COMMONWEALTH OF AUSTRALIA.

HISTORICAL RECORDS

OF

AUSTRALIA.

SERIES 1.

GOVERNORS' DESPATCHES TO AND FROM ENGLAND.

VOLUME XVII.

1833—June, 1835.

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INTRODUCTION.

GOVERNOR Bourke.

GOVERNOR Bourke* arrived at Sydney in the ship Margaret on the 2nd of December, 1831. His arrival was at a most opportune moment for his success. Most favourable reports of his character and ability and of his career as a soldier had preceded him to the colony. Governor Darling had sailed from Port Jackson six weeks earlier in a wave of unpopularity, largely unmerited and principally due to causes to which Bourke was not exposed. The colonists were recovering from the effects of an unprecedented and severe drought and from a concurrent financial crisis. In consequence, Governor Bourke, when he landed on the 3rd of December, was received with a popular enthusiasm, which was partly reactionary. The batteries and shipping were decorated with flags, and the crews of the ships manned the yards as Bourke proceeded to the wharf. Here he was met by the acting governor, the chief justice, the archdeacon, the colonial secretary, the magistrates and civil officials, and a procession was formed and marched between lines of soldiers to government house amidst the cheers of the populace. Two days later, the town of Sydney was illuminated. An address† of welcome was presented; but, in acknowledging it, Governor Bourke committed a blunder. In the address, there was some drastic criticism of the administration of his predecessor, which he passed unnoticed.

Before or soon after the beginning of Governor Bourke's administration, great changes were made in the powers and patronage of the governor and in the method of administration. These changes removed many of the sources of the personal unpopularity of his predecessors and of the opposition to their administration. Henceforth the governor administered not so

* Richard Bourke was created a knight commander of the most honorable order of the Bath during his administration, i.e., on the 26th of January, 1835.
† See note 135, volume XVI.
much by direct executive authority as by a guiding influence, and his personality and character were consequently less subject to criticism in times of popular agitations for reforms, and had less influence on affairs of state as the colony advanced and larger interests were involved.

The power of former governors to make land grants at their discretion, to decide on the merits of the applicants, and to determine the areas to be granted had been a source of constant friction between the governor and the settlers. If an application for a land grant was refused, the disappointed applicant thought the governor was unjust. If an applicant was granted one section or six hundred and forty acres, he might deeply resent it, considering he was entitled to two or more sections. If he was granted any area and his neighbour was granted a larger area, he might still be aggrieved thinking his claims were as good as those of his neighbour. It is evident that this power of former governors was an unfailing cause of discontent. In January, 1831, viscount Goderich decided* to abolish the power of the governor to grant land and substituted the system of selling crown lands. In this way, Governor Bourke was protected from a great source of unpopularity.

The patronage of the government given to the Sydney Gazette newspaper had been the cause of much ill-feeling during Governor Darling's administration. The Sydney Gazette held a monopoly in the printing and publication of all government notices and advertisements, and thereby was regarded in the popular idea as the government organ. Articles published in this newspaper, although not inspired by any official, were regarded as government propaganda. Such a system tended to convert the Australian and Monitor newspapers into papers with a policy to oppose the government. These two papers were thus frequently involved in a newspaper controversy with the Sydney Gazette on the merits and demerits of the government, with the result that the administration of Governor Darling suffered in public opinion. Governor Bourke removed this malicious influence by the establishment of a Government Gazette, which merely contained acts of council, public notices, etc., and no comments on the events of the day. He thus disassociated the government officially from all newspaper controversies. The first issue of this Gazette was published on the 7th of March, 1832.

* See page 22, volume XVI.
Another cause of discontent amongst the settlers was due to the assignment of convicts. The supply of convicts was usually insufficient to meet the demand for assigned servants, and those settlers, who did not receive the number or type of convicts desired, considered that they were unjustly treated. Prior to the arrival of Governor Darling, all assignments had been at the discretion of the governor, and thereby the governor held vast powers of patronage. In the year 1826, Governor Darling appointed a board to report on all applications for assignments, and, in the vast majority of cases, he did not interfere with the decisions of the board. But his interference in a few cases indirectly caused him to receive a proportion of the ill-will from all discontented applicants. In order to eliminate all suspicion of favouritism in such assignments, Governor Bourke established a series of regulations,* whereby the number of convicts to be assigned to any applicant was in proportion to the number of acres held and to the area under cultivation, exceptions being granted in the case of small farmers and in the assignment of mechanics. A limit was also placed on the number of convicts to be assigned to one proprietor. Although these regulations were opposed by persons who had benefited under the former system, their impartiality was soon admitted, and much ill-feeling was prevented.

By the statute, 2 and 3 Wm. IV, c. lxii, the power of the governor to grant tickets of leave† to convicts was restricted to those who had served certain specified periods of servitude. In this way, the patronage of the governor was limited in another sphere.

The long-continued struggle by emancipists to obtain full restoration to civil rights was virtually settled by an opinion, given by the judges of the supreme court at the request of the legislative council on the 8th of August, 1834. This important opinion was printed in the *Votes and Proceedings* of the council. The judges held that the following persons were eligible to sit on juries:—any person (not under outlawry or excommunication), attainted of any treason or felony or convicted of any crime that is infamous, who had obtained a free pardon; any person, convicted of felony punishable with death or otherwise, who had obtained a conditional pardon, the condition of which had been fulfilled; any person, convicted of felony not punishable with death, who had

*See page 750. †See page 802, volume XVI.
endured the punishment adjudged for the same; any transportee, whose sentence had, before the 1st of January, 1824, been remitted by any governor; and all persons who, having been convicted of any transportable offence not being felony or such crime as is accounted in law infamous, had received an absolute pardon, or a conditional pardon and had performed the condition, or had endured the punishment for the same. By this decision, practically the whole class of emancipists were recognised as restored to full civil rights. As a result, the emancipist party, which had been formed during the administration of Governor Macquarie and had been one of the contending parties in all matters of public dispute since its formation, was gradually disintegrated from the want of a common bond of union, and was no longer of any importance in the public affairs of the colony.

One of the most important factors in the development of the Australian colonies was the encouragement of immigration, and the first systematic plans for this purpose were evolved during the administration of Governor Bourke.

The plans originated primarily from the necessity for relieving the distress prevalent amongst the agricultural labourers in the south of England in the year 1830. It was proposed to relieve the parishes by encouraging the immigration to the Australian colonies of the unemployed, and it was considered equitable that the colonies should contribute towards the expenses of such immigration.

The first definite proposals for assisted immigration were made by viscount Goderich in a despatch* dated 23rd January, 1831, nine months before the departure of Governor Darling; and, after receiving the despatch, some preliminary steps were taken by Darling in the months of July and August following.

Viscount Goderich proposed that the immigrants should be subsidised by funds raised in the colony, and that these funds should be provided by a tax upon the labour of convicts, by an extension of the sale of crown lands, by advances from settlers in return for the indenting of the labour of immigrants for a limited period, and by the abatement of the quit rents due on land grants in proportion to the number of immigrants the grantee might enable to reach the colony.

* See page 34 et seq., volume XVI.
A tax of ten shillings per annum on each convict, assigned to private service in the colony, had been proposed for general purposes by the commissioners appointed in 1830 to enquire into the revenue and expenditure of the colony. Viscount Goderich proposed to appropriate the revenue from such a tax entirely to the purposes of immigration, to extend the tax to convicts holding tickets of leave, and to allow the governor and council to fix the amount of the tax at varying rates. He considered that the tax and its proposed appropriation would be advantageous by rendering the labour of convicts "less cheap to their employers" and thereby decreasing the demand for the assignment of convicts, and by increasing the supply of free labourers and thereby reducing the high rate of wages demanded in the colony. Governor Darling was in favour of the proposed tax.* He estimated the revenue from the tax on assigned servants on the basis of ten shillings per head at £6,000, and proposed a tax of five pounds on tradesmen holding tickets of leave and of one pound on labourers holding the same, which he estimated would produce a revenue of £5,000 to £6,000 per annum. The commissioners of emigration, when appointed, also supported the proposed tax. When Governor Bourke consulted the executive council in December, 1831, the council were of opinion† that the tax on assigned servants was inexpedient, "as the settlers in general have very large arrears to pay up both for the rent and purchase of land," and that the tax on convicts holding tickets of leave was impolitic, as it was a tax on free labour and diminished the boon of a ticket of leave. In consequence of the council's opinion, the tax was not imposed.

The second source of revenue, proposed by viscount Goderich, was from the extension of the sale of crown lands. This revenue was the ultimate source of the funds for the assistance of immigration; but, in proposing it, Goderich considered it the least valuable‡ of the proposed methods, expressing doubts whether any increase of revenue could be obtained, and regarding it as "a resource which will hereafter become available for the purposes of maintaining free labourers, should so large a number be sent out as to make it difficult to obtain employment for them."

The third proposed source was a fund created by contributions from the prospective employers of immigrants, and from grantees

* See pages 349 and 350, volume XVI. † See page 533, volume XVI. ‡ See page 36, volume XVI.
in return for the abatement of quit rents due on land grants. When the proposals were received in the colony, Governor Darling initiated inquiries* to ascertain the probable number of settlers who would provide funds in order to secure indentured labour. After such inquiries, it was found that few settlers were in possession of the necessary funds or were in such assured positions as to justify the completion of any agreement. The proposal for the abatement of quit rents was announced in the colony by a government notice, † dated 26th August, 1831. This met with little response, as did a similar proposal‡ at a later date for the redemption of quit rents at ten years' purchase, owing to financial stringency in the colony and the high rate of interest charged for money.

Before any reply to these proposals was received from the colony, commissioners for the promotion of emigration from the United Kingdom were appointed on the 24th of June, 1831. No funds were placed at their disposal; but, if an adequate sum was raised by individuals or collected by parochial or other bodies to defray the expense of voluntary emigration, the commissioners were to undertake the management of the funds and to advise and assist the emigrants.

Whilst the problems of general immigration were under consideration, the necessity for relieving the disproportion of the sexes in the colony (the masculinity ratio being three to two) was considered. The policy adopted was the foundation of the system of immigration during Governor Bourke's administration. The under secretary of state enunciated it as follows in a letter to the lords commissioners of the treasury, dated 16th February, 1831:—

"the funds derived from this source (the sale of Crown Lands) should be looked upon not as forming a part of the income of the Colony and available for the purpose of meeting the annual expenses, but as capital which should not be permanently sunk, but invested so as to produce a profitable return. As the best mode of investment, and in order to remedy what is so very serious an evil in its present condition (the disproportion of the sexes), Lord Goderich would propose, with the approbation of the Lords Commissioners of the Treasury, to apply the nett Revenue arising from the sale of land in encouraging the Emigration of females.

* See pages 347 and 348, volume XVI. † See page 351, volume XVI. ‡ See page 650.
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from this country. Their Lordships are doubtless aware how necessary it is for the moral improvement of the Colony to correct the existing disproportion of the sexes, which has produced such unhappy effects; but independently of this consideration, and in a mere financial point of view, the funds produced by the sale of land, if applied in the manner suggested, will be found to have been laid out in a most advantageous manner.” The lords of the treasury approved of this policy, and, in September, 1831, authorised the appropriation of £10,000 for the purpose. The control of female emigration from the United Kingdom was placed under the commissioners for emigration, and, in October, 1831, regulations* were issued. By these regulations, each emigrant was offered the sum of £8, the estimated half of the passage money, on the difference being made up by herself.

The commissioners received many applications from mechanics and labourers desirous of emigrating; but strong objections were raised to the proposed indentures with employers in return for contributions towards the expenses of the passage to the colony. The objections were due to the fact that some private emigrants had signed indentures with employers to serve for a time at wages which, though higher than those obtainable in England, were found on arrival in the colony to be below the ordinary rate current. The commissioners thereupon proposed† that an advance of £20 per family towards the expenses of the voyage should be made to a limited number of mechanics, on the condition that it should be repaid out of wages after arrival in the colony. This proposal was approved by the lords of the treasury, and the advances were authorised out of the expected revenue from the proposed tax on the labour of convicts. For applying the new fund, regulations were issued by the commissioners on the 8th of November, 1831, together with a circular detailing the rates of wages in the colony, the prices of food, the expense of the voyage according to the age of the passenger, and other useful information. “One of the immediate effects produced by the information published by the Commissioners was to reduce the ordinary price of a passage for adults from £30 to £18 or £20, and for children in proportion, and thereby to remove one of the most serious impediments which had hitherto stood in the way of Emigration to these Colonies.” As the tax on the labour of convicts was not imposed, the legislative

* See page 408, volume XVI. † See page 413 et seq., volume XVI.
council of the colony, on the 16th of March, 1832, voted the sum of £3,600 "to defray the expense of bringing out mechanics and labourers," and prepared a report* on the best mode of its appropriation.

Whilst these proposals for immigration were under consideration in England and the colony, the Reverend J. D. Lang successfully introduced from Scotland one hundred adult immigrants, almost exclusively mechanics with their families, in the ship *Stirling Castle*, which arrived at Sydney on the 13th of October, 1831. This venture was undertaken by Lang at his own personal risk, although he was assisted by a loan from government of £1,500 under special conditions.† The possibilities of assisted immigration on a large scale were thus first tested and proven by private enterprise. It must be noted that these immigrants arrived under promises to repay to Lang the cost of their immigration out of their wages, which promises were fulfilled. But few similar promises, made by immigrants assisted by government, were redeemed, as is noted later.

The immediate result of the labours of the commissioners for emigration was the arrival in the colony, a little over twelve months after their appointment, of ninety-seven mechanics, or inclusive of their families three hundred and seventeen persons, by various ships, and of two hundred and two females by the ship *Red Rover* from Ireland. The men were somewhat disappointed at the wages available, but found abundant employment. Difficulty was immediately anticipated in the collection of the advances made to them, a difficulty which was soon realised. The female immigrants on arrival at Sydney were accommodated at the old lumber yard. They arrived on the 13th of August, 1832, and within six weeks all except fourteen had obtained employment, with the advice and assistance of some of the ladies of Sydney. After their arrival, Governor Bourke reported that it was probable that between four and five hundred female immigrants could be absorbed annually.

The board of commissioners, having completed the first steps towards the promotion of immigration, were relieved from their duties by the secretary of state on the 4th of August, 1832. The commissioners were the earl of Richmond, viscount Howick,

*See page 609 et seq., volume XVI.
†See pages 224 and 258, volume XVI.
H. Ellis, R. W. Hay and F. Baring. A committee of the legislative council in 1835 reported that “the services, which they rendered to the cause of Emigration generally and more especially to these Colonies, have been great and important. By diffusing information, and promoting Emigration, under the guarantee afforded by their high stations and established character, they removed a great deal of the prejudice which had prevailed against the Australian Colonies, and succeeded in directing towards them a part of that Emigration which before had flowed almost exclusively to North America.”

Upon the dissolution of the board of commissioners, a committee of private gentlemen under the chairmanship of E. Forster were induced, at the request of the secretary of state, to undertake the selection of suitable young women as immigrants. These women were sent out in the ships Bussorah Merchant and Layton in 1833, and in the ship David Scott in 1834. The ship Duchess of Northumberland arrived with immigrants from Ireland in 1835. The cost of these immigrants was £17 per head, of which the government provided £12, and the immigrant paid £5 on embarkation, or gave a promissory note for £6 to be redeemed in the colony. The selection of these immigrants was faulty. The owners of the first two ships were given “much latitude in collecting persons of the description required,” although certificates of respectability were obtained from clergymen or other responsible persons. “It was unfortunately so much the interest of Shipowners to look to numbers rather than to the qualifications of the Candidates for Loans and Bounties that no means were neglected, by which Passengers could be obtained; and Agents were consequently dispersed throughout the Country to induce Persons, who might not otherwise be disposed to come forward, to avail themselves of the proffered assistance.”* Such a system naturally led to the introduction of some very undesirable immigrants, amongst them being common prostitutes. To check this evil, an agent was appointed at Liverpool, the principal port of embarkation, “to investigate the Characters and circumstances of all Applicants for the Loans and Bounties” in England, and John Marshall was appointed agent to the committee. The emigration of females from Ireland was under the Irish government.

The supervision of the immigrants on arrival in the colony was undertaken by a committee of the archdeacon, the colonial

* See page 173.
secretary, the colonial treasurer and the collector of internal revenue, assisted by a ladies' committee; but, after the ship *Bus­sorah Merchant* arrived, the character of the immigrants was so bad that the ladies' committee were compelled to withdraw.* An *Emigrants' friend* society was established in Sydney to advise and assist the immigrants, with W. Macpherson as secretary.

To the female immigrants by the ships mentioned, the sum of £2,075 was advanced on loan. During the period these females were arriving, a number of male immigrants with their families reached the colony by various ships, assisted by advances on loan to the amount of £7,670. For these advances, promissory notes were given payable in the colony six months after date. The difficulty in collecting the amounts due under these promissory notes was realised in the beginning, and it was found to be quite impracticable at the end. W. Macpherson, the collector of internal revenue, in whose hands the notes were placed, reported that, of the sums mentioned above, to May, 1835, only £167 3s. 2d. was recovered from the male immigrants, and none at all from the females. It was found impossible to prove the handwriting on the notes in many cases. It was difficult to trace the drawers in other cases, as the immigrants were scattered over the two colonies of New South Wales and Tasmania, in New Zealand and elsewhere. Many of the females also were under age and could not legally be compelled to pay. Macpherson estimated that he might recover a fourth or a third of the advances by legal proceedings, and by the most severe measures a half; "but what the effect on Emigration would be of the imprisonment of some hundred persons, and among them many young women, for the non-payment of debts contracted to Government for their passages to the Colony, may be easily imagined."

Owing to these difficulties, the secretary of state in February, 1835, decided† to grant free passages to suitable female immigrants, and to remit all claims under promissory notes given by former immigrants.

On the 28th of October, 1835, a notice‡ was issued in the colony, offering bounties to private settlers for the introduction of mechanics, farm-labourers, etc., as immigrants, provided they arrived in the colony before a specified date. This notice was renewed under dates 28th March and 18th October, 1836.

*See page 725. †See page 667 et seq. ‡See volume XVIII.
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In October, 1835, Sir Richard Bourke submitted proposals to the secretary of state for the employment of naval surgeons to select and bring out suitable male immigrants; and, a few months later, he nominated D. Boyter and A. Osborne for this purpose. In acknowledging these despatches, lord Glenelg, in a despatch dated 18th September, 1836, stated that it had been determined to supersede the system of exclusive female emigration, and to grant bounties of £30 for each married couple, of £5 for each of their children between two and seven years, of £10 for each between seven and fifteen, of £15 for each unmarried daughter between fifteen and thirty, and a similar bounty for any unmarried female between eighteen and thirty under the protection of the married couple. The nominations of Boyter and Osborne to select these immigrants were approved. The first vessels to arrive under this plan were the John Barry from Dundee, and the Adam Lodge from Londonderry.

In a despatch dated 23rd March, 1837, lord Glenelg decided to appropriate two-thirds of the land revenues for the financing of immigrants under bounties from the United Kingdom, leaving one-third of the revenue for financing the immigrants under the government notice of October, 1835.

In August, 1837, a committee of the legislative council recommended the appropriation of this one-third to the payment of bounties as follows:—for 1 married couple without family, £36; for each unmarried male, £18; for each unmarried female £18; for children from seven to fourteen years £10; and for children from one to seven years £5.

A practical system for general immigration was thus fully established during the administration of Governor Bourke. During the years 1832-1836 inclusive, two thousand and fifty-two females, and families numbering seventeen hundred and seventy-eight persons in all arrived in the colony under the bounties ordered by the secretary of state, and fifty men, women and children under the bounties granted by the government notice of October, 1835. In addition to these assisted immigrants, five thousand, four hundred and twenty-two free and unassisted immigrants arrived during the same years. The whole expenditure on immigration during Governor Bourke's administration amounted to £91,167 13s. 2d., which was paid out of the land revenues of the colony.
Probably the most important act in Governor Bourke's administration was the introduction of state aid equally to all religions, irrespective of denominations, and this was primarily due to his own advocacy. The imperial statute for "the relief of His Majesty's Roman Catholic subjects" was adopted by the act of council, 10 Geo. IV, No. 9, passed on the 18th of January, 1830. Religious tolerance was thereby an established principle in the colony, and some little state support had been given to the Presbyterian and Roman Catholic churches before the arrival of Governor Bourke; but this support was not proportionate to the number of adherents of the respective churches. In a despatch* dated 30th September, 1833, Governor Bourke drew attention to this subject. He stated that the estimated expenditure for the year 1834 from the colonial treasury on the church of England was £11,542 10s., on the church of Scotland £600, on the church of Rome £1,500, and on the Protestant dissenting churches nothing; but yet he estimated the Roman Catholics as forming one-fifth of the entire population. He stated that public opinion† was adverse to such undue preference for the church of England in the expenditure of public funds, which were raised by taxes levied on persons of all denominations. He advocated the claims of all the churches and of every congregation of dissenters and of Jews. He proposed the granting of a pound for pound subsidy on all moneys collected for the erection of churches or of parsonages, provided the sum was not less than £300. He proposed that stipends should be granted to clergy of any denomination on the following scale; if the congregation numbered one hundred adults, £100 per annum; if there were two hundred adults, £150; and if there were five hundred adults, £200, which was proposed as the maximum salary. He suggested that a bishop should be appointed for the church of England; that a presbytery should be constituted for the church of Scotland; and that an increased salary should be granted to the vicar-general for the church of Rome. By these measures, he hoped to establish complete religious tolerance in the colony.

Owing to successive changes in the British government, this despatch was not acknowledged‡ until the 30th of November, 1835, when the secretary of state gave a general approval of the proposed state aid to religion, leaving it to the governor and the legislative council to enact the details.

*See page 224 et seq. †See note 95. ‡See volume XVIII.
On the 29th of July, 1836, the legislative council passed the act, 7 Wm. IV, No. 3, "to promote the building of Churches and Chapels, and to provide for the maintenance of Ministers of Religion in New South Wales." By section 1, the governor with the advice of the executive council was authorised to grant a pound for pound subsidy on all sums, subscribed for the erection of churches, chapels and parsonages, provided the subsidy was not less than £300 nor more than £1,000. By section 2, authority was given for the payment of stipends on the scale proposed in Governor Bourke's despatch. By section 3, a discretionary power was given for the payment of stipends, where the congregation did not number one hundred adults. By section 4, provision was made for the increase of stipends on the increase of congregations. No religion or denomination was mentioned, and all religions and denominations participated alike in the benefits of the act. The state aid to the clergy continued until the passing of the act, 26 Vic., No. 19, which was reserved on the 20th of December, 1862, until the royal assent was proclaimed on the 21st of July, 1863.

Probably no act of the first eight governors of the colony had such an extended influence as the passing of this act of council on the initiative of Governor Bourke.

In the introduction to volume XVIII, the changes in the legislative and judicial administrations and the foundation of the settlement at Port Phillip during the government of R. Bourke are noted.

_FREDK. WATSON._

_June, 1923._
DESPATCHES.
The following despatches, written in the year 1833, have been omitted:

<table>
<thead>
<tr>
<th>Despatch dated</th>
<th>Transmittting</th>
</tr>
</thead>
<tbody>
<tr>
<td>6th February</td>
<td>150 pardon for John Wilde.</td>
</tr>
<tr>
<td>23rd June</td>
<td>19 approval for thirty-five conditional pardons.</td>
</tr>
<tr>
<td>4th July</td>
<td>23 instructions for pardon to Edmond Coneely after serving seven years.</td>
</tr>
<tr>
<td>24th July</td>
<td>28 particulars of sentences on two convicts named Cassidy.</td>
</tr>
<tr>
<td>20th August</td>
<td>32 approval of two free and six conditional pardons.</td>
</tr>
<tr>
<td>21st August</td>
<td>34 list of eleven convicts <em>per ship</em> Lloyds to be worked in irons.</td>
</tr>
<tr>
<td>16th September</td>
<td>41 warrant for conditional pardon for George Gray provided he remained in Australian colonies.</td>
</tr>
<tr>
<td>24th October</td>
<td>49 refusal of proposed ticket of leave for William Howard.</td>
</tr>
</tbody>
</table>

Under Secretary of State to Governor Darling.

The following despatches, written in the year 1833, have been omitted:

<table>
<thead>
<tr>
<th>Despatch dated</th>
<th>Transmittting</th>
</tr>
</thead>
<tbody>
<tr>
<td>24th March</td>
<td>introduction for — Ley.</td>
</tr>
<tr>
<td>10th June</td>
<td>&quot; F. Bedwell, lieut., R.N.</td>
</tr>
<tr>
<td>29th August</td>
<td>request for report on fate of Margaret Gordon, convict.</td>
</tr>
<tr>
<td>2nd July</td>
<td>petition for indulgence for John Callaghan, convict.</td>
</tr>
<tr>
<td>1st September</td>
<td>particulars <em>re</em> William Price, convict <em>per ship</em> Lloyds.</td>
</tr>
<tr>
<td>23rd November</td>
<td>request for report on conduct of William Nixon Wright, convict.</td>
</tr>
</tbody>
</table>

*Note 1.
Assignments of Convicts.

During the year 1833, letters, which enclosed the assignments of convicts (not available) per the ships named, were written by the under secretary of state for the colonies to Governor Darling, with dates as under:

<table>
<thead>
<tr>
<th>Date of letter</th>
<th>Ship's name</th>
<th>No. of convicts</th>
</tr>
</thead>
<tbody>
<tr>
<td>6th February</td>
<td>Asia</td>
<td>230 Male</td>
</tr>
<tr>
<td>11th March</td>
<td>Waterloo</td>
<td>214 do.</td>
</tr>
<tr>
<td>3rd May</td>
<td>Captain Cook</td>
<td>230 do.</td>
</tr>
<tr>
<td>4th May</td>
<td>Buffalo</td>
<td>180 Female</td>
</tr>
<tr>
<td>7th May</td>
<td>Heroine</td>
<td>260 Male</td>
</tr>
<tr>
<td>30th May</td>
<td>Lord Lynedock</td>
<td>330 do.</td>
</tr>
<tr>
<td>3rd July</td>
<td>Aurora</td>
<td>300 do.</td>
</tr>
<tr>
<td>27th July</td>
<td>Neva</td>
<td>170 do.</td>
</tr>
<tr>
<td>21st August</td>
<td>Lloyds</td>
<td>200 do.</td>
</tr>
<tr>
<td>22nd August</td>
<td>Amphitrite</td>
<td>100 Female</td>
</tr>
<tr>
<td>14th October</td>
<td>Fairlie</td>
<td>376 Male</td>
</tr>
<tr>
<td>3rd December</td>
<td>Nuna</td>
<td>140 Female</td>
</tr>
</tbody>
</table>

Despatches omitted.

Governor Bourke to Secretary of State.

The following despatches,* written in the year 1833, have been omitted:

<table>
<thead>
<tr>
<th>Despatch dated</th>
<th>Despatch numbered</th>
<th>Transmittting</th>
</tr>
</thead>
<tbody>
<tr>
<td>1st January</td>
<td>1 annual return of &quot;state of crime and punishment.&quot;</td>
<td></td>
</tr>
<tr>
<td>4th January</td>
<td>3 reasons for refusal to grant free pardon to Samuel Marriott, convict.</td>
<td></td>
</tr>
<tr>
<td>7th January</td>
<td>6 report re George Stewart, convict.</td>
<td></td>
</tr>
<tr>
<td>8th January</td>
<td>7 return of intestate estates.</td>
<td></td>
</tr>
<tr>
<td>19th January</td>
<td>10 report re alleged error in indent papers of Thomas Philip and Edward Cassidy, convicts.</td>
<td></td>
</tr>
<tr>
<td>21st January</td>
<td>11 petition from — Smets, convict, for remission of sentence.</td>
<td></td>
</tr>
<tr>
<td>22nd January</td>
<td>12 minutes of executive council for half-year to December, 1832.</td>
<td></td>
</tr>
<tr>
<td>7th February</td>
<td>20 six conditional pardons for approval.</td>
<td></td>
</tr>
<tr>
<td>8th February</td>
<td>21 two absolute pardons for approval.</td>
<td></td>
</tr>
<tr>
<td>8th February</td>
<td>22 quarterly statement to 30th September, 1832, of expenditure from military chest.</td>
<td></td>
</tr>
<tr>
<td>1st March</td>
<td>24 do. to 31st December, 1832.</td>
<td></td>
</tr>
<tr>
<td>4th March</td>
<td>25 returns of tickets of leave and escaped convicts.</td>
<td></td>
</tr>
<tr>
<td>7th March</td>
<td>26 return of ninety-eight convicts applying for passages for wives and families.</td>
<td></td>
</tr>
<tr>
<td>8th March</td>
<td>27 return of pardons granted in year 1832.</td>
<td></td>
</tr>
<tr>
<td>11th March</td>
<td>28 recommendation of George Gray for conditional pardon for capture of — Lockhart, an armed murderer.</td>
<td></td>
</tr>
<tr>
<td>23rd March</td>
<td>34 returns of expenditure of medicines and persons under medical treatment.</td>
<td></td>
</tr>
<tr>
<td>6th May</td>
<td>44 return of intestate estates.</td>
<td></td>
</tr>
<tr>
<td>15th May</td>
<td>47 returns of assigned servants and applications for same.</td>
<td></td>
</tr>
</tbody>
</table>

* Note 1.
The following despatches, written in 1833, have been omitted—

<table>
<thead>
<tr>
<th>Despatch dated</th>
<th>Despatch numbered</th>
<th>Transmitting</th>
</tr>
</thead>
<tbody>
<tr>
<td>15th May</td>
<td>48</td>
<td>petition from William Howard for ticket of leave.</td>
</tr>
<tr>
<td>17th May</td>
<td>50</td>
<td>quarterly statement to 31st March, 1833, of expenditure from military chest.</td>
</tr>
<tr>
<td>6th August</td>
<td>62</td>
<td>comparative statements of revenues for 1831 and 1832.</td>
</tr>
<tr>
<td>6th August</td>
<td>63</td>
<td>one conditional pardon for approval.</td>
</tr>
<tr>
<td>21st August</td>
<td>67</td>
<td>&quot; blue book &quot; for year 1833.</td>
</tr>
<tr>
<td>23rd September</td>
<td>70</td>
<td>list of convicts recommended for tickets of leave.</td>
</tr>
<tr>
<td>27th September</td>
<td>72</td>
<td>quarterly statement to 30th June, 1833, of expenditure from military chest.</td>
</tr>
<tr>
<td>29th September</td>
<td>74</td>
<td>report on botanical gardens.</td>
</tr>
<tr>
<td>2nd October</td>
<td>80</td>
<td>return of intestate estates.</td>
</tr>
<tr>
<td>4th December</td>
<td>96</td>
<td>&quot; &quot; &quot; &quot;</td>
</tr>
<tr>
<td>6th December</td>
<td>102</td>
<td>minutes of executive council for half-year to June, 1833.</td>
</tr>
<tr>
<td>6th December</td>
<td>103</td>
<td>schedules of expenditure from military chest to 30th September, 1833.</td>
</tr>
</tbody>
</table>

GOVERNOR BOURKE TO UNDER SECRETARY OF STATE.

The following despatches,* written in the year 1833, have been omitted:—

<table>
<thead>
<tr>
<th>Despatch dated</th>
<th>Transmitting</th>
</tr>
</thead>
<tbody>
<tr>
<td>1st January</td>
<td>report re grant of conditional pardon to James Wood.</td>
</tr>
<tr>
<td>11th March</td>
<td>schedule of despatches.</td>
</tr>
<tr>
<td>15th March</td>
<td>report re intestate effects of Francis MacNamara, convict.</td>
</tr>
<tr>
<td>16th May</td>
<td>&quot; re Richard Beardsley, convict.</td>
</tr>
<tr>
<td>4th August</td>
<td>&quot; re Sylvester Thornton, convict.</td>
</tr>
<tr>
<td>15th August</td>
<td>&quot; re William Chadwick, convict.</td>
</tr>
<tr>
<td>15th August</td>
<td>&quot; re Thomas Black, convict.</td>
</tr>
<tr>
<td>22nd November</td>
<td>returns of deaths and escape of convicts.</td>
</tr>
<tr>
<td>5th December</td>
<td>report re Thomas Hewitt, convict.</td>
</tr>
</tbody>
</table>

GOVERNOR BOURKE TO VISCOUNT GODERICH.

(Despatch No. 2, per ship Brothers; acknowledged by right hon. E. G. Stanley, 6th June, 1833.)

My Lord,

Government House, 2nd January, 1833.

In obedience to the commands contained in Your Lordship's Despatch of the 10th Decr., 1831, No. 43, I have the honor to transmit herewith a Return of the names and Rank of Military Officers on Half Pay holding Civil employments in this Colony, showing the Salary and emoluments of such employments and the date of the appointment of the Officers thereto.

I have, &c.,

RICHD. BOURKE.

* Note 1.
[Enclosure.]

Return of the Names and Rank of Military Officers on Half Pay, holding Civil Appointments in the Colony of New South Wales, shewing the Salary and Emoluments of such Employments, and the Date of the appointment of the Officers thereto.

<table>
<thead>
<tr>
<th>No.</th>
<th>Military Service</th>
<th>Civil Service</th>
<th>Remarks</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Rank.</td>
<td>Employment.</td>
<td>Date of Appointment</td>
</tr>
<tr>
<td>1</td>
<td>Lieutenant Colonel</td>
<td>Commandant, Norfolk Island</td>
<td>1827</td>
</tr>
<tr>
<td>2</td>
<td>Major, Unattached</td>
<td>Surveyor General of Crown Lands</td>
<td>1828</td>
</tr>
<tr>
<td>3</td>
<td>Captain</td>
<td>Principal Superintendant of Police</td>
<td>1829</td>
</tr>
<tr>
<td>4</td>
<td>Captain, New Brunswick</td>
<td>Resident Magistrate, Stonequarry Creek</td>
<td>1829</td>
</tr>
<tr>
<td>5</td>
<td>Assistant Commissary General</td>
<td>Auditor General of Colonial Accounts</td>
<td>1829</td>
</tr>
<tr>
<td>6</td>
<td>Lieutenant 48th Regiment</td>
<td>Lieutenant of a Division of Mounted Police</td>
<td>1829</td>
</tr>
<tr>
<td>7</td>
<td>Lieutenant</td>
<td>Assistant Surveyor of Roads</td>
<td>1829</td>
</tr>
<tr>
<td>8</td>
<td>Assistant Surgeon 48th Regiment</td>
<td>Surgeon, Sydney</td>
<td>1829</td>
</tr>
<tr>
<td>9</td>
<td>Attached to the Corps of Royal Military Surveyors and Draughtsmen, ditto</td>
<td>Surveyor of Crown Lands</td>
<td>1829</td>
</tr>
<tr>
<td>10</td>
<td>Mortimer William Lewis</td>
<td>Assistant ditto</td>
<td>1829</td>
</tr>
</tbody>
</table>

ALEX. McLEAY, Colonial Secretary.
GOVERNOR BOURKE TO VISCOUNT GODERICH.

(Despatch No. 4, per ship Brothers; acknowledged by right hon. E. G. Stanley, 26th June, 1833.)

My Lord,

Government House, 4th January, 1833.

I have the honor to inform Your Lordship that two vacancies in the Surveyor General's Department have lately occurred, the one by the removal of Mr. Rogers, who had got into Debt and into Gaol, and was otherwise unsuited for employment, and the second by the resignation of Mr. Finch. I do not propose to fill up either of these Vacancies; but, for the efficient discharge of a necessary and important duty in the Road Branch of the Surveyor General's Department, I have appointed, subject to Your Lordship's approval, Mr. David Lennox to be Superint. of Bridges at the Salary of £120 a year, being about half of the Rate paid to an Assistant Surveyor. The Surveyor General is of opinion, in which I concur, that it may be advantageous and possible to substitute Practical Men of the description of Mr. Lennox in the place of some of the Assistant Surveyors now employed on the Roads. It will I think be advisable to reduce two of these Assist. Surveyors in the course of this year, and I hope Your Lordship will approve of my introducing into the Road Branch one or two Persons more of practical experience in Road making, with the same amount of Salary as that paid to Mr. Lennox, upon such persons presenting themselves for employment in this Colony.

I have, &c.,

RICHD. BOURKE.

GOVERNOR BOURKE TO VISCOUNT GODERICH.

(Despatch No. 5, per ship Brothers; acknowledged by right hon. E. G. Stanley, 20th July, 1833.)

My Lord,

Government House, 5th January, 1833.

With reference to Your Lordship's Despatch No. 39, dated 26th October, 1831, I have the honor to transmit herewith the Report of a Medical Officer upon the injuries sustained by Constable Geary in a conflict with Bush Rangers in the County of Bathurst, in consideration of which and of his conduct on the occasion he had received from General Darling a Conditional Pardon and a Pension* of 1 Shilling a day. As the Physician by whom he has been examined states Geary’s arm to continue still paralytic and unserviceable, I have directed the pension to be continued to him for one year from the 1st of August last, at the expiration of which time I shall require another Report.

I have, &c.,

RICHD. BOURKE.

* Note 2.
[Enclosure.]

MR. A. GIBSON TO COLONIAL SECRETARY MACLEAY.

Sir, Goulburn, Argyle, 25th July, 1832.

In compliance with the Instructions of His Excellency the Governor contained in your letter of the 9th Instant, I beg leave to Report, for His Excellency's information, that I have examined Daniel Geary, late Constable at this place, and find that his left arm still continues Paralytic and unserviceable in consequence of the wounds which he received in the Conflict with the Bathurst Insurgents. At the same time it appears evident that some improvement has taken place in the state of Geary's Arm and general health, since the date of my former report, I think it very probable that the injury may not prove of a permanent nature.

I have, &c.,
ANDW. GIBSON.

GOVERNOR BOURKE TO UNDER SECRETARY HAY.

(Despatch per ship Brothers.)

Sir, Government House, 5th January, 1833.

In reply to your letter 3rd May last, desiring me to enquire into the claims of Messrs. Reiby and Atkinson, and referring me to Secretary Sir George Murray’s despatch No. 45, 9th June, 1830, addressed to my Predecessor, I have the honor to inform you that General Darling, after an investigation of the claims of those Gentlemen, came to this decision, Viz.:

"That Messrs. Reiby and Atkinson should receive one Square Mile of Land free of Quit Rent as a donation from the Government in consideration of their loss, but not as a compensation, as such a precedent would have a bad effect, and they have no claim thereto."

I have further to state that Messrs. Reiby and Atkinson are both settled in Van Diemen’s Land, and that I have in conformity to your Instructions requested Lieut. Governor Arthur to make these Gentlemen a grant of one Square Mile of Land free of Quit Rent in that Colony.

I have, &c.,
RICH. BOURKE.

GOVERNOR BOURKE TO UNDER SECRETARY HAY.

(Despatch per ship Brothers: acknowledged by under secretary Lefevre, 30th August, 1833.)

Sir, Government House, 6th January, 1833.

In obedience to the directions contained in your letter of the 10th March last, I directed Mr. Moore, as Executor of the late Mr. Mills formerly Registrar of the Supreme Court of this Colony, to be called upon for a statement of the affairs of that
gentleman and to be requested to transmit to the friends of Mr. Mills any private papers belonging to him of which he might be in possession.

In reply I have received from Mr. Moore the communication of which I now forward a Copy.

I have, &c.,

RICHD. BOURKE.

[Enclosure.]

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

Sir,

George Street, Sydney, 19th December, 1832.

In answer to your letters of 7th September last and 14th Instant, respecting the application of Mr. Appleyard for a Statement of the affairs of the late Col. Mills and for his private papers:

I have the honor to acquaint you, for the information of His Excellency and of Mr. Appleyard, that his Estate has only as yet paid his Creditors the sum of five shillings in the pound on their respective Claims. I have after great difficulty lately succeeded in disposing of his Farms at Hunters River for £640 at the long Credits of Six, twelve, eighteen, and twenty four months; and, after the expenses of Sale, quit Rents, Discounts of these securities, Testamentary and other charges are paid. I do not Contemplate that enough will be left to afford a greater Dividend than Seven Shillings more in the pound to the Creditors here; with respect to the private papers of the late Col. Mills, I have always understood that Mr. Appleyard was informed shortly after his Death that no private papers whatever of any import Could be found. From the Statements of his Servants, the Colonel had been employed during several of his last days in tearing and burning every paper of a private Nature in his possession, the remains of which were afterwards visible to everyone; and, with the exception of an old Pocket Book containing Some Memoranda and Accounts of petty expenses apparently during a tour on the Continent, the draft of a letter to Lord Goderich, the Subject of which was I know pressing very heavily on his mind at the time he destroyed himself, and several Tradesmen's Accounts, no other papers whatever could be discovered.

I beg leave to state for the information of His Excellency that I always understood from Col. Mills, with whom I was very intimate, that he had a Considerable Sum of Money in the hands of Mr. Appleyard, arising (I believe principally), as I understood him, from an Annuity which had fallen in Consequence of the Death of his Wife, the news of which event he Communicated to me on its arrival some time before; but I have now no data as to the period of its having happened. Shortly before his Death, he drew Bills of Exchange for £350 on Mr. Appleyard on the Credit of the Monies he so Stated were in Mr. Appleyard's hands, and deposited these Bills at the Bank of Australia to negotiate for his procuring the Money; but, from some delay that took place there, the Bills remained at the Bank until after his Death. As the Settlement of his affairs was in my hands, I caused these Bills to be forwarded to England not for a Moment doubting that they would be paid, and which would about have Settled all claims on him in the Colony; but they were returned unaccepted and unpaid by Mr. Appleyard without any explanation whatever on his part as to their dishonor, or any Statement as to whether or not any or what Sum of Money was in his hands belonging to the late Colonel.
I mention the last circumstance as a reason for my saying that I do not think Mr. Appleyard is ex gratia entitled to expect of me a Statement of Accounts, at the same time that he is withholding from me and the Creditors of the Estate here a similar statement on his part. I do not intend to say I shall refuse anything of the kind; but, until I have arranged for the sale of the Land, I cannot Complete my Accounts of the Estate to file in the Supreme Court, which I am under a Bond to do; and I shall then have no objection to furnish him with Copies of My Accounts of the Estate; but at present I have neither an inclination to incur the expense of procuring Certified Copies of all the Accounts or the means of defraying the Charges of so doing.

W. H. Moore.

[Enclosure No. 1.]

My dear Sir,

University Club, London, 7th Sept., 1832,

In consequence of important letters from my Australian Agent, I called on you some days since; in your absence I communicated with Mr. Short who will probably inform you of what passed. It may be in your recollection that to complete the entire locations of my property and to bring it up to a range of High Hills forming my South West Boundary, a range of Land, useless to any other person inasmuch as inaccessible unless by a road over my grants, was ordered by Lord Bathurst to be made over to me; that afterwards, when Mr. Huskisson came into office, finding that I had considerable balance in my favor on the original grant of 20,000 Acres.
in consequence of my having employed Many More Convicts than necessary for the discharge of the entire quit-rent, I applied for permission to make such excess a set-off for the new scale of Quit rent then proposed. The result you will find stated in my letter to Mr. McLeay, a copy of which I subjoin and which I wrote at Mr. Short's suggestion. That new Brooms sweep clean is an adage of long standing; but I really hope in this instance they will not be permitted to brush away every previous compact and every little encouragement held out to induce outlay and expenditure. You will see that this impost is a quit rent of 2s. 8d. per acre, to begin before one shilling can be derived from the property, Whereas the clear understanding was that 7 years should be allowed previous to the commencement of the operation of the quit rent. Mr. McLeay has enforced this payment which my Agents has made under Protest.

I really must earnestly beg the protection of Government against this act of flagrant injustice and direct breach of engagement.

I am, &c.,

T. POTTER MACQUEEN.

[Enclosure No. 2.]

MR. T. POTTER MACQUEEN TO COLONIAL SECRETARY MACLEAY.

Sir,

London, 1st Septr., 1832.

By a letter received from my Agent Mr. K. Sempill, I learn that a claim for Quit Rents to a yearly extent £71 4s. 8d. has been enforced on the 25th of March last, as chargeable on a Grant of 3,825 acres of Land situated in the Counties of Durham and Gloucester.

In the Year 1824, when Lords Liverpool and Bathurst rendered me the free Grant* of 20,000 acres of Land as compensation for Expectations held out by them to me but never realized, The only condition annexed was the employment of Convicts at a fixed value of £16 per head, so as to fulfill the very moderate Quit Rent then imposed. By the Return made by my Agent, Mr. McIntyre, in the years 1826, 27, 28, it appeared that the aggregate sum so paid was so much greater than the original Contract, that a large balance was then in my favor. I made this Statement to Mr. Secretary Huskisson and expressed my hope that the balance admitted as part payment of the new Grants in the shape of Quit Rents in advance. Mr. Huskisson at once admitted the justice of my claims and promised to make further enquiries, but observed there would be ample time to consider the subject, as the Quit Rent would not be demanded until 7 years after the measuring out the Land in question. It was on this distinct understanding that the 2 Grants in question were made in Downing Street. And I therefore trust you will admit that the charges ought not to commence until the period assigned, and that then they shall be liquidated by the balance in my favor of Employment to Convicts.

It is peculiarly to be lamented that the practical part of Australian Government is so very different from the Theoretical Assurances held forth in Downing Street, that the directions made in the latter place are either evaded or protested against in the Colony. Thus, tho' I have been, by consecutive Chief Secretary's, promised every encouragement generally and Grants in the Harbour

* Note 3.
of Sydney and Town locations in Maitland specifically, still these intentions have ever been neutralised and I deprived of the anticipated benefits.

I send a Copy of this letter to Lord Goderich, and I am convinced I am stating no more than the fact, when I assert that the Home Government feel every disposition that the promises, heretofore made but never realized, should be performed without further doubt or procrastination.

I am, &c.,

T. POTTER MACQUEEN.

[Enclosure No. 3.]

UNDER SECRETARY HAY TO MR. T. POTTER MACQUEEN.

My dear Sir,

My letter acknowledged.

I have to apologise to you for allowing your letter of the 7th of September to stand over so long without a reply; but, having been out of Town for some part of the time and much engaged by other matters since my return, I have not been able, at an earlier period, to bring the subject of it under the consideration of the Secretary of State; Lord Goderich having examined all the Correspondence connected with the Grant of Land directed to be made to you in the year 1823, and to the additional Tract afterwards authorised, I regret to acquaint you that his Lordship does not consider that any grounds exist for his interference in relieving you from the payment on account of Quit rent, with which the Land alluded to in your letter has been deemed chargeable by the Colonial Government. In every Grant which has been authorised in your favor by the successive Secretaries of State, its liability to the usual conditions has always been reserved; and as, according to the Regulations existing when the addition in question was made to your property in New South Wales, all Grants, in extension, are subject to the payment of Quit rent immediately upon the parties entering into possession, Lord Goderich can not admit your claim to be relieved from a payment to which all other parties are liable. Certainly you alone are capable of stating what passed between you and Mr. Huskisson on the subject of the set off against this Quit-rent on account of the excess of Convicts employed upon your lands: but, as no Instructions to that effect were given by Mr. Huskisson in conformity with any promise which he may have held out to you, and as claims of a similar nature brought forward by the Australian and Van Diemen’s Land Companies, as well as other settlers, were rejected as being wholly inadmissible, Lord Goderich does not feel at liberty to allow you to benefit by such an arrangement.

I am. &c.,

R. W. HAY.

[Enclosure No. 4.]

MR. T. POTTER MACQUEEN TO UNDER SECRETARY HAY.

Sir,

Letter acknowledged.

I have the honor to acknowledge the receipt of your letter of the 21st of October last in reply to my application of the 7th of September preceding on the subject of the late extortion of Quit Rent on my Australian Property.

I regret that my absence on the Continent has prevented my noticing your communication at an earlier period.
It appears to me that Lord Goderich has entirely misapprehended the nature of my application, and I therefore renew the leading object I have in view.

The minutes of the Colonial Office will shew that, in the year 1827, in consequence of a representation made by me that certain lands in the Countries of Gloucester and Durham in New South Wales were so situated as to range necessarily with my Estate so as to give me the Berrier of the Hills on the one side and the river Hunter on the other. Mr. Huskisson was pleased to direct that these Lands, so pointed out on the Maps I brought before him, should be measured and disposed of to me under the then existing Regulations respecting the disposition of sales. He was induced to do so from a kind feeling that the Lands in question were essentially necessary to render my Estate compact, to prevent other small Settlers harassing me, and to enable me to avail myself of natural boundaries instead of being compelled to incur the expences of raising artificial ones.

The Lands so ordered to be assigned were given up to my resident Agent in 1828-9, subject to the then existing Regulations.

The distinct condition of those Regulations was that a free occupancy for Seven years was permitted, at the close of which period I should be allowed to purchase on an estimated value of 20 Years.

On the strength of this Regulation, duly proceeding from Downing Street, I have taken possession, made my improvements, and considered myself the Proprietor.

The Regulations under which Mr. McLeay has most improperly obtained the sum of £35 12s. 6d. were not made known until 1830-31. He has therefore most fraudulently obtained this Sum (and probably the additional moiety in the present month) under the pretence that a Law, made by the Colonial Office and not by Act of Parliament in the year 1831, shall effect Capital Grants made in the year 1827 under avowed Regulations of a distinctly different nature. I therefore have to request that immediate orders be sent to the Governor of New South Wales, directing the repayment of any sums so unfairly obtained together with Interest from the period of such illegal Transactions having been accomplished.

I have, &c.,

T. POTTER MACQUEEN.

I beg to hand you the extraordinary Document, which was the Instrument by which this Sum of Money was extorted. You will please to return it to me.

[Enclosure No. 5.]

UNDER SECRETARY HAY TO MR. T. POTTER MACQUEEN.

Sir,

Downing Street, 29th Decr., 1832.

I have received and laid before Lord Goderich your letter of the 4th Instant, in which you again bring under his consideration the subject of the Quit-rent upon a Grant of Land, which was allotted to you in addition to your original Grant, and which Quit-rent you allege to have been demanded by the Government of New South Wales sooner than was required by the Regulations under which you obtained the Land in question. Lord Goderich having carefully examined the whole of the correspondence which has passed between this Office and yourself, respecting your various applications for Tracts of Land in the above Colony, as well as the respective Instructions to the Governor upon the subject, his
Quit rents on additional grants.

Lordship has directed me to inform you that he finds himself compelled to adhere to the decision already communicated to you, that the Quit Rent upon this Land was payable, according to the Regulations, from the date of your obtaining possession of it, and therefore that the Colonial Government were fully warranted in demanding it. You allege that the Quit rent was not required by the Regulations to commence until after the expiration of seven years from the date of occupation since Novr., 1824. However, the Regulations have invariably prescribed that, in all cases of additional Grants (which the land in question undoubtedly was), the Quit rent should be charged from the date of possession being given of such additional Grant. In the despatch* to the Governor authorising him to allot to you the land, no mention is made of any intention to relieve you from the operation of the Regulations, in respect to Quit rent, neither is there any record of its having been contemplated by the Secretary of State.

You appear to be mistaken in supposing that this Quit Rent has been demanded under Regulations made subsequently to the date at which you acquired the Land. Lord Goderich apprehends that you refer to a Regulation, which was passed, when the system of granting Lands upon Quit-rent was abolished, with a view to recover the Arrears of Rent, which had already become due, but which the parties had neglected to pay. To prevent any mistake, however, upon this point, the Governor will be directed to investigate the matter and report to the Secretary of State the result.

Lord Goderich cannot but observe that, in your late letters to this office, you have suffered yourself to indulge in reflections upon the Local Government generally and upon Mr. McLeay personally which the facts of the case did not warrant. In all the despatches to the Governor (as you have been repeatedly informed), it was left to him to determine whether there were any objections of a public nature, which ought to prevent your receiving the indulgence you solicited. the Colonial Government alone being competent to form a correct opinion on that point.

I am, &c.,

R. W. HAY.

P.S.—At your request, I return you the original letter of the Collector of Internal Revenue to your Agent, in which the former applied for the Quit-rent.

[Enclosure No. 6.]

MR. T. POTTER MACQUEEN TO UNDER SECRETARY HAY.

My dear Sir,

I received your letter of the 20th Ultimo, and in the first place beg to thank you for the kind courtesy which dictated your private letter however unpleasant might be the information it conveyed.

I am very anxious to place before you, and perhaps also Lord Goderich, the correspondence which has taken place on this subject, and, as I consider I have above £20,000 at Stake, I hope you will excuse the pertinacity I may be compelled to manifest.

I assert, 1st, that, in November, 1824, I had Lord Bathurst's promise that, in consideration of my sending to Australia the largest Investment which had ever left England (a system the Government of that day was most anxious to encourage), I should be allowed to select 10 acres in Sydney Harbour for the purpose of erecting Store Houses and for carrying into effect my proposed arrangements.

* Note 4.
That Mr. McIntyre, in his arrival in 1825, made application to the Government and the Colonial Secretary for this recorded allotment, first in general terms, then pointing out the direct spots, etc., etc.; that the essence of the replies (setting aside the miserable evasion of his Lordship's orders) went to shew that there was no Land of the character desired, and it was not in the power of Government to award any such, but from the doubt of the Instruction, but from the avowed want of Land answering the description; and yet 2 years afterwards Mr. McLeay obtains a nominal grant of 50 acres (really above 60) in Elizabeth Bey, any portion of which would have answered my end, and above 100 acres have since been given, leased or sold in the face of the neglected authority of the Secretary for the Colonies. Have I then no right to complain. Surely it is sufficient loss to me that I can only receive in 1834 that which was officially pledged to me in 1824, without being called upon to make good all rises of the value of Property in that most rising portion of the globe. These documents I shall beg to hand to you; certainly I had not expected the very extraordinary defence now set up that all increased grants were to be liable to an immediate Quit rent. I can bring you abundance of Evidence of persons now in this Country, who have received increased grants in 1827-8 without any imposition of Quit rent, but on the same terms as their original grants, the local Government wisely holding that the party, who had invested Capital in his first grant, was well entitled by his Conduct to obtain a second; and certainly the personal assurances both of Mr. Huskisson and Sir George Murray were calculated to convey every belief of liberal and fair conduct; instead of which the jealousies of Interested Parties in the Colony have been successfully exerted to retard my exertions, and deprive me of which has been in other cases freely and openly supplied.

I therefore again assert that I have not had fair play in the Colony, and I will not allow myself to believe that, if a fair Statement of the facts were before your office, Lord Goderich would consent to make me so large and chief a sufferer.

Believe me, &c.,
T. POTTER MACQUEEN.

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

Sir,
Government House, 15th January, 1833.

I have the honor to inform you that I have received a despatch of Lord Viscount Goderich No. 122, addressed to me on the cover, but intended as I perceived on opening it for the Governor of Ceylon. With this exception, I have received in regular series His Lordship's despatches for this Government to No. 123 inclusive.

I retain the Despatch for The Governor of Ceylon with its enclosures, hoping to have the means of forwarding it to him by an early opportunity.

I have, &c.,
RICH. BOURKE.
UNDER SECRETARY HAY TO GOVERNOR BOURKE.
(Despatch per ship Asia.)

Dear Sir,

Downing Street, 16th January, 1833.

With reference to Lord Goderich's letters of the 20th of March, 1832, enclosing an application from Sir Colin Campbell in favor of his Relative, Mr. Patrick Campbell, who had been temporarily employed by your Predecessor in the Department of Roads and Bridges, I am directed by his Lordship to acquaint you that Mr. John Campbell has since renewed the application on behalf of his Brother; and I am to request that you will bear in mind the wish of the Secretary of State to meet the views of Mr. Patrick Campbell, either by appointing him to the next vacancy that may occur in the Surveyor General's Department, or, if you should be precluded from such a measure by the reductions ordered from Home, by conferring some other employment upon him on the first favorable opportunity, which may offer, consistently with the interests of other Claimants.

I remain, &c.,

R W. HAY.

GOVERNOR BOURKE TO VISCOUNT GODERICH.
(Despatch No. 8, per ship Brothers; acknowledged by right hon. E. G. Stanley, 26th June, 1833.)

My Lord,

Government House, 16th January, 1833.

I have the honor to transmit the extract of a letter addressed to the Colonial Secretary by the Surveyor General in this Colony, requesting a higher rate of pay for his second Clerk, Mr. Hy. Halloran. I have reason to believe that Mr. Halloran is a deserving young Man, and I am sure his services will not be overpaid at the Salary of £150 a year, for which I beg leave to recommend him.

The Surveyor General recapitulates several different rates of salaries existing in the several Offices under this Government, few of which are of more importance than his own. I imagine the variety in the rate has been principally occasioned by the increased or diminished facility of obtaining competent clerks at the several periods of their respective appointments. But however inconvenient the variety of the rate may be as affording matter for invidious comparison, I do not see how it can be wholly avoided in a Colony where prices are so fluctuating.

The denial of promotion to Mr. Halloran, by placing another person to fill up the vacancy caused by the resignation of the
Chief Clerk in the Surveyor General's Department, was at the instance of the Surveyor General himself, who represented to me that he thought Mr. Halloran too young a man to take the lead in so important and troublesome an Office and recommended another person whom I appointed accordingly.

I have, &c.,

RICHD. BOURKE.

[Enclosure.]

EXTRACT of a Letter from the Surveyor General, dated 7th January, 1833.

(No. 33/18.)

I beg now to state that my chief reliance must now be for some time on Mr. Halloran, whose zeal and ability, as well as his long standing in this Office (though yet young), have several times induced me to apply in his behalf, praying that his Salary might be proportioned to his length of Service, or at least to those paid to others in similar situations in the other Public Offices of this Colony. I beg it may be Submitted, for the consideration of His Excellency the Governor, that, whereas Mr. Halloran received three years ago One Hundred and fifty Pounds per annum, he now receives only One Hundred and twenty Pounds, while the Clerks of some other Offices receive, on the Contrary, an annual increase. I am informed that the youngest Clerk in the Office of the Colonial Secretary receives One hundred and sixty Pounds per Annum: that, in the Audit Office, the Second Clerk receives One Hundred and Seventy Pounds per annum and that the third and fourth receive each one hundred and sixty Pounds. In the Office of the Superintendent of Convicts, the Second Clerk receives one hundred and fifty Pounds. In the Supreme Court Office, the Youngest receives one hundred and thirty Pounds per annum. I trust more instances will not be necessary to convince His Excellency that Mr. Halloran's Salary is below the rate paid in other Offices, though, strange to say, Mr. Halloran is, with one exception only, of longer standing than any of the abovementioned Clerks. Mr. Halloran is not the Junior but the Second Clerk in this Office, while the third, a mere copying Clerk, receives the same salary as himself. It may also deserve His Excellency's Notice that, where the chief Clerk receives only One Hundred and ninety or two hundred Pounds, as in the Office of the Superintendent of Convicts, the Second Clerk's Salary is one hundred and fifty Pounds per Annum.

I would therefore submit for His Excellency the Governor's Consideration that Mr. Halloran's Salary as Second Clerk in this Office, after Six Years' Service, should not be less than One hundred and Sixty Pounds per annum; and I beg to assure His Excellency, in making this request in behalf of Mr. Halloran, that I do so only from a desire to get through the Public business of this Office, being convinced that some encouragement, proportionate to length of service, is necessary to stimulate the Zeal and industry of any individual; and now I would respectfully submit, when the higher step has been denied him, Mr. Halloran's claims are entitled to the most favorable consideration.
1833.  
17 Jan.  

HISTORICAL RECORDS OF AUSTRALIA.

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

Sir, 
Downing Street, 17th January, 1833.

I am directed by Viscount Goderich to transmit to you the Copy of a Letter from the Under Secretary of State for the Home Department, and his Lordship desires me to request that, with a view to obviate any future difficulty or inconvenience of the nature of that described, you will cause a Return to be sent home of all Free and Conditional Pardons, which may have been granted by the respective Governors of New South Wales for the last ten years, and that, in addition to the reference which you are required by the Act 9 Geo. 4, Cap. 83, Sec. 33, to make to this Country in the cases of every Convict upon whom a Free Pardon may have been bestowed, you will forward to the Secretary of State, annually, made up to the 31st December, a List of all such Pardons granted during the year, for the purpose of its being transmitted to the Home Office, and insuring greater accuracy in the Register which it is proposed to keep there.

I am, &c.,

R. W. HAY.

[Enclosure.]

MR. S. M. PHILLIPPS TO UNDER SECRETARY HAY.

Sir, 
Whitehall, 10 January, 1833.

In consequence of the numerous enquiries which are made at this Office relative to various Convicts, who have returned to this Country from the Australian Settlements before the expiration of their Sentences, and from the difficulty which Exists in ascertaining the truth of the assertion, which these persons frequently make when apprehended, that they have received a free pardon, it would be extremely desirable, in order to facilitate the ends of Justice, to call upon the Governors of those Colonies for a Return containing the name and particulars of each Convict, who may have received a Free Pardon from either of those Officers during the last Ten years, it being proposed to keep a Register of such Pardons in this Department, and to continue the same as future cases shall occur, with a view to affording ready and authentic information when required.

I am therefore directed by Viscount Melbourne to request that you will move Viscount Goderich to be pleased to take the necessary measures for procuring the Return before mentioned.

I am, &c.,

S. M. PHILLIPPS.

GOVERNOR BOURKE TO VISCOUNT GODERICH.  
(Despatch No. 9, per ship Brothers.)

My Lord, 
Government House, 18th January, 1833.

In obedience to the commands, contained in Your Lordship's Circular despatch of the 23rd November, 1831, I have the
honor to transmit herewith a Return shewing the number of Colleges and Schools of Education in this Colony with a List of the Professors and Masters severally belonging to them and an account of their Salaries.

I have, &c,

RICH. BOURKE.

[Enclosure.]

[This return has been omitted. The names of the schools and the masters were detailed as in the "New South Wales Calendar" for 1833, together with particulars of salaries and allowances.]

GOVERNOR BOURKE TO VISCOUNT GEDERICH.

(Despatch No. 13, per ship Brothers; acknowledged by right hon. E. G. Stanley, 26th June, 1833.)

My Lord, Government House, 23rd January, 1833.

Referring to Your Lordship's Despatch No. 33, dated 16th October, 1831, calling for a nominal Return from the Principal Superintendent of Convicts of the number of Prisoners at present under Sentence of Transportation in this Colony, I have the honor to inform you that, having directed Mr. Hely to be called upon to furnish this Return, he has addressed a letter to the Colonial Secretary, of which the following is a Copy.

I have delayed until now to forward this letter hoping to be able to transmit the Return to your Lordship; but, as I am now informed by Mr. Hely that, owing to the illness of his Chief Clerk and the want of sufficient assistance to conduct the duties of his office, it will be impossible to have it prepared before the expiration of two months more, I have thought it right to furnish Your Lordship with a Copy of Mr. Hely's letter in explanation of the former omission as well as of the present delay.

I have, &c,

RICH. BOURKE.

[Enclosure.]

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

Principal Superintendent of Convicts' Office.

Sir. 22nd August, 1832.

Having reference to your letter of the 4th April last, Letter No. 32/292, requesting that a transcript of the Return of Prisoners of the Crown kept in my Office, from the Year 1825 the date of the last Muster received in England up to the latest period, may be prepared for transmission to England as early as possible, and informing me that if required the Census taken in 1828 is at my service to enable me to complete the transcript alluded to, and referring also to my letter of the 9th April, No. 32/191, I have the honor to inform you that, having obtained the Census of 1828, the
Return called for is in progress, but I cannot entertain the hope of its being ready for transmission for at least three months to come.

As there seems however to be some misapprehension with regard to the means afforded by this Office for preparing the Return in question, I beg to acquaint you, for the information of His Excellency the Governor, and if necessary that it may be communicated to the Secretary of State, that no such transcript as that alluded to is nor ever has been in this Office, nor have I before been charged with the preparation of a similar return to that now called for. It can therefore be matter of little surprise that, without the means of making it up and without any previous notification that I should be charged with such a duty, I am unable either speedily or satisfactorily to prepare such a Voluminous Document as that now required must necessarily be.

It is within your knowledge that all the Returns of this nature hitherto sent to England were prepared and forwarded from the Office of the Colonial Secretary, in which there was a separate department for this purpose, conducted by what was called the Principal muster Clerk, an office not very long since abolished. Those Returns you are also aware were made up from periodical musters of the Colony, and not from any register in this or any other Office, which in fact could hardly be expected to be kept correctly in this Colony, where the population is scattered over a Territory of upwards of Three hundred Miles Square, and where much of the necessary information required must be obtained from the Settlers and others located in the different parts of this extended Territory.

In Van Dieman's Land, there is a separate appointment termed a "Muster Master," an Office which must I presume have arisen out of some one similar to that called the "Muster Clerk" in this Colony, whose exclusive duty (from what has officially come under my observation) seems to be to keep such a Register and prepare such Returns as those formerly furnished from the Colonial Secretary's Office in New South Wales; but in that Colony, where the number of Convicts is comparatively speaking few and the Territory limited, it will be a matter of much less difficulty to keep such a Register in a somewhat efficient state to what it would be in this Colony.

Copies of the Muster Rolls of each Ship as they arrive are registered in this Office; but those Registers serve more as a ready means of obtaining particulars of Prisoners to fix their identity than for any other purpose, as they contain nothing further respecting them than the places to which they may have been originally assigned on their arrival. Although, therefore, I have been supplied with the Census of 1828, it would be an endless labor to attempt to trace individually every Prisoner in that Return down to the present period with the addition of those arrived since, amounting in themselves to about (10,000) Ten Thousand.

Without in fact having recourse to the old system of periodical musters (which even from the experience had in conducting that of 1828 will I fear prove but very unsatisfactory) or adopting an entirely new mode of keeping a Registry of Convicts, which it will take years to mature, and which will at all times be subject to error from the unwillingness or neglect of Individuals to furnish Returns, I apprehend it will be impossible to make up such a Return as that expected by the Secretary of State.
BOURKE TO GODERICH.

If therefore considerable delay should arise in preparing the
Return now making up, and if when finished it should not be found
so complete as could be desired, I trust from the explanation which
I have now given that those delays and deficiencies will not be
attributed to me; and I feel confident that, had the Secretary of
State been aware of the facts now mentioned, His Lordship would
have abstained from holding out the unpleasant threat* communi-
cated in your letter.

I have, &c.,
FREDK. A. HELY.

GOVERNOR BOURKE TO VISCOUNT GODERICH.
(Despatch No. 14, per ship Brothers; acknowledged by
right hon. E. G. Stanley, 13th November, 1833.)

My Lord,
Government House, 24th January, 1833.

At the suggestion of the Deputy Commissary General on
this Station, whose letter is transmitted herewith, I have the
honor to forward an application from Mr. M. Gregson, as Agent
to Mr. John R. Kent, formerly employed as Master in a Colonial
Vessel, to be paid the Sum of £297 0s. 2d. according to the
account of which a Copy accompanies this Despatch. The cor-
rectness of Mr. Kent's claim cannot be enquired into here, as the
accounts of the Deputy Commissaries General Drennan and
Wemyss, during whose employment in New South Wales the
claim is alleged to have originated, have been sent to England.
I have therefore to request that Your Lordship will be pleased to
move The Lords Commissioners of the Treasury to call on those
Officers to furnish from the accounts, which are open to their
inspection in England, a Report upon the propriety of Mr. Kent's
demand.

The claim being of an old date, I should have scrupled to for-
ward it, but that it appears by the accompanying letter from the
Master Attendant to have some foundation.

I have, &c.,
RICHD. BOURKE.

[Enclosure No. 1.]

MR. J. LAIDLEY TO COLONIAL SECRETARY MACLEY.

Sir,
Commissariat Office, Sydney, 2nd January, 1833.

Adverting to your Letter No. S34 of the 18th ultimo on the
subject of the Claim of Mr. J. Kent for payment of Stores and
Provisions furnished to the Government Colonial Vessels “Mer-
maid” and “Elizabeth Henrietta” between 27th Sepr., 1821, and
13th March, 1825, amounting to £297 0s. 2d., I have the honor to
state for the information of His Excellency the Governor that
there are no records in this Office by which Mr. Kent's claim can
be verified as both Deputy Commissaries General Drennan and
Wemyss are now in England. It might however be desirable to for-
ward Mr. Kent's account to the Lords Commissioners of the Treas-
ury in order that their Board might call on those Officers for the
explanation required.

I have, &c.,
JAMES LAIDLEY, D.C.G.

* Note 5.
MR. M. GREGSON TO COLONIAL SECRETARY MACLEAY.

Sir, Queen Street, Sydney, 15th November, 1832.

As the Agent of Mr. J. R. Kent, formerly in command of H.M. Colonial Vessels "Mermaid" and "Elizabeth Henrietta," I have very respectfully to request that you will submit to His Excellency The Governor his claim upon this Government for the Sum, besides Interest, of £212 7s. 5d. of the former Currency of this Colony and with Interest, calculated to this date, £297 Os. 2d. Sterling, as per enclosed Statements.

Mr. Kent is absent from the Colony in Merchant's employ, and, as is Stated to me, has generally been so since he quitted the Service of the Colonial Marine, owing to which, he has never yet obtained a Settlement of his account with Government; but this circumstance, and I know of no other that should, will not, I feel persuaded, invalidate his just claims to compensation for supplies furnished by him for His Majesty's Service, even at a period somewhat remote.

Soliciting on behalf of Mr. Kent the favor of your acknowledgment hereof,

I remain, &c.,

M. GREGSON.

[Enclosure No. 3.]

MR. J. NICHOLSON TO COLONIAL SECRETARY MACLEAY.

Sir, Master Attendant's Office, Sydney, 29th Decr., 1832.

In reply to your Letter dated 18th Inst. No. 32/214, enclosing Copies of Communications from Mr. J. R. Kent respecting his claim to the Sum of £297 Os. 2d. for Stores and provisions alleged to have been Supplied to the Government Colonial Vessels "Mermaid" and "Elizabeth Henrietta," while under his command, and calling on me to report whether this Office contains any evidence of the propriety of the Claim:

I beg to inform you, I have no documents that would in any way elucidate the said claim; but at the same time beg to state that, as far as I can recollect, Mr. Kent, when proceeding to the Islands, did purchase with his own Trade some Pigs, Potatoes, etc., for the use of his Crew, by which means he saved the expenditure of the Government provisions, and which I am not aware whether he ever turned into the Commissariat; but, of any other purchase on account of Government, I do not know of. On his quitting the Government Service, he did not I believe settle up his provision account with the Commissariat, which at that period the provision accounts were kept by that Department and the masters only, the latter holding himself responsible to them at the close of each Quarter for the quantity of Provisions drawn.

With respect to the Affidavit, wherein it States that the Accounts marked A, B and C are in the handwriting of one of the Clerks in the Dock Yard, I beg to say that this perhaps is the case; but still they could have only been made out from Mr. Kent's own accounts and not from Documents in this Office.

I do myself the honor of enclosing the Copies of Mr. Kent's Claim.

I have, &c.,

JOHN NICHOLSON, Master Attendant.
GOVERNOR BOURKE TO VISCOUNT GODERICH.

(Despatch No. 15, per ship Brothers; acknowledged by right hon. E. G. Stanley, 22nd August, 1833.)


I have the honor to transmit the petition of John Hogan, praying for compensation for the injury he has received by reason of an Error in the Indent, under which he was assigned to servitude in this Colony as a Felon Sentenced to Transportation for seven Years. By a Certificate from the Clerk of the Peace of the County of Tipperary, it would appear that Hogan was sentenced for seven years under the Insurrection Act on the 18th Septr., 1822, from which it follows that the period of his servitude expired on the 18th Septr., 1829. Upon his application for a certificate of freedom at that time, it was refused on the ground that the Indent stated his sentence to have been passed in 1823, and that he had in consequence another year to serve. Hogan it appears, persisting in his claim and in a refusal to work, was sentenced by a Magistrate to punishment, and was subsequently confined by Order of the Principal Superintendent of Convicts and not released until 1830. Acting under the advice of an Attorney, Hogan brought an Action first against the Principal Superintendent of Convicts and afterwards against the Magistrate, but gained nothing by these proceedings. The Attorney however produced an enormous Bill of Costs, and, having been probably the Instigator to the Actions, is now the promoter of a claim for compensation.

Hogan is, however I apprehend, a sufferer from an Official mistake; and, if Your Lordship is inclined to overlook the folly of his conduct in resisting authority and bringing actions at Law, when a less obnoxious demeanor would have obtained for him all due consideration, it may perhaps be right to make him a donation of a small sum of money. A jury seems to have considered ten pounds as sufficient damages in one case of complaint. Perhaps fifty pounds will be as much as he should in reason receive for all.

Having some knowledge of the handwriting of the Clerk of the Peace for the County of Tipperary, I am induced to think the certificate sent herewith is genuine. But it will be right to obtain an official assurance of the facts it asserts, before any donation is directed to be paid.

I have, &c.,

RICHB. BOURKE.

[Enclosure.]

[A copy of this petition is not available.]
GOVERNOR BOURKE TO VISCOUNT GODERICH.

(Despatch No. 16, per ship Brothers; acknowledged by right hon. E. G. Stanley, 19th August, 1833.)

My Lord,

Government House, 1st February, 1833.

In my Predecessor's despatch of the 19th December, 1831, No. 77, Your Lordship is informed of the inefficient state of the Revenue Cutter Letitia Bingham, and of the desire of the Custom House Officers here, to obtain a suitable Vessel to be employed principally outside the Heads of Port Jackson. I have now the honor to inform Your Lordship that, finding the Letitia Bingham not seaworthy nor capable of being made so, I deemed it proper to pay off the Master and Crew, and sell the Vessel.

By the accompanying Copies of a correspondence with the Collector and Comptroller of Customs, Your Lordship will see what steps I have taken for supplying temporarily the loss of the Cutter, and for providing an additional Land Waiter to the Custom House at Sydney, as required by the Collector and Comptroller.

The late Order in Council having authorized Officers of Customs to rummage Vessels hovering off these Coasts, the employment of a Cutter outside the Heads will probably prove an efficacious means of preventing smuggling and perhaps the escape of Convicts. I am, therefore, glad to find by Your Lordship's Despatch of the 18th of June, No. 104, that the application of the Collector and Comptroller has been complied with.

I have, &c.,

RICH. BOURKE.

[Enclosures.]

(Copies of these papers are not available.)

GOVERNOR BOURKE TO VISCOUNT GODERICH.

(Despatch No. 17, per ship Brothers; acknowledged by right hon. E. G. Stanley, 26th June, 1833.)

My Lord,

Government House, 2nd February, 1833.

I have the honor to transmit a Memorial from Lieut. Caswell, R.N., addressed to Your Lordship, soliciting an additional Grant of Land consisting of 590 Acres, which he received from General Darling in October, 1831, may be given to him free of Quit Rent. Mr. Caswell's case appears to be as follows:—

By the Regulations of the 23rd Sept., 1828, and the practise at the time of Mr. Caswell's arrival in the Colony, Officers of the Army and Navy obtained Land in the Ordinary mode
according to extent of Capital, their half pay being calculated at 7 years' purchase, such Land being exempt from Quit Rent for periods regulated by the Services of the Parties.

Mr. Caswell proved a Capital of £1,500, including the value of his half pay (£630) and obtained three Sections of Land (1,920 Acres) free of Quit Rent. To these were subsequently added 50 Acres as a Special favor for Mr. Caswell's accommodation.

Mr. Caswell, thinking his half pay was valued too low and that it should have been rated at a sum which, by making his Capital amount to £2,000, would have entitled him to receive four Sections or 2,560 Acres of Land, addressed a Memorial to the Secretary of State throu' the late Governor praying for that quantity. The Governor wrote a Minute on Mr. Caswell's application in these words: "I have not had time to write home on this case. Let Mr. Caswell have 590 Acres to complete his primary grant to four Square Miles." October 5th, 1831.

Mr. Caswell, in July, 1832, claimed to have these 590 Acres free of Quit Rent. On the papers conveying this claim from the Colonial Secretary's Office, it is stated that "Genl. Darling gave the additional Grant subject to Quit Rent after 7 years according to the ordinary Regulations." I therefore declined to exempt it from payment, believing that the Land Board had done full justice to Mr. Caswell in the valuation of his Half Pay and other Capital, and that he had received as much Land free of Quit Rent as, by the Regulations in force at the time of his Grant, he was entitled to.

It may be a question indeed whether he ought to have obtained the 590 Acres otherwise than by purchase, the order being dated 5th Octr., 1831.

I have mentioned that, on the papers received from the Colonial Office, it is stated that "General Darling gave the additional Grant subject to Quit Rent." It is still the opinion at that office that such was General Darling's intention; but it is true, as asserted by Mr. Caswell in his Memorial to Your Lordship, that the Colonial Secretary at one time seemed to entertain a contrary opinion.

The sum in contention is trifling about £5 per annum; but as it might be very inconvenient to afford a precedent for reconsidering the decisions of the Land Board which have been acted on for many years, I have thought it more proper to give Your Lordship the trouble of this Appeal than to grant the application of Mr. Caswell.

I have, &c.,

RICH. BOURKE.
1833.
2 Feb.

[Enclosure.]

LIEUTENANT CASWELL TO SECRETARY OF STATE.

Taralba, Port Stephens,
N. S. Wales, 30th August, 1833.

My Lord,

In the Year 1828, I took advantage of a circular addressed to the Officers of the Navy holding out to those who chose to emigrate to N. S. Wales an exemption from Quit Rent according to their Services.

I obtained the Admiralty's permission and embarked the whole of my property £2,000; My Family's outfit. Passage money, etc., etc., not being admitted as available, the land Board only considered me eligible for 3 Sections of land.

I transmitted through His Excellency General Darling a letter to my Lord Goderich praying his consideration of my case, stating the Land Board having admitted me to possess £1,100 available for agricultural purposes, that it and the value of my Commission entitled me under existing regulations to a maximum Grant.

After the Governor left the Colony, I received an order to select 590 Acres of land, being just the quantity necessary to make up my primary Grant. On receiving the order to take possession which I have done, I found it subjected to a Quit Rent.

I called on the Hon'ble the Colonial Secretary, who rebuked the Clerk that had made the order out, and whom He desired to bring His Excellency Governor Darling's minute, giving me the land; it was produced and read. The Hon'ble Mr. McCleay told the Clerk a 2nd time warmly, it ought not to have been charged. It was my primary Grant and told me it should be rectified; having waited 2 months, I ventured to beg His Excellency the present Governor under the circumstances to remit the Quit Rent; and I have this day received a letter from the Hon'ble Mr. McCleay stating His Excellency cannot do so.

I therefore most humbly pray the advantages held out to me by the Admiralty circular of 11th of August, 1827, which advantages I respectfully claim on the following Grounds:—

1st. The Circular states Officers of 20 years and upwards shall be exempt from all Quit Rent, and I am an Officer of upwards of 20 years standing.

2nd. If I had not been entitled to the quantity of land, it would not have been granted me, as I was and am wholly unknown to the late Governor.

3rd. That a Purser of the Navy, who arrived with me in the same Ship, now holds 4 sections of land and is not charged any Quit Rent.

I beg to state to Your Lordship I have laid out the whole of my Property on my land. I have been upwards of 3 years on my Farm, an isolated and distant spot, never leaving it except for a few days, and then only when ordered by the Government on the Public Service; that I have never identified myself with the Party feeling which has run so high in this Colony, and therefore humbly hope You will consider me entitled to and order me the full benefit of the advantages, held out by the Lord High Admiral, which alone induced me to give up my hopes in the Navy and to bring my Family and Property to so distant a Colony.

I have, &c.,

WILLIAM CASWELL,
Lt. of the Royal Navy, settler in Port Stephens, N. S. Wales.
GOVERNOR BOURKE TO VISCOUNT GODERICH.

(Despatch No. 18, per ship Brothers; acknowledged by right hon. E. G. Stanley, 5th September, 1833.)

My Lord,

Government House, 4th February, 1833.

Upon receipt of your Lordship's Despatch of 14th May last, No. 99, I desired the Auditor General to furnish me with a statement of the number of Clerks, whom he thought it absolutely necessary to retain in his Office, of the duties to be performed by each, and of the Sums which he deemed sufficient for their remuneration respectively.

In reply he has addressed a letter to the Colonial Secretary, of which I have the honor to enclose a Copy.

In this letter, Mr. Lithgow goes very fully into the details of his Office, and I have every reason to believe the correctness of his Statements.

Your Lordship will perceive that, in the last year, a considerable reduction of expense was effected in his Department, but that Mr. Lithgow has no prospect of being able to carry it further until the Commissariat claims on the Colonial Treasury and other arrears of business are finally disposed of. These being adjusted he is of opinion that, with Six free Clerks* whose united salaries would amount to £865 12s. 6d. per annum, the business of his Office may be conducted with efficiency.

I need hardly point out to Your Lordship the great importance of the Office of Auditor General, and how necessary it is that the Department, which should keep the accounts of all others in a proper state of forwardness, should not itself fall into arrear from the want of sufficient means to carry on the duties with regularity and despatch.

Your Lordship will perceive by Mr. Lithgow's statement that the late reduction of expense in the Auditor's Office has been partly effected by substituting a Convict for a free Clerk, and that the establishment of six free Clerks, which he proposes to be permanent in his Office, will add £144 3s. 9d. to the present annual charge, raising it from £721 8s. 9d. to £865 12s. 6d. To objections to the employment of Convicts in any of the Public Departments, except as mere laborers, I concur with Your Lordship and the Lords of the Treasury in the expression of a decided repugnance; and I propose taking an early opportunity of submitting to your Lordship the expediency of replacing all such Persons by free Men as Vacancies occur in the employments now held by them.

I have, &c.


[A copy of this letter is not available.]

* Marginal note.—Chief Clerk, £250; 2nd, £170; 3, £160; 4 and 5th, £240; 6th, £45 12s. 6d.—Total, £865 12s. 6d.
Governor Bourke to Viscount Goderich.

(Despatch No. 19, per ship Brothers.)

My Lord,

Government House, 5th February, 1833.

Upon the breaking up of the Lumber Yard at the beginning of the last year, it was found necessary for facilitating the repairs of the Several Public Buildings of the Colony to separate the charge of the Colonial from the Military and Convict Buildings, and place them under distinct Superintendence. The former were continued under the care of the Colonial Architect; the two latter, the expense of which is defrayed by the Military Chest, were placed under the charge of the Deputy Commissary General, whom I have lately assisted by a Board formed after the manner of the Boards of Respective Officers of Ordnance. The duty of the Board is to take the general charge and Superintendence of all the Military, Police, and Convict Buildings in the Colony, to receive and examine applications for repair, additions or conversions, to recommend the acceptance of Contracts for the execution of the more considerable works, and to direct the performance of the trifling repairs which are from time to time required and are completed by Convict labor with purchased Materials. To enable the Depy. Commissary General and Board to discharge with effect the duty thus imposed upon them, I directed one of the Clerks of Works to be removed from the Colonial Architect's Department and placed on the strength of the Commissaries. I have since been obliged to add two Clerks to the office of Clerk of the Works to enable the Board to get through their weighty and responsible business. I have also found it necessary occasionally to allow the temporary employment of one or two Foremen of Works to Superintend the Execution of Repairs of Buildings in the Country Districts, which, from the remoteness of the situation, could not be sufficiently Inspected by the principal officer of the Department. Contracts have been entered into in all cases where they could be obtained with advantage, and none but works of a very trifling nature have been totally executed by Convict labor. Every measure has been taken that has suggested itself for conducting this branch of the public service at the smallest possible expense; and, although the difficulty in procuring reasonable contracts (which my Predecessor anticipated and represented to Your Lordship) has been found perplexing, and tho' terms have unavoidably been high, and notwithstanding the money charge of this year for the construction and repair of Buildings appears much more considerable than the same charge for former years, yet I am by no means of opinion that the actual expense to the public has been
greater, in as much as the cost of maintaining Convicts and the vast expenditure (I might perhaps say waste) of Stores has been nearly altogether avoided.

In conformity with the practise of the Ordnance Department at those Stations, where Boards of Respective Officers are formed, I directed an annual Committee of Inspection to assemble in the Month of September last to examine into and Report upon the state of all the Public Buildings in Sydney, repairable at the charge of the Military Chest. The Board have prepared a Report, which I have now the honor to transmit. Your Lordship will perceive that the Sum, required to be expended in the year 1833 for the repairs of the several Buildings in Sydney being 25 in number, is estimated at £9,325 9s. The Report is prepared according to the Ordnance form; and I have placed in the column, set apart for the purpose, such observations as I have thought it necessary to lay before Your Lordship upon each item of expenditure as detailed in the Report. I need not recapitulate these in this Despatch. I will merely observe that the Repairs, which I shall find it necessary to undertake in this year in order to preserve the Buildings and thus save the Public future augmented expense, will cost somewhere about the sum of £3,500, which I shall find myself obliged to expend without further authority. With respect to the more considerable expenditure for such Repairs as are recommended by the Board, or for such Constructions and Conversions as I have thought it advisable to propose, I shall hope for the honor of Your Lordship's commands.

Whilst I am upon this subject, I beg leave to suggest for Your Lordship's consideration an arrangement which appears to me likely to be of advantage to the Colony eventually and a present saving of expense to the British Treasury. In the division of expenditure, which has been adopted under Your Lordship's directions, between the Mother Country and the Colony, the expense of the Police Establishment is directed to be paid by the British Treasury, certain sums in aid of this expenditure being however supplied by the Colony. These sums in the last year amounted to near £9,000. It has occurred to me that, if the Colony were exempted from the payment of these sums, which are raised on licenses to retail Spirits and by Fines and Fees received in the Police Courts, it would be possible to relieve the Mother Country from one entire Branch of the Police expenditure. I mean the construction and repairs of all the Police Buildings, such as Gaols, Lockup Houses, Watch Houses and Court Houses of all descriptions. The erection of these Buildings cannot fail to be of advantage to the Colony at a future
period, when the importation of Convicts shall have ceased. By making them a charge on the Colony, and drawing the Supplies for their construction and maintenance through the Legislative Council, the attention of the Colonists will be called to them, and an interest acquired in their preservation, which does not seem to attach to those works, which are defrayed at the cost of the British Treasury alone. I do not, however, think that the Colony would be able to bear, nor would it be just to impose upon it, the very heavy expense which these buildings occasion, if the large annual sum now paid into the Military Chest in aid of the Police Establishment should continue to be called for. But, if your Lordship should think well of surrendering this pecuniary aid, I would willingly propose to the Legislative Council the appropriation from the Colonial Revenue of all such sums as may hereafter be required for the construction and Repairs of Gaols, Court Houses and all other Buildings, connected with the Police Establishment of the Colony. Your Lordship will understand that the other principal branch of the Police Expenditure, which is occasioned in a great degree by the Colony being made the receptacle of British Offenders, viz., the Salaries of Stipendiary Magistrates, Constables and Gaolers, and the cost of the Mounted Police, is proposed to be left as at present a charge upon the British Treasury.

The Report of the Committee of Inspection, which I have now the honor to transmit, is confined to the Public Buildings in Sydney. Your Lordship is, however, aware that there are various other Buildings Military, Police and Convict, situated in other parts of the Colony. Of these I have not yet been able to obtain a formal Inspection and Report. I have, however, directed the Inspection to be made at the earliest possible opportunity, and I will forward the Report as soon as obtained, when Your Lordship considers that the Officers, whom I found it necessary to employ in this Branch of the Service, have all their separate duties to perform in another, you will not be surprized if a considerable delay occurs in the execution.

To obviate the delay to which I allude, and to ensure a more skilful expenditure of the public money in the construction and repairs of the works now under consideration, I would earnestly recommend to Your Lordship that an officer of Engineers and a Deputy or Assistant Storekeeper of Ordnance be appointed to this command. I have already had occasion to represent to the Commander in Chief the expediency of sending an Officer of Artillery to take charge of the Batteries and to equip the Field guns now lying useless in the Sheds. This Officer, in conjunction with the two whom I have just mentioned and the Barrack

Proposed adjustment of expenditure on gaols and police buildings.