I have others to propose for the extension of this town, which I have studied in consideration of the present price of allotments, an evil at its height, and on the principle I would submit that it should be counteracted by a liberal distribution of allotments on the part of the Government, in order that the Capital invested in allotments on speculation might be employed in building and improving it, and that he, who has money to build but not enough to buy the site, may be enabled to build.

I have, &c,

T. L. MITCHELL, St. Genl.

* Note 67.
Darling to Murray.

[17] Colonial Secretary Macleay to Surveyor-General Mitchell.
(No. 29/964.)

Sir,

Colonial Secretary's Office,

Sir, Sydney, 12th October, 1829.

I have had the honor to receive and submit to the Governor your letter of the 25th September No. 29/288, reporting on the application of Mr. John Lamb for a piece of land near Dawe's Battery, for the purpose of Docking Vessels, which was transmitted to you in my letter of the 16th September No. 29/869, also suggesting that, in order to provide additional water frontage for mercantile purposes in this Harbour, it may be advisable to give up the lower part of the Government Domain, lying between Macquarie Fort and a line to be drawn due East, to the West shore of Farm Cove, from a point in the East shore of Sydney Cove, due East from the King's Wharf, and stating that you have other plans to propose for the extension of the Town of Sydney, the adoption of which may have the beneficial effect of reducing the price of allotments, and thus enabling individuals to appropriate, to the erection of buildings, capital, which they are now compelled to expend in the purchase of the siste.

In reply, I do myself the honor to inform you that the Governor will be glad to receive the suggestions, to which you allude, when ever you are prepared to submit them; and, in the meantime, I am directed to request that, in order to enable His Excellency thoroughly to understand the proposal regarding the Domain, you will transmit to me, as quickly as convenient, a Sketch, shewing the shore of the Harbour, commencing at King's Wharf, and embracing the land recommended to be given up.

I have, &c,

ALEXR. MCLEAY.

[18] Surveyor-General Mitchell to Colonial Secretary Macleay.
(No. 29/353.)

Sir,

Surveyor General's Office, 7th November, 1829.

In compliance with request of His Excellency the Governor, expressed in your letter dated 12th October, 1829, No. 29/964, I have now the honor to transmit a plan of the allotments I would propose on the shore of the Harbour for the accommodation of the merchants.

I have the honor also to state, with reference to my former letter, that, on further examination of the lower part of the Government domain, there appears no necessity for encroaching much upon it for this purpose; but, as such divisions should be made so as not to interfere if possible with any ultimate general arrangement which the ground may admit of, I have also marked what appears to me the best direction for adjoining streets and lines of communication.

I have, &c,

T. L. MITCHELL, Sr. Gl.


1. Notwithstanding the advantageous position of Sydney on the shores of a secure and well sheltered harbour, this town has not yet, with the exception of the King's wharf, a single accessible quay or wharf, an appendage so essential to any trading port, but indispensable in the principal port of a new country so dependent as New South Wales must ever be on the sea for its commercial prosperity or perhaps existence.
2. The precipitous character of the Shores of Port Jackson in general seems to have led chiefly to the first selection of Sydney Cove in particular for the settlement as the most favorable exception, and the King's Wharf having been established on one side, and the Government House and domain on the other, that the town has gradually extended from the wharf, while the whole of the shore not only of this side the harbour but even of all Port Jackson has been alienated by former Governors. The side on which the town first extended thus up the rocks is not however the most favorable for the purposes of Commerce, and it has ever been thought necessary to cut Tunnels here, while the opposite shore, occupied by the Government domain has the deepest water and is only elevated about forty eight feet above its surface rising gradually to this elevation, whereas the town side rises abruptly to one hundred and sixty feet.

3. A portion of this Ground between the wall of the domain and the shore lies waste or is open for the recreation of those who love solitary walks; and I have therefore the honor to submit for His Excellency the Governor's consideration the following plan for the construction of extensive quays, and the division and appropriation of the shore for Commercial purposes.

4. A line in continuation of the West side of Macquarie Place would be parallel to the South Eastern Shore of Sydney Cove for an extent two hundred and sixty yards and would just skirt the deepest part of its margin, thus affording an extensive quay as will appear by the accompanying plan (Line AB).

5. This line appears also to be in the best direction for an approach by an easy ascent to the higher part of the shore beyond, as it would cross at right angles the easiest part of that acclivity (x) (vide Section AB), and would thus at once leave room for the allotments into which I would propose to divide the shore. The plan will best explain the further direction of this road or street, and the situation of the allotments which would contain little less than half an acre each and would thus consist of twenty-one in number.

6. A certain distance is proposed to be left between the allotments and Macquarie Fort agreeably to the Circular No. 2 from the Secretary of State, dated 30th May, 1827; and, as the construction of this fort is but ill calculated for defence, I would also suggest the erection of a mole, which should extend to the furthest point of the rocks, and which might terminate in a Mortello Tower. I beg however to observe that I contemplate the demolition of this fort as more probable, because I think the defences of the harbour may be constructed with more security some miles further down.

7. A mole extending so far into the harbour would afford a most agreeable promenade in the refreshing sea breezes, and would amply compensate the inhabitants for the loss of the narrow path under the rocks which they now enjoy.

8. An opening, the breadth of a street, is continued, as will appear by the plan, quite round the lower part of the domain nearly in the direction of the present public path, leaving an equal depth on all sides for the allotments to be appropriated for mercantile establishments, until, at the angle near the bathing house,* a
favourable direction occurs for a street or road parallel to the Eastern front of the stables, and nearly so to the shore of Farm Cove, and on this account, as well as the peculiar situation between the deep and shoal water, and the level character of the shore, another pier or landing place might be constructed.

3. This road or street would not only perfect the free communication between the Town and the proposed piers and wharfs, but would also contribute most essentially to a better general arrangement of unconnected parts. Where the old windmill now stands is perhaps the finest scite in or about Sydney for a public building, which in this situation would not only be eminently ornamental to the Town but the building itself would command the finest view of the harbour and town. Such a building would be rectangular to the proposed street or thoroughfare, and parallel to the stables, which would thus also form an ornamental front. The space Southward of the old mill might form a square, which might be bounded on the West side by a Council House, etc. Another public building would form a very ornamental termination to this Street (at E), while the view along it in the other direction would terminate in the waters of the harbour. It may be also observed that the ascent to the height from the extreme point C would be gradual, as will appear by the section on the line CD.

10. As these arrangements would not harmonize well with the present state of Macquarie Place, I take this opportunity of suggesting the alterations marked in the plan by red lines, viz., The prolongation of Bent Street direct to Cummings' Hotel, thus cutting off the inconvenient corner formed by the premises occupied by the Chief Justice and the extension of Spring Street, on one or both sides, to meet Bent Street at right angles. The extent of Macquarie place might thus be doubled, and its shape made quadrangular without the demolition of any other building besides the house occupied by the Chief Justice; and, should it ever be decided on to remove the Government House to the upper scite as a preparatory step to these alterations, it might perhaps be calculated that the sale of building allotments thus afforded might enable the Government to carry the plan into effect without any expense to the Colonial Treasury.

11. I take leave to suggest, in concluding this report on a plan intended for the improvement of Sydney, that a row of trees planted in Hyde Park on each side of the road in continuation of each side of Macquarie Street would contribute in my humble opinion much to the embellishment of the town and the recreation of the inhabitants.

T. L. MITCHELL, Sr. Gnl.
Sydney, 7th Novemr., 1829.

(A No. 30/19.)

Sir,
Colonial Secretary's Office, 7th January, 1830.

I have had the honor to receive and submit for the Governor's information your several reports mentioned in the margin relative to allotting ground on the North Shore, the removal of the present Dockyard and the division of that part of the Government Domain appropriated to the recreation of the public in order to afford accommodation to persons entering into the Whale fishery and other mercantile pursuits.

* Note 69. † Note 70. ‡ Note 71. § Marginal note.—No. 346: 347: 342: 353.
With reference thereto, I am directed by His Excellency to signify to you that, as the effecting these objects in the manner proposed would be attended with infinite labor and expense, and as the local Government does not possess any of the means necessary to these objects, it is considered advisable, as it is indeed imperatively necessary, not to attempt anything more than is absolutely required for the immediate accommodation of the Merchants in the present state of the Colony, leaving the improvement of the Town of Sydney to some more convenient period, when the other more pressing objects shall have been accomplished, and when the Colony shall be sufficiently advanced, and the improved means and wealth of the inhabitants shall enable them to bear a proportion of the expense which must be incurred in such an undertaking.

It is therefore considered that it will be sufficient under present circumstances to appropriate certain parts of the North Shore of Port Jackson for the establishment of persons entering into the Whale Fishery, as the most convenient and suitable place for such establishments, and as it will be the means of preventing (which is an object of importance in this Climate) the nuisance which would be occasioned by establishments of that nature being more immediately connected with the Town of Sydney.

2. As to the removal of the Dockyard, though desirable for the greater convenience of the Merchants, it does not appear that it can at present be accomplished. The adoption of the arrangements, proposed for a new Dockyard, is a matter entirely for the consideration of His Majesty's Government; such an establishment cannot be necessary for any local purposes and could only be required on the scale projected for the convenience of His Majesty's Ships of War.

I am therefore to request, in reference to your report of the 23rd December, 1828, that you will be pleased to make a distribution of the ground between "Careening Cove and Neutral Harbour" and between Great Sirius Cove and Little Sirius Cove on the North Shore for the establishments necessary for persons carrying on the whale Fishery.

3rd. As there is much reason to doubt the eligibility of the spot reserved in Darling Harbour for a Dockyard, which doubt you also appear from the last paragraph of your report of the 23rd December, No. 28/347, to entertain, it is considered unnecessary any longer to reserve the ground in question for that purpose. But, as the general convenience of the town would be materially promoted by the removal of the "Lumber Yard," attached to the Department of Public Works from its present situation in Bridge Street, and it being supposed that the site reserved for a Dockyard, above alluded to, would be convenient for that establishment, it appears desirable that such portion of the present "Reserve" as may be necessary for the "Engineer's Yard" be retained until its appropriation shall be finally determined on.

I am therefore to request that you will be pleased to mark off the portion which may remain, and the other ground alluded to in your letter of the 30th October, No. 29/342, in allotments for sale, and furnish me with your report thereon. I have, &c,

ALEXR. MCLEAY.