Master, will form a Board of Respective Officers, under whose Superintendence all these public Buildings might be placed, as is the case with Military Works in other Colonies, where such Boards are established, and in many of which the Buildings to be Superintended are not by any means so considerable or expensive as in this. If your Lordship should adopt the arrangement, I have proposed in this Despatch, for placing on the Revenues of the Colony the charge of the Police Buildings, there will still remain the Military and Convict to be Superintended by the Board of Respective Officers. These Buildings are in number and importance sufficient to require the establishment of such a Board, whilst the Officers of Engineers and Artillery are each wanted in their respective Department to aid in the security and defence of the Colony.

There is yet another subject connected with the Public Buildings of the Colony, which I may conveniently bring before Your Lordship in this Despatch. The Lumber Yard being closed, it is proposed to divide the premises into building allotments, and sell them by auction. The sheds and Store Houses are estimated at no greater sum than £250, but the ground being in the heart of Sydney is of very considerable value. The Sheds and Store-houses have been built by Convict labor and of materials supplied by the Commissariat, but the Superintendence of the Work, as of all public Works for many years past, has been at the charge of the Colonial Treasury, the Salary of the Director of Public Works and of every Officer of his Department having been borne on a Colonial Abstract. In consequence of this mixed expenditure, some doubts have been expressed by the Deputy Commissary General as to what share of the produce of the proposed sale should be paid into the Military Chest and what into the Colonial Treasury. It is my intention, if Your Lordship shall not disapprove, to pay the price of the Buildings only into the Military Chest, the sum received for the Land being as I apprehend a part of the Crown Revenue, which should be paid into the Colonial Treasury to be expended in the encouragement of Emigration or other Colonial purposes. I am aware that the Board of Ordnance lay claim to the sites of all Military Works and Buildings in the Colonies, and refuse to expend any Money upon the Buildings, unless the ground be first conveyed to the Board by a formal Deed of Grant. I would propose on behalf of this Colony that this Regulation should not be held to affect any other than the Sites of Military Works and Buildings, and that the Sites of all other Buildings be considered as a part of the property of the Crown, applicable to Colonial objects, and that, in the event of the sale of such Sites and Buildings (the latter having been
erected at the expense of the British Treasury), the value of the Buildings alone shall be paid into the Military Chest. Farther I would propose that any building whatever, constructed originally at the cost of the Military Chest, but subsequently repaired and maintained by the Colony, should as well as the site be considered Colonial property. When Your Lordship is informed that nearly all the Buildings in question have been constructed for the use of Convicts, and that the Salaries of the Officers employed to design and Superintend their Erection have been paid by the Colony, this general arrangement will I hope appear equitable. It would not I think be just that the erection of a Building for the use of Felons, Transported by the Mother Country, should deprive the Colony of the value of the Land upon which Building is placed, when the latter is no longer wanted for the purpose which required its construction.

I shall hope for the honor of Your Lordship’s Commands upon the several subjects of this Despatch, and the proposals contained in my observations on the Report of the annual Committee of Inspection sent herewith. I have, &c.,

RICH. BOURKE.

[Enclosure.]

[A copy of this report is not available.]

UNDER SECRETARY HAY TO GOVERNOR BOURKE.

(Despatch per ship Asia.)

6 Feb.

Transmission of papers re J. Stephen, Jr.

My dear Sir,

Downing Street, 6th Feby., 1833.

With reference to Lord Goderich’s despatch No. 147 of the 24th of Decr. last (which you will receive by this opportunity) respecting Mr. John Stephen, I am directed by his Lordship to transmit for your information additional Enclosures, which have since been received from General Darling, together with his Memorandum and notes in red ink upon this case.

I am, &c.,

R. W. HAY.

[Enclosures.]

[Copies of these papers are not available.]

GOVERNOR BOURKE TO VISCOUNT GODERICH.

(Despatch No. 23. per ship Brothers; acknowledged by right hon. E. G. Stanley, 20th July, 1833.)

3 Feb.

Transmission of memorial from W. H. Hovell.

My Lord,

Government House, 8th February, 1833.

At the urgent request of Mr. H. Hovell, a very respectable but as I fear unfortunate settler, I have the honor to transmit a Memorial, requesting some further remuneration for services
performed in exploring the Southern parts of this Colony in the years 1824 and 1825. It appears that the expedition was undertaken by the desire of Governor Sir Thomas Brisbane, who presented Mr. Hovell on his return with 1,200 Acres of Land, which he asserts he soon after sold for a sum less by fortyfour pounds than the charges of the Expedition, which were with a trifling exception defrayed by himself.

The claim is an old one and does not appear to have been favorably considered by Governor Darling, who reached the Colony at a period not long after the return of the expedition. I should therefore have scrupled to bring it before Your Lordship but for the urgency of Mr. Hovell’s application, and the great respectability of the parties who have signed the certificate attached to the Memorial.

I have, &c.,

Richd. Bourke.

[Enclosure.]

[A copy of the memorial is not available.]

GOVERNOR BOURKE TO VISCOUNT GOODERICH.

(Despatch marked “Private,” per ship Brothers.)

Government House, Sydney, 9th February, 1833.

I have had the honor to receive Your Lordship’s letter marked Private of the 5th July last, in which some apprehension is expressed that I may not rightly understand my situation in relation to the Government of Van Diemen’s Land. I find however, upon perusing Your Lordship’s letter, that I had formed no other notion on the subject than what that letter conveys. I have not indeed sent to Lieutt. Governor Arthur my Commission as Governor of Van Diemen’s Land; but, as Your Lordship intimates that it will be proper to do so, I will avail myself of the first opportunity.

I should have touched at Van Diemen’s Land on my way out, and opened my Commission in person; but, having been led to believe on leaving England that I should find General Darling on my arrival here, I considered that it would not be respectful to him to supersede his Commission by opening mine, before I had availed myself of the opportunity of communicating with him. Since my arrival, I have not been able to proceed to Van Diemen’s Land, though willing to do so; and, unless Your Lordship had desired it, I should not have thought it right to forward my Commission to the Lieutenant Governor.

I have, &c.,

Richd. Bourke.

* Note 6.  † Note 7.
GOVERNOR BOURKE TO VISCONT GODERICHI.

(Despatch marked "Private," per ship Brothers.)

Government House, Sydney, 9th February, 1833.

My Lord,

In attention to Your Lordship's recommendation, I took the first opportunity that offered of conferring upon Mr. E. A. Slade a Colonial Appointment. A vacancy having occurred in Hyde Park Barracks, I have appointed Mr. Slade to be Superintendent, with which office he receives a house within the Barracks and £150 a year. I had named Mr. Wools, whom Your Lordship also recommended for employment, for a Clerkship at the Factory at Paramatta, in which Village he resides; but he has since been received into the King's School there, as Assistant to the Master, the Revd. R. Forrest.

I have had the honor of informing Your Lordship that I placed and of Peay. Mr. Peay in the Post Office, being well assured that the Head of the Department would pay him every possible attention, and with the hope that he might be removed from thence to a more responsible and profitable employment. I regret to say that Mr. Peay's attention to his Duty in the Office has not been such as to Warrant his Promotion, and I fear indeed that, unless he determines to be more diligent, it will be necessary to remove him from the employment he holds.

I have, &c.,

RICH. Bourke.

GOVERNOR BOURKE TO UNDER SECRETARY HAY.

(Despatch per ship Sovereign; acknowledged by right hon. E. G. Stanley, 8th September, 1833.)

Sir, Government House, 14th February, 1833.

Referring to your letter of the 27th April last, enclosing the Copy of a Memorial addressed to the Secretary of State by Mr. Alexander Fotheringham, praying a piece of Land in Sydney on which to erect a Patent Slip, and the answer which was returned to it, I have the honor to inform you that, in consequence of the recommendation which that answer contained, I have granted on lease for seven years to Mr. Fotheringham at the annual rent of twenty pounds a small slip of Land situated at Darling Harbour, on which he is now placing his Patent Slip. I adopted this course at the earnest entreaty of Mr. Fotheringham, who apprehended that, if the Site were put up to Auction, the price, to which Persons unfriendly to his undertaking or having their own objects in view might raise it, would prevent...
his obtaining it upon terms to which his Capital is equal. Considering the great advantage which the trading part of this community is likely to derive from Mr. Fotheringham’s Machinery, and not perceiving in what other way I could effectually promote his undertaking, I agreed to give him the lease I have mentioned. If in so doing the Secretary of State shall be of opinion that I have exceeded my Instructions or His Lordship’s intentions on behalf of Mr. Fotheringham, I shall be glad to be so informed that I may not err in the same way on any future occasion of similar recommendations from the Secretary of State’s Office.

I laid the Papers on this occasion before the Executive Council, requesting their opinion upon the expediency of granting the lease, which was recommended by two of the Members, the other two recommending a Sale.

I have, &c,

Richd. Bourke.

Viscount Goderich to Governor Bourke.

(Despatch marked “Circular,” per ship Captain Cook.)

Sir,

Downing Street, 1 March, 1833.

An humble Address having been presented to His Majesty that he will be graciously pleased to give directions that there be laid before the House of Commons a List of all Clerks or others, admitted for the first time to any Civil Office in the Colonies since 30 May, 1830, stating the age of each person, the date of his Appointment, the Office or duty appointed to, and the Salary and Emoluments granted to each, and whether the Appointment was made to fill up a vacancy by death, dismissal, resignation or superannuation, and whether any and what superannuated allowance, pension, or allowance was granted, and after how many years service; And His Majesty having been graciously pleased to accede to the same, I have to desire that you will cause a Return, as required by the House of Commons, to be prepared according to the enclosed Form, so far as relates to the Colony under your Government, and that you will transmit such Return to me with the view of its being laid before the House of Commons.

I am, &c,

Goderich.

[Enclosure.]

[A copy of this form is not available.]
Viscount Goderich to Governor Bourke.

(Despatch No. 151, per ship Waterloo; acknowledged by Governor Bourke to under secretary Hay, 17th August, 1833.)

Sir,

Downing Street, 10 March, 1833.

With reference to my Dispatch of the 25th of December, 1832, No. 148, I do myself the honor of transmitting herewith, for your Information and guidance, an Order of The King in Council, bearing date the 4th Ultimo, for dissolving the Church and School Corporation, established in New South Wales.

I am, &c.,

Goderich.

[Enclosure.]  

AT THE COURT AT ST. JAMES’, THE 4TH OF FEBRUARY, 1833.

PRESENT:—The King’s Most Excellent Majesty in Council.

Whereas His late Majesty King George the fourth did, by certain Letters Patent* under the Great Seal of the united Kingdom, bearing date the 16th day of July in the year 1825, constitute and appoint Ralph Darling, Esquire, Lieutt. General of His said late Majesty’s Forces, His Captain General and Governor in Chief in and over the Territory of New South Wales and its Dependencies; and whereas, by certain additional Instructions* under His said late Majesty’s Signet and Sign Manual, accompanying and referred to in the said Commission, His said late Majesty did require and command the said Ralph Darling to affix the public Seal of the said Colony to certain Letters Patent for erecting therein a certain Corporation by the name of the Trustees of the Clergy and School Lands in the Colony of New South Wales, in such manner and form as in and by the said additional instructions is in that behalf provided and set forth. And Whereas, in pursuance of the said additional Instructions, the said Ralph Darling did, on the 9th day of March, 1826, issue under the public Seal of the said Colony certain Letters Patent* constituting and erecting the said Corporation, and it was thereby, amongst other things provided, and His said late Majesty did thereby declare it to be his Will, and did ordain that it should be lawful for His said late Majesty, His Heirs and Successors, by any order to be issued by him or them for that purpose with the advice of His or Their Privy Council, to dissolve and put an end to the said Corporation in case it should appear to His said late Majesty, His Heirs and Successors, with the advice aforesaid, expedient so to do. And Whereas it doth appear to His Majesty, with the advice of His Privy Council, expedient to dissolve and put an end to this said Corporation, now therefore His Majesty doth, with and by the advice aforesaid, hereby dissolve and put an end to the said Corporation, and the same is by this present order dissolved accordingly. And the Right Honorable Viscount Goderich, one of His Majesty’s Principal Secretaries of State, is to give the necessary directions therein.

C. Greville.

* Note 8.
HAY TO BOURKE.

UNDER SECRETARY HAY TO GOVERNOR BOURKE.

(Despatch per ship Waterloo; acknowledged by Governor Bourke.
6th December, 1833.)

10 March, 1833.

Sir,

Although an account is kept in this Department of the respective sums, which may have been ordered in favour of Emigrants proceeding to New S. Wales, yet a more accurate view will be obtained of the amount actually expended upon this Service by means of the following periodical Returns, which the Secy. of State requests may be transmitted to him, commencing from the 8th of each month:—

1st. A Return specifying the advances made to Mechanics;

2nd. A Return specifying the Bounties paid on account of Females. These Returns are intended to supersede the present system of acknowledging separately the receipt of each Despatch relating to these payments, and should therefore contain, under distinct heads, the number and date of each Despatch, the day on which it may be received, the name of the Emigrant to whom it may relate, the Ship by which the Party may have arrived, and the amount which may have been paid on account of each Individual. In addition to which information, a Column should be reserved for such remarks as circumstances may call for, and the manner in which the Emigrant may have been enabled to dispose of his Services should, in particular, be stated to enable this Department to answer any enquiries which may be received from Friends or Relatives upon that subject.

Lord Goderich further desires you will transmit to him retrospective returns of both Sexes, prepared upon the same principle as those first mentioned, of all Emigrants who may have arrived in the Colony, previously to the receipt of this Despatch.

In order that some estimate may be formed of the extent of the aid, which can be annually afforded towards the assistance of Emigrants, without encroaching too extensively upon other Services for which it may be necessary to provide, you will give the necessary directions that quarterly abstracts be prepared, and transmitted to this Office, of the territorial Revenue of New South Wales, specifying the sums which may have been already paid into the Treasury, and what portion of them will be applicable to the above Service.

I have, &c.,

R. W. HAY.
GOVERNOR BOURKE TO VISCONT GODERICH.

(Despatch No. 20, per ship Sovereign; acknowledged by right hon. E. G. Stanley, 7th September, 1833.)

My Lord, Government House, 11th March, 1833.

I have the honor to inform Your Lordship that, on my arrival here in December, 1831, and landing various Articles of outfit, which I had brought with me from London, the Officers of Customs made a charge for duty on some Foreign Wine, which I had brought for my own use solely. Not recollecting to have been charged whilst at the Cape of Good Hope* any duty upon articles received for my own consumption, and conceiving that, as the King's Representative in this Colony, I am entitled to exemption from duty upon what is imported for my own use, I objected to make the required payment. The Officers here having stated the matter to the Commissioner of Customs in London, the latter have replied that they are not aware of any Law exempting Articles imported by the Governors of Colonies for their own use from payment of duty. Being however still of opinion that the exemption I claim is both reasonable and conformable to precedent, I beg leave to submit the question for your Lordship's Commands.

I have, &c.,

RICH'D. BOURKE.

GOVERNOR BOURKE TO VISCOUNT GODERICH.

(Despatch No. 30, per ship Sovereign.)

My Lord, Government House, 11th March, 1833.

I have the honor to enclose the Copy of a letter, addressed to the Colonial Secretary by the Collector and Comptroller of Customs at this Port, informing him of the misconduct of Mr. Wm. Taylor Jay a Clerk, and Mr. Thomas Byrne a Tide Waiter in their Department. These Officers being in consequence of this misconduct removed from their respective employments, I have named Mr. Francis Vinet, late a Clerk in the Colonial Secretary's Office but reduced on the 1st of January last, to fill the Vacancy made by the removal of Mr. Jay. By this appointment, I have saved the payment of one year's salary (£180), to which Mr. Vinet was entitled on reduction, having served more than five years in the Secretary's Office. The Salary paid to Mr. Jay was £200 per annum; but I have not ordered more than (£180) per annum to be paid to Mr. Vinet, such having been the Salary of his former Office in the Colonial Secretary's Department. I have

* Note 9.
to solicit the confirmation of this appointment both for the benefit of a respectable public servant and to save the Colony the charge for compensation which will otherwise accrue.

Your Lordship will perceive that the Collector and Comptroller of Customs have made a distinction in the cases of Mr. Jay and Mr. Byrne, conceiving, as I understand, that it may be proper to restore Mr. Byrne to his employment after a short suspension. I cannot however recommend such a measure, as I conceive Mr. Byrne to have entirely abandoned his duty and, by concealing the irregularities of Mr. Jay, to have exposed the Revenue to loss.

I have, &c.,

Richd. Bourke.

[Enclosure.]

Messrs. J. Brown and B. Langa to Colonial Secretary Macleay.

Sir,

Custom House, 11 February, 1833.

We do ourselves the honor to transmit herewith, for the information of His Excellency the Governor, a letter received by us yesterday "Sunday" from Mr. Thomas Byrne, one of the Established Tide Waiters, who has been employed in the Warehouse Keeper's Office from the period of our taking Charge of the Department, viz., 1st Febly., 1829. It appears by this letter that a Clerk in the Long Room, Mr. William Taylor Jay, received on the 16th October last the sum of £51 17s. from Mr. Lyons, which he appropriated to his own use, for duties on a pipe of Brandy, the Merchants three entries for which he destroyed, at the same time signing an order for the Warehousekeeper unknown to that Officer on the Locker to deliver the Pipe of Brandy from the bonded Warehouse, the duties being paid upon the same.

It also appears that, on two subsequent occasions, the 18th Novr. and 1st Decr. following, Mr. Jay received two other sums amounting to £85 11s. 11d. for duties on two puncheons of Rum; that he in like manner made away with the Merchants' Entries, Signed orders on the Locker for the Warehousekeeper for the delivery of the Rum, and applied the duties to his own use.

Being pressed by Byrne to make good the money, he procured entries to be passed for one of the puncheons of Rum, the duties upon which were accordingly brought to the Credit of the Crown, still retaining the duties which he had received on the Pipe of Brandy and the other puncheon of Rum amounting to £110 9s. 8d.

We beg to state that, immediately on the receipt of the enclosed letter, we sent for Mr. Jay, who admitted the truth of Byrne's Statement, and promised to pay us the whole of the deficiency immediately, which promise he has fulfilled.

We now feel it our duty respectfully to recommend that His Excellency The Governor will be pleased immediately to dismiss Mr. William Taylor Jay from the service of His Majesty's Customs, at the same time we feel it equally our duty to recommend that Mr. Thomas Byrne be suspended until the pleasure of His Majesty's Commissioners of Customs shall be known.

Although we most reluctantly submit the propriety of this latter Officer's Suspension, his Character and regularity in the execution
of his duty being highly Commendable up to the period of this transaction, we Consider his conduct unwarrantable in allowing Mr. Jay to continue embezzling the public Money and Concealing the Same from us between three and four Months.

We have, &c.,
JAS. BROWN, p. Coll.
BURMAN LANGA, Comp.

[Sub-enclosure.]

MR. T. BYRNE TO COLLECTOR AND CONTROLLER OF CUSTOMS.

Gentlemen,
Custom House, Sydney, 9th February, 1833.

I beg leave to inform you that, on the 16th October last, there was a Warrant short for the delivery of a Pipe of Brandy, and, on applying to Mr. Jay, was told that a deposit had been left by Mr. Lyons and he would get it passed. He said the same every morning for upwards of a week, when I discontinued asking him for it, through his saying that Mr. Lyons did not then come to the Custom House, but that he would call on Mr. Lyons and have it passed. I certainly had not the most remote Idea that Mr. Jay was acting improperly with the Money, but merely believed him, and, knowing him to be so dilatory, attributed it to an Act of that description. Mr. Jay still kept telling me he could not meet Mr. Lyons; when on the 18th November another Warrant was short by Mr. Tingcombe; he likewise said it was a deposit and promised daily to get them all passed; and on the 1st December a third was short by Mr. Samuel, to which I was told a similar Story by Mr. Jay. I then told him he had better get them all passed as it was irregular to allow them to lay over so long; he put me off from day to day promising he would; at the end of the quarter, Mr. Jay was absent through illness. I waited on him and told him he must get the Warrants that were behind hand passed, as I could not allow them to lay over any longer without acquainting you; he said he would as soon as he returned to duty, and begged I would not mention it to you. I did not. And on his return to Office I reminded him of his promise to pass the Warrants; he promised as usual. I remonstrated with him on the impropriety of keeping them back so long, adding that I must certainly let you know. A few days longer was begged, and a request that I would not tell you. I pressed him daily since, and in a subsequent conversation he told me he had applied the money to his own use to extricate himself from some difficulties, and that he could obtain sufficient to cover the amount wanting from his friend Mr. Riley, when he should come to Town, and begged for God's sake that I would not mention it as it would certainly be his ruin for ever. I then put it off till his friend did come to town, when the following Morning he showed me two notes which he said he would get discounted, and pass the Warrants directly. I felt satisfied he was about to pass them then, but, on asking him the day following (knowing that one Note for £80 was discounted), if he had passed any of the Warrants, he replied that he had not received the whole of the proceeds and requested time to get the other Note Cashed with a third he said he was to get from Mr. C. Cowper; that he would pass the whole at once; I pressed him every day this week, and told him plainly I would not allow them to remain any longer, let the consequence be what it would, when he told me on Thursday (as I was that day fully intended to tell), that rather than meet the disgrace it would occasion him, he would go and blow out his brains, and promised
positively to pass them next day if I would not then tell, which Day he passed the one for Mr. Tingcombe's Puncheon; and as, from his so frequently breaking his promise, I could not rely on his passing the other two, I therefore consider it my Duty to apprise you of the facts as I do not feel justified in withholding the circumstance any longer.

I am, &c.,

THOMAS BYRNE.


GOVERNOR BOURKE TO VISCOUNT GODERICH.

(Despatch No. 31, per ship Sovereign; acknowledged by right hon. E. G. Stanley, 28th September. 1833.)

My Lord,

Government House, 14th March, 1833.

Having lately had occasion to bring before the Executive Council some propositions of the Collector of Internal Revenue upon the subject of Quit Rent due to the Crown in this Colony, and taking into consideration the right of redemption guaranteed to the payees at Twenty years' purchase, the Council were unanimous in opinion that it would be desirable to reduce the rate of Purchase to Ten years. They rest this opinion upon the following grounds:—First, that the usual rate of Interest in the Colony is Ten per Cent., such being the terms upon which the Banks Discount, and, though many private Loans are contracted at a higher rate of Interest, none are obtained at a lower; Secondly, the very few applications for redemption, which have been made in a considerable period of time, shew that the present terms are not agreeable to the landed Proprietors; Thirdly, the difficulty of collecting Quit Rent renders it an object to the Government to dispose of it, and thus avoid the expense and inconvenience, which must result from having recourse to levies by distress and other harsh measures for its collection. Again the different rates of Quit Rent imposed by the various regulations, made during the administration of my Predecessors, furnish much matter of complaint, and the hardship is much insisted on by those who are called on to pay the highest rates, a complaint which would be in some degree removed by allowing a redemption at any easy price.

I am disposed to concur in opinion with the Council and to recommend the proposal to Your Lordship's favorable consideration. Its adoption need not interfere with the measure of grace, which I propose to Your Lordship in my Despatch of the 9th April, 1832, No. 49, and to which Your Lordship has replied in the Despatch No. 129, 3 Octr., 1832, Just now received. No
1833.  14 March.

intimation of my having proposed such a measure has been made to the Public or to the Council, and I shall not make any communication on the subject until I shall have received Your Lordship's further commands.

The Amount of Quit Rent payable annually in Sydney from allotments disposed of to the 31st December last will reach to about £2,000. So few of the Deeds have yet been issued, not even a fourth of this sum has yet been received for any one year. I am urging expedition in the Departmt. of the Colonial Secretary and Surveyor General, upon whose operations the preparation of Deeds generally throughout the Colony chiefly depends. The annual amount of other Quit Rents (not including those on Land purchased under Ancient regulations at 5s. per acre) must I think exceed £3,000; but it is not possible in the present imperfect state of the Land Revenue Accounts to name the exact Sum.

I have the honor to transmit a copy of the Minute of Council to which I have alluded.

I have, &c,

RICH. BOURKE.

[Enclosure.]

Extract from Minute No. 1 of the proceedings of the Executive Council on the 3rd January, 1833, on the subject of the redemption of Quit rents.

Present:—His Excellency the Governor; The Hon. Lieut. Col. Snodgrass; The Venble. the Archdeacon; The Honble. the Colonial Secretary; The Honble. the Colonial Treasurer.

The Collector of internal revenue suggested the expediency of reducing the redemption of Quit rents to ten years' purchase instead of twenty, as at present required by the regulations, the current rate of interest in the Colony being 10 per Cent. per Annum; and the Council advised that this proposal should be recommended by His Excellency the Governor to the favorable consideration of the Right Honorable the Secretary of State.

A true Extract:—E. DEAS THOMSON, Clk., Col.

Governor Bourke to Under Secretary Hay.

(Despatch per ship Sovereign; acknowledged by under secretary Hay, 26th October, 1833.)

Sir,

Government House, 15th March, 1833.

At the request of Mr. James Busby lately appointed British Resident at New Zealand, I have the honor to transmit the accompanying letter. Mr. Busby is desirous of obtaining full Salary during the time he remains here on his way to his ultimate destination. He arrived about the Second Week of last October, and was not immediately sent forward on his Mission, as I expected to be informed of the passing of the Bill
introduced into the House of Commons by Viscount Howick, of which the Secretary of State furnished me with a Copy in His Lordship's Despatch of the 14th June, 1832, No. 103, and upon which a Legislative measure was to emanate from this Council, calculated to give effect to the objects of Mr. Busby's appointment. I have lately ascertained that the Bill introduced by Viscount Howick has not been carried through the House of Commons; but I have not been informed by any communication from the Secretary of State on the Subject, whether the proposed measure is altogether abandoned or whether a Bill will be again introduced into the next Parliament. However, as to the further detention of Mr. Busby, I do not think it likely to continue above one Month from this time, and that, upon the arrival from Van Diemen's Land of the Imogene (the Ship of War now on this Station), I shall despatch Mr. Busby to New Zealand with such Instructions, as I may legally give. Mr. Busby will thus have remained here about seven months from the date of his arrival; and, considering what time he required for his own purposes and the rate of Salary at which he is paid, I am not of opinion that he can complain of being allowed half Salary only during this period of inactivity.

Mr. Busby further states in his letter that he expected a complete House would be provided for him in New Zealand, and expresses great disappointment at the limited accommodation I have directed to be provided for him. I have no other Instructions on the subject than those contained in Your letter of the 15 June, 1832, and I have not considered those to authorize an expense of from six to eight hundred pounds to provide the Resident with a House to be considered as an Emolument of his Appointment. Your letter appears to me to point at temporary accommodation only, and that, which I have directed to be provided, will cost about 300 pounds.

With regard to the Mechanics, whom Mr. Busby wishes to accompany him and to be appointed constables, such Persons could not be engaged under an expense of at least £80 per annum each, which would add materially to the cost of the mission. Without the authority of the Act of Parliament already mentioned, Constables cannot legally act in New Zealand; and I am of opinion that, under any circumstance, it would not be advisable to send out any Europeans as Assistants to the Resident, whose efficiency must entirely depend upon the good understanding he maintains with the Native Chiefs, and from whose tribes, if paid Assistants should be required, it will be the Resident's Policy to select those Persons. I have, &c.,

Richd. Bourke.
Sir,

Sydney, New South Wales, 12 March, 1833.

It gives me pain to trouble you, at so early a period after my appointment, by referring any matter connected therewith to you. I cannot however, in justice either to myself or to my view of what is due to the Public Service, refrain from requesting His Excellency General Bourke to transmit this letter and its enclosures, together with any observations he may please to add upon its contents. Upon the first point, the Governor in acting up to the letter of His instructions has not necessarily shown himself adverse to my claim, as it arose out of a case not provided for; But, on the second point, he has conceived himself limited by his instructions to decide differently from what I humbly apprehend to have been the intention of the Right Honorable the Secretary of State.

The first point is whether I should receive full salary from the day when I arrived at Sydney and placed myself under the Governor's orders, or whether I should continue to receive only half salary up to the date upon which I should enter upon the duties of my office at New Zealand.

When I reported myself to the Governor on the day after my arrival at Sydney, the Challenger Ship of War was then in the harbour, and was expected to sail in three weeks, and to touch at New Zealand. On His Excellency observing that this would give me sufficient time, I replied that I feared not, and that it would be extremely inconvenient for me to have less than six weeks or two months to arrange my affairs. Had the Governor however intimated his desire that I should proceed by the Challenger, which did not sail till four weeks after my arrival, I would of course have prepared myself to accompany her under any circumstances; but two days afterwards he relieved me from all uneasiness on the subject by informing me that on further consideration he did not think my going to New Zealand would be of any use till the arrival of the "South Sea Islands Bill" should have enabled him to invest me with the necessary authority.

At any period after the expiry of two months from the date of my arrival at Sydney, I could have been prepared in a few days' notice to proceed to my destination; but, although another opportunity of proceeding by a Ship of War presented itself, the same cause has hitherto withheld the Governor from sending me. Under these circumstances, I think it will appear only equitable that I should receive full salary from the date of my having placed myself under the orders of the Government on my arrival at Sydney.

The other question, which I think it my duty to bring under your review, is one which does not merely affect me as an individual, but to a certain extent, as I conceive, involves the credit of the...
British Nation. Within a week after my arrival at Sydney, I received a letter from the Colonial Secretary requiring me "to submit a plan and estimate of such a structure as I should consider sufficient for my residence at New Zealand." I accordingly submitted the plan of a very modest cottage, which I certainly thought was more likely to be objected to as unsuitable to my station than as being on too expensive a scale. And I trust that, on inspecting the ground plan, a copy of which is herewith transmitted, you will give me credit for a desire that the instructions of the Secretary of State should be carried into effect with the strictest regard to economy. The Estimate for this cottage to be prepared by contract in Sydney was £592 15s. 4d. But, as the Revd. William Yate, one of the Missionaries at the Bay of Islands, was shortly expected in Sydney, the Governor deferred coming to a decision until it should be ascertained whether that gentleman could not suggest a more economical mode of proceeding than to take a complete House from Sydney.

On Mr. Yate's arrival, he was accordingly consulted, and he recommended that the doors and window sashes and those parts of the House, the value of which consisted more in the workmanship than the materials, should be sent from Sydney, as all the bulky materials could be procured with more advantage at the Bay of Islands. At the same time having learned that there was abundance of brick earth at that place, I suggested that a substantial brick cottage might be erected at little more expense than one entirely composed of wood; and I also submitted a plan, which had occurred to me, and which if adopted would make the expense, either of the one or the other, fall very lightly upon the Government. This was that whatever constabulary or civil force should be allowed me to enforce my authority over the runaway convicts and others should consist of mechanics, who for a small addition to the wages of a mechanic would also engage to act in the capacity of constables.

The Governor had, however, in the mean time referred the plan to the Colonial Architect to report whether a less expensive structure could not be fitted up in the first instance for immediate use as a temporary dwelling; and that officer reported that, if the front rooms only were constructed in Sydney, they could be added to afterwards on the spot. His Excellency accordingly decided upon this plan and informed me by a letter from the Colonial Secretary under date the 16th February last that, "as the Home Government had authorized nothing more than the frame of a House to be made in Sydney and put up in New Zealand by the Carpenters of the Ship of War, which was to convey me to that station, he did not consider himself empowered to provide me with a House as an emolument of my appointment." He had accordingly directed that the front part of the cottage, consisting of two rooms and a Lobby, "should be prepared in so complete a manner as to afford me as convenient a temporary dwelling as circumstances would permit, to which I might, if I thought proper, make such additions and supply such finishing as I might think necessary, and apply to the Secretary of State to be reimbursed the expense."

It will appear by the correspondence, copies of which I have done myself the honor to transmit with this letter, that, in order to account for the use of the expression "frame of a House," I laid before the Governor a copy of the Memorandum I had the honor

BOURKE TO HAY.
to submit to you on the 22nd May, 1832, and of your reply of the 30th of the same month. I submitted to His Excellency that, as there was a clear and specific answer returned to every point to which my Memorandum referred, if it had been intended to alter or modify the meaning of my request that "a House should be furnished in frame," that intention would doubtless have been stated with the same precision as the answers to the other points of my Memorandum, and not by a mere change of expression to "the frame of a House" as in your despatch to the Governor, or the "frame work of a House" as in your letter to me. His Excellency also stated his "belief that it was not the intention of the Secretary of State that I should be provided with a House as an emolument of my appointment, as Mr. Under Secretary Hay in his letter of the 14th June had evidently authorized the preparation of the frame of a House in Sydney from having been given to understand that materials for the purpose could not be easily found at the place where I will have to establish my residence." In reply to this, I submitted to His Excellency that this could not be the case, as I had a distinct recollection of your asking of me questions relative to the trade both in Timber and Flax, which showed that you were perfectly aware that Timber was constantly exported from New Zealand.

I submitted that the real causes were, first, the necessity for my being furnished with proper accommodation as it was my intention to be married before I proceeded to New Zealand, and my inability owing to the want of funds to provide a House for myself; And, Secondly, the doubt whether it would be practicable for me to put up a House at all, and if practicable the certainty that the expense would be enormous. The two last reasons only were stated in my Memo.; but I have no doubt the others will be recollected either by yourself or Mr. Short. I think it can scarcely be requisite to recall to your recollection the urgency with which I applied for some further remuneration for services, which I had rendered in the Colony under inducements that had been held out, and had never been realized, in order (as no outfit was allowed me) that I might be able to proceed to my destination under circumstances that would command respect. I think also that I could not have failed to explain that the reason Mr. Coates, Secretary to the Church Missionary Society (on whose authority I made the Statement), considered it doubtful whether it would be practicable for me to put up a house, although it was otherwise with the Missionaries, was that a certain number of mechanics called Missionary Settlers are attached to the Mission, by whom, with the assistance of natives instructed by them, the houses of the Missionaries were built; But that these persons could not be hired by me or by any other individual unconnected with the Missionary Society; and he was not aware whether there were any other Mechanics at New Zealand.

Having thus endeavoured to convince the Governor that it would be more consistent with his Instructions (which neither limit the number nor size of the apartments) to furnish me with a complete house than with the part of a house only, I most earnestly but respectfully submitted to His Excellency that my proceeding to New Zealand under such circumstances could not fail to be prejudicial to some of the chief objects of my appointment; That, even
in such a place as New Zealand, a couple of rooms could not be considered a becoming residence for a Functionary with the title of "British Resident"; That it would ill enable me to show that hospitality to strangers and others which would be a part of the duty of my Station; And that it was little calculated to command the respect, either of the Natives over whom it is of such vital importance to acquire a moral influence, or of those British Subjects over whom I will have to exercise an invidious, and perhaps ill-defined superintendence.

I have also represented to His Excellency that I have no wish to have any property in the house, with which I think the Government ought to provide me, nor to receive any emolument from it farther than by its occupation as an official residence; and that, even if my circumstances could afford it (instead of its proving ruinous to them to make the attempt), it would be a case of extreme hardship that, out of a Salary which by every person with whom I have canvassed upon the subject is considered little adequate to the rank of my appointment, and the unavoidable expenses to which I shall be subjected, I should be called upon to expend one year's income (for, when the necessary outhouses which I have not asked the Government to provide are included, it will cost that sum at least) to provide, in addition to what the Governor has allowed, the necessary accommodations.

It has been, however, my misfortune to have failed in my endeavours to induce His Excellency to come to a different conclusion; and I am to be furnished with only one half, and that, according to the report of the Architect, by far the least expensive half of the very humble accommodations I have requested.

Under these circumstances it is with no ordinary feeling of confidence that I refer it to your decision, whether I am to put up with a couple of rooms and a Lobby, as allowed me by the Governor, or whether the place which I submitted shall be completed at the Public expense. I am perfectly satisfied, from all my negotiations relative to this business, that the Right Honorable the Secretary of State, in ordering me to be provided with the frame work of a House, neither intended only part of the Materials of a Complete House, as the Governor appears at one time to have thought, nor the complete materials of part of a House, as he has finally decided; and that, though His Lordship attached to his order a condition that it should not occasion any considerable outlay, he would not. I feel persuaded, Consider £600 (should that sum be necessary) as an exorbitant charge to provide me with a residence, when (according to the Statement of the Revd. Mr. Yate) one of the Missionaries is living in a house which it cost £1,200 to erect.

That such a heavy charge is requisite to provide such indifferent accommodation is a proof of the correctness of my Statements upon this Subject, and, instead of inclining His Lordship to throw any part of the expense upon me, will, I humbly trust, only appear an additional proof of the hardship of doing so.

I can now only throw myself upon your indulgence to pardon this long detail, and

I remain, &c.

JAMES BUSBY.
British Resident at New Zealand.
Plan and estimates for house to be submitted.

Submission of plan and estimates.

Copies of Correspondence between James Busby, Esqre., and The Honorable The Colonial Secretary.

[1] Colonial Secretary Macleay to Mr. J. Busby.

Sir,

Colonial Secretary's Office, Sydney, 23rd October, 1832.

The Right Honorable the Secretary of State having been pleased to approve of the preparation at Sydney of the Frame of a House to be taken by you and set up at New Zealand, I have the honour by direction of His Excellency the Governor to request that you will procure and submit for approval a Plan and Estimate of the expense of such a Structure, as you may consider Sufficient for a Residence on your Arrival in that Colony.

ALEX. MCLAEY.


Sir,

Sydney, 29th October.

In compliance with the instructions conveyed in your letter of the 23rd October Inst., No. 32/1, I have procured from Mr. Verge, Architect, the Plan and Estimate of the expense of a house to be prepared here, and erected at New Zealand, which I beg you will do me the favor to lay before His Excellency the Governor.

JAMES BUSBY.


Sir,

Sydney, 8th Novr., 1832.

I have sent you a Design for a house intended for your residence in New Zealand, which I hope will meet your approbation. It is to be framed in Sydney, weather boarded outside, and lath and plaster inside.

In this Plan I have studied economy as much as convenience, as everything will be very plain; the rooms, Stores, and closets may appear numerous, but they are small; and I think you could not dispense with any of those conveniences in a Country like New Zealand.

The whole expense of Erecting and completing the same (if by Contract in Sydney) I estimate at £592 15s. 4d., Five hundred and Ninety two Pounds 15s. 4d.

With a view to reduce this Estimate, I have enquired of several Gentlemen who have establishments in New Zealand, if it would be possible to get a portion of the Materials there at a cheaper rate than in Sydney; the result of that enquiry is that you cannot depend on getting any part of them there, unless you take men with you to procure them.

Under these circumstances, I think it would be better to procure all materials here, more especially as the Building Timbers which are used here, are more durable than any Timber that I have seen from that Country.

J. VERGE.


My dear Sir,

Friday, 11th January, 1833.

You mention that you thought it probable the Subject of my House would be brought forward at the Council to Day. It has just occurred to me that, if whatever constabulary force may be considered necessary were composed of Mechanics, a House might be built at the Bay of Islands very economically, as a very small addition to a Mechanic's pay would induce them also to act as Constables; And, after the first brisk, their Services in the latter Capacity cannot it is to be supposed be constantly required.

JAMES BUSBY.


My Dear Sir,

Rockwall, 29th Jan., 1833.

I return you the Papers relative to my House, which you were kind enough to give me two or three Days ago. I mentioned to the Governor at Parramatta that you had misunderstood Mr. Yate as to its being unnecessary to prepare Doors and Window Frames in Sydney and to send down Mechanics. Mr. Yate thinks you must have taken that impression from another conversation which related to the proceedings of the Missionaries, they having lately resolved to dispense with all hired Mechanics and to depend upon the Native Mechanics whom they have themselves instructed. Mr. Yate is decidedly of opinion that Doors and Window frames, and everything of

* Note 10.
which the value consists more in the Workmanship than the Material, had better be
sent from hence; and that no reliance could be placed upon getting mechanics there
to do any part of the work.

I have learned from Mr. Yate and other persons acquainted with the Bay of
Islands that there is abundance of Brick earth there, and I have also been informed
that one Brickmaker with three Laborers (native Laborers would answer) could
prepare a sufficient number of Bricks in three or four Months for a Cottage according
to Mr. Vergy’s plan, and that one Bricklayer and Plasterer and one Joiner would
be sufficient to put it up within the same time, provided the Doors and Window
Sashes and Frames were sent from Sydney.

Under these circumstances, I think a substantial Brick House might be built
nearly, if not fully as economically as a Weather Boarded one; and I would propose
that, instead of sending down the frame work of the two principal rooms in the
first instance, as suggested by Mr. Hallen and approved by the Governor, the Frame
Work and Doors and Windows of the Building, intended in the place for the Kitchen
and Servants room, but divided into three instead of two Apartments should be sent
from Sydney. This would serve as a temporary residence while the Cottage was
building and could afterwards be appropriated to its original destination.

According to your desire, I have endeavoured to ascertain for how much Me-
chines might be procured to go down for the purpose of erecting the House. By
the enclosed Letter from Mr. McPherson, you will see that it is his opinion that such
mechanics might be obtained for £2 or £2 2s. a month with full rations. From what
I have been able to learn in various other quarters, however, I am disposed to think
that good workmen cannot be procured for less than double that rate of wages. Mr.
Hallen informs me that his Brother never pays less than seven shillings a day to every
Joiner and Bricklayer he employs, and that good workmen need never want employ-
ment at these Wages. I suspect therefore it is chiefly indifferent workmen that
apply to Mr. McPherson, and certainly nothing could be more injudicious than to
take any but men of the best character and abilities in their trade for such an
employment.

It would not be requisite that the Doors and Windows for the Cottage should be
sent immediately. It would be sufficient that they should be contracted for to be
ready by the time the Cottage is ready for them, say three months. Conveyance to
the Bay of Islands can be procured almost every week, and at a very cheap rate.
It would be very desirable to insure their being well seasoned, that some of the
Government Cedar, which it is proposed to sell, should be appropriated for the
purpose of making the Doors and Window frames.

When the Governor honored me with an interview at Parramatta, I also had a
conversation with him relative to the selection of presents for the Native Chiefs. I
mentioned to him my wish to take a good suit of European clothing for each of the
Principal Chiefs; and His Excellency desired me to communicate with you, when I
should have ascertained the number of Chiefs to whom it would be desirable to give
Clothing proposed as presents for

maori chiefs.

I would therefore propose that cloth should be purchased sufficient to make Fifteen
long dress Coats. I have reason to believe that Cloth of sufficient fineness might be
procured at 12s. to 15s. a Yard, and, as it would take 2–4 Yards for each, the cost
of this would not exceed £25. I think they could be made by Contract sufficiently
well including all trimmings for £1 each, which would make the expense of 15 coats,
£45. If drill trousers and Colored Waistcoats could be procured suitably made, I
think these Articles would not cost more than £1 for each. But, if made by contract and of very good materials (for to be acceptable, the Dress must
be that of a Gentleman), they will perhaps cost £1 10s. for each Person; this will
make the Amount £26 10s. The materials for 30 good Shirts might be procured for
£4 10s. and these could be made in the Factory without expense. There would then
be required 30 pairs Socks 1s. each, 15 pairs shoes 6s., 15 Handkerchiefs @ 1s., and
15 Hats 10s. each, to complete the Dress of the 15 Principal Chiefs of the Northern
part of the Island. This would make the whole amount to about £83.

I mentioned to the Governor my great wish to make it an object of ambition with
the leading chiefs to wear European Clothes and adopt European habits of cleanliness.
By industry, they may have always sufficient means to procure them; and, by the
attention with which I shall distinguish those who adopt this practice, I have no
doubt of introducing a fashion in Dress, which will lead the way to other wants and
originate a trade more desirable than the present one for Muskets and Gunpowder.
It is for this reason that I am most anxious to give a full Suit of Clothing to the
Principal Chiefs, even at the risk of encroaching so far upon the £100, which I
proposed to Mr. Hay as sufficient, and which I dare say the Governor would not like
to exceed, as to leave very little for Presents to others of less consequence. I should
propose that £17, or whatever may be left after procuring the articles above
enumerated, should be expended upon English Blankets, with a few Cotton Hand-
kerekiefs and Belts, as recommended by Mr. Yate whose communication I herewith
enclose.

I remain, &c.

JAMES BUSBY.

BOURKE TO HAY.

1833.

15 March.

PROBABLE WAGES OF MECHANICS.
1833.
15 March.
Explanation of negotiations re provision of house.

[6] MR. J. BUSBY TO COLONIAL SECRETARY MACLEAY.

My dear Sir,

I beg to enclose to you herewith copies of a Memorandum delivered by me to Mr. Hay and of a Letter, which I received from him, in reply to the various points to which my Memorandum relates. This, as I mentioned to you, will account to the Governor for the use of the expression "frame work of a House," which His Excellency seems to consider as limiting him to furnish me with only two rooms for a residence at New Zealand, and will I have no doubt satisfy him that the expression was not intended to mean anything short of a Complete dwelling, such as has been frequently sent from Sydney, to be erected at New Settlements.

It will not escape His Excellency's observation that there is a clear and specific answer returned to each of my other suggestions, one of which is refused and another modified, but in both cases in language equally precise. I conclude therefore that the alteration in the expression could not have been intended to modify the sense, as, if any alteration had been intended, it is beyond a doubt it would have been stated with equal precision as the answers to the other suggestions. That this is a correct inference will further appear from the expression used in the next paragraph, that "the Carpenters of the Ship will be required to assist in putting up my House."

It may be further desirable to state that it was with great difficulty I could prevail upon the Secretary of State to agree to furnish me with a House, and it was only by urging my total inability to provide one for myself, and shewing that such inability was owing to the disappointment of the fair expectations I was led to form in the service of the Government, that he was at length induced to yield to my entreaty. But, although I mentioned my intention to be married before proceeding to New Zealand, and the consequent necessity for more accommodation than might be otherwise required, yet it was never once proposed that Government should furnish only part of a House.

When called upon by His Excellency shortly after my arrival at Sydney "to submit a plan and estimate of such a structure as I should consider sufficient for a residence on my arrival in New Zealand," I did not forget the anxiety for saving the Public Money which had occasioned the difficulty in granting my request; and I submitted a plan of a Residence, which I certainly thought was more likely to be objected to as unfit for my Rank, than for the extent of accommodation it afforded. And I am still of opinion that, should His Excellency conceive himself authorised to grant me a House at all, he would be very far from offering me a humbler Residence than the one of which I have submitted the Plan.

If the Estimate should not seem to come within the proviso in the Secretary of State's Despatch "that it shall not occasion any considerable outlay," I beg to remark that all expenses must be considered as relative, and that an expenditure of £600 ought not to be considered an exorbitant demand to provide a House for a Functionary with the Title of "British Resident at New Zealand," when one of the Missionaries at that place is residing in a House which cost £1,200 to erect.

I remain, &c.

JAMES BUSBY.

[7] COLONIAL SECRETARY MACLEAY TO MR. J. BUSBY.

(No. 33/1.)

Sir,

Colonial Secretary's Office, Sydney, 16th February, 1833.

Referring to your Letter of 29th October last, enclosing a Plan and estimate of a House proposed by you to be prepared here and erected at New Zealand as your Residence.

I have the honor, by direction of His Excellency the Governor, to acquaint you that, as the Home Government have authorised nothing more than the Frame of a House to be made in Sydney and put up in New Zealand by the carpenters of the Ship of War which is to convey you to that Station, He does not consider himself empowered to provide you with a House as an emolument of your appointment, nor does His Excellency imagine the Secretary of State intended it should be so, as Mr. Under Secretary Hay in his Letter of the 14th June evidently authorises the preparation of the Frame of a House in Sydney, from having been given to understand that materials for the purpose could not easily be found at the place at which you will have to establish your Residence.

Under this circumstance therefore, His Excellency has directed that the frame of a House agreeably to Mr. Hallen's alteration in the plan already referred to shall be immediately prepared in so complete a manner as to afford you as convenient a temporary Dwelling as circumstances will permit, to which if you think proper you can make such additions and supply such finishing as you may think necessary, and apply to the Secretary of State to be reimbursed the expense, as you appear to suppose it was intended by the Home Government that your House should be provided wholly at the Public charge.
With reference to the proposal contained in your Letter of the 29th of January last, that a full Suit of European Clothing should be given to each of Fifteen principal Chiefs at New Zealand, and some Blankets, broad Belts and Cotton Handkerchiefs to those of lower rank,

I have also the honor to acquaint you that arrangements will be made for procuring these articles immediately.

I have, &c.,

ALEX. MCD. LEAY.

[8] MR. J. BUSBY TO COLONIAL SECRETARY MACLEAY.

Sir,

Sydney, 26th February, 1833.

I have the honor to acknowledge the receipt of your Letter of the 16th Current, No. 231, informing me that, "as there is Government a premium on nothing more than the Frame of a House, to be made in Sydney and put up at New Zealand by the Carpenter of the Ship of War, which is to convey me to that Station, His Excellency the Governor does not consider himself empowered to provide me with a House as an emolument of my appointment." But has directed that the Frame of a House, agreeably to Mr. Hallen's alteration in the plan submitted by me, shall be immediately prepared in so complete a manner as to afford me as convenient a temporary dwelling as circumstances will permit.

In reply, I beg to state that I am much concerned to find that the explanations contained in my Letter to you of the 4th Current with its enclosures appear to have failed in convincing His Excellency that the "Frame Work of a House," as used in reply to my request of a "House in frame," was intended to mean nothing else than the Complete Materials of a House, in such a state that the Carpenters of the Ship of War could put it up during the Stay of the Ship at the Station. What I suggested to the Missionary Society, is justified by the expense which the Houses, some of the Missionaries now occupy, have cost. I have no doubt also that the unreasonableness of requiring me to provide a House in such a Situation would have its due influence, after all the circumstances of the case had been fully considered.

In the first place, I would submit that Mr. Under Secretary Hay was perfectly aware that there was no want of materials for House Building at New Zealand, as he knew that considerable quantities of Timber were constantly exported in different States, thence to Sydney; and it was not therefore on this ground, as His Excellency the Governor supposes, that the frame work of a House was directed to be sent from Sydney. The real grounds were, as I have already stated, my utter inability to furnish the Funds for the erection of a House. This I urged upon Mr. Hay at more than one interview, and the probable impracticability of my Building a House there at all; and, if practicable, the certainty that the expense would be enormous. This I stated in a Memorandum, having reference to such conversations; and I may now add that this Statement, which was made on the authority of Mr. Coates, Secretary to the Missionary Society, is justified by the expense which the Houses, some of the Missionaries now occupy, have cost. I have no doubt also that the unreasonableness of requiring me to provide a House in such a Situation would have its due influence, after all the circumstances of the case had been fully considered.

In the second place, I would submit that His Excellency would do me the favor to ascertain from such Persons as were concerned in the erection of the "Frame Work of Houses" or the "Houses in frame," which have been frequently erected at Sydney to be put up at New Settlements, what meaning they would attach to these expressions. The same question might also be put to many Emigrants, who are aware that such Houses are finished in London in the Most complete form for Shipment in frame to New Settlements. And if he should ascertain that by these expressions are meant a complete House, I would most respectfully but earnestly submit to His Excellency, whether a couple of Rooms is a sufficient Residence for the Representative of the British Government, even in such a place as New Zealand; Whether it is calculated to enable me to shew that hospitality to Strangers and others, which will be a part of the Duties of my Station; And whether it is placing me in such circumstances as to command the respect of the Natives once, where it is of so much importance, both for their own improvement and for the safety and success of the Traders, to establish a moral influence. Or of those British Subjects, whether temporary visitors in Whalers and trading Ships, or permanent residents once, where I will have to exercise a Superintendence of a Character perhaps ill defined, and under any circumstances inviolate.

The Governor has stated his belief that it was not intended that I should have a House as an emolument of my appointment, and that I can, if I think proper, make such additions and supply such finishings as I may think necessary and apply to the Secretary of State to be reimbursed the expense. In reply to this observation, I beg to assure His Excellency that I have no wish to have any property in the House, with which I consider the Government ought to provide me; and that, though the emoluments of those Situations which I have had the honor to fill in His Majesty's Service have ever been with me a secondary consideration to the due fulfilment of the duties of them, yet it is quite out of my power to act upon his suggestions, now under the necessity of selling off all my property (and all I fear will prove insufficient) to satisfy the pecuniary obligations which I have already incurred; and I...
have felt too keenly the pain of such a situation again to involve myself in such obligations unless under the most pressing necessity. Besides I have too much reason to fear that the salary of my appointment will prove limited enough to enable me to fill my situation with credit. And what I believe to be almost without a precedent in appointments of a similar nature to mine, I have not received, as His Excellency is aware, a single Shilling to provide an outfit for it. On the contrary, when I urged upon the Home Government the payment of what I must always consider a just debt, I was informed that, if I accepted my present appointment, I must consider it a compensation for all past claims.

JAMES BUSBY.

GOVERNOR BOURKE TO VISCOUNT GODERICH.
(Despatch No. 32, per ship Sovereign.)

My Lord,

Government House, 16 March, 1833.

In compliance with the Instructions, contained in your Lordship’s Despatch of the 7th August, 1832, No. 115, I have the honor to transmit for the information of the Right Honble. the Secretary at War A Return of all Military Officers on Full Pay in the Government of New South Wales, receiving Colonial Pay, in addition to their Military Pay, distinguishing those whose Duties are strictly of a Civil nature from those whose duties, although performed in the Service of the Colonial Government, are still of a Military Character.

I have, &c.,

RICH. BOURKE.

[Enclosure.]

[A copy of this return is not available.]

GOVERNOR BOURKE TO VISCOUNT GODERICH.
(Despatch No. 33, per ship Sovereign; acknowledged by right hon. E. G. Stanley, 22nd October, 1833.)

My Lord,

Government House, 18th March, 1833.

I have the honor to transmit a Minute of the Proceedings of the Executive Council in the case of the four Persons named in the Margin,* convicted before the Supreme Court of this Colony in December last of the Murder of the late Mr. John MacIntyre in the Autumn of 1830. The case is so extraordinary, I directed the Attorney General to prepare a full statement, which I forward herewith, and must beg your Lordship to peruse as the readiest way of obtaining such a knowledge of the facts as may enable Your Lordship to decide upon the propriety of recommending to His Majesty’s consideration the course, which I take the liberty to advise.

Believing that the confession of Charles James, supported as it is by the discovery of the Watch of the late Mr. MacIntyre and

by other circumstances, contains a true history of the Murder, I would recommend that the Sentence of MacGrath be commuted to Transportation for Life to Norfolk Island. Notwithstanding that I have no doubt of his being guilty of the murder, yet, as he has been convicted upon false Testimony, I cannot venture to propose his Execution. I would recommend a similar commutation for Daly, whom I do not believe to have been a principal in the Murder, with an authority to me to grant him a Pardon, if he shall, within the next two years, give such information as may be the means of bringing to justice any of the Principals or Accessaries in the Murder. If his own evidence were necessary to effect this object, I would propose to grant him his pardon before he was produced in Court, as, after the late horrid exhibitions of perjury, I would not venture to bring forward as an Approver any person, whose own fate might seem to depend on the testimony he gave of the Deeds of another; Steele and Ryan being as I believe wholly innocent, I beg to recommend for His Majesty's gracious Pardon.

The Attorney General seems uncertain what to advise with respect to James or Clare. If it shall be possible to make out any clear and sufficient evidence upon which to bring both to Trial, I will recommend him to do so, as I do not consider the late confession of James to furnish any grounds for exempting him from the punishment due to his crime. It was not in consequence of his confession but upon the manifest discovery of the perjury of the Approver Doolan that the Executive Council recommended the respite of the four Persons convicted on Doolan's evidence.

Your Lordship will perceive what the Attorney General has stated as to the admission in this Colony of the evidence of Convicts attaint. The opinions of the Judges Stephen and Dowling were given on a former occasion in favor of receiving this description of evidence. The Chief Justice took a view of the matter different from theirs, though not entirely opposed to the admission in some cases. I have reason to believe that the present Bench will reconsider the question, and probably either recommend the introduction of a Legislative Enactment suited to the particular circumstances of the Colony, or return to the practise of the Law of England.

I have, &c.

RICH. BOURKE.

[Enclosures.]

[These papers will be found in a volume in series II.]
1833.
18 March.

GOVERNOR BOURKE TO VISCOUNT GODERICH.
(Despatch marked "Private," per ship Sovereign.)

Government House,
My Lord,
Sydney, 18th March, 1833.

In reply to Your Lordship's letter of March last, covering one from Sir Colin Campbell and making enquiry for Mr. Patrick Campbell, who was temporarily employed by my Predecessor in the Department of Roads and Bridges in this Colony, but reduced when that Department was placed under the Surveyor General, I have the honor to inform you that Mr. Campbell's conduct whilst in the Colonial Service had not been as satisfactory as to induce the Surveyor General to apply for his restoration to employment at a time when it might have been practicable. At present Your Lordship is aware that the Department is undergoing reduction.

I have, &c.,

RICHLD. BOURKE.

20 March.

Refund of over-issue of salary by C. D. Riddell.

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

Government House, 20 March, 1833.

Sir,

In conformity to the Instructions, contained in your letter of the 27th May last, I called upon Mr. Riddell, Treasurer in this Colony, to pay into the Military Chest the Sum of £858 13s. 2d. on account of an overissue of Salary received by him, whilst holding the Office of Commissioner of Eastern Enquiry. Mr. Riddell in consequence proposed to pay the surcharge by two Bills on England for £100 each, the one at thirty, the other at ninety days after sight, and the balance of £58 13s. 2d. by cash to the Military Chest of the Colony on the 5th May next. I have acceded to this proposal, and Mr. Riddell has accordingly this day passed the Bills payable to the Deputy Commissary General on this Station, by whom they will be transmitted to the British Treasury.

I have, &c.,

RICHLD. BOURKE.

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

Government House, 20th March, 1833.

Sir,

In reply to your letter of the 8th of November last, enclosing the Copy of one from Joanna Bate making enquiry concerning a Person called John Matthews, said to be detained in the Island of Melanta in the South Seas, and whom she believes to be her Brother, I have the honor to inform you that the
presence in Sydney of Captain Harewood, Master of the Whaler
Hashmy, has enabled me to obtain the information, which will
be found in the paper herewith enclosed. I will not fail to take
any opportunity that may offer for procuring the escape of
Mathews from Melanta, if he should be still there; but it is
quite uncertain when such an opportunity may occur; and to
engage a Ship to touch at the Island would require the expendi­
ture of a larger sum than Lord Goderich has authorized.

I have, &c.,

RICHD. BOURKE.

[Enclosure.]

STATEMENT BY COLONIAL SECRETARY MACLEAY.

I have seen Mr. Harewood, Master of the Hashmy Whaler, who
or rather of his writing on a Bamboo, which is now in possession
of Mr. Smith Master of the Caroline Whaler in V. D. Land. There
was no Second Letter or communication. This was found in pos­
session of a Native of the Island of Metanba in Sept., 1831, but
as there is no date to it the writing might have been much older.
It is certain, however, that in Decr., 1831, Capt. Harewood had Six
of his crew on the Island for nine days, and they say that, if there
had been any white man with the Natives, they must have seen him.
Capt. Harewood's opinion is that John Mathews must either have
died or have left the Island before Decr., 1831.

ALEXR. MACLEAY.

20 March, 1833.

[Sub-enclosure.]

[This was a copy of the letter printed in the "Sydney Herald";
see page 796, volume XVI.]

VISCOUNT GODERICH TO GOVERNOR BOURKE.

(Despatch No. 152, per ship Prince George.)

Sir,

Downing Street, 22d March, 1833.

I have received your Despatch No. 29 of the 28th February,
1832, on the subject of the claims of Messrs. Ferguson and Com­
pany of Calcutta to compensation for a piece of Land adjoining
the Government House at Sydney, formerly occupied by a Mr.
John Palmer; and also respecting the proper means to be taken
for recovering possession of a certain part of that Land, which
still remains in the possession of Palmer's representative.

As it was stated in the concluding part of your Despatch that
Mr. Steele, the Agent of Messrs. Ferguson and Co., was pro­
ceeding to London to prosecute their claim before me, the expec­
tation of that Gentleman's appearance has induced me to postpone
54 HISTORICAL RECORDS OF AUSTRALIA.

1833.
22 March.

Questions submitted.

Invalidity of lease to be waived.

Power of P. G. King to grant lease to J. Palmer.

those Instructions, which I should otherwise have addressed to you immediately upon the receipt of your Despatch. But, six months having now elapsed without my having received any communication from Mr. Steele, I am unwilling to subject you to the inconvenience of any further delay on that account.

You have so fully recapitulated all the facts of the case that it would be superfluous for me to write any further summary of them. I, therefore, proceed at once to the consideration of two questions to which you call my attention. The first, Whether Messrs. Ferguson and Co. are entitled to be compensated for the land of which Palmer was dispossessed, and, if so, what is the amount of the compensation due to them on that account. The second, What measures it is most convenient and just to take, in order to regain possession of the acre of ground and the stone Mill, which are still occupied by Messrs. Ferguson and Co. under the original Lease to Palmer.

With respect to the first of those questions, I observe that Governor King's Lease of the 31st March, 1802, is deficient in all the forms, which are, strictly speaking, essential to the validity of such an Instrument. But advert ing to the irregularities, which universally, and perhaps inevitably prevailed at that early period, respecting the alienation of the Lands of the Crown, I think that no advantage should be taken of objections merely technical, but that this Document ought now to be considered in the same light as if it had been executed under the Public Seal of the Colony in His Majesty's name, and had contained within itself all those terms, which the Law requires, in order to transfer a legal interest in Land. The objection, derived from the want of authority in the Governor to grant a Lease of this nature, are derived from principles of a far more substantial character and of permanent application. It is of no light importance steadily to assert the maxim that a Grant, made by a Governor exceeding the limits of the powers confided to him by His Majesty, is inoperative and destitute of any legal effect. In applying that principle to the present case, it is however to be considered that the Instructions, which forbade Governor King to grant any Lands, cleared at the expense of the Crown, for a longer period than 5 years, would seem originally to have been aimed at a case very different from that of Mr. Palmer. The object was apparently to prevent persons, who enjoyed the favor of the Local Authorities, from obtaining, at the expense of the Public, Lands which had been cleared by an outlay of the Public Revenue. But the Lease to Mr. Palmer, however objectionable on other grounds, would not, on the face of it at least, appear to have been obnoxious to this charge. The Land on the West side
of "Farm Cove" was not granted to him gratuitously, but as a remuneration for the surrender of a Lot in the Town of Sydney. Governor King had not, indeed, any legal right to effect such an exchange, except for the period of five years prescribed by his Instructions. Yet it must be confessed that such an infringement of them was far less palpably illegal, than would have been a similar Lease not supported by any such valuable consideration. I must suppose Governor Macquarie to have felt the force of this consideration, when he made to Mr. Walker the proposals, contained in his letter of the 26th September, 1814; for, except on that supposition, I could scarcely avoid the inference that Governor Macquarie's anxiety to enlarge the ground and buildings, occupied by himself, had rendered him forgetful of the Public interest, a conclusion which my respect for that Officer's memory renders me most anxious to avoid. It must be remarked, however, that the agreement to purchase the Buildings was expressly declared to be dependant upon the sanction of the Secretary of State, which seems never to have been obtained, although a formal application was made for that purpose. It might, therefore, not be inaccurately said that the condition, on which alone the liability of the Government was to arise, has never in fact been performed. Yet I should be unwilling to take advantage of any oversight which may have formerly been committed in the correspondence of this Department, or to deny that the silence of my Predecessors on the subject may be fairly considered, under all the circumstances of the case, as an implied approbation of Governor King's conditional Lease, after the objections to it had been so distinctly brought under their notice. I therefore cannot, with justice, avoid the conclusion that the sum of Five hundred and thirteen Pounds 1s. (the mean of the two valuations) must be considered as a debt due to the House of Ferguson and Company of Calcutta.

The acknowledgment of the liability of the Government to pay the Principal involves, as a necessary consequence, their liability to the payment of the Interest. But there are certain demands on the part of the Government, which, as it seems to me, may be fairly urged in reduction of this debt.

In the first place, the £513 1s., if I rightly understand the case, was to have been accepted as a remuneration for the removal of all the Buildings, including the Windmill, which is now standing. If so, as that Mill has not been removed, there should be a proportionate reduction from the amount of the valuation. In the next place, Messrs. Ferguson and Co., by their Agents, have had possession of the Stone Mill, with the acre of ground on
part of which it stands, without the payment of any Rent for a long course of years, altho' Governor King’s Lease, on the construction the most unfavorable to the Crown, expired nearly ten years ago. In adjusting the account, Messrs. Ferguson and Company ought, therefore, to be charged with a reasonable Rent for the occupation of this property. It must, however, be admitted that a very serious difficulty would arise, if they were to repel such a claim by relying on their length of possession, and if they should insist that it has endured so long as to have ripened into a perfect right. For assuming the invalidity of Governor King’s lease after the expiration of the first five years, it will follow that Messrs. Ferguson and Co., or those under whom they claim, have been in the adverse and yet undisputed possession of this property for no less than 26 years past.

The result of the whole case, according to the best view I can take of it, is that you must offer to pay the demand of £513 Is. with Interest, subject to the deductions which I have mentioned; that, if those deductions are not admitted by Messrs. Ferguson and Co., you must refuse to make any payment, until you shall have consulted the Law Officers of your Government on the question; and that, if they should be of opinion that the deductions claimed would not be admitted by the Colonial Tribunals, you must abandon so much of the claim. But this is obviously one of those cases in which it is better to adjust the matters in dispute by a reasonable compromise, than to take the risk of a Judicial decision. You have, therefore, my authority to effect the best settlement in your power of the question, provided nothing more be paid than the sum of £513 Is. with Interest, and also provided that the Stone Mill and the acre of ground be surrendered up by the present Holders to the Government.

I cannot quit this subject without expressing my regret that, on such a subject as this, your Despatch should be unaccompanied by a Report on the questions in debate from the Attorney and Solicitor General of the Colony. It is a case, which would have fallen peculiarly within their cognizance; and I should have derived material assistance from their opinion, in estimating the arguments for and against the course of proceeding, which you recommend, or any other method, which could be suggested for the settlement of the claims of Messrs. Ferguson and Company. In any similar occasion, on which you may have cause to apply to me for Instructions, you will have the goodness to procure and to transmit to me a full Report from your official Legal advisers.

I am, &c.,

GODERICH.
Sir,

Downing Street, 23d March, 1833.

I have received your despatch No. 88 of the 17th September last, transmitting copies of a correspondence, which had passed between the Local Government and Sir Edward Parry, on the subject of certain changes in the Location of the Australian Agricultural Company, authorized by Sir George Murray’s despatch of the 21st April, 1830.

The ample discussions, which appear to have taken place between Sir George Murray and the Directors of the Company previously to the issue of the Instructions contained in the above despatch, render it unnecessary that I should reconsider the circumstances, which induced Sir George Murray to acquiesce in the change desired by the Company; and, as I consider the pledge, which he then gave to the Directors upon this subject, as one from which His Majesty’s Government could not now depart without most serious injury to the interests of the Company, I am very anxious that the terms of it should be carried into full and immediate effect, and I feel the less hesitation in making up my mind upon this point from entertaining the opinion that, although you had not, for reasons stated in your despatch, thought proper to permit Sir Edward Parry to enter upon possession of the two locations of land which he had selected, yet that, in permitting him to occupy them on behalf of the Company, nothing would be done inconsistent with the Instructions addressed to General Darling* by Sir George Murray, containing the permission before mentioned. You will, therefore, with as little delay as possible after the receipt of this despatch, place Sir Edward Parry in possession of the two locations in question, taking care, however, that the Company do not include within the space fixed by their Boundaries a larger extent of Land than was intended by the before mentioned despatch of Sir George Murray to be granted to them in another quarter in lieu of an equal quantity of that forming the original location of the Company at Port Stephen’s; also that such arrangements be first entered into between Sir Edward Parry in behalf of the Company and the local Government, in respect to the formation of such lines of communication through the Company’s Grant, as shall prevent the occupation of so large a Tract of Land by the Company from becoming an impediment to the further Settlement of the Country beyond it, the Public Roads necessary for that object being of course made at the expense of the Government. Every precaution must also be adopted, in concurrence with the Company’s Agent, for securing to the Settlers on the lands adjoining the

* Note 10.
GODERICH.

GOVERNOR BOURKE TO VISCOUNT GODERICH.

(Despatch No. 35, per ship Sovereign.)

My Lord,

Government House, 23 March, 1833.

I have the honor to transmit a Return, by which Your Lordship will perceive the number of Free Persons who arrived in this Colony during the last year, distinguishing those who came out wholly at their own charge from those, who received advances or Bounties towards defraying the expense of their passage. I have caused to be added to the Return the numbers arrived out in the three preceding years, and Your Lordship may observe that, notwithstanding the promulgation of the regulations for the sale of Land in these Colonies in the year 1831, nearly as many Persons came out in 1832 wholly at their own Cost as in the three preceding years put together.

The charge for Bounties on 321 Women is taken at £2,497 7s. 6d., being the sum actually paid by this Government at the rate of about £8 each; but it would seem from Mr. Hay's letter of the 24 May last that it is proposed to charge the Colony with the whole expense of the passage of Women arrived from Ireland in the "Red Rover," which would add £1,522 10s. to the Sum above stated.

If, to the number of Free Persons (2,006) arrived in 1832, there be added 2,738 Male Convicts and 381 Female Convicts come out in the same year, the addition to the Population of the Colony in the course of the last year will be found to amount to 5,125 Souls.

I have, &c.,

RICH. BOURKE.

[Enclosure.]

[This return contained the details relating to the arrival as immigrants of 306 men, 113 women and 145 children in 1829; 166 men, 70 women and 73 children in 1830; 185 men, 98 women and 174 children in 1831; and 819 men, 706 women and 481 children in 1832.]
Viscount Goderich to Governor Bourke.

(Despatch marked "Private," per ship Prince George.)

Sir,

Downing Street, 25 March, 1833.

I have received your Confidential despatch of the 18th Sept. last, in answer to one which I had addressed to you on the subject of the fitness of the Revd. Mr. McEncroe to be placed at the Head of the Romish Clergy at New South Wales. The only part of your communication requiring an answer is that which relates to the payment of the Revd. Mr. Therry's passage to this Country, as an inducement for him to quit the Colony, according to the terms offered to him by Earl Bathurst. Had no measures been adopted for counteracting the line of conduct adopted by Mr. Therry since his removal from the Public service, I might have been disposed to concur with you in opinion that it would have been advisable to purchase his absence by the sacrifice of the sum specified. But, as, by my despatch No. 124 of 20th Sept. last, you were informed that the Revd. Mr. Ullathorne had been appointed Vicar General of the Roman Catholic Church in New South Wales, and as his Ecclesiastical authority over Mr. Therry will prevent the recurrence of the inconvenience occasioned to the Colonial Government by the misconduct of the latter, I do not consider it necessary to subject the Public to any expense to induce Mr. Therry to take his departure, a course which he will probably adopt of his own accord, when he shall ascertain that a Spiritual Superior is on his way to the Colony.

I am, &c.,

Goderich.

Viscount Goderich to Governor Bourke.

(Despatch No. 154, per ship Prince George.)

Sir,

Downing Street, 26th March, 1833.

I have received your Despatch No. 81 of the 23d August last, enclosing the copy of a Memorial which had been presented to you by the Subscribers to the Roman Catholic Chapel now building in Sydney, praying that the Revd. J. J. Therry may be re-instd in the Chaplaincy from which he was removed by Earl Bathurst.

I am sorry that the correspondence in this Office, respecting Mr. Therry, is of such a character as perfectly to satisfy me that he is not a fit person to receive the bounty of His Majesty's Government, and that the conduct of Mr. Therry at the time left the Secretary of State no other alternative than to withdraw the Stipend which he enjoyed.
Under these circumstances, I can hold out no prospect of Mr. Therry's being again allowed to receive a Stipend from the Government, and I trust, if he should think fit to continue his Residence in the Colony, that the superior authority possessed by the Revd. Mr. Ullathorne, in his capacity of "Vicar General," will effectually restrain him from hereafter indulging in that line of conduct, which had called forth the animadversion of His Majesty's Government.

The appointment of Mr. Ullathorne, as well as of Mr. McEncroe, will have completed the number of Roman Catholic Chaplains recommended by the Legislative Council to be maintained by the Government, and I hope that the exertions of these Gentlemen and of Mr. Dowling will prove adequate to supply the Religious wants of the Roman Catholic Community in New South Wales.

I am, &c.,

GODERICH.

---

Viscount Goderich to Governor Bourke.

(Despatch No. 155, per ship Prince George.)

Sir, Downing Street, 27th March, 1833.

I have received and laid before The King your Despatches,* reporting the appointment of Mr. Archibald Bell to the Legislative Council in the room of Colonel Lindsay, and recommending Sir John Jamison for the Seat vacated by Mr. John Macarthur.

I have the honor to signify to you that His Majesty has been pleased to confirm Mr. Bell's appointment; but that it is impossible to introduce Sir John Jamison into the Council at present, as His Majesty deems it advisable that the Officer next to yourself in Command of the Troops in the Colony should always be a Member of the Legislative Council. You will, therefore, appoint Colonel Lindsay's Successor to the vacancy occasioned by Mr. John Macarthur's malady.

Whenever a vacancy occurs among the unofficial members of the Council, there will be no objection to your appointing Sir John Jamison, should you then be as favorably inclined towards him as you now are.

I am, &c.,

Goderich.

---

Viscount Goderich to Governor Bourke.

(Despatch No. 156, per ship Prince George.)

Sir, Downing Street, 28th March, 1833.

I have the honor to acknowledge the receipt of your despatch No. 101 of the 22d September last, with a statement prepared by the Auditor of the Revenue and Expenditure of New South Wales for the year 1831.

* Marginal note.—No. 102, 22d Sept., 1832; Separate, 24th Sept., 1832.
1832. 28 March.  
GODERICH TO BOURKE.  

I am happy to find that the Expenditure of 1831 was less than that of 1830 by about £3,516; whilst the Revenue had increased to the extent of £16,303; and I feel confident that the Accounts for 1832 and 1833, when completed, will shew a still greater diminution of Expenditure. I must, however, caution you not to allow this favorable state of the Finances to divert your attention from this important subject, until every practicable retrenchment, consistent with the efficiency of the Public Service, shall have been effected in all the Departments in the Colony. His Majesty’s Government rely with confidence on the Surplus Revenue of New South Wales for the means of diminishing the heavy charges of a mixed nature, at present borne by this Country, connected with the Convict Establishments, such as the Police, etc.

It would have been satisfactory to me, if your Despatch had mentioned what steps had been taken, in consequence of the Auditor's suggestions, for the better regulation of the Territorial Revenue and for simplifying and rendering more correct the Accounts of persons indebted to the Crown. I have to desire that you will give your best attention to this subject, if you should not have already done so, before this Despatch reaches the Colony. The gradual recovery of the various debts, outstanding against many of the Colonists, also deserves your serious consideration, and I shall be glad to receive from you a report upon this and the preceding subjects. Care, however, must be taken not to press unduly upon the resources of these persons, who are indebted to the Crown for the Quit-rent upon their Lands, by calling in at the present moment the sums which they may owe on other accounts, the collection of the Quit-rents of course being first attended to.

In the statement (No. 7) of the Debts to the Crown, the following appear to me capable of being at once called in; indeed I am at a loss to understand why they should have been allowed to be in arrear at all.

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Rents of Tolls, Ferries and Market</td>
<td>£3,381</td>
</tr>
<tr>
<td>Dues</td>
<td></td>
</tr>
<tr>
<td>Post Office Collections</td>
<td>270</td>
</tr>
<tr>
<td>Auction Duty</td>
<td>175</td>
</tr>
<tr>
<td>Fees of Public Offices</td>
<td>1,127</td>
</tr>
<tr>
<td>Fees and Fines, Judicial</td>
<td>499</td>
</tr>
<tr>
<td>Surcharges against Public Accountants</td>
<td>966</td>
</tr>
</tbody>
</table>

**Total:** £6,418

I perceive a sum of £112 16s. 6d. charged for the pay of the Governor’s Body Guard, and, on referring to the Blue Book for
1833,
28 March.

1831, I find a further charge of £277 16s. 3d. for their Clothing, Appointments and Forage, making a total expense of nearly £400 per annum. I am not aware of any reason why the Governor of New South Wales should be allowed a Guard of this nature, not usually granted in the case of other Governors; and I have, therefore, to direct that, unless their services are indispensably required, you will at once disband them, and replace them by Troops of the Garrison.

I cannot conclude this Despatch without expressing my sense of the very creditable manner in which the several statements under consideration have been drawn up by the Colonial Auditor.

I am, &c.,
GODERICH.

Viscount Goderich to Governor Bourke.
(Despatch No. 157, per ship Prince George.)

Sir,
Downing Street, 28 March, 1833.

I have the honour to transmit to you extracts from a correspondence, which has taken place between the Lieutenant Governor of Van Diemen's Land and myself on the propriety of allowing Emigrants on arriving either at New South Wales or Van D. Land to change their destination to the other Colony on producing satisfactory reasons to the local Government for such alteration; and I have to acquaint you that any arrangements, which you can effect on that subject with the Government of Van Diemen's Land, which may be compatible with the interests of the Public Service, will meet with my cordial approbation.

I have, &c.,
GODERICH.

[Enclosure No. 1.]

Extract of a Despatch from Lieut. Govr. Arthur to Viscount Goderich, dated Van Diemen's Land, 16th July, 1832.

"With regard to the injunction of not suffering the Emigrant to alter his destination from one Colony to the other, Your Lordship's instructions will be carefully observed; but I hope, if it be not found practically inconvenient, that Your Lordship will be induced to relax a little in this particular, because, in two or three cases which have already come under my observation, the privilege has been found highly satisfactory, as well as useful to the parties; and one of the means of making the whole arrangements of emigration work well must be certainly that of offering the Emigrants every reasonable facility. On their embarkation in Britain, many of them have a most imperfect notion of the distance, which separates the two Colonies; and they discover on arrival that there is some link or other in the chain which connects Society, which would render one Colony more desirable or more congenial to them.
than the other, and, if disappointed in the object of their wishes, discouragement will, I fear, too often follow.”

“I apprehend, by regular and frequent Reports from the Government of the two Colonies to the Secretary of State, the objections, which Your Lordship contemplates, will not be felt for at least 2 or 3 years.”

[Enclosure No. 2.]


“With reference to that part of your Despatch, in which you suggest that an Emigrant, on arriving either at Van D. Land or at New S. Wales, should be allowed to alter his destination from one Colony to the other, I have to acquaint you that, in originally imposing a restriction on this particular, I had no other object in view than to prevent any attempt on the part of Mechanics to evade the payment of their Loans when in another Colony than that to which they may have first proceeded, and in which they may have contracted to repay the advance, and to obviate confusion in the account kept in this Department of the amount of the sums so expended.”

“I am willing, however, to attend to your suggestion on this subject; and, if you can make any arrangement with the Government of New S. Wales by which the inconvenience above referred to may be effectually guarded against, I shall be prepared to extend to the Emigrant the privilege, which you have proposed, in every case in which he shall prove to your satisfaction that his wish to change his destination does not proceed from any frivolous motive, and that it will really tend to the advantage of the Party to give him that indulgence.”

Viscount Goderich to Governor Bourke.

(Despatch No. 158, per ship Prince George.)

Sir,

Downing Street, 29th March, 1833.

I have the honour to acquaint you that a vessel will be despatched to New South Wales in the course of the ensuing month containing Female Emigrants. The Persons to be sent out in this vessel have been selected by a charitable Committee, which has been formed in London. My former Despatch* will have caused the collection in the Colony of every information likely to be useful to the Emigrants on their arrival, and you will probably be possessed of a list of the names and addresses of Settlers in want of Female Servants, as well as of the Wages which they are willing to offer for their services. I need scarcely observe that these Females must be treated entirely as free Agents, having their own choice of Service, and being in no respect required to enter into any other Bonds or engagements than they might have done, had they gone out from this Country entirely at their own expense. You will provide the same accommodation for them, as was afforded in the case of the Females

* Note 11.
who proceeded in the “Red Rover”; and, until they can be disposed of in private Families, you will cause them to be employed in some suitable occupation, the choice as well as conduct of which will be best confided to the Superintendent, by whom they will be accompanied to the Colony, and who, being about to proceed thither, has undertaken the charge of the Females during the Voyage without any remuneration from the Government.

For the adoption of any measures which may seem likely to be useful, I shall rely upon the disposition which I am sure you will feel to secure to these Emigrants every chance of success in the Country which they have chosen for their future home.

I have, &c.,

Goderich.

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

Sir, Downing Street, 29th March, 1833.

I am directed by Lord Goderich to transmit to you a copy of a letter from the Revd. John Jowett, in behalf of a Convict, named Isaac Slater, late a Private in the 57th Regiment. On referring to the Horse Guards, it appears that there is nothing on the face of the proceedings of the General Court Martial held on the Prisoner, except the crime of Desertion, which, in Lord Hill’s opinion, should preclude Isaac Slater from reaping the benefit of his good conduct since his arrival in the Colony; and Lord Goderich has, therefore, promised Mr. Jowett to bring this man’s case under your notice, in order that he may have extended to him whatever indulgence he may be considered by the Local Authorities to deserve.

I am, &c.,

R. W. Hay.

[Enclosure.]

REVD. JOHN JOWETT TO SECRETARY OF STATE.

My Lord, Hartfield Rectory, East, 14 March, 1833.

I am requested to lay before your Lordship the following case, and to ascertain whether anything can be done in it.

A man of the name of Isaac Slater, while serving in the Peninsular War, about the year 1812, having several times deserted from his Regiment (the 57th Foot), was sentenced to be transported for Life; he was accordingly sent to New South Wales in the year 1814, now 19 years ago; but has lately written to his friends, requesting them to make some effort for a mitigation of his sentence, being very desirous of seeing them again; The man’s family connexions are living in this Parish and in good Credit.

May I request to be informed as to the proper quarter in which to make the necessary application? and whether any opinion can be framed as to its result? I have, &c.,

John Jowett,
Rector of Hartfield.
Right Hon. E. G. Stanley to Governor Bourke.
(A circular despatch per ship Captain Cook.)

Sir, Downing Street, 3d April, 1833.

His Majesty having been pleased to honor me with the Seals of the Colonial Department in the room of Viscount Goderich, I take the earliest opportunity of acquainting you therewith.

It will give me great satisfaction to be able to fulfill His Majesty's Gracious Intentions in this Appointment, and, as it is His Majesty's Pleasure that your despatches should for the future be addressed to me, I shall not fail to lay them immediately before The King, and to transmit to you such Orders as His Majesty shall think fit to give thereupon.

I am, &c.,

E. G. Stanley.

Governor Bourke to Viscount Goderich.
(Despatch No. 36, per ship Edward Lombe; acknowledged by right hon. E. G. Stanley. 21st November, 1833.)

My Lord, Government House, 8 April, 1833. April.

In conformity to the Instructions contained in your Lordship's Circular Despatch of the 28th February, 1832, I have the honor to enclose an Abstract of the Revenue of the Colony of New South Wales and its Appropriation for the year 1832, as required for the use of the Lords Commissioners of His Majesty's Treasury.

I have, &c.,

Richd. Bourke.

Under Secretary Hay to Governor Bourke.
(Despatch per ship Bussorah Merchant.)

Sir, Downing Street, 12th April, 1833.

With reference to Lord Goderich's despatch of the 29th Ultimo, apprising you that a Vessel was about to be despatched with Female Emigrants, I am directed by Mr. Secretary Stanley to acquaint you that they have been embarked in the "Bussorah Merchant." I enclose you a copy of a letter from Mr. Forster, requesting, for the reason stated, that you might be instructed to pay the sum of six pounds for each Female landed in the Colony from the above Vessel; by the enclosed copy of the answer sent to Mr. Forster, you will perceive that his request has been complied with to the extent of 250 Females. You will, accordingly, pay to the Agent of the Vessel the sums in question; and you will, also, pay into the Military Chest the sum which has been advanced by the Treasury on account of these Females.

I am, &c.,

R. W. Hay.

* Note 12.
MR. E. FORSTER TO UNDER SECRETARY HAY.

Sir,

17 Warrick Sq., 9 April, 1833.

The Committee of Emigration, in requesting you will have the goodness to transmit a despatch by the Bussora Merchant to the authorities at Sydney directing payment to be made of six pounds for each female landed in the Colony, beg to state that it is not possible to make a return of the exact number of females, till they shall be actually embarked.

The Committee, therefore, solicit that you will be pleased to order a sum to the above amount to be disbursed on account of each female disembarked at Sydney from the Bussorah Merchant for a number not exceeding 250.

On the departure of the Vessel from Gravesend, a correct report of the number of Emigrants on board will be forthwith forwarded to the Colonial Office.

I have, &c.,

EDWARD FORSTER, Chairman.

UNDER SECRETARY HAY TO MR. E. FORSTER.

Sir, Downing Street, 12th April, 1833.

In answer to your letter of the 9 Instant, I have to acquaint you that, in consequence of the representations therein stated, Mr. Secretary Stanley will have no objection to direct the Government of New South Wales to pay the sum of £6 for every female arriving in that Colony by the Ship "Bussorah Merchant," provided the number do not exceed 250, to any Person you may name in the Colony for that purpose.

I am, &c.,

R. W. HAY.

UNDER SECRETARY HAY TO GOVERNOR BOURKE.

(Despatch per ship Bussorah Merchant; acknowledged by Governor Bourke, 27th August, 1833.)

Dear Sir,

Downing Street, 12 April, 1833.

This letter will be delivered to you by Mr. Hoskins, who has undertaken the charge of the Females from the Refuge for the Destitute, now going out in the "Bussorah Merchant." For your satisfaction, I enclose a copy of a letter from the Secretary to that Institution, as it will shew you the estimation in which Mr. Hoskins is held there; and I venture to request for him any assistance in furtherance of his plans, which it may be in your power to afford him, and which his conduct may deserve.

I remain, &c.,

R. W. HAY.

REVD. W. F. VANCE TO UNDER SECRETARY HAY.

Sir,

Refuge for the destitute, 10 April, 1833.

I have the honor to state that, at a meeting of the Emigration Committee this day, it was resolved that the accompanying "copy of a letter from Mr. Hoskins (to the Committee) and its enclosure
be forwarded to Mr. Hay, with a request that he will move His Majesty's Secretary of State to communicate with the Governor in favour of Mr. Hoskins, of whom this committee entertains a very high opinion."

I am, &c.,

W. F. VANCE, Secy. and Chaplain.

[Sub-enclosure No. 1.]

MR. J. HOSKINS TO EMIGRATION COMMITTEE.

Gentlemen, 9 April, 1833.

I take the liberty of enclosing to you a copy of the certificate I have received from the Committee of the Refuge for the Destitute, and humbly to request you will be good enough to forward it to Mr. Hay, in order that it may be communicated to the Governor of the Colony in New South Wales.

I beg leave to say that the Emigration of Females to Australia and their final Settlement there is an object in which I take great interest, and, having been for so many years employed in the refuge, I hope it has given me information that may be useful.

I cannot yet decide whether I should wish to remain in the Colony and be employed in Superintending the Settlement of women there, or whether I should return home and come out with another Ship; but I would humbly submit that the Governor should be requested to give such facilities to my future plans as they may appear to him entitled to.

I am, &c.,

J. HOSKINS.

Extracted from the minutes of the Emigration Committee by Mr. William Vance, Secretary and Chaplain.

[Sub-enclosure No. 2.]

FROM THE MINUTE BOOK, MARCH 30TH, 1833.

We, the undersigned Members of the Committee of an Institution called the Refuge for the Destitute Established in the Vicinity of London, do hereby certify that Mr. Joseph Hoskins has been the Superintendent of the Female department of this Establishment for a period of 25 years, during which time he has had on an average from 50 to 70 Women yearly under his care; that he has exerted himself greatly to promote the Moral and Religious Reform of these Women, and considerable success has attended his efforts.

The Committee have always valued him as an honest, laborious and Zealous Servant, and he now leaves their immediate Service in order to be instrumental in the Emigration of females to New South Wales and to their reputable Establishment in the Colony, an object which he has much at heart.

Under these Circumstances the Committee Subscribe this Testimonial, and wish Mr. Hoskins much Success in the Colony, whither he is proceeding.

"Here follows the Names of the Committee."

To CHARLES BRANBRIDGE, Esq.

Refuge for the Destitute, 10 April, 1833.

I certify that the above is correctly extracted from the Minutes of the Emigration Committee.

WILM. F. VANCE, Secy. and Chaplain.
RIGHT HON. E. G. STANLEY TO GOVERNOR BOURKE.

(Despatch No. 1, per ship Captain Cook; acknowledged by Governor Bourke, 1st November, 1833.)

Sir,

Downing Street, 13 April, 1833.

I have the honor to acknowledge the receipt of your despatches of the dates, and numbers mentioned in the Margin.*

In answer to No. 78, I am sorry to state, that I cannot admit the claim advanced by Mr. William Dun to compensation for the losses sustained by him through the malicious Acts of his assigned Servants, and which they had been led to commit by the regularity which he had exacted, and the strict discipline which he had kept up amongst them.

The risk of loss from a Convict's misconduct is an evil which is shared by every Settler in the Colony, and for which he is compensated by the value of the man's labor; he cannot, therefore, reasonably seek from the Government indemnification for a contingency for which he ought always to be prepared. The reformation, too, of the Convict is an object of equal importance to the Master, as well as to the Government.

The only way, in which you could mark your sense of exertions for this object, so creditable as those which Mr. Dun appears to have made, would be by giving him the preference in regard to Convicts over other applicants, who may have paid less attention to the habits and morals of their Servants.

The application of the Revd. J. McEncroe, contained in No. 85, is wholly inadmissible. He appears to have proceeded to the Colony before any expectation was held out to him of Employment from the Government, and can, therefore, only be entitled to his stipend from the time when he entered upon the duties of his Chaplaincy.

I perfectly concur in the opinion expressed in your despatch No. 87, that the Colonial Treasurer is the proper Officer to be entrusted with the custody of money lodged in the Savings Bank, when not lent out at Interest, in consequence of the responsibility of the Government for the sums deposited in that Institution. Mr. Riddell cannot, therefore, be relieved from this duty; he is however fairly entitled to adequate clerical assistance in its performance, and you will accordingly afford it to him, should it be necessary.

* Marginal note.—No. 78, 20th Aug., 1832; No. 85, 5th Sepr., 1832; No. 87, 16th Sepr., 1832; No. 91, 20th Sepr., 1832; No. 92, 22d Sepr., 1832; No. 97, 22d Sepr., 1832; No. 99, 22d Sepr., 1832; No. 100, 22d Sepr., 1832; No. 107, 27th Octr., 1832.
STANLEY TO BOURKE.

Under all the circumstances stated in your despatch No. 91, I have to authorise your increasing Mr. Charles Nye's Salary to £190, and, after the expiration of a year from the date of your receiving this Despatch, fixing it at £200 per annum.

I regret to observe, in reply to your Despatch No. 92, that I cannot admit the claim advanced by the Revd. Charles Dickenson to a larger Allowance for House Rent than is received by the other Chaplains, not provided with Parsonage Houses. The sum of sixty pounds is considered sufficient for the Clergy generally, and cannot be varied in individual cases, in proportion to the number of their respective families. The authority, which has been conveyed to your Predecessor, for extending the number of Parsonage Houses will remove the inconvenience which is complained of in this instance, as well as in others where adequate accommodation for a Clergyman's family cannot always be obtained; and I shall be happy to hear that the Legislative Council have placed at your disposal a sum sufficient for this service; you will take care, however, not to allow too many of them to be commenced at once, nor to consent to others being built, until those in hand shall have been first finished. With respect to Mr. Dickenson's claim to extra pay for the duties he has performed at the Female Orphan School, I wish you distinctly to understand that no Chaplain can be allowed to receive any additional remuneration for the performance of extra duties, unless he discharges the entire duties of his Cure at the same time; and, as it appears that Mr. Dickenson performs but one Service on Sundays, and that the distance of the Female Orphan School from his Residence at Paramatta does not exceed 2 miles, I do not consider that he has made out any case for the issuing to him of a separate remuneration, the more especially as he will be very shortly relieved from this particular duty altogether by the arrival in the Colony of the Revd. H. Stiles, who has been appointed master to the School.

In consideration of the expences which are reported in your Forage Despatch No. 97, as occasioned to the Surveyor General by the transfer to his Department of the charge of the Roads and Bridges, I think it but reasonable to allow him Forage for two horses, so long as they may be required and actually kept by him for that purpose. You will, therefore, cause to be issued to him the sum of Five shillings per diem as you have suggested. You will understand that this allowance is to continue no longer than Major Mitchell discharges the duties of Superintendent of Roads and Bridges.
I approve your allowing to the Solicitor General the sum of £120 per annum as recommended in your Despatch No. 99, so long as the cause shall exist for furnishing that officer with Clerical assistance at the Public Expence.

With respect to the questions submitted in your Despatch No. 100, regarding the Houses of the Colonial Secretary and the Chief Justice, I see no objection to the former being allowed to retain his Official Residence, until the house, which he is now building, shall be completed; but the same reason does not exist for his living in the mean time rent free; and you will, therefore, call upon him to pay to the government a fair and equitable Rent from the time when, according to Lord Goderich's Instructions, he ought to have relinquished it. The arguments, which are urged in favor of continuing to the Chief Justice the advantage of an Official Residence, may be brought forward with equal force by almost all the other Servants of the Crown, who have been affected by the late Regulations; and, as I do not feel at liberty to revoke the directions of my Predecessor upon this point, you will call upon the Chief Judge to pay a reasonable rent from the 1st July last, when the House occupied by him ought to have been given up.

I am, &c.,
E. G. Stanley.

---

Under Secretary Hay to Governor Bourke.
(Despatch per ship Captain Cook.)

Sir,
Downing Street, 13 April, 1833.

I have laid before Mr. Secretary Stanley your letters of the 1st and 2d August last, the one in answer to Mr. Gillyan's complaint against Captain Crotty of the 39th Regiment, the other explaining the cause of Mr. Charles Young's dismissal from the Post Office at Sydney; and I am to request that you will inform these persons that the Secretary of State is satisfied that there is no necessity for his interference.

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

---

Right Hon. E. G. Stanley to Governor Bourke.
(Despatch No. 2, per ship Captain Cook.)

Sir,
Downing Street, 14th April, 1833.

I have received your Despatch No. 80 of the 22d August last, submitting the offer of Mr. Hely to resign his Office of Principal Superintendent of Convicts upon condition of his
being appointed a Stipendiary Magistrate at Brisbane Water, where his property is situated, with a Salary of £250 a year.

I perfectly agree in opinion with you that, where Gentlemen can be found qualified to discharge the functions of Justices of the Peace, they should be required to do so gratuitously in the Districts where they reside; and on this ground alone, the application of Mr. Hely, so far as regards the Salary, could not be granted.

In consideration of the testimony, which you have borne to the manner in which Mr. Hely has conducted the duties of his Office, I shall not object to your augmenting his Salary by £100 per Annum, if you shall deem it necessary, by this means, to induce him to retain an Office for which you think him so peculiarly qualified.

I am, &c.,

E. G. Stanley.

Right Hon. E. G. Stanley to Governor Bourke.

(Despatch No. 3, per ship Captain Cook.)

Sir,

Downing Street, 15th April, 1833.

I have received, and had under my consideration, your Despatches of the Numbers and dates mentioned in the margin,* together with those, which you addressed to my Under Secretary. The explanation contained in your letter to Mr. Hay of the 29th July, respecting the complaint of Mr. Shairp that his father-in-law had been unfairly deprived of certain Land, has satisfied me that no injustice has been committed in the case; and you will, therefore, acquaint Mr. Shairp that I see no necessity for my interference. The same reasons, which occurred to Lord Goderich in the case of Mrs. Craig, will equally prevent me from confirming the Grant of Land given to Miss Phillips as a Marriage Portion, which forms the subject of your Despatch No. 67.

I think the case of Mr. Robert Scott, stated in No. 68, is deserving of favorable consideration; it would certainly be very unfair to make him suffer for any irregularity in the Secretary’s office in considering his application for Land. You will, therefore, satisfy yourself that there was no good reason for refusing his application, previous to the promulgation of the new Regulations, and, in that case, make him a Grant of land to the extent and upon the terms he would have been entitled to receive it, had his application been attended to in proper time.

* Marginal note.—No. 67, 1st August, 1832; No. 68, 2nd August, 1832; No. 73, 7th August, 1832; No. 76, 18th August, 1832; No. 90, 19th Sept., 1832; No. 96, 22d Sept., 1832. To Mr. Hay, 29th July, 1832; 3rd August, 1832; 6th August, 1832.
### 1833.

#### 15 April.

<table>
<thead>
<tr>
<th>Refusal of claim of J. Kinchela</th>
<th>Town allotment for J. Kinchela</th>
</tr>
</thead>
</table>

The refusal to allow Mr. Kinchela to receive a Town Allotment, conveyed in Mr. Hay's letter to you of the 22d December, 1831, appears to have originated in an impression that Mr. Kinchela's application had then come home for the first time, and therefore could not, consistently with the new Regulations, be complied with. The previous authority, that had been given by Sir George Murray for granting him an Allotment, of course remains in full force.

I do not consider that Mr. Arthur Kemmis has any reasonable ground of complaint, in regard to the refusal to give him the particular Land he wanted for the purpose of forming a Whaling Establishment. The position of such a Building in the Neighbourhood of private Residences could not fail to produce much annoyance to the Inhabitants, and might, from that cause, have depreciated the value of the adjoining land for building purposes. From the tenor of the concluding Paragraph of your letter to Mr. Hay of the 6th August, you would not appear to understand that the Regulations for selling the Crown Lands generally apply, with the same force, to these Building Allotments, and I beg, therefore, to remind you that those Regulations must be observed in every case in which the Crown Lands are alienated.

The application of Mr. Andrew Lang to be allowed to benefit by the Order for 500 Acres, given by General Macquarie to his late Brother, is totally inadmissible.

I see no objection to extending to Mr. Henry Ludwig Miller the benefit of the same arrangement, as was suggested by Lord Goderich in his despatch No. 53 of the 30th December, 1831, for conferring upon Madame Reus the power to hold landed property in New South Wales.

In consequence of the assertion contained in Mr. Robert Lethbridge's letter (which accompanies your Despatch No. 90) that Earl Bathurst promised him the Land, which he now holds, so far back as 1822, I have caused the correspondence of this office to be examined for the purpose of ascertaining the correctness of Mr. Lethbridge's statement; but it appears that there is no record of such promise, bearing an earlier date than the despatch to Sir Thomas Brisbane of the 2d January, 1825. You will, therefore, acquaint him that I cannot reverse Lord Goderich's decision that the land in question must bear the charges imposed by the Regulations in force at the time it was promised to him, that is, in the year 1825.

* Marginal note.—3rd of August.
† Marginal note.—8th August.
‡ Marginal note.—No. 73.
§ Marginal note.—No. 76
I am sorry that I cannot, consistently with the Regulations, permit Mr. Plunkett to receive a Grant of Land and Building Allotment.

In conclusion, I beg to draw your attention to the numerous instances, in which my Predecessor had occasion to refuse his assent to any departure from the new Land Regulations, and to desire that you will decline in future to forward similar applications, unless you shall feel satisfied that the peculiarity of the case would justify a relaxation of the general Rules.

I am, &c.,

E. G. Stanley.

---

RIGHT HON. E. G. STANLEY TO GOVERNOR BOURKE.

(Despatch No. 4, per ship Captain Cook.)

Sir, Downing Street, 16th April, 1833.

I have received and had under my consideration your despatch No. 57 of the 3d of May last, addressed to my Predecessor, with its Enclosures on the subject of the Police Establishment maintained on the possessions of the Australian Agricultural Company.

Lord Goderich, in his despatch of the 14th March, 1831, No. 25, admitted the right of the Company to receive from the Government the same extent of protection for their Establishment and Servants, as would have been afforded to an equal number of individual Settlers located together, a decision in which I concur. You will, therefore, withdraw the Troops hitherto stationed on the Company's Lands, and consider yourself authorised to appoint a Magistrate and Clerk, with three mounted Police and three Constables, at or near Port Stephens for the protection of the Company's Servants and of any other Settlers in the neighbourhood, as recommended by the Council; provided you shall be satisfied that there are no other Districts, with an equal number of Residents and with the same amount of property at stake, where the same wants in this respect are felt; as in such a case, I should consider the latter entitled to prior consideration from the Government.

You will, also, understand that the Company must be called upon to provide and maintain in repair the several Buildings enumerated in Sir Edward Parry's letter of the 1st March, 1832, as well as a Residence for the Magistrate and Clerk, if
they should be appointed, together with the other expenses, which were calculated in computing the further charge to the Company for Police at £176 10s. per annum.

I concur in opinion, with you, that the Funds appropriated to the maintenance of Convicts ought to bear the expense of a Magistrate, etc., rather than the Colonial Treasury; and you will accordingly give directions for its being paid from the former source.

I am, &c,
E. G. STANLEY.

RIGHT HON. E. G. STANLEY TO GOVERNOR BOURKE.
(Despatch No. 5, per ship Captain Cook.)
Downing Street, 17th April, 1833.

Sir,

I beg to acknowledge the receipt of your Dispatch No. 105 of the 25th September last, enclosing a Memorial from the Trustees of the Wesleyan Chapel at Sydney, praying to be relieved from the payment of a Sum due by the Trustees to the Government on account of a Loan advanced to them by Sir Thomas Brisbane in the year 1824.

I should be extremely unwilling, in the case of a debt contracted under the circumstances of that which forms the subject of your Dispatch, to authorize any step to be taken which might have the appearance of harshness towards the Parties. At the same time, I cannot avoid observing that, under the obligation incurred by the Trustees, and more particularly after the indulgence which had from time to time been extended to them, of reimbursing to the Government the amount which they had borrowed, they have but little excuse to urge for not having set apart annually a small sum with which either to pay the Interest or principal, or a part at least of both; and I do not consider therefore that they have made out any case, which should induce His Majesty's Government to consent to an entire remission of the debt. Anxious, however, to mark the sense, which I entertain of the readiness which the Wesleyan Missionaries have shewn upon all occasions to assist and cooperate with the Clergy of the established Church, I approve of your proposal to remit the whole of the Interest, provided that the Sum originally lent to them be paid within a reasonable time from the arrival of this Dispatch in the Colony; and you will accordingly bring a proposition to that effect under the consideration of the Council.

I am, &c.,
E. G. STANLEY.
HAY TO BOURKE.

**UNDER SECRETARY HAY TO GOVERNOR BOURKE.**

(Despatch per ship Lord Lynedock.)

1833. 17 April.

Sir,

Downing Street, 17th April, 1833.

The Despatches, ordering Advances or Bounties on account of Passengers by the Ship “Lady East,” having directed the amount to be paid to Mr. Edward Deas Thomson only, I am now desired by Mr. Secretary Stanley to direct, at the request of the parties interested in the Vessel, that, in the event of the absence of Mr. E. D. Thomson, the payment may be made to the Managers or Directors of the New South Wales Bank for behoof of Messrs. Chalmer and Guthrie of London.

I have, &c.,

R. W. HAY.

P.S.—Some of the Passengers have been subsequently transferred to the “Edward Coulson.”

---

**RIGHT HON. E. G. STANLEY TO GOVERNOR BOURKE.**

(Despatch No. 6, per ship Captain Cook.)

18 April.

Sir,

Downing Street, 18 April, 1833.

I have the honor to acknowledge the receipt of your Despatch No. 70 of the 17th August last, enclosing a letter, which you had received from Archdeacon Broughton, respecting the Mission lately sent out from this Country to the Aborigines of New Holland.

In answer, I think it unnecessary to do more than to refer you to Lord Goderich’s despatch of the 13th June last, No. 102, in which his Lordship has so fully explained the motives, which actuated His Majesty’s Government in placing this Mission under the superintendence of the Church Missionary Society.

I am, &c.,

E. G. STANLEY.

---

**UNDER SECRETARY HAY TO GOVERNOR BOURKE.**

(Despatch per ship Lord Lynedock.)

18 April.

Sir,

Downing Street, 18 April, 1833.

With the Emigrants who proceed to New South Wales in the “Lady East,” are several persons who had previously embarked from Liverpool in the “Princess Elizabeth,” which Ship was compelled to put back in consequence of the serious damage
which she sustained in a succession of Gales of Wind shortly after her departure, and has been subsequently condemned as unseaworthy.

I am induced to mention this circumstance to prevent mistakes in reference to the orders for advances in the case of those persons, who will arrive in the Colony under your Government by a different Ship from that in which the orders state that they had taken their Passages.

I have, &c.,

R. W. Hay.

P.S.—Since the above was written, the “Lady East” has been compelled by foul weather to put back for repairs, and some of her Passengers have in consequence been transferred to the “Edward Coulston.” You will, however, pay the orders relating to the Passengers by this Vessel the same as if they had arrived by the “Lady East.”

**Under Secretary Hay to Governor Bourke.**

(Despatch per ship Lord Lynedock.)

Sir, Downing Street, 18 April, 1833.

I am directed by Mr. Secretary Stanley to transmit to you the enclosed Copies of a correspondence between this Department and the Church Wardens of St. Mary Newington, respecting the recovery of certain advances made by them to Emigrants, who are proceeding from Liverpool to New South Wales in the “Lady East”; and I have to request that you will act in conformity with the Arrangement, to which the Secretary of State has consented in this instance, by using your best endeavours to recover from the parties, who have received assistance from their Parish, the Sums respectively advanced to them, of course taking care that the Government be in the first instance reimbursed the Loans which the Parties may have received from the Emigration fund.

I have, &c.,

R. W. Hay.

[Enclosure No. 1.]

**Mr. C. F. Smith to**

Sir, Stones End, 21 March, 1833.

I enclose a letter received from Mr. Elliot upon the subject of pauper Emigration. My object now is to know how we are to proceed with the Bills, these poor people give us for the amount advanced, whether we are to place them in your office or? I desire also to know whether the Colonial Office can afford us any information with regard to the Agents, who have undertaken the transport
HAY TO BOURKE.

of our poor, Messrs. Walkinshaw and Parry; this is a most important question, as you will feel.

There are many Agents about Town, whose object is merely to delude and fleece those anxious to mend their condition. I do not for an instant suppose that Messrs. Walkinshaw and Parry are such; but, before we commit our poor and our Money to their keeping, it is of the utmost importance that we should be assured of their respectability.

I remain, &c.,

CHARLES F. SMITH,
Church Warden, St. Mary Newington.

P.S.—The Ship’s name is the “Lady East” from Liverpool.

[Enclosure No. 2.]

UNDER SECRETARY HAY TO MR. C. F. SMITH.

Sir,

Downing Street, 22d March, 1833.

In reply to your letter of yesterday’s date, I have to acquaint you that, at the time His Majesty’s Government undertook to lend its Agency in the recovery of Loans advanced to Emigrants either by Parishes or private Individuals, they anticipated that it would have been very generally made use of throughout the Country. That impression having proved incorrect, they have determined not to interfere in any private arrangements between Emigrants and Parties lending them Money.

But, in the present instance, there will be no objection to instruct the Colonial Government to endeavour to recover and transmit to this Country the sums proposed to be advanced by your Parish to the Parties emigrating in the “Lady East.” I have, therefore, to request that you will send me a List of the Parties on whose account the Agency of Government is required, together with their acknowledgements of the Money lent them, in order to their transmission to the Colony.

With reference to your enquiry respecting Mr. Walkinshaw’s respectability, I have to acquaint you that this Department have transacted business with him for a considerable period, and nothing objectionable has ever been observed in his conduct.

I have, &c.,

R. W. HAY.

[Enclosure No. 3.]

MR. C. F. SMITH TO UNDER SECRETARY HAY.

Sir,

51 Blackman St., 10 April, 1833.

I beg to hand you the enclosed acceptances of persons emigrating to N. S. Wales from Liverpool per Lady East, in favor of the Parish Officers of St. Mary Newington.

I am, &c.,

C. F. SMITH, Ch. War.

1833.
18 April.

<table>
<thead>
<tr>
<th>Name</th>
<th>£</th>
<th>s</th>
<th>d</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mar. 28, John Priest</td>
<td>53</td>
<td>12</td>
<td>0</td>
</tr>
<tr>
<td>&quot; 29, John Pearson</td>
<td>40</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>&quot;  &quot; James Etheringham</td>
<td>32</td>
<td>10</td>
<td>0</td>
</tr>
</tbody>
</table>

£126 2 0
1833.
19 April.

REQUEST RE
repayment of
advances by
colonial agent.

SIR,
Downing Street, 19th April, 1833.

It appearing doubtful whether the undermentioned Officers
of your Government have refunded the sums of money, advanced
to them respectively on their appointment by Mr. Barnard on
account of their future Salaries, I am directed by Mr. Secretary
Stanley to desire that you will forthwith ascertain, whether the
money has been repaid into the Colonial Treasury; and, if not,
that you will call upon the Officers in question to do so without
delay.

1827.—Mr. Thompson, Ass. Surveyor . . . . £50
" Mr. P. Eliot do. do.  . . . .  50
" Major Mitchell, Deputy Sur. Genl. . . 125
" Mr. Justice Dowling . . . . . . 375

£600

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

20 April.

Despatch acknowledged.

SIR,
Downing Street, 20th April, 1833.

I have received the despatch, which you addressed to my
Predecessor on the 27th August last, No. 84, recommending that
the Duty on Cape Spirits, imported into New South Wales,
should be lowered to the same scale as that paid on West India Rum. In the present depressed state of the West India interest, I
should be very unwilling to deprive it of an advantage in New
South Wales, which it enjoys in this Country, even if the sacri­
fice would be beneficial to New South Wales; but, as the immoder­
ate consumption of Spirits is one of the evils, which tend to check
the moral improvement of the great bulk of the Australian
Colonists, I have the less hesitation in with-holding my assent
to the proposition which you have made. I am, &c.,

E. G. STANLEY.

21 April.

Intended
voyage of
H.M. ship
Buffalo.

SIR,
Downing Street, 21 April, 1833.

His Majesty's Store-Ship "Buffalo" is about to proceed
to Sydney with Convicts, and, after landing them, is to go on
to New Zealand for the purpose of collecting Spars. It has been