RICE TO BOURKE.

Australian Colonies; that the Expenditure it was then determined to charge upon the Colonial Treasuries was apportioned to the then produce of the Colonial Revenues; and that the local Government were apprised that, as the growing prosperity of the Colonies might augment the Revenues, some portion of the Convict Expenditures, and particularly those of a mixed nature such as the Police, would eventually become chargeable upon the Colonial Treasuries. The Local Revenues were estimated at that period to produce at New S. Wales, £62,229; at Van Diemen’s Land, £32,852; whereas the Revenue of recent years, without any material increase of Taxation, has been at New South Wales—

<table>
<thead>
<tr>
<th>Year</th>
<th>Revenue</th>
</tr>
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<tbody>
<tr>
<td>1830</td>
<td>£104,602</td>
</tr>
<tr>
<td>1831</td>
<td>120,204</td>
</tr>
<tr>
<td>1832</td>
<td>135,909</td>
</tr>
<tr>
<td>1833</td>
<td>85,505</td>
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</tbody>
</table>

and the Expenditure has fallen so far short of the receipts that the Accumulated Commiss'rs of Audit have thought it necessary to call My Lords' attention to progressive accumulations in Colonial Treasuries to the Amount, at New South Wales at the end of 1832, of £46,224; and, at Van Diemen’s Land at the end of 1831, of £35,034.

At New South Wales considerable payments have been made from Appropriations the local Revenue towards the Expenses of the Police; and it is proposed, in the Estimate of Expenditure for 1834 adopted by the Colonial Council, to apply £8,000 to this Service; but, at the same time, the receipts from Sales of Crown Lands, Fines, and some other Heads of casual Revenue, formerly paid into the Military Chest, have latterly been carried to the credit of the Colonial Revenue.

Under these circumstances, it appears to My Lords that the time Proposed has now arrived, when the arrangement of 1827 may be successfully revised; and the intention then entertained of charging further portions of the Expenditure, incurred in these Colonies upon the Colonial Revenues, carried into effect by the transfer to the Colonial Treasuries of such charges as are now defrayed from the Military Chests, for the Police Establishments, for Gaols, and for the Colonial Marine, exclusive of Vessels, hereafter adverted to, the Commissariat still continuing to pay from Funds provided by this Country all charges immediately connected with the Custody and superintendence of the Convicts, including the Penal Stations and the Medical Establishment, and also the Vessels Employed in communicating with the Penal Stations and detached Military Posts.

My Lords have no recent Statement before them of the exact amount of the charges thus to be transferred to the Colonial Funds; but they conceive they will not exceed £25,000 pr. Annum at New South Wales, and £12,000 pr. annm. at Van Diemen’s Land.

They are aware that it may be alleged that the very heavy expence of Police, which constitutes by far the greater portion of these amounts, as well as the charges attending the Gaols, are principally rendered necessary by the presence of the Convicts; but, as the great and rapidly increasing prosperity of these Colonies is mainly to be attributed to the advantages derived from the labour of the Convicts, and as the necessity for the large Police
Establishments arises from the dispersion of the Convicts for the accommodation of the other Settlers, it appears to my Lords that the Expenditure in question may lie most legitimately charged upon the Colonial Revenues. At the same time, they are prepared to acquiesce in the local Treasuries continuing in the receipt of any surplus of the Land Revenues beyond the Sums appropriated for the Assistance of Emigrants, and of the other casual Revenues of the Crown, and to allow the Colonies the benefit of the labour, in making roads or on other similar Public Works, of those more refractory Convicts who may be condemned to work in the Chain Gangs.

In conformity with these views, My Lords would suggest that directions should be conveyed to the Governors of New South Wales and Van Diemen’s Land to take measures for providing from the Colonial Funds for the Charges that have been referred to, from and after the 1st July, 1835; and, on being apprised of Mr. Rice’s opinion in regard to this arrangement, My Lords will take into consideration the expediency of stationing Officers of the Ordnance Department in the Australian Colonies to take charge of the Military and Convicts’ Buildings and Stores, and whose Services might possibly be made available in the performance of any analogous Duties for the Civil Governments, and will convey any requisite directions and Instructions to the Officers and Departments under their immediate orders.

In the mean time it only appears necessary for My Lords further to observe, with reference more particularly to that part of the Dispatch from Governor Bourke, submitted to them in Mr. Lefevre’s letter of 4th June last, which relates to Disbursements made for repairs of Buildings without the previous authority of His Majesty’s Government, that, as the distant position of the Australian Colonies must continually render similar Disbursements unavoidable, they conceive it may be advisable to authorise the Governors of New South Wales and Van Diemen’s Land to give directions, with the concurrence of their respective Councils, for the execution of such repairs as may be from time to time requisite for the proper maintenance of any of the Public Buildings, with the understanding that such directions are only to be given upon regular and specific reports of survey and Estimates; that this authority is not to comprize the erection of new Buildings or additions to existing Buildings, neither is it to be considered to warrant alterations in any Public Buildings, except in so far as they can be incidentally made in the course of any repairs that may be otherwise necessary.

I am, &c.,
F. Baring.

RIGHT HON. T. SPRING RICE TO GOVERNOR BOURKE.
(Dispatch No. 40, per ship Lady Nugent.)

Sir,
Downing Street, 15th November, 1834.

I have had the honor to receive your several despatches of the dates and numbers mentioned in the margin.*

The first of those enumerated relates to an application from Mr. Plunkett, the Solicitor General, for an augmentation of

* Marginal note.—No. 98, 5 Decr., 1833; No. 7, 24 Jany., 1834; No. 9, 24 Jany., 1834; No. 15, 21 Feb., 1834.
salary upon the ground that he is called upon to discharge a much larger portion of the duties of the Crown Lawyers than fairly falls to his share, many of which, he further states, do not belong properly to his Department.

I have given my best consideration to the representations, which the Solicitor General has made upon this subject, both in his letter to my Predecessor and in the communications which he has addressed to yourself; but I regret to say that I do not perceive any circumstances in his case, which would justify the payment to him of any additional allowance from the Public, although I fear it will be out of your power to relieve him from those extra duties, so long at least as there exist the same reasons, which caused them originally to be exacted from him. It is, however, satisfactory to me to find that, notwithstanding the objections urged by Mr. Plunkett against an arrangement by which so much additional labor has been thrown upon him, he has not only acquiesced in performing it, but has signified his readiness to forward the Crown Business in whatever way you may think best for the advantage of the Public Service. But as, on the one hand, Mr. Plunkett is thus necessarily called upon to conduct a very material part of those duties, which, according to a fair distribution of the Business of the Crown Lawyers, had been assigned by the Judges to the Attorney General, so, on the other hand, will it be incumbent upon the latter officer to perform for the Solicitor General any of those duties, to which he may find it impossible to attend in addition to the other services required of him, and to the due discharge of which, on the part of the Attorney General, no real impediment may exist by reason of his infirmities.* I will only further observe that I see no alternative than to continue the arrangement, to which you have had recourse, for conducting the judicial Business of the Government, until circumstances may admit of the introduction of a more efficient system, when I shall not overlook the suggestion at the close of your despatch, vizt.: "that the appointment of a Barrister and a Crown Solicitor would be sufficient for the discharge of all the Crown Business of the Colony, the former receiving, as Attorney General, £1,200 a year and acting for the Crown in all cases at the Bar; and the latter, being an Attorney, receiving £800 to cover all charges for Clerks and performing all those duties which usually fall upon Attornies; it being understood that it should be a part of his duty to communicate with the Government in those numerous cases in which, though frequently not brought to trial, the Local

* Note 142.
Government find it necessary to apply for the advice of the Attorney General, and to prepare written Abstracts of such cases for his opinion."

I cannot but lament that Mr. Moore, the Crown Solicitor, should, by his neglect of duty and by his intemperate and highly indecorous conduct, have left you no alternative than to decide upon his suspension from Office. I am sorry to add that this does not appear to be the only time that complaints against Mr. Moore have been brought under the notice of His Majesty; and, although he was not visited with that rigour which the Officer then in the Administration of the Government considered his conduct to deserve, yet I must confess that the character of his subsequent proceedings, as detailed in the papers which you have transmitted, raises considerable doubt on my mind as to the expediency of the lenient course pursued towards him at that period.

The difficulty, which you state to exist of filling up this Office from any means within your reach in the Colony, and "the loose and imperfect manner in which the Business of the Crown Solicitor has been hitherto conducted," has determined me to send out a Gentleman from this country to undertake the office, the more especially as, in subsequently announcing to me Mr. Chambers' appointment to it "until further notice," I do not find in your despatch any observations respecting this Gentleman, from which it may be inferred that it was either your intention or wish that he should hold the situation permanently. I trust I shall experience no disappointment in my expectation of being able to select a Person for this Office, whose qualifications may be such as to add to its respectability, and thus enable you to remedy those inconveniences, which have resulted to the Local Government from the very "discreditable and disadvantageous manner" in which "the Crown Business, both in Court and out of Court, has been conducted."

In reference to the claim brought forward by Mr. Moore to the payment of £300 a year, under an arrangement made with him by Lord Bathurst in the year 1814, as set forth in his Lordship's despatch to Governor Macquarie of the 5th of July of that year. I deem it sufficient that both Sir George Murray, in his despatch No. 43 of the 6th of June, 1830, and Lord Goderich in his Despatch No. 145 of 12th Decr., 1832, have decided upon its inadmissibility. But, were I disposed to take a different view of the subject, the consolidation of that allowance afterwards, with the salary of the appointment subsequently conferred upon Mr. Moore, wholly superseded the other arrangement; and Mr. Moore, having by his late misconduct forfeited that employment, cannot
now claim upon any ground, that is just or reasonable, to be placed in respect to that allowance upon his original footing. I enclose a copy of the letter (adverted to in Mr. Moore's application of the 14th February, 1834), which was addressed to Governor Macquarie on the 22nd of April, 1817, directing Mr. Moore to be reinstated in his Office, which proves, first, that the allowance of £300 a year was paid to Mr. Moore in consideration of his holding an Official Situation, and secondly, that it was to be continued to him only so long as his future conduct should prove him to be worthy of such indulgence.

Your despatch No. 9 of the 24th of January last relates principally to the appointment of Magistrates, and to the propriety of professional Persons being selected for such situations. I shall not fail to bear in mind your suggestions upon this subject; but, as you are already aware, great difficulty would attend the adoption of this measure, owing to the small salaries which the Stipendiary Magistrates now receive; for, without adding very considerably to the Judicial and Police Expenditure of the Colony, the present amount of which has very recently elicited complaints from the Colonists, it would be impossible to carry into effect the plan which you have recommended.

The evils pointed out in the letters addressed to you by the Judges, copies of which accompany your despatch, from the existing "hindrances and failures of Justice" are only susceptible of remedy by arrangements adopted in the Colony with the aid of an efficient Magistracy and of competent Crown Lawyers; and, as the Judges, themselves have pointed out those measures, which they consider the best calculated to place the Administration of Justice upon a better and more satisfactory footing, it only remains for me to instruct you to carry their suggestions into effect, so far as the means, at the disposal of the Local Government, will allow.

In the same despatch, you again incidentally advert to the importance of your receiving an Order in Council for the Establishment of Circuit Courts. The observations, however, which I may have to offer upon this subject, will with more propriety be deferred, until I shall be able to forward to you Instructions in reply to those of your former despatches, which relate, not only to the Establishment of Circuit Courts, but to the extension of Juries.

I have, &c,

T. SPRING RICE.

[Enclosures.]

[These were copies of the despatch and its enclosure, dated 22nd April, 1817; see pages 385 and 386, volume IX.]
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HISTORICAL RECORDS OF AUSTRALIA.

Under Secretary Hay to Governor Bourke.
(Despatch per ship Lady Nugent.)

Sir,

Downing Street, 15th Novr., 1834.

I am directed by Mr. Secretary Spring Rice to transmit to you the copy of a correspondence, which has passed between this Department and Mr. Rule, who proceeded to New S. Wales as Surgeon of the female Emigrant Ship "Layton," in order that you may be in possession of the true state of the case, should he again apply to you for assistance.

I am, &c.,

R. W. Hay.

[Enclosure No. 1.]

MR. J. RULE TO MR. T. F. ELLIOT.

Sir,

Sydney, N. S. Wales, 10th April, 1834.

From the time of receiving your letter of the 12th April, 1832, containing an offer of a Grant of £24 on emigrating to this portion of the British Colonies, I endeavoured to procure a passage, and have at length arrived here with my wife and 3 Daughters, greatly disappointed in as much as I find no realization of the flattering prospects held out by the public press in England.

The Governor here informs me he has no power to appoint me to any Situation, and the Colony appears to be already with Medical Practitioners. On application for the Grant of £24, promised in your letter above referred to, I am told by the Col. Secy. it is paid in England. I therefore, take the liberty to beg you will direct this sum into the hands of Messrs. Drewett and Fowler, Bankers, 60 Broad Street, London, for my use, and inform me thereof.

I have, &c.,

J. Rule.

[Enclosure No. 2.]

Under Secretary Hay to Mr. J. Rule.

Sir,

Downing Street, 14th Novr., 1834.

Your letter of the 10th of April last, addressed to Mr. Elliot, has reached this Dept., and I am directed by Mr. Secy. Spring Rice to transmit to you the following answer.

The letter, which you state to have received from Mr. Elliot on the 12th of April, 1832, appears to have been misunderstood by you. It conveyed to you a printed paper, dated 10th Oct., 1831, setting forth that young Women between the ages of 15 and 30 wd. be allowd. a grant of £8 each, towards the payment of their passages to the Australian Colonies; and Mr. Elliot further stated that you could receive no other assistance towards defraying the cost of your passage than the foregoing.

No further communication was received from you on the subject; but allow me to remind you that, in the Ship in which you proceeded to the Colony as Surgeon, your Daughters were allowed to enjoy a passage on the same terms as the female Emigts.: thus actually receiving a grant of £12 each, instead of £8, to which former Sum the bounty to female Emigts. had been raised, subsequently to the date of Mr. Elliot's letter to you.

Your request to be allowed £24 by way of further assistance cannot, under these circumstances, be complied with.

I am, &c.,

R. W. Hay.
Sir,
Downing Street, 16th November, 1834.

I have received your dispatch No. 82 of the 5th of October last, enclosing a Memorial from Mr. Windeyer, praying that, in the event of Captain Rossi's retirement from the Situation of Superintendent of Police, he may as second Police Magistrate be appointed to succeed that Officer.

You will express to Mr. Windeyer my regret that it is not in my power to hold out to him the promotion which he seeks, as, in case of Captain Rossi's retirement (which, however, that Officer does not appear to have finally determined upon), I am pledged to another Candidate, upon whom, without any disparagement to Mr. Windeyer's qualifications for undertaking its duties, it is my intention to confer the Appointment in question.

I am, &c,

T. SPRING RICE.

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Sir,
Downing Street, 16th November, 1834.

I have received your Dispatch No. 34 of the 12th of April last, enclosing two Memorials from Mr. James Norris, late Store-keeper in the Dockyard at Sydney, soliciting a grant of Land in consideration of his Services and of his unexpected reduction in the year 1831; in reply to which, I have to request that you will inform Mr. Norris that I do not see any grounds for now complying with an application, contrary to the Regulations, which, had Mr. Norris originally possessed any claim to the Indulgence which he seeks, would no doubt have been granted by General Darling, notwithstanding Mr. Norris's deficiency of Capital, at the period that his employment in the Public Service ceased.

I am, &c,

T. SPRING RICE.

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Sir,
Downing Street, 16th November, 1834.

As it not infrequently happens that, upon the augmentation or revision of a department under your Government, the Report of such new arrangement is unaccompanied by any statement shewing the actual encrease of expenditure which the alteration involves, I have to desire that, whenever you may have occasion to submit any measure of this nature to the Consideration...
of His Majesty's Government, you will take care, at the same time, to transmit Schedules of the existing and prospective state and expence of the Department about to be revised, in order that His Majesty's Government may be distinctly apprised of the extent of the alteration proposed to be effected, whether in the shape of encrease or reduction of Expenditure and Establishment.

I am, &c.,
T. Spring Rice.

Despatches acknowledged.

Approval of reforms in police department; and of provisional appointment of police magistrate.

Appointment of E. A. Slade as barrack-master.

RIGHT HON. T. SPRING RICE TO GOVERNOR BOURKE.
(Despatch No. 44, per ship Lady Nugent.)

Sir,
Downing Street, 16th November, 1834.

I have had the honor to receive your despatches of the dates and numbers mentioned in the Margin* on the subject of certain arrangements, which you have adopted for the better Regulation of the Police in the Town of Sydney. I am so fully aware of the importance of maintaining an active and vigorous Police for the protection of Property and for the Summary repression of Disturbances, that I do not hesitate to approve of those arrangements; and I trust that the result will be attended by those advantages to the Public, which both the Council and yourself have anticipated.

I have to approve of the provisional appointment of Mr. H. C. Wilson to discharge the duties of Chief Police Magistrate; and, in the event of Captain Rossi's retirement (which I have no doubt will ultimately take place, the terms upon which he had signified his intention of relinquishing that office having been in part complied with), you are authorized to place Mr. Wilson permanently in that situation, with the allowances which you have proposed to assign to him. At the same time, you will understand that, as Captain Rossi has not yet arrived in England or at least reported himself at this Department, Mr. Wilson's tenure of this office may possibly, although not probably, be affected by Captain Rossi's return to the Colony.

With reference to the temporary Office of Barrack Master, which you have conferred upon Mr. Slade, I must remind you that this situation is one, to which the Lords Commissioners of the treasury appoint, and that it will therefore rest with their Lordships to fill up the vacancy whenever it shall take place, although I shall be happy to submit to their Lordships the name of any Person, whom you may recommend for it.

I am, &c.,
T. Spring Rice.

* Marginal note.—No. 78, 2 Octr., 1833; No. 83, 23 Octr., 1833; No. 100, 5 Decr., 1833.
Sir,
Downing Street, 16th November, 1834.

I beg to acknowledge the receipt of your Dispatch No. 35 of the 15th of April last, reporting certain appointments which circumstances had compelled you to make in the Police Magistracy of the Colony under your Government.

I regret to learn that the very laudable design, which you had entertained upon your first arrival in the Colony of diminishing the number of Stipendiary Magistrates, should have been defeated by the state of Insubordination of the Convicts in some of the Districts; but, as the new Appointment, which you have made, and the two additions, which you anticipate as being necessary, will not, as you state, exceed the number which was sanctioned by Lord Goderich's Dispatch No. 62 of the 25th of January, 1832, I shall not offer any objection to them; although I cannot avoid expressing the hope that, if it should not be found possible to avoid making one or both of the additions last mentioned, this augmentation will be, at least, sufficient to ensure the tranquillity of the Colony, and that His Majesty's Government will not be called upon to give their consent to any further encrease of Expenditure on that head, the more particularly as, by the arrangements, communicated to you in my Dispatch of the 15th Inst., No. 39, for providing out of the Colonial Revenue for certain charges, which had been hitherto defrayed out of the Military Chest, the expence of any additional Appointments of the nature of those, to which I am now alluding, must be borne by the Colony.

I am, &c,

T. SPRING RICE.

— T. SPRING RICE.

Sir,
Downing Street, 16th November, 1834.

I do myself the honor to acquaint you that I have appointed Mr. Francis Fisher to the situation of Crown Solicitor at New South Wales in the room of Mr. Moore, whose removal from that Office, under the circumstances reported in your Dispatch of the 24th of January last, has been approved by His Majesty.

I am, &c,

T. SPRING RICE.

Sir,
Colonial Office, 17th Novr., 1834.

I have the honor to acquaint you, with reference to your Dispatch of 30th November, 1833, No. 93, that I have had much
pleasure in confirming Major Anderson in the appointment, which you had provisionally conferred upon him of Commandant at Norfolk Island in the room of Colonel Morisset, who had signified his wish of being relieved from the duties of that Situation; It being of course understood that Major Anderson's Emoluments are diminished to the scale at which you have fixed them.

I have, &c.,

T. SPRING RICE.

UNDER SECRETARY HAY TO GOVERNOR BOURKE.

(Despatch per ship Lady Nugent.)

Sir,

Downing Street, 20th November, 1834.

I am directed by the Secretary of State to acquaint you in reply to your despatch No. 36, of the 16th of April last, that no free women were embarked in the Ship "Amphitrite," which was wrecked off the Coast of France in the month of August, 1833.

I am, &c.,

R. W. HAY.

UNDER SECRETARY HAY TO GOVERNOR BOURKE.

(Despatch per ship Lady Nugent.)

Sir,

Downing Street, 25th Novr., 1834.

With reference to Mr. Spring Rice's Dispatch of the 15th Instant, No. 39, I am directed by the Secretary of State to forward for your Information the Extract of a Letter from the Secretary to the Treasury, enclosing a Minute of that Board shewing the further steps which have been taken for giving effect to the proposed measure of establishing a branch of the ordnance Department at New South Wales. You will perceive also that their Lordships have sanctioned the various Arrangements, which have been reported by you upon the transfer of the Military and Convict Buildings to the care of the Commissariat Officers (which, however, will only be now of a temporary nature), as well as those for the establishment of an effective Police in the Town of Sydney, as reported in your Dispatch of the 30th October, 1833.

I have, &c.,

R. W. HAY.

[Enclosure.]

EXTRACT of a Letter from Mr. Stewart, dated Treasury Chambers, 20th Novr., 1834, addressed to Mr. Hay.

"I am commanded by the Lords Commissioners of His Majesty's Treasury to transmit to you a copy of their Lordships' Minute of 14th Inst. and to request you will submit the same to the Secretary of State for his information with reference to the Communications that have at different times taken place between the Colonial
HAY TO BOURKE.

Department and this Board, respecting the employment of an Ordnance Establishment in the Australian Colonies.

"My Lords will not fail to apprize the Secretary of State of the further steps they may take in this matter; and in the mean time they see no reason for withholding the assent of His Majesty's Government from the various arrangements and appointments that have been reported by the Governor of New South Wales and Van Diemen's Land, upon the transfer of the Military and Convict Buildings to the care of the Commissariat Officers, and will obviously now only be of temporary duration.

"I have further to request you will acquaint the Secretary of State that, subject to the recent determination of His Majesty's Government, in regard to the Fund from which the Police charges in the Australian Convict Settlements should in future be defrayed, my Lords see no reason for withholding the sanction of His Majesty's Government to the arrangements, reported in Major General Bourke's Dispatch of 2d Octr., 1833, to have been adopted for the Establishment of an effective Police Force in the Town of Sydney under the Enactments of the Ordinance of the Legislative Council at New South Wales submitted to them in Mr. Lefevre's Letter of 15th July last."

[Sub-enclosure.]

COPY OF TREASURY MINUTE, DATED 14TH NOVR., 1834.

Read Letter from Mr. Stephen, dated 16th Ulto., in reply to a Letter of this Board of the 23rd Sept., and stating that Mr. Secretary Spring Rice concurs with their Lordships in the propriety of calling upon the local Legislatures of New South Wales and Van Diemen's Land to provide, with certain exceptions, from and after the 1st July, 1835, for those portions of Expenditure, from which the Colonial Funds were relieved by the arrangement adopted in the year 1827, and that directions will be conveyed to the respective Governors of those Colonies accordingly, and that those officers will also be informed that measures will be taken for stationing there a Branch of the Ordnance Department for the purpose of taking charge of the several public Buildings, which have been lately placed under the superintendence of the Commissariat Department.

My Lords read their Minute of 19th Sept. last on the subject of the Establishments in the Australian Colonies, and resumed the consideration of the arrangements connected with the custody and charge of the Public Stores and Buildings, and with the employment of a Branch of the Ordnance Department in those Colonies.

Write to the Secretary to the Ordnance, desiring he will state to the Master General and Board, with reference to the communications that have at different times taken place between that Department and my Lords' Board and the Secretary of State, respecting the employment of an Ordnance Establishment in the Australian Colonies, that His Majesty's Government have decided upon the adoption of arrangements for separating the Expenditure for the Military and Convict Establishments in those Colonies from the Police and various other charges, which have hitherto been likewise defrayed through the Military Chests from the Funds of this Country; and, in pursuance of these arrangements, My Lords conceive it will be advisable that the charge of the Military Buildings and Stores, and of the Buildings occupied by the Convicts, and the
Proposal for branch of ordnance department in colony.

Expenditure on military stores and buildings.

Stores and Clothing required for the use of the Convict Establishments, the expenditure relating to which services will continue to be borne by this Country, should be placed under the charge of Officers of the Ordnance Department.

My Lords do not apprehend that there are any Military Works in these Colonies of sufficient importance to call for the presence of Detachments of the Artillery or Engineers on Military Grounds; and they consequently conceive it will only be necessary to employ such Ordnance Establishments on the Station, as shall be competent to the charge of the Buildings and Stores before mentioned.

My Lords trust that, with the information which the returns and reports of survey and other Documents relating to the Buildings, now forwarded to the Master General and Board, will afford in regard to the duties to be executed in this branch of the Service, and which they possess in their own Departments respecting the quantities and descriptions of Stores transmitted to the Colonies, the Master General and Board will be enabled to form a sufficiently accurate judgment of the duties to be executed, and of the extent of Establishment they will be likely to require, and to take immediate steps for dispatching to New South Wales and Van Diemen's Land the superior Officers it will be necessary to employ on the Stations, as the transfer of the charges for the Police and other Services to the Colonial Funds is to take place from the 1st July, 1835, and it would be most desirable that the other arrangement should take effect at the same period. With respect to the subordinate situations both in the Building and Store Departments, my Lords would suggest that they may be filled by persons, who have already been engaged in those respective Branches of the service in the Colonies, and that it will consequently not be necessary to send persons from this Country for that purpose.

It is my Lords' intention that the Expenditure for Barracks and Military Stores and Military Buildings in the Australian Colonies should hereafter be provided for by the Ordnance Department in the usual manner; but, as the information that can now be obtained respecting the extent of the Expenditure under this head will probably be very defective, they conceive that it must continue at least for the ensuing year to be defrayed as heretofore out of the Grant for New South Wales Bills. My Lords have, therefore, only to request that the Master General and Board will specifically provide in the Ordnance Estimates for the Salaries of the Officers sent from hence; at the same time, they feel assured that the Master General and Board will be fully impressed with the necessity for the observance of the strictest economy, both in regard to the remaining unestimated Military Expenditure, and to the other charges to be defrayed from the general Fund; with reference to which they may remark that the services of the Convicts Mechanic and Labourers maintained by the Public will be available in the execution of any requisite works and repairs, so far as may be consistent with the regulations, the Governors of the Settlements may have been instructed to adopt with reference to the discipline of the Convicts, and to the encouragement of the local Trading Establishments by having recourse, as frequently as possible, to Public Competition in the execution of Works by Contract.

Upon being apprized of the arrangements, the Master General and Board may deem it advisable to adopt for carrying on the services now in question, my Lords will forward directions to the
HAY TO BOURKE.

respective Governors and Commanding Officers and to the Commissaries on the Stations in regard to the transfer to the Ordnance Officers of the charge of the Buildings and Stores and the supplying those Officers with the requisite Funds.

Let the several Reports of Survey and Lists of Buildings, referred to, be forwarded with this Letter to the Secretary of the Ordnance.

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UNDER SECRETARY HAY TO GOVERNOR BOURKE.

(Despatch per ship Lady Nugent.)

Sir,

Downing Street, 28th Novemr., 1834.

With reference to Viscount Goderich's Dispatches to you of the 6th of March and 12th of August, 1832, I am directed by the Secretary of State to transmit herewith for your Information the Copy of a Communication from the Lieutenant Governor of Van Diemen's Land, relative to the adjustment of the Accounts between that Government and the Colony over which you preside.

I also transmit to you the Copy of a letter from the Secretary to the Board of Treasury upon the same subject, with its enclosure from the Commissioners of Audit; and I am to request that, as soon as you shall be in possession of the statement of receipts and disbursements with which the Colonial Agent has been directed to furnish you of all his receipts and Disbursements, together with the additional Information, which he has been called upon to supply in compliance with the suggestions of the Auditors, you will place yourself in communication with Colonel Arthur in order to bring the question at issue to a speedy and satisfactory conclusion, in the manner pointed out in their report to the Board of Treasury, of which an Extract accompanies Mr. Baring's Letter.

I have, &c.,

R. W. HAY.

[Enclosure No. 1.]

LIEUT.-GOVERNOR ARTHUR TO RIGHT HON. E. G. STANLEY.

Van Diemen's Land,

Sir,

Government House, 12th March, 1834.

With reference to Lord Goderich's Despatches of the 24th March, and 6th August, 1832, I have the honor to submit the following remarks for your consideration.

It appears that the Commissioners of Audit had stated but upon what data has not been shewn, that at the end of 1829 the Disbursements made by the Colonial Agent in London, during that and the three preceding years for the service of Van Diemen's Land out of the common Funds of the Agency, exceeded the remittances from this Colony by £9,512 15s. 11d.

From Mr. Barnard's Letter to Mr. Hay of the 24th May, it seems that the Balance in his hands on that day to the credit of both Colonies was £18,779 17s. 6¾d., of which he supposes £7,586 10s. 6¾d. to belong to New South Wales, and £11,193 7s. to this Colony.
1834.
28 Nov.

Want of
settlement
of accounts
between
colonies.

But you will perceive, on reference to the documents, that a Balance has never yet been struck between New South Wales and Van Diemen's Land, and that Mr. Barnard states that he is unable to adjust the accounts between the Colonies, from which it follows that the sum of £9,512 15s. 11d. should still be credited to Van Diemen's Land, subject to a final settlement, more especially as the local Auditor for Van Diemen's Land has not yet admitted the existence of any such Debit on the part of this Colony.

On the 24th May therefore, Mr. Barnard's account should have stood thus, present Balance for Van Diemen's Land £18,779 17s. 6fd., diminished by £1,926 5s. 4id., advanced on account of New South Wales, and with which that Colony is to be debited on a settlement of accounts.

Under these circumstances, and in order to enable the Colonies to adjust these accounts between themselves, in furtherance of Lord Goderich's instruction of the 6th August, 1832, I have the honor to suggest that any transfer to the credit of New South Wales would as yet be premature, and that Mr. Barnard should be directed to transmit to each Colony a statement of all receipts and disbursements whatsoever made by him out of the common Funds of the Agency, in order that it may be ascertained to which Province they should be respectively charged, when an adjustment, by means of a Draft upon the Agent for any Balance that may be proved, might easily be made by the Colonies between themselves without Mr. Barnard's further intervention. I have, &c.

GEO. ARTHUR.

[Enclosure No. 2.]

MR. J. BARING TO UNDER SECRETARY HAY.

Sir,
Treasury Chambers, 25th November, 1834.

I am commanded by the Lords Commissioners of His Majesty's Treasury to transmit to you an extract from a Report of the Commissioners of Audit, dated 11th Inst., suggesting certain directions to the Colonial Governments and Agent for New South Wales and Van Diemen's Land, in regard to the balancing of the Accounts between those Colonies, in order that it may be submitted to the Secretary of State, with reference to Mr. Stephen's Letter of 29th Ultimo, with their Lordships' request that directions may be given to the Agent and to the Colonial Governments in conformity with those suggestions.

I am, &c.,

J. BARING.

[Sub-enclosure.]

EXTRACT from Report of the Comrns. of Audit, dated 11th November, 1834.

"We now observe from Mr. Stephen's Letter of 29th Octr., 1834, that, in consequence of the representation of Coll. Arthur, Mr. Barnard has been directed to furnish the respective Governments of New South Wales and Van Diemen's Land, with a Statement of all his Receipts and Disbursements out of the common Funds of the Agency, with a view to an adjustment of the accounts between the two Colonies; a course of proceeding in the propriety of which we fully concur; and, in order to bring the question at issue to a satisfactory and speedy conclusion, we would further recommend
that, in addition to the above statement. Mr. Barnard should be
directed to put the two Governments in possession of the appoint-
ment of the Balance as made by him, together with the grounds
upon which the same was made; and that the respective Govern-
ments should be instructed to communicate together on the subject;
and, in case of their coming to an agreement as to the equitable
adjustment of the Balance, that they should apprise the Secretary
of State of the terms of the arrangement upon which they are
agreed; and in case of their not agreeing, that they should each
of them state the manner, in which they consider the Balance
should be divided by them respectively, together with the grounds
upon which they differ in opinion."

We have, &c.,
F. S. LARPENT.
J. WHISHAW.
H. F. LUTTRILL.

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UNDER SECRETARY HAY TO GOVERNOR BOURKE.
(Despatch marked "Private," per ship Marquis of Huntley.)

My dear Sir,
Downing St., 1 Decr., 1834.

Long before you can receive the Enclosed Circular, the
necessity for its circulation will have ceased; I have thought it
right however that you should be apprised of the change that has
taken place, as you might otherwise be at a loss to know to whom
the administration of our Colonial Affairs has been entrusted.

Yours very sincerely,
R. W. HAY.

[Enclosure.]

UNDER SECRETARY HAY TO GOVERNOR BOURKE.

Sir,
Downing Street, 29 Novr., 1834.

The Public Prints will have informed you that Lord Mel-
bourne's Administration has been dissolved, and you will have
learnt from the London Gazette that the Duke of Wellington has
been appointed by His Majesty First Lord of the Treasury and
Secretary of State. This appointment is only to be considered ad
Interim, until the return to England of Sir Robert Peel, when a
new Administration will be formed and a Successor to Mr. Spring
Rice, who is no longer in the discharge of the duties of this office,
be appointed as Colonial Secretary.

His Grace has not deemed it to be expedient that any Official
Notification should be made to the Colonial Authorities abroad
of an appointment of so provisional a character as that which he
is now filling; but it has appeared to me desirable that you should
receive from some authority an intimation of the present posture
of affairs at home, which may serve to account for the delay which
must take place in the replies to your dispatches, and to point out
to you that, until you receive further Instructions from home you
should address such communications as you may wish to make to
His Majesty's Government to the Secretary of State for the Colonial
Department.

I have, &c.,
R. W. HAY.
GOVERNOR BOURKE TO RIGHT HON. T. SPRING RICE.

(Despitch No. 118, per ship British Sovereign; acknowledged by lord Glenelg, 8th May, 1835.)

Sir,

Government House, 1 Decbr., 1834.

I have had the honor to receive the Despatch of Mr. Stanley, dated the 13th May last, No. 76, stating in reply to my Despatch of the 4th of October preceding, No. 81, that he could not feel himself warranted in charging the public with the expence of a Clerk in addition to the Salary assigned to the Archdeacon.

During the absence of the Archdeacon, however, the senior Chaplain discharges without salary the duty for which the assistance of a Clerk was demanded. I have therefore thought it allowable, and not inconsistent with the tenor of Mr. Stanley's Despatch, to continue the Clerk until the return of the Archdeacon but no longer; and I trust this arrangement will meet with the concurrence of H.M. Government.

I have, &c.,

RICH'D. BOURKE.

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

(Despitch No. 119, per ship British Sovereign.)

2 Dec.

Sir,

Government House, 2d December, 1834.

I have had the honor to receive the Circular Despatch of the 15th May last, forwarding Copies of Minutes of the Lords Commrs. of H.M. Treasury and Reports of the King's Assay Master and Probationer Assayer respecting the values of South American Dollars, and desiring that I would take such steps as might appear to me most advisable for removing any prejudice against the employment of the Coins in question in New South Wales. I beg leave to state that these coins have never appeared here; and, as the use of Dollars has been almost entirely superseded by British Silver Money and it seems desirable that such should continue to be the case, I have not thought it necessary to adopt any measure on the subject of the Despatch referred to.

I have, &c.,

RICH'D. BOURKE.

GOVERNOR BOURKE TO RIGHT HON. T. SPRING RICE.

(Despatch No. 120, per ship British Sovereign.)

Sir,

Government House, 3rd Decr., 1834.

Referring to your Despatch of the 29th June last, by which my attention is called to the desire expressed by the Directors of the Australian Agri. Company for the appointment to the
Magistracy of their Commr. Lt. Col. Dumaresq, I have the honor to inform you that, upon the application of that Gentm. shortly after his employment of Commissioner had commenced, I appointed him to be a Justice of the Peace. I have, &c.,

Richd. Bourke.

DUKE OF WELLINGTON TO GOVERNOR BOURKE.
(Despatch No. 1, per ship Marquis of Huntley.)

Sir,

Downing Street, 5 Decr., 1834.

I have to acknowledge the receipt of your dispatch No. 45 of the 5th of May last, transmitting a copy of the Minutes of the Proceedings of the Executive Council in reference to the Division into Counties of a considerable part of the Territory of New South Wales, pursuant to the King’s Instructions, together with a Report of the Surveyor General, and a general Map of the Colony containing a description of their proposed Boundaries.

The point, to which you call the attention of His Majesty’s Government and solicit further directions upon, refers to the dimensions of the Counties, several of which exceed, according to the limits proposed by the Surveyor General, the maximum extent which had been originally prescribed by His Majesty’s Government, a deviation however to which I am not disposed to attach much importance, when compared with the advantages which must result from circumscribing the Counties by natural boundaries; and, as it appears to be the opinion not only of yourself but of your Council that no better arrangement than that pointed out by the Surveyor General in this respect could be adopted, I have to convey to you His Majesty’s Approbation of the proposed Divisions, with such modification of the limits of the Counties of Gloucester and St. Vincent, as, upon further communication with the Surveyor General, may be found practicable without losing sight of the same desirable object.

With the view of giving greater Solemnity to the completion of a Work, which, after so long a delay, has been accomplished, His Majesty has been graciously pleased to acquiesce in the recommendation of the Council to establish by Letters Patent the Division of the Territory as thus proposed; and you will therefore, immediately upon receiving this dispatch or as soon after as may be possible, issue such an Instrument under the Great Seal of the Colony for giving effect to its objects; subsequently proclaiming, without waiting for further Instructions from His Majesty’s Government and when finally measured by the Surveyor General, the other two Counties, the boundaries of which it has not yet been possible to define.
In reference to the request of the Surveyor General, which forms the concluding subject of your dispatch, to be allowed to dispose of, for his own advantage, the Map* of the Colony which he has lately completed, and engraved at his own expense, I beg to acquaint you that, although it would have been more regular, had he forwarded the Manuscript of his Map to this Country, and waited until he received an answer to his request to publish it, before he took any steps for engraving it, yet His Majesty will not under all the circumstances of the case object to comply with the application, which the Surveyor General has submitted through you upon this subject, nor refuse his Patronage to a Work, upon which so much care and labor has been bestowed, and care will be taken that the object of that Officer is not defeated by permitting any part of its contents to be pirated by any Printer or Publisher of Maps in this Country.

I have further to authorise your taking Twenty copies of this Map, at the Selling price, for the use of the Public Departments of your Government, as requested in your despatch.

I am, &c.,

WELLINGTON.

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

(Despatch No. 123, per ship British Sovereign: acknowledged by lord Glenelg, 28th October, 1835.)

Sir,

By my Despatch of 18th Septr. last, No. 97, I had the honor to Communicate the measures which had been taken, with the advice of the Executive Council, for recovering from the hands of a Tribe of New Zealanders the survivors of the crew of the Barque Harriet, wrecked upon their Coast. I have now the satisfaction to report that the object of the Expedition has been accomplished without any loss on the part of those employed in the service, though I regret that the obstinacy of the Zealanders rendered it necessary to use force to compel them to give up the Captives. I transmit herewith a copy of the Colonial Gazette† of the 3rd inst., in which the Despatches of Captn. Lambert R.N. and Captn. Johnstone 50th Regt., detailing their proceedings at length, are published for general information.

Notwithstanding the favorable result of the measure which I found myself under the circumstances constrained to adopt, I see no reason for departing from the opinion I ventured to express in my last Despatch‡ on the affairs of New Zealand. I consider it essential to the success, perhaps to the existence of the trading establishments formed on that Island, and to the maintenance of good order on its Coasts, that one of H.M. Ships

* Note 106. † Note 143. ‡ Marginal note.—8 Sep., 1834, No. 97.
of War should be appointed for those seas. The Authority of
the Resident at the Bay of Islands, to which you refer in your
Despatch of the 8th July last, No. 10, is, I am sorry to say,
almost totally disregarded by Europeans frequenting his station;
and he has failed to form so close a connexion with the native
chiefs as to command their aid, when occasion requires the use
of force to restrain lawless violence or fraud. Nor, if he had
acquired the confidence and could rely on the cooperation of the
chiefs, has he yet obtained the legal power, with which it was
proposed to invest him, to apprehend and commit for trial in
New S. Wales those of H. Majesty's Subjects, who offend against
British Law in New Zealand. Accordingly the state of affairs
in the Northern Part of the Northern Island, where it was hoped
Mr. Busby's presence would have been advantageous, seems to
be in no respect improved nor likely to be so, nor has he been
able to accomplish any of the objects pointed out to him in my
Instructions. With the Act of the British Parliament to which
I have referred, and a Ship of War at hand to aid his endeavors,
it is possible something might be effected by the Resident for
the suppression of Crime and Security of property and ultimately
for the civilization of the native Tribes; but, as the matter now
stands, the appointment is ineffectual. I would therefore very
respectfully beg leave to repeat my opinion that, if measures,
such as I have suggested or as the wisdom of H.M. Govt. might
device for giving effect to Mr. Busby's Commission, cannot for
sufficient reasons be adopted, it will be more creditable to with-
draw him altogether and intimate to the British residing in
New Zealand that they are not to expect the protection of
H.M. Govt. in that country.

I have, &c,

RICHD. BOURKE.

Governer Bourke to Under Secretary LeFevre.

(Despatch marked "Private." per ship British Sovereign.)

Government House,
Sydney, 6th December, 1834.

With reference to your letters of the 26th May and
1st June last, as also to a letter from Mr. Hay of the 28th Decem-
er last, severally enclosing copies of applications from creditors
of Mr. Kinchela, and requesting, by desire of Mr. Stanley, that
I would call the attention of that Gentleman to their contents,
I have now the pleasure to transmit a letter which I have received
from him explanatory of his conduct with reference to these
demands.

I remain, &c,

[Enclosure.] RICHD. BOURKE.

[A copy of this letter is not available.]
1834.
9 Dec.

GOVERNOR BOURKE TO RIGHT HON. T. SPRING RICE.

(Despatch No. 125, per ship British Sovereign; acknowledged by Lord Glenelg, 23rd June, 1835.)

Sir,

Government House, 9 Decr., 1834.

Having, in the Despatches specified in the margin,* informed you of the arrangements I had made and proposed to make for placing under more efficient regulation and control the Convict gangs sentenced to labor in Irons on the roads and public works of the Colony, I have now the honor to acquaint you that, in conformity to the intimation contained in my Despatch of the 15th January last, I have begun to put some of these gangs under the superintendence as well as the guard of a Military Officer. I have been enabled to commence this arrangement in consequence of the allotment of part of a third Regiment of Infantry to this Command. The object, I have principally in view in appointing Military officers to the superintendence of these gangs, is the attainment of unity of operation by placing under one head the Stockade or assemblage of Wooden Huts in which the gang of these men is confined. Some slight collision had at times arisen between the Civil Superintendent and officer or Non Commd. Officer, Commanding the Guard, which was at least inconvenient, if not injurious to the service. I have further to observe that there will result from this arrangement some saving of expense. The officer in Command of a Guard over a gang of this sort usually receives 4s. a day in consideration of the expense, to which he is put by the remoteness of the station and of the want of Barrack Accommodation or any Field allowance. The Civil Superintendent is also allowed 4s. a day. I propose to give the officer 6s. for both duties.

It may be possible in certain situations to place two Stockades under one officer, in which case I propose to allow him one shilling a day to cover all travelling charges for visiting the Stockade at which he does not reside. The Constables under the Civil Superintendent receive 2s. 3d. daily. I propose to give a N. C. Officer for the same duty the extra pay of 1s., and, where it is necessary to employ a clerk for keeping Books and Returns, I propose to give to a N. C. Officer or Soldier 6d. a day. These allowances are to be borne on the Convict abstract of the Colony.

It is also my intention to appoint the officer to the Commission of the Peace, which will enable him to keep his gang under due subjection by the application of immediate Punishment to all refractory offenders. As the number of Convicts arriving from

* Marginal note.—3 Novr., 1832, No. 114; 15 Jan., 1834, No. 1.
England under sentence to labor in Irons is rapidly increasing, as is also the number of those similarly sentenced in the Colony, it becomes a matter of the highest importance to place these criminals under sufficient control. I have had occasion to mention in another place that the augmentation of numbers, produced by Colonial Sentences to labor on the roads or Public Works, is mainly occasioned by the substitution of this sentence for banishment to a penal Settlement, the former being so much more productive to the Public.

I have therefore to hope you will approve of the arrangement I propose, and authorize the allowances to the officers and N. C. Officers, who may be thus employed. The number of gangs must of course be regulated by the numbers of Criminals under sentence.

I have, &c.,

RICH. BOURKE.

GOVERNOR BOURKE TO UNDER SECRETARY LEFEVRE.

(Despatch per ship British Sovereign.)

Sir,

Government House, 12 Decr., 1834.

With reference to the application from the wife of Mr. John Gray, Pilot and Deputy Harbour-Master of this Port, a copy of which accompanied your letter of the 24th March inst., complaining that the allowance which her husband had agreed to make to her out of his Salary had not been received since the 30th Sept., 1832, I have the honor to inform you that this allowance has been regularly paid here by Mr. Gray. Thirty-Six Pounds, the amount of one year's allowance, were remitted by the Colonial Secretary to the Colonial Agent, Mr. Barnard, on account of Mr. Gray for the use of his wife on the 29 Novbr., 1833, which appears by her written acknowledgement since received here to have been paid to her on the 16 May, 1834. The Colonial Treasurer reports that he has likewise received £9 from Mr. Gray for the same purpose on each of the days specified in the margin* during the year 1834.

It appears therefore that there has been no delay in this matter beyond that which has attended the transmiss. of the money through the public offices in this Colony and in England. It should in future be remitted from hence to the Colonial Agent in quarterly payts. as received.

I have, &c.,

RICH. BOURKE.

* Marginal note.—15 Janry.; 5 April; 16 July; 7 Octr.
1834.
14 Dec.

GOVERNOR BOURKE TO RIGHT HON. T. SPRING RICE.

(Despatch No. 126, per ship British Sovereign; acknowledged by lord Glenelg, 11th July, 1835.)

Sir,

Government House, 14 Decbr., 1834.

In my Despatch of the 19 Septr. last, No. 93, I transmitted for your information the Copy of a Petition to His Majesty obtained through a private channel, the Petition having been for some months, as I understand, circulated with great caution in the Hunter's River District and Elsewhere in the Colony, with such reserve indeed that some difficulty was experienced in obtaining a copy.* I have now to forward what is intended, I imagine, to have the effect of the original. It is however on a Separate sheet from the signatures, which, though few in number, are on several detached pieces. In a letter addressed to yourself by some of the Petitioners, it is called a copy; but various discrepancies between the Copy handed about to the Subscribers, transmitted as before mentioned, and the present Document would seem to deprive it of even this character. One of the alterations, which have been made, would appear to have been suggested by the observations contained in a Pamphlet† recently published, in which this Petition was criticised. It was pointed out by the author of that Pamphlet that the Petitioners were so grossly ignorant of the very subject of their own grievance that they omitted all mention of the Act, which really bestowed on them the power for the loss of which they complained, thus vindicating one of the principal reasons for the change in the Law, namely, the manner in which the detached ordinances were confounded and mistaken by the Magistrates. This error has been rectified in the Copy now brought forward. I cannot however regard it as a mere clerical inaccuracy, which any gentleman was entitled to correct consistently with good faith, after the Petition had been signed. With regard to the impression to be conveyed to His Majesty of the care and attention bestowed on the subject of which the Petitioners undertook to complain against this Government, circumstances which must necessarily form a most important consideration in judging of the weight to be allowed to their complaint, the alteration in question most essentially affects the merits of their case. Another change, besides the correction of some inaccuracies as to dates, is the mention of 12 months instead of six (the original word according to the copy which I obtained and forwarded) as the time during which the experience of the Petitioners is said to have corroborated their opinions.

* Note 144.  † Note 137.
first expressed in their Petitions to the Council presented in Augt., 1833. The Petition is itself without date, and this is therefore the only clue afforded to the time at which the Petrs. are supposed to address H.M. I have however the strongest possible ground for affirming that the Petition was handed about for signature long before 12 months had elapsed from the presentation of their Petitions to the Council. Before this additional experience could be appealed to with truth, the views of many of the Petitioners may have been materially changed on the subject of complaint, and I have reason to believe that such is the fact.

In truth, the whole of the proceeding, from which the Documents now transmitted have resulted, is of so unusual a description and so unlike the fair and open exercise of the constitutional right of Petition that I may be excused for stating a few additional circumstances respecting it. I am told that, in the month of February last, a meeting of a few persons not called by advertisement in the Newspapers or other public notice took place at a small Inn on the road between Maitland and Patrick's plains; that subsequently a Petition was prepared by some Persons unknown, and, after being taken about with great caution for signatures for several months, no copy being allowed, as I am informed, to the generality of subscribers, it was found to require explanation and comment, and accordingly was illustrated and explained by seven Commentators on the 26th of August last in the Letter addressed to the Secretary of State for the Colonies and now forwarded. The Petition and commentary were then transmitted by the Commentators to a Deputy in Sydney, who finally forwarded them to the Colonial Secretary on the 4th of Decbr. instant. It is stated in the Commentary, which is dated the 26th August, that the Petn. "had been transmitted to the Governor." Such is not the fact. It was not delivered to the Colonial Secretary for me until the 4th instant, and I avail myself of the first opportunity that has since offered for its transmission to England. The use, which may have been made of the time that intervened between the 26th August and 4th Decbr. for the further correction of the Petition, has been already pointed out.

The Petition, with less than 100 signatures from one District of the Colony only, was thus ten months in preparation. The Commentary, it should be observed, is signed by seven persons who take upon themselves to express the opinions of the Petitioners for which they produce no warrant. I may assert, I
believe, with perfect propriety that, were the statements of this Petition and of the Commentary to be brought under the consideration of the Colonists at a public meeting duly convened, they would be indignantly rejected as opposed to reason and truth.

Such being a brief and I believe a correct outline of the manner in which this Petn. has been got up, I shall now proceed to notice the matter. For this purpose, I shall principally regard 3 points, and shall, I think, be able to shew to your satisfaction and in direct contradiction to the statements contained in the Petition,

1. That, in the year 1832, the Criminal Law of the Colony affecting Convicts required amendment.

2. That the amendment, which then took place, was prudent and judicious and did not impair the due efficiency of the Criminal Code.

3. That, the amended Law having been now more than two years in operation, the security of the Colonists has been less disturbed by violence and outrage than in former years, and the demeanour of the Convicts, notwithstanding the great augmentation of their numbers, is represented by the Magistrates to be in general quiet and orderly.

Upon the first point, I had the honor to communicate* with H.M. Govt. on transmitting the act under consideration for the allowance of His Majesty. I then stated that the illegal sentences daily passed by Magistrates upon Convicts, and which I attributed chiefly to the confused state of the Law affecting Convict punishment, dispersed as they were through four separate ordinances, had convinced me of the necessity of an Act of Consolidation and amendment. When this statement was made, I had no reason to imagine that the correctness of my opinion could ever be called in question, the amended Law having been passed by an unanimous vote of the Council and without the slightest opposition from any portion of the Public.

The Petitioners having now asserted that the change was "uncalled for," while the Commentators have explicitly denied that the alteration was accompanied by any evidence of oppression or inconvenience in the operation of the existing statutes, I now beg leave to transmit, in support of my original statement, Lists of the Prisoners illegally sentenced by Colonial Magistrates under the former Law. These Lists being laid before the Executive Council, it was recommended that the Prisoners should be relieved from the effect of the illegal sentence and assigned to

* Marginal note.—30 Oct., 1832, No. 110.
service. I need not remark upon the futility of objections raised by those, who, in denying that this evidence existed, avow at least their ignorance of its purport and their consequent inability to judge of its weight.

2. Upon the second point, the efficiency of the law in its amended state, I will first state briefly the changes that were made in it and the motives which led to them. Revision being evidently necessary in order to simplify and explain the law, its whole substance naturally came under review and some alterations in it were found expedient. The leading Policy of the amended Law was the substitution of sentences to Ironed gangs, more particularly with respect to short sentences, instead of transportation to Penal Settlements. The power of transporting to a Penal Settlement for 3 years before exercised by any two Magistrates was confined by the Amended Law to the Justices at Quarter Sessions, who possessed this power under the New South Wales Act. At the same time, considerable powers were left with any two Justices, extending in some cases to a sentence of 2 years' labor in irons, and even to one Justice was continued a Jurisdiction over that class of Convict offences which he was enabled to punish by the former Law.

The chief object, proposed in giving a preference to labor in irons on the roads over transportation to a penal Settlement, was the more useful employment of the Convict during his punishment. In connexion with this change of system, the management of the ironed gangs was placed upon a new footing and an effort made to conquer those difficulties in the way of the safe-custody and discipline of these scattered gangs, which had been before the occasion and excuse for wasting so much labor at a Penal Settlement. This alteration has been the frequent subject of correspondence with His Majesty's Government, and to shew that, with regard to the security of the Convicts, the system thus introduced, and which may be considered as a component part of the Policy of the New Law, has not been inefficient, notwithstanding the complaint of lax discipline by the Petitioners, I have the honor to forward herewith returns of Escapes from these gangs for the last five years.

The only other change, which requires notice, was that regarding the power of Corporal punishment. The practice, which had been rejected as inhuman in the Slave-Colonies, of Separating the punishment into distinct portions, inflicted at successive times (generally in N. S. Wales on following days) when the state of the wounds caused by the former might add incalculably to the suffering produced by the latter, was no longer sanctioned
by law. The power of a single Magistrate was limited to award 50 Lashes for one offence, a second being punishable by the sentence of two Magistrates with a hundred. This measure of Corporal punishment, it is to be remarked, is authorised for that minor description of misconduct for which Convicts are specially amenable to the Colonial Law, for "drunkenness, disobedience of orders, neglect of work, absconding, abusive language to a master or overseer, or other disorderly or dishonest conduct." The Petitions,* presented to the Governor and by him laid before the Legislative Council in August, 1833, having asserted the inefficiency of the Law to restrain and of the instrument used for corporal Punishment to chastise the offences of Convicts, a Circular Letter was addressed to all the Police Magistrates of the Colony, a Copy† of which I have the honor to transmit. To this replies† were obtained in the month of October following; and, the subject being of importance to the maintenance of order and discipline amongst the Convicts, they were published for the information of the Magistracy and of the Public generally, and a Letter was addressed to the former pointing out to them the sufficiency of the Law when its provisions were duly administered, and exhorting them to enforce its proper execution.

3. On the third point, I need hardly do more than refer you to the accompanying Extracts from monthly Reports made to me by the Police Magistrates of the several Districts under an order issued for the first time in July last. With the exception of occasional references to Evils inseparable from the state of Society here subsisting, they uniformly assert the Convict Population to be in a peaceable and orderly condition, notwithstanding its augmentation by 7,000 males during the last two years, whilst the Military Force has until the last few months continued the same.

Having thus refuted, as I hope, Sir, to your complete satisfaction, the principal allegations of the Petition, it may seem needless to trespass on your time by adverting to matters of minor consideration. I will, however, beg leave briefly to notice the following. I would observe that the complaint of neglect, shewn to the Petitions which were laid before the Council in August, 1833, has no foundation whatever. Those Petitions were first seen by me on or about the 20th August, and, on the 29th of the same month, the Colonial Secretary despatched the Circular Letter of Enquiry referred to.

The Seven Subscribers to the Commentary State that, with respect to those two Petitions, the real and essential subjects of complaint were not enquired into. I need only refer you, Sir, to

* Note 145. † Note 146.
the Petitions, the Circular Letter of the Colonial Secretary, and the replies of the Magistrates for proof of the reverse being the fact.

These Gentlemen also complain that the enquiry was directed to be made by stipendiary Magistrates. For this, there were sufficient reasons. First, in the Hunter's River District, many of the Magistrates (who appear to have been in that quarter especially tenacious of power) were amongst the Petitioners, and it would have been indiscreet to have required them to report on the sufficiency of their own complaint. Secondly, it was not thought proper to require Justices acting gratuitously to inspect Corporal punishments, which they were not in the habit of doing. Yet, without such inspection, the principal allegations in the Petition could not have been satisfactorily investigated. There was nothing, however, to prevent their attendance if they had chosen it.

With respect to the additional Session, which is mentioned in the Petition in such extravagant terms, I have to observe that but nine convicts were then set down for trial, of whom four were discharged by proclamation, three were tried for forgery, and two only for serious offences. I have the authority of the Judge for stating that the sole reason for holding the Court at this time was that the Court of Quarter Sessions had left many of their cases untried, and, the weather being unusually sultry, it was resolved upon as an act of humanity; and it was intimated to the Attorney General that the Court would try those and any others, he might be able to bring forward.

In like manner, the assertion in the Commentary, that the increase of Criminals within one year has required an extra Court to dispose of them, is a gross perversion of the fact. I have the same authority for stating that the sole reason for the alteration of the practice of the Judges by occasionally sitting separately was that the time of the court and the Public, formerly occupied in Criminal Trials, might be abridged; and accordingly, whereas in 1833 the Court sat for 117 days, in 1834 it sat for 83 only.

With respect to the assertion of inadequacy of punishment for absconding, represented in the last paragraph of the Commentary of the 26th August, I have only to observe that the punishment of this offence has been augmented by the Act, of which the Commentators complain. A second offence of the kind is now punished by a year's labor in Irons, a sentence certainly of considerable severity, from the endurance of which escape is now become very rare.
The recommendation to brand the clothing of Convicts has lately been adopted (for the first time I believe in the Colony) in the case of men sentenced to work in Irons.

I have the honor to transmit returns* of convictions in the Supreme Court and Courts of Quarter Sessions, as far as the same could be obtained for the years 1828 to 1833 inclusive. With these are forwarded the Census Returns,* taken in 1828 and 1833, by comparing which it will be seen that the increase of crime cannot be said to have proceeded in the same ratio as that of population.

I have, &c.,

Richd. Bourke.

[Enclosures.]

[Copies of these papers are not available.]

Under Secretary Hay to Governor Bourke.

(Despatch per ship Marquis of Huntley.)

Downing Street, 15 Decr., 1834.

Sir,

I have had the honor of receiving your letter of the 29th June in reply to the enquiries, which were addressed to you as to the manner in which certain Medecines, etc., delivered over to the Colonial Hospital at New South Wales in the year 1831 by the Surgeons of Convict Ships, had been appropriated and accounted for.

In laying this letter before the Secretary of State, I did not fail to call his attention to that Paragraph at the close of it, in which you again advert to the expediency, as a measure of economy, of the appointment of a Staff Surgeon for the service of the Colony, to whom the charge of Medecines and Medical Stores should be assigned; but, as it appears to have been the opinion of the Lords Commissioners of the Treasury, in the month of Febry., 1833, when the necessity of this appointment as represented by you was brought under their consideration, that there were not sufficient grounds to warrant such an appointment, the Secretary of State does not think it desirable to urge the subject further upon their attention; and he trusts therefore that it will be in your power to establish some effectual check in the Colony against any improper waste or misapplication of the Medical Stores, which, on the requisition of the proper Officers, are annually supplied from this Country for the Service of the Colony under your Government.

I am, &c.,

R. W. Hay.

* Note 147.
ABERDEEN TO BOURKE.

EARL OF ABERDEEN TO GOVERNOR BOURKE.
(A circular despatch per ship Westmoreland.)

Downing Street, 20th December, 1834.

His Majesty having been pleased to honor me with the appointment of Secretary of State, I take the earliest opportunity of acquainting you therewith.

It will give me great satisfaction to be able to fulfil His Majesty's Gracious Intentions in this Appointment; and, as it is His Majesty's Pleasure that your Dispatches 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.

ABERDEEN.

EARL OF ABERDEEN TO GOVERNOR BOURKE.
(Despatch No. 1, per ship Marquis of Huntley; acknowledged by Sir Richard Bourke, 15th August, 1835.)

Downing Street, 20 Decr., 1834.

I have the honor to acknowledge the receipt of your despatches of the dates mentioned in the margin,* reporting the great deficiency in the demand for Treasury Bills in the Colony under your Government, and the measures which you deem it advisable to adopt in consequence for keeping the Military Chest duly supplied with Specie.

Adverting to the proposal submitted in your despatch No. 94 of the 2d Decr., 1833, that Masters of Vessels, conveying Emigrants from this Country to New South Wales at the public expence, should receive such portion of the passage money as might become due in the Colony in Bills upon the Lords Commissioners of the Treasury, I have to acquaint you that a Stipulation to that effect has been made in all Contracts, which have been lately taken by the Emigration Committee for this Service; and, in all cases where Bills may be so drawn, you are authorised to transfer the amount from the Emigration Funds to the Military Chest without the deduction of the Established Premium of 1½ per Cent.; but this transfer must be made at the time the Bills are received from the Commissary, and the Bills should specify that they are drawn for this Service, and that the payment into the Military Chest has actually taken place. I have further to state that it has been deemed advisable that the Colonial Government should have the option of making the

* Marginal note.—No. 94, 2 Decr., 1833; No. 5, 21 Jany., 1834; No. 16, 26 Febry., 1834.
before mentioned payments either in Treasury Bills or in Specie, and that such stipulation will be also made in all cases where it can be done without increasing the charge for Freight. Whenever such option shall be reserved in the Contract, you will of course consult with the Officer in charge of the Commissariat, by whom the Bills will be drawn, as to which of the two modes of payment it may be advisable to adopt.

The measures reported by you in your dispatches of the 21st of January and 25th of February last, relating to the supply of Funds for the Service of the Military Chest, are approved by the Lords Commissioners of His Majesty's Treasury, and a communication to that effect has been made by their Lordships to the Officer in charge of the Commissariat at New South Wales.

I am, &c.,
Aberdeen.

EARL OF ABERDEEN TO GOVERNOR BOURKE.
(Despatch No. 2, per ship Marquis of Huntley.)

Sir,
Downing Street, 21 Dec., 1834.

I have laid before The King your dispatch No. 33 of the 11th of April last, transmitting a Return of Convicts to whom you had granted Tickets of Leave in the year 1833; and I have the honor to acquaint you that His Majesty is graciously pleased to confirm the indulgence which you have thus granted to them.

I am, &c.,
Aberdeen.

EARL OF ABERDEEN TO GOVERNOR BOURKE.
(Despatch No. 3, per ship Marquis of Huntley.)

Sir,
Downing Street, 21 December, 1834.

I have had the honor to lay before The King your Despatch No. 39 of the 29th of April last, reporting your proceedings, in concurrence with your Council and in communication with the British Resident at New Zealand, for complying with the wishes of the Chiefs of those Islands to adopt a National Flag in their collective capacity, and recommending that, after the adoption and approval of this Flag, the Registers of Vessels built in that Country, granted by the chiefs and certified by the British Resident, should be considered as valid Instruments and respected as such in the Intercourse which those Vessels may hold with the British Possessions.

I am commanded by His Majesty to signify to you His gracious approbation of the course, which you have pursued in these
respects; and I have, at the same time, to forward for your Information the Copy of a Letter from the Admiralty, in answer to one from this department, by which you will perceive that their Lordships have conveyed the necessary directions upon the subject to the Admiral Commanding in chief in the East India Station.

I am, &c.

ABERDEEN.

[Enclosure.]

MR. JOHN BARROW TO UNDER SECRETARY HAY.

Sir, Admiralty, 24 Novr., 1834.

Having laid before My Lords Commissioners of the Admiralty Sir George Grey's letter of the 17th Inst., on the subject of a Flag, which has been adopted by the Chiefs of New Zealand as a National Flag, and requesting that their Lordships would give such directions to the Officers in Command of His Majesty's Naval Forces, and take such other Steps as they shall deem necessary for giving effect to the New Zealand Registers and for acknowledging and respecting the National Flag, which has been thus adopted by the Chiefs of that Country with the sanction of the British Government; I am commanded by their Lordships to acquaint you for the information of His Grace The Duke of Wellington that a Copy of Sir George Grey's Letter and a Drawing of the Flag have been sent to the Admiral Commanding in Chief on the East Indian Station, with directions to him to give such Orders to the Captains and Commanders of His Majesty's Ships and Vessels employed under his Orders, as he may deem necessary, for giving effect to the wishes of His Majesty's Govt., which is all their Lordships presume that appertains to this Department. I am, &c.,

JOHN BARROW.

EARL OF ABERDEEN TO GOVERNOR BOURKE.

(Despatch marked "Separate," per ship Marquis of Huntley.)

Sir, Downing Street, 21 Decr., 1834.

The favorable report, which has been made to this Department by the Surveyor General of New South Wales as to the zeal and assiduity manifested on all occasions by Mr. Stapylton in the discharge of his labors as an Assistant Surveyor, induces me to take this early opportunity of bringing his name under your special notice with the request that this gentleman may be advanced in his profession, should a fair opening occur, without overlooking the just claims of any of the other Assistant Surveyors, who have displayed equal merit, and who may have been employed longer than him in the Colonial Service. Should the promotion however of Mr. Stapylton in the immediate line of his profession not be practicable within a reasonable time, I shall

Earl of Aberdeen to Governor Bourke.
1834.
21 Dec.

be glad if you should be enabled to bring him forward for the purpose of discharging the duties of some other suitable Situation, which may fall vacant in the Colony, and which his talents may equally qualify him to fill with advantage to the public Service.

I am, &c.,

ABERDEEN.

22 Dec.

Petition from Revd. J. J. Therry for reinstatement.

Earl of Aberdeen to Governor Bourke.

(Despatch No. 4, per ship Marquis of Huntley; acknowledged by Sir Richard Bourke, 21st November, 1836.)

Sir,

Downing Street, 22 December, 1834.

I have to acknowledge the receipt of your despatch No. 40 of the 30th of April last, enclosing two printed copies of a Petition addressed to the Legislative Council by the Revd. J. J. Therry, a Roman Catholic Clergyman Resident in New South Wales, praying that he may be restored to the Situation which he formerly held upon the Colonial Establishment and from which he was removed in the year 1825 by the order of Earl Bathurst, then Secretary of State.

You exercised a sound discretion, under the circumstances of the case, in not taking the opinion of the Council upon any of the points to which Mr. Therry's Petition relates. The Hostility, which this Clergyman manifested towards the Protestant Faith, and the acrimonious character of the language used by him on various occasions towards its Ministers, were the principal grounds upon which the Salary formerly received by him from the Colonial Government was withdrawn; and, if his subsequent conduct towards the Clergy of the Established Church in New South Wales and more particularly towards the Archdeacon as the Head of that Body has been such as to remove all further objection to his re-instatement to the Office of Roman Catholic Chaplain, Mr. Therry should look to His Majesty's Government and not to the interference of the Legislative Council for such an Act of Indulgence.

In consequence of the further provision, which has been made by the Legislative Council for the maintenance of the Catholic Clergy, four additional Priests will shortly proceed to the Colony, one of whom will be invested with Episcopal Authority with the view of giving to the Roman Catholic Population the benefit of certain Rites of the Roman Catholic Church, which it is understood to be the peculiar province of a Vicar Apostolic or a Bishop to perform. It is not, therefore, my intention to come
to any final decision in respect to Mr. Therry's re-admission as
one of the Established body of Roman Catholic Chaplains, until
after the arrival in the Colony of his Ecclesiastical Superior,
and until a Report shall have been received from him, not only
on the state of the Roman Catholic Clergy generally and on the
character of the Revd. Mr. Therry in particular, but as to the
sufficiency of the authority possessed by the Bishop over him in
common with the rest of the Roman Catholic Clergy, to prevent
him from giving any further trouble, should he be so disposed, to
the Colonial Government.

I am, &c.,
ABERDEEN.

EARL OF ABERDEEN TO GOVERNOR BOURKE.
(Despatch No. 5, per ship Marquis of Huntley.)

Sir,
Downing Street, 22d December, 1834.

I have received your dispatch No. 43 of the 3d May last,
reporting to me the circumstances under which you had granted
leave of absence to Messrs. Abbott and Richards, two officers
attached to the Department of the Surveyor General of New
South Wales. After the communications which have been
addressed to you by my Predecessors in Office on the state of the
business of the Department to which those Gentlemen belong,
it was with much regret that I learnt that you had given your
consent to their absence from the Colony, excepting upon the
distinct understanding that such a step on their part would be
considered by the local Government as equivalent to a resigna­
tion of their Offices, unless the Home Government should feel
dispensed to take a more favorable view of their application.

Mr. Abbott has not yet presented himself at this office; but,
Mr. Richards having reported himself, I have been induced, in
consideration of his long services, to confirm the leave which you
have given him. I have caused him, however, to be informed
that I cannot acquiesce in his absenting himself from his duties
beyond the period of two years from the date of his leaving the
Colony, and that, unless he is prepared to return and be actually
present at his Post before the expiration of that time, he will be
considered as having forfeited his appointment; and I have to
request that you will guide your conduct in respect to that
Gentleman accordingly.

You will easily gather from the foregoing observations that it
is not deemed expedient that any Officer of the Surveyor
General's Department should be permitted to be absent from his
duty upon any plea whatever; that Department as you are aware
1834.

22 Dec.

Refusal of further leave for officers of survey department.

1834.

23 Dec.

Protest by J. Busby against reduction of salary.

Approval of measures for completion of water supply for Sydney.

Salary of J. Busby at discretion of R. Bourke.

has been augmented from time to time in consequence of the difficulty of keeping pace with the demand for the services of the Officers belonging to it; and as the delay in carrying into effect the Instructions, which have been so often sent out to the Colony for again reducing the Establishment, have been defended upon the same grounds, I am compelled to infer that the absence of any of its Members must be attended with serious inconvenience to the Public Service, and that it ought not therefore to be allowed under any circumstances. I am, &c.,

ABERDEEN.

EARL OF ABERDEEN TO GOVERNOR BOURKE.

(Despatch No. 7, per ship Marquis of Huntley.)

Sir,

Downing Street, 23d December, 1834.

I have the honor to acknowledge the receipt of your dispatch No. 49 of the 16th of May last, enclosing a letter addressed to the Colonial Secretary by John Busby, remonstrating against an arrangement which you had found it necessary to make affecting his Interests, on account of the unsatisfactory progress of the Tunnel for the conveyance of Water into Sydney, of which Work that Gentleman has long had the Superintendance.

Before I proceed to notice the hardship as Mr. Busby alleges of his case, I have the satisfaction of conveying to you my entire approbation of the measure you have adopted for expediting the completion of a Work, which has been so long about, and which, as it would appear from your dispatch, might have been much farther advanced, if not wholly completed, but for the dilatory manner, in which the duty imposed upon Mr. Busby as Superintendant has been discharged.

With reference to the injustice which Mr. Busby considers himself to have experienced in consequence of the diminution of his Salary with a view of providing, without any additional expence to the Public, for the remuneration of his Assistant, I have only to state, in addition to the observations contained in Lord Goderich’s dispatch of the 12th Decr., 1832, that I conceive the Government to be in no degree pledged towards that Gentleman, either as to the continuance of his Services under the Colonial Government, or to the amount of his Emoluments; and you are consequently at full liberty, so far as relates to any claim which can arise on the part of Mr. Busby founded upon the agreement made on his first appointment, to make any arrangement which you may deem best for the interests of the Public, whether it be for the entire abolition of his Office, or
a partial reduction only of it. In case of your being enabled to
effect the former, I have to state, in reply to the question which
you have put to me on the subject, that the temporary nature of
Mr. Busby's Engagement, prior to his leaving this Country, was
such that any gratuity which may be made to him would be an
indulgence which he has no right to expect, and that it should
therefore on no account exceed one year's Salary, to whatever
rate it may in the mean time have been reduced.

I am, &c.,
Aberdeen.

Earl of Aberdeen to Governor Bourke.
(Despatch No. 8, per ship Marquis of Huntley.)

Sir,
Downing Street, 24 Dec., 1834.

I have the honor to acknowledge the receipt of your dis-
patch No. 52 of the 18th of May last, enclosing two copies of a
Schedule shewing what alterations had been made during the
Quarter ending 31 Dec., 1833, in the Expenditure of the Colony
under your Government defrayed by the Military Chest, one of
these copies being for the use of the Commissioners for auditing
the Public Accounts, the other for the information of this
Department.

As it would appear that the Instructions of Viscount Goderich,
in pursuance of which two copies of the before mentioned Sche-
dule have been forwarded by you, contemplated the transmission
of one of them direct to the Lords Commissioners of the Treas-
ury, I request that you will adopt this course in future; but, of
course, you will inform me that you have so transmitted it, in
order that no mistake may arise on the subject, when the copy
of the same document prepared for this Department shall be
received by the Secretary of State.

I am, &c.,
Aberdeen.

Earl of Aberdeen to Governor Bourke.
(Despatch No. 9, per ship Marquis of Huntley.)

Sir,
Downing Street, 24 Dec., 1834.

My Predecessor, in his dispatch No. 47 of the 17th Ulto.,
does not appear to have adverted to the arrangement, reported
in your dispatch No. 54 of the 29th of June last, for providing
for the duties of Commandant of Norfolk Island further than
regarded the appointment of Major Anderson to that Situation.
I have now the honor of acquainting you that His Majesty's
Government have determined, in compliance with your recommendation, that for the future the Situation of Commandant of Norfolk Island should be filled by an Officer from one of the Regiments stationed in New South Wales upon a Salary of £300 a year, instead of remaining upon the footing on which it stood whilst held by Lt. Col. Morisset; and I have been highly gratified to find that you should have been able thus early to realise the intentions of the Government at Home of reducing the Emoluments of that Appointment, whenever the Officer discharging its duties should be relieved from his Command.

I regret that I cannot conclude the dispatch without observing upon the unusual indulgence, which you have extended to Coll. Morisset in respect to his leave of absence. Without doubting for one instant the merits of that Officer and the very difficult and arduous duty which he has had to discharge, I cannot perceive any circumstances in his case, which justified the extensive leave which you granted to him, a leave which the necessity only of a Voyage to Europe or to some other distant Quarter for the recovery of his health would have warranted, the more particularly as it appears from the letter, which Colonel Morisset addressed to this Department on the 8 Jan'y., 1834, that it was his intention to retire altogether from his Situation at Norfolk Island, and that circumstances connected with his domestic concerns rather than the alarming state of his own health were his chief motives for such a step. I trust you will not have authorised the payment to Colonel Morisset of any portion of the Salary of Commandant beyond the 20 Feby., 1835, the period when the original leave of absence granted to him expires, as I cannot authorise his receiving any further payment from that date, and as it must be refunded should it have been issued.

I have only in addition to observe, in reference to Colonel Morisset's wish to obtain some other employment in the Colonial Service better suited to his present views than the one he previously filled, that it will give me much pleasure to meet his wishes in that respect, whenever circumstances may give you an opportunity of availing yourself of his Services, provided my own engagements at the time may admit of my so doing; and I must therefore be distinctly understood as holding out no pledge to Colonel Morisset on this point, altho' I shall not lose sight of your recommendation in favor of an Officer whom you consider may be again so usefully employed under the Colonial Government.

I am, &c.,

Aberdeen.
ABERDEEN TO BOURKE.

Earl of Aberdeen to Governor Bourke.

(Despatch No. 10, per ship Marquis of Huntley.)

Sir, Downing Street, 24 Decemr., 1834.

I have to signify to you my approval of the arrangement notified in your dispatch No. 57 of the 2d July last, for the employment of the Revd. G. K. Rusden as Chaplain at Maitland, and of the prospective Salary of £200 per annum which you propose to assign to him from the 1st of January, 1835.

I am, &c.,
ABERDEEN.

Earl of Aberdeen to Governor Bourke.

(Despatch No. 11, per ship Marquis of Huntley.)

Sir, Downing Street, 25 Decemr., 1834.

I have the honor to acknowledge the receipt of your dispatch No. 58 of the 3d July last, forwarding a Petition from the Widow of John Stephen, Esq., late Puisne Judge of the Supreme Court of New South Wales, praying for a Pension on the ground of Mr. Stephen's public Services and her own necessitous circumstances; and I have in reply to express my regret that I do not feel myself justified, consistently with the course pursued for some time past by His Majesty's Government, in recommending to His Majesty a compliance with the Prayer of this Lady's Petition. I beg further to state that, in the instances cited by Mrs. Stephen as Precedents for extending to her the indulgence which she solicits, the Pensions were granted under circumstances and upon grounds which do not apply to her case, and that the most recent of those Pensions was granted at so remote a period as the year 1815.

I am, &c.,
ABERDEEN.

Earl of Aberdeen to Governor Bourke.

(Despatch No. 12, per ship Marquis of Huntley.)

Sir, Downing Street, 25 Decemr., 1834.

I have the honor to acknowledge the receipt of your dispatch No. 59 of the 4th July last, on the subject of a Plan which has been submitted by Mr. Jas. Atkinson, a Gentleman about to Settle in New South Wales, for sending out a number of Families from the North of Ireland to form a Settlement on the Eastern Coast of New Holland to the Southward of the present limits, marked out for the location of Settlers.

I acquiesce entirely in the very just observations, which you have made in reference to Mr. Atkinson's proposal, a compliance with which, for the reasons which you have stated, would lead to
Refusal to sanction proposal: and to extend limits for location of settlers.

much inconvenience as affecting the principle upon which Lands are now disposed of by the Crown throughout the Colony. You will therefore acquaint Mr. Atkinson that His Majesty's Government do not deem it advisable to promote the plan of Emigration, which that Gentleman and other individuals associated with him are desirous of undertaking, by giving to their Scheme the encouragement which they have solicited.

Adverting to the general question to which you call my attention, arising out of the foregoing proposition, viz., as to the expediency of extending the location of Settlers beyond the present authorised limits* so far to the Southward as Twofold Bay, I have to acquaint you that, notwithstanding the advantages which you have pointed out in your dispatch as likely to result from it to the grazing and other Agricultural Interests of the Colony, His Majesty's Government are not prepared to authorise a measure, the consequence of which would be to spread over a still further extent of Territory a Population which it was the object of the late Land Regulations to concentrate, and to divert for a distant object, not immediately necessary to the prosperity of the Colony, a portion of its Revenues, the whole of which is barely sufficient to maintain in that state of efficiency, which it is so desirable, the various Establishments and Institutions, required by the Inhabitants of the Districts, already occupied. I am glad however of the opportunity, which you have thus afforded to me of expressing my sentiments upon this point; and you will not fail to discountenance any plans, which may hereafter be proposed to you for settling the Territory beyond the present limits to which the location of Settlers is restricted; many schemes of this nature, ostensibly for the purpose of Emigration but in reality for the benefit of their projectors, having been of late encouraged by His Majesty's Government without those expectations being realised in reference to the Interests of the Public, which could alone justify the privileges which have been granted to the Parties with whom they have originated.

I am, &c.,

ABERDEEN.

EARL OF ABERDEEN TO GOVERNOR BOURKE.

(Despatch marked "Separate," per ship Marquis of Huntley.)

Sir,

I have received your dispatch marked separate of the 28th June last, recommending Mr. Bryan Brennan, under the circumstances therein stated, for the appointment of Crown Solicitor; and I beg to acquaint you in answer that I am prevented

* Note 108.
from meeting the wishes of Mr. Brennan in this particular by an arrangement adopted previously to the receipt of your present communication and notified to you in my Predecessor’s despatch, No. 46 of the 16th Ulto., for filling up that Vacancy.

I am, &c.,

ABERDEEN.

EARL OF ABERDEEN TO GOVERNOR BOURKE.

(Despatch No. 14, per ship Marquis of Huntley.)

Sir,

Downing Street, 27th Decr., 1834.

I have received your dispatch No. 65 of the 12th of July last, on the subject of an application from Mr. Robert Campbell, Jr., a Merchant established in Sydney, for the grant of a portion of Land consisting of 1,172 Acres, for which he applied to the local Government in the year 1827, but which, altho’ permitted to occupy by General Darling upon certain conditions, he appears to have taken no steps to obtain until the present time.

I agree with you in the opinion, which you have expressed, that, if an opportunity were now to be afforded that all persons, who consider themselves aggrieved by former Governors in respect to any claims to Land which they may have advanced, to have their cases reconsidered, a most inconvenient opening will be afforded for the revival of innumerable claims, the fair adjudication of which at this distance of time would be impossible; and I have under these circumstances to desire that you will express to Mr. Campbell my regret that I am prevented from complying with his request.

I am, &c.,

ABERDEEN.

EARL OF ABERDEEN TO GOVERNOR BOURKE.

(Despatch No. 15, per ship Marquis of Huntley.)

Sir,

Downing Street, 27 Decemr., 1834.

I have the honor to acknowledge the receipt of your dispatch of the 13th July last, No. 66, upon the subject of an application which had been made to you on the part of Mr. Ranulph Dacre for a Grant of Land; and I beg to acquaint you in reply that I do not consider that Gentleman’s case to be one of those contemplated by Lord Goderich as entitling the party to an exception from the Regulations promulgated in the Colony in 1831, and that you very properly declined to accede to Mr. Dacre’s application.

I am, &c.,

ABERDEEN.
Governor Bourke to Right Hon. T. Spring Rice.

(Despatch No. 129, per ship William Metcalf; acknowledged by Lord Glenelg, 14th October, 1835.)

Sir,

Government House, 28th December, 1834.

I have the honor to transmit for His Majesty's Gracious allowance Twenty one acts, which have passed the Legislative Council of this Colony during the present year.

4 Wm. IV, No. 13, An act for giving time to prepare and settle the Jury Lists for Sydney for the yr. 1834. This was passed to remedy an inadvertence on the part of the Magistrates.

Idem No. 14. An act further to continue an Act of the Govr. with the advice of the Legislative Council, entitled "An act to suppress Robbery and Housebreakers." This was a temporary measure for prolonging the former Act, pending an enquiry into the necessity for its renewal for a farther term of years. Copies of the Documents laid before the Council on this subject and of the amended act ultimately passed (5 Wm. IV, No. 9) were transmitted by my Despatch of 5 Sept. last, No. 89, together with the representation of Mr. Justice Burton upon the repugnancy of the Act to the Law of England.

Idem No. 15. An act further to continue an act of the Governor, with the advice of the Legislative Council, intituled "an act for regulating the Slaughtering of Cattle and for preventing the improper driving of the same through the Streets of Sydney, and for other purposes." This was also a temporary measure for prolonging the former act until the amended Law could be prepared which was afterwards passed (5 Wm. IV, No. 1).

Idem No. 16. "An act to amend an act intituled 'An act for instituting Courts of General and Quarter Sessions in New South Wales.'" The Act amended by this act provided for the nomination of a Chairman of Quarter Sessions at certain places therein named. The present Act provides for a similar appointment at Bathurst and other places, as circumstances may require, and for the nomination of a substitute or successor in case of the incapacity or death of any of these Functionaries.

Idem No. 17 is an act for adopting and applying a certain act of Parliament "for rendering a written Memorandum necessary to the validity of certain promises and engagements." This was passed at the instance of the Judges.

5 William IV, No. 1. An Act for regulating the Slaughtering of Cattle. The amended act on this subject before alluded to. Some of its provisions are directed against nuisances in Towns, but its chief object is to diminish the chances of impunity to Cattle-Stealers by rendering it penal to slaughter without
License, except for family use, or to destroy the brands, which are to be examined and registered by Inspectors.

Idem No. 2. An act to remove doubts as to the validity of certain marriages solemnized within the Colony of New South Wales, and to regulate the registration of certain Marriages, Baptisms and Burials.

This act is founded on the Model of one passed by the English Legislature with reference to British Subjects in India, 58 Geo. III, C. 84. It declares valid all marriages, which have been solemnized according to the forms of the Roman Catholic or Scotch Presbyterian Churches, and provides for their future celebration among persons of these communions, and for the registration of Marriages, Baptisms and Burials in a manner free from the objection to that which has been heretofore directed.

Idem No. 3. "An Act for apprenticing the children of the male and female orphan Schools and other poor children in the Colony of New South Wales."

By the dissolution of the Church and School Corporation, the children of the orphan Schools were left without legal guardians authorised to bind them apprentice. The present act empowers the Governor to appoint two or more persons for this purpose. Its provisions are likewise extended to such other children as may be sent to this Colony by His Majesty's Government or by Parishes or charitable Institutions.

Idem No. 4. An Act to revive and continue for a limited time an act of the Governor in Council passed in the 2d year of the Reign of His Present Majesty, intituled "An act for the relief of Debtors in Execution for debts, which they are unable to pay."

This act is continued for two years.

The next act, No. 5, was brought under notice by my despatch of 1st September last, No. 75.

Idem No. 6. "An Act to amend an Act entitled 'An Act for appointing and empowering Commissioners to hear and determine upon claims to grants of land under the great Seal of the Colony of New South Wales.'"

The only object of passing this act was to reduce the fees of the Commissioners. The cases referred to them were found on the measure coming into operation to be more numerous and to require on the average less labor than was at first expected.

Idem No. 7. "An Act for licensing and regulating Hawkers and Pedlars."

This measure arose out of a Petition to the Council from certain merchants and others praying that Hawking might be prohibited. As it did not, however, appear desirable to abolish a
HISTORICAL RECORDS OF AUSTRALIA.

1834. 28 Dec.

Act for adoption of English statutes.

mode of dealing, so convenient to persons living in remote Districts, the present Act has been passed to restrain its abuses, facilitating the discovery of stolen property of which Hawkers may be the Depositaries, and of Spirituous Liquors, the vending of which from place to place would introduce great abuses among Convict servants on farms.

Idem No. 8. An Act for adopting and applying certain acts of Parliament passed in the 11th yr. of the reign of His late Majesty and 1st yr. of the reign of His present Majesty, and in the 1st and 2nd yrs. of the reign of His present Majesty respectively, in the adminn. of Justice in N. S. Wales, in like manner as other Laws of England are applied therein.

These Statutes, which relate to the forms of Judicial process and of legal Documents, are adopted at the instance of the Judges.

Nos. 9 and 10 have been already brought under notice by my Despatch of 15th September last, No. 89.

Idem No. 11. "An act for regulating the affairs of the late Corporation of the Trustees of the Clergy and School Lands, and to secure to the Purchasers their Titles to certain Lands purchased by them from the sd. Corporation."

By the dissolution of the Church and School Corporation, this Act became necessary for the proper management of the Estates thereby resumed by the Crown, and for the adjustment of the liabilities and claims connected therewith. The act enables the Governor to appoint an Agent or Bailiff, who may sue and be sued in reference to the property, and provides for the confirmation of incomplete Titles to Land parted with by the Corporation.

Idem No. 12. An Act to amend an act entitled "An act for protecting the Crown Lands," etc. This enables one commissioner to act in cases where two were made necessary by the act amended. It was found that on some occasions the employment of two would be an useless expence.

Id. No. 13. An act for protecting public Wharfs, Piers, Quays and Jetties. This may be considered as an addition to the Harbor and Police Acts. It enables two Justices with the Governor’s approval to make regulations for the order and cleanliness of the Structures mentioned, enforcing them by penalties not exceeding 20s.

No. 14 has been already brought under notice by my Despatch of the 3 Septr. last, No. 77.

No. 15. An Act to provide for the general regulation of the Customs of new South Wales.
The late statute, 3 and 4 Wm. IV, chap. 56, by repealing the law on which the local customs act was founded, rendered it necessary to pass a fresh act for the Colony. The opinions of the Collector and Comptroller have been chiefly consulted in its compilation.

No. 16. An act to repeal in part and to amend and extend the provisions of an act entitled "An Act to Establish a Savings Bank," etc. This act introduces a few changes in the details of business in the Bank, which experience had suggested to its managers. Provisions are also added for extending the benefit of the institution to other parts of the Colony, as circumstances may require, by receiving Deposits through the intervention of District Trustees.

Id. No. 17. "An act to amend an act intituled 'An act for instituting and regulating Courts of general and Quarter Sessions.'" This was passed, at the instance of the Crown Lawyers, to supply a slight verbal omission in the act amended.

Id. No. 18. "An act for appropriating the sum of £50,000," etc. The occasion of this loan and the importance of an early remittance for its repayment have been represented to H.M. Government by my Despatch of the 15th October last, No. 105.

Id. No. 19. "An act to make perpetual an act intituled 'An act for preventing the extension of the infectious disease called the Scab,'" etc.

The act having been found useful in checking the progress of a disease so injurious to the best interests of the Colony, it has been thought right to continue it.

Id. No. 20. "An act for better regulating the alignment of streets," etc. A large portion of the land of Sydney having been alienated by the Crown before any plan of the future Town had been distinctly laid down, those reservations were not made which are required for securing to the public streets a desirable uniformity. On this account many inconveniences were constantly arising to the public by projections and obstructions, which there was no law to prevent, and a system was gaining ground of speculating on the power of inconveniencing the public in these ways, and forcing the Government to purchase at a high price land of little real value to the owner. The present act has been passed to check this evil, declaring land now forming parts of Streets to be dedicated for ever to the Public, and laying down certain rules to which all persons are in future to conform in the erection of Houses.

I have, &c.,

RICH. BOURKE.
Sir, Downing Street, 29 Decemr., 1834.

I have the honor to acknowledge the receipt of your despatch No. 72 of the 29th July, enclosing the copy of a letter from Lt. Colonel Snodgrass, applying for a Grant of Land, in consideration of certain Colonial Services performed by him, for which he has received no separate remuneration.

Colonel Snodgrass's present application appears to be the renewal of one, which has been before under the consideration of my Predecessors in Office, who, with every inclination to meet the wishes of that Officer, deemed it necessary to withhold from him an indulgence which could only be granted in direct defiance of an established Regulation. Under these circumstances, I trust that Colonel Snodgrass will not consider me the less disposed to estimate the Services which he has rendered to the Colonial Government, and to which you have borne so flattering a testimony, from my declining to view his case, in reference to his present claim, in a more favorable light than that in which it has already been regarded; the more especially as I am of opinion that serious objections exist to the principle of remunerating public Services by the granting of Indulgences, which other Residents in the Colony are debarred under existing Regulations from receiving.

I observe, from the letter addressed to you by Colonel Snodgrass bearing date the 2d July, 1834, that a period of nearly two years has elapsed between the date at which the former decision on his case was communicated to him, and that at which the renewal of his application has taken place, a circumstance which would have augmented the difficulty of my acceding to it, had the objections in other respects been less to my authorising an exception from the Regulations in his favor.

I am, &c,

ABERDEEN.

Earl of Aberdeen to Governor Bourke.
(Despatch No. 18, per ship Marquis of Huntley.)

Sir, Downing Street, 30 December, 1834.

I regret to be under the necessity of calling your attention to the irregular manner in which some of your Duplicate Despatches have been prepared for transmission to this Department, the dates* of them in some cases varying from those of the originals, and in other instances the Enclosures being omitted; I have in consequence to request that you will point out to the officer, to whose Department this duty more particularly belongs, the necessity of more attention being paid to these matters in

* Note 148.
future; and I take this opportunity of referring you to the Circular dispatches, which were addressed to your Predecessors in the Government of New South Wales in the month of Sept., 1833, and on the 6 July, 1825, in order that the directions, therein contained, may be adhered to with the utmost exactness.

I am, &c.,

ABERDEEN.

EARL OF ABERDEEN TO GOVERNOR BOURKE.

(A circular despatch per ship Westmoreland.)

Sir,

Downing Street, 31st December, 1834.

The Lords Commissioners of the Treasury, having had under their consideration the subject of Bills drawn upon them by Governors of His Majesty's Colonies, have notified to me their wish that the following system in regard to such Bills should be adopted; and I have accordingly to desire that, upon all occasions when Bills of Exchange may be drawn upon their Lordships to cover charges incurred for Local Establishments, or captured and Liberated Africans, or any other Casual disbursements, their Lordships may be regularly advised of such Bills; that the nature of the service on account of which the Bills shall be drawn, and the date and description of the document conveying the Authority for the Expenditure may be specified both in the letter of Advice and upon the face of the Bill; that, in case the Bill be drawn for Salary or any periodical payment, the period in respect of which the Bill be given should be likewise stated on the Bill and in the letter of Advice, and the latter, when practicable, be forwarded previously to the Bill being drawn. In other cases, the best means in your power should be taken to ensure the receipt in England of the Letter of Advice previously to the Bill being presented for acceptance, and no Bills should be drawn upon their Lordships at less than 30 days' sight.

I have, &c.,

ABERDEEN.

THE SECRETARY OF STATE TO SIR RICHARD BOURKE.

The following despatches,* written in the year 1835, have been omitted:

<table>
<thead>
<tr>
<th>Despatch</th>
<th>Transmitting</th>
</tr>
</thead>
<tbody>
<tr>
<td>dated</td>
<td>numbered</td>
</tr>
<tr>
<td>26th January</td>
<td>20 refusal of conditional pardon for William Watt.</td>
</tr>
<tr>
<td>8th March</td>
<td>29 approval of ten absolute and eighty-eight conditional pardons.</td>
</tr>
<tr>
<td>16th May</td>
<td>5 details re life sentence on Sarah Lannard.</td>
</tr>
<tr>
<td>22nd May</td>
<td>6 refusal of mitigation of sentence on Daniel Cohen.</td>
</tr>
<tr>
<td>1st June</td>
<td>7 authority for ticket of leave for Jasper Miles.</td>
</tr>
<tr>
<td>24th June</td>
<td>11 approval of two absolute and fifty-nine conditional pardons.</td>
</tr>
<tr>
<td>5th July</td>
<td>18 approval of one absolute and seventy-two conditional pardons.</td>
</tr>
</tbody>
</table>

1834. 30 Dec.

1835.

Note 1.
HISTORICAL RECORDS OF AUSTRALIA.

1835.

The following despatches* have been omitted—continued.

<table>
<thead>
<tr>
<th>Date</th>
<th>Approval</th>
<th>Transmitting</th>
</tr>
</thead>
<tbody>
<tr>
<td>28th July</td>
<td></td>
<td>26</td>
</tr>
<tr>
<td>10th August</td>
<td></td>
<td>37</td>
</tr>
<tr>
<td>11th August</td>
<td></td>
<td>38</td>
</tr>
<tr>
<td>6th October</td>
<td></td>
<td>54</td>
</tr>
<tr>
<td>31st October</td>
<td></td>
<td>66</td>
</tr>
<tr>
<td>12th November</td>
<td></td>
<td>72</td>
</tr>
<tr>
<td>15th November</td>
<td></td>
<td>73</td>
</tr>
<tr>
<td>17th November</td>
<td></td>
<td>77</td>
</tr>
<tr>
<td>18th November</td>
<td></td>
<td>78</td>
</tr>
</tbody>
</table>

Under Secretary of State to Sir Richard Bourke.

The following despatches,* written in the year 1835, have been omitted:—

<table>
<thead>
<tr>
<th>Date</th>
<th>Subject</th>
</tr>
</thead>
<tbody>
<tr>
<td>27th January</td>
<td>requesting report re Edward Bayley, convict.</td>
</tr>
<tr>
<td>30th January</td>
<td></td>
</tr>
<tr>
<td>1st February</td>
<td>recommending George Lilley, convict.</td>
</tr>
<tr>
<td>24th March</td>
<td>list of forty-four male convicts per ship Marquis of Huntley for special treatment.</td>
</tr>
<tr>
<td>14th April</td>
<td>general acknowledgment of despatches.</td>
</tr>
<tr>
<td>6th June</td>
<td>list of five male convicts per ship England for special treatment.</td>
</tr>
<tr>
<td>7th July</td>
<td>list of eight male convicts per ship Royal Sovereign for special treatment.</td>
</tr>
<tr>
<td>10th September</td>
<td>requesting report re Augustin Lowry, convict.</td>
</tr>
<tr>
<td>7th October</td>
<td>list of eight male convicts per ship Susan for special treatment.</td>
</tr>
<tr>
<td>26th October</td>
<td>list of nine male convicts per ship Recovery for special treatment.</td>
</tr>
</tbody>
</table>

Assignments of Convicts.

During the year 1835, letters, which enclosed the assignments of convicts (not available) per the ships named, were written by the under secretary of state to Sir Richard Bourke, with dates as under:—

<table>
<thead>
<tr>
<th>Date of Letter</th>
<th>Ship's Name</th>
<th>No. of Convicts</th>
</tr>
</thead>
<tbody>
<tr>
<td>24th March</td>
<td>Marquis of Huntley</td>
<td>320 Male.</td>
</tr>
<tr>
<td>14th April</td>
<td>Mary</td>
<td>180 Male.</td>
</tr>
<tr>
<td>6th June</td>
<td>England</td>
<td>230 Male.</td>
</tr>
<tr>
<td>7th July</td>
<td>Mary Ann</td>
<td>306 Female.</td>
</tr>
<tr>
<td>27th July</td>
<td>Royal Sovereign</td>
<td>170 Male.</td>
</tr>
<tr>
<td>24th September</td>
<td>Henry Wellesley</td>
<td>118 Female.</td>
</tr>
<tr>
<td>7th October</td>
<td>Susan</td>
<td>300 Male.</td>
</tr>
<tr>
<td>26th October</td>
<td>Recovery</td>
<td>280 Male.</td>
</tr>
</tbody>
</table>

* Note 1.
SIR RICHARD BOURKE TO SECRETARY OF STATE.

The following despatches,* written in the year 1835, have been omitted:—

<table>
<thead>
<tr>
<th>Date</th>
<th>Despatch numbered</th>
<th>Transmitting</th>
</tr>
</thead>
<tbody>
<tr>
<td>27th January</td>
<td>7</td>
<td>half-yearly report from superintendent of botanic garden.</td>
</tr>
<tr>
<td>28th January</td>
<td>8</td>
<td>expenditure from military chest for quarter ending 30th September, 1834.</td>
</tr>
<tr>
<td>29th January</td>
<td>9</td>
<td>recommendation for reduction of sentence on William Drummet from life to fourteen years.</td>
</tr>
<tr>
<td>31st January</td>
<td>11</td>
<td>conditional pardon for Patrick Tighe.</td>
</tr>
<tr>
<td>4th February</td>
<td>15</td>
<td>return of intestate estates.</td>
</tr>
<tr>
<td>4th February</td>
<td>16</td>
<td>schedules of appointments, alterations in expenditure, etc., for 1834.</td>
</tr>
<tr>
<td>5th February</td>
<td>18</td>
<td>conditional pardons for George Biddles and James Archer and ticket of leave for William Thomas.</td>
</tr>
<tr>
<td>8th February</td>
<td>20</td>
<td>absolute pardon for Charles Wilkins.</td>
</tr>
<tr>
<td>10th February</td>
<td>24</td>
<td>return of deaths of convicts for 1834.</td>
</tr>
<tr>
<td>11th February</td>
<td>25</td>
<td>expenditure from military chest for quarter ending 31st December, 1834.</td>
</tr>
<tr>
<td>15th March</td>
<td>36</td>
<td>return of tickets of leave granted in the year 1834.</td>
</tr>
<tr>
<td>20th March</td>
<td>37</td>
<td>return of prisoners tried before supreme court in the year 1834.</td>
</tr>
<tr>
<td>25th April</td>
<td>42</td>
<td>quarterly return of intestate estates.</td>
</tr>
<tr>
<td>4th June</td>
<td>51</td>
<td>quarterly returns from colonial treasurer.</td>
</tr>
<tr>
<td>5th June</td>
<td>52</td>
<td>quarterly schedule re military chest.</td>
</tr>
<tr>
<td>22nd June</td>
<td>54</td>
<td>return of assignments of convicts in the year 1834.</td>
</tr>
<tr>
<td>24th June</td>
<td>56</td>
<td>applications by convicts for passages for wives and families.</td>
</tr>
<tr>
<td>15th July</td>
<td>59</td>
<td>monthly returns re advances to female immigrants.</td>
</tr>
<tr>
<td>16th July</td>
<td>60</td>
<td>return of alterations in expenditure from colonial treasury for second quarter of 1835.</td>
</tr>
<tr>
<td>8th August</td>
<td>75</td>
<td>returns of advances to male emigrants and of bounties to female emigrants.</td>
</tr>
<tr>
<td>10th August</td>
<td>77</td>
<td>&quot; blue book &quot; for year 1834.</td>
</tr>
<tr>
<td>13th August</td>
<td>80</td>
<td>recommendation for commutation of death sentence on Samuel Collins.</td>
</tr>
<tr>
<td>5th September</td>
<td>88</td>
<td>quarterly schedule re military chest.</td>
</tr>
<tr>
<td>6th September</td>
<td>89</td>
<td>quarterly accounts from colonial treasurer.</td>
</tr>
<tr>
<td>20th October</td>
<td>104</td>
<td>quarterly accounts from colonial treasurer.</td>
</tr>
<tr>
<td>21st October</td>
<td>105</td>
<td>quarterly schedule of alterations in expenditure from colonial treasury.</td>
</tr>
<tr>
<td>1st November</td>
<td>106</td>
<td>quarterly return of intestate estates.</td>
</tr>
<tr>
<td>23rd November</td>
<td>111</td>
<td>return of applications for convict servants for the year 1833.</td>
</tr>
<tr>
<td>24th November</td>
<td>112</td>
<td>eighty-seven conditional pardons for approval.</td>
</tr>
<tr>
<td>25th November</td>
<td>115</td>
<td>recommendation for commutation of death sentence on John Hagan.</td>
</tr>
<tr>
<td>3rd December</td>
<td>118</td>
<td>one absolute and seven conditional pardons for approval.</td>
</tr>
<tr>
<td>8th December</td>
<td>125</td>
<td>comparative financial statements for years 1833 and 1834.</td>
</tr>
</tbody>
</table>

SIR RICHARD BOURKE TO THE UNDER SECRETARY OF STATE.

The following despatches,* written in the year 1835, have been omitted:—

<table>
<thead>
<tr>
<th>Date</th>
<th>Transmitting</th>
</tr>
</thead>
<tbody>
<tr>
<td>30th March</td>
<td>schedule of despatches transmitted during the year 1834.</td>
</tr>
<tr>
<td>8th May</td>
<td>report on misconduct of Fisher Betts, convict.</td>
</tr>
<tr>
<td>23rd June</td>
<td>report re Thomas Curry.</td>
</tr>
<tr>
<td>25th June</td>
<td>&quot; re William Adams.</td>
</tr>
</tbody>
</table>

SER. I. VOL. XVII—2 R  * Note 1.
1835.
5 Jan.

Government House, 5 January, 1835.

Sir,

I have the honor to inform you that, Mr. Ambrose Hallen having resigned the appointment of Colonial Architect, I have named Mr. M. W. Lewis, who has been for some time employed as an assistant in the Surveyor General’s Department in this Colony, to succeed to the vacant office. As I have reason to believe that Mr. Lewis, though not a regularly bred architect, is nevertheless competent to discharge the duties required of him, having had considerable practice as a Builder in England, I venture to solicit your confirmation of the appointment.

In obedience to the instructions contained in your Circular Letter of the 4th July last, I proceed to state my opinion of the necessity of continuing this office. The grounds, upon which I recommend it, are these. There are at present subsisting in the Colony several public Buildings of some importance and expence, which require frequent inspection and repair; and, in so new and thriving a country, the necessity for additional structures of enlarged dimensions and more imposing appearance is constantly presenting itself. For the preparation of plans and Estimates and the due Superintendence of such works, it is more convenient, safe, and economical to employ an architect in the constant pay of Government than to take chance for occasional assistance from such professional persons as can be procured here.

In the constitution of this office, I have to propose the change adverted to in my despatch of the 10th October last, No. 104, namely its entire separation from the Surveyor General’s Department. The experience of two years has convinced me that to leave the Colonial Architect’s office under the charge of the Surveyor General of this Colony will occasion for the future, as it has for the past, loss of time and efficiency without any saving of expence or other compensating advantage whatsoever.

With respect to the Salary attached to this office, I should say that it is much below what its duties and responsibility seem to require. I have no doubt that it would be found impossible to induce an architect of even moderate experience and reputation to come out from England and devote the whole of his time to his office here on a Salary of £400 a year, and 2s. 6d. a day forage allowance, with travelling charges and personal expences allowed at 15s. a day when sent to any distance from Sydney. The foregoing are the Salary and allowances which Mr. Hallen received, and upon which Mr. Lewis has now undertaken the employment. I have, &c.,

RICH. BOURKE.
GOVERNOR BOURKE TO RIGHT HON. T. SPRING RICE.
(Despatch No. 2, per ship William Metcalf.)

Sir,

Government House, 6 January, 1835.

With reference to my Despatch of the 10th October last, No. 104, in which I represented the expediency of nominating assistant Survr. Thompson to the situation of principal Draftsman in the Surveyor-General's office and of encreasing his Salary to £400 a year, I have the honor to inform you that I have made this appointment from the 1st instant, the Surveyor General having acquainted me that he would lose the valuable services of Mr. Thompson, if the addition of £100 a year was not thus made to his Salary. I have therefore to request your sanction to this arrangement, which seemed absolutely necessary to maintain the efficiency and usefulness of this important office.

Referring to the same Despatch, I have further to state that I have named Mr. Russell to supply Mr. Thompson's vacancy in the Survey Department, and have promoted the two senior Draftsmen to the rank of Assistant Surveyors. These movements will occasion an augmented Expense of £200 a year, which is provided for in the appropriation act for 1835. It is not intended to supply the vacancies, which this promotion has occasioned in the numbers of Draftsmen.

In furtherance of the suggestion for the improvement of the Road Branch of the Survr. General's Department submitted in the Despatch before mentioned, I shall require the Deputy Surveyor General to make occasional inspections along the several lines of road, which in this Colony are of considerable length (three of them* exceeding 100 miles each) and at great distances from each other. The Deputy-Surveyor-General is, however, the only principal officer in the Department, who has no allowance of forage. I therefore propose, with your sanction, to allow him for one horse at 2s. 6d. per day. As I intend to keep him a good deal on the alert, he will be fairly entitled to this allowance.

I have, &c.,

RICH. BOURKE.

EARL OF ABERDEEN TO GOVERNOR BOURKE.
(Despatch marked "Circular," per ship Westmoreland.)

Sir,

Downing Street, 8th January, 1835.

I have the honor to desire that for the future you will address to the Secretary at War Reports of all Appointments and promotions, at the time when they occur, of Half pay Officers to Civil Situations in the Colony under your Command.

I have, &c.,

ABERDEEN.

* Note 149.
1835.
10 Jan.

Earl of Aberdeen to Governor Bourke.

(Despatch marked "Circular," per ship Westmoreland.)

Sir,

Downing Street, 10 January, 1835.

I have to request that, in every case in which you may have occasion to bring under the consideration of His Majesty’s Government the claim of any Officer to a retiring allowance on quitting the Service of your Government, you will, at the same time, furnish a detailed statement, shewing the age of such Officer, the nature and length of his Services, and the emoluments of his Office, as without full information upon these points, it will be impossible for His Majesty’s Government to estimate the claim of any officer to a Pension or other retiring allowance.

I am, &c.,

Aberdeen.

12 Jan.

Governor Bourke to Right Hon. T. Spring Rice.

(Despatch No. 3, per ship William Metcalf; acknowledged by Lord Glenelg, 29th July, 1835.)

Sir,

Government House, 12 Janry., 1835.

I beg leave to bring under your notice the Despatch of Earl Bathurst of 1st December, 1826, No. 95, in which the Governor of New South Wales is directed to keep cash to the amount of £10,000 in the Sydney Banks. There were at that time two Banks in credit, in each of which the sum of £5,000 has been since kept with but little fluctuation in amount. Towards the close of last year, a third Banking Establishment* of equal solidity and credit with either of the others has been formed in Sydney. Application was made to me by the Directors to place some part of the Treasury Balance in their Bank. There being at the time a considerable quantity of specie in the vault, I thought it desirable to accede to their request and have directed the Treasurer to lodge and keep up £5,000 in the Commercial Bank under the same regulations as the Govt. Deposits in the other two. A fourth Bank, with a Charter, and importing specie to the amount as is stated of £50,000, is shortly to open; and, as I anticipate a similar application to that lately made by the Commercial Bank, I think it right to apprize you that I propose to order a Deposit of £5,000 to be kept in that Bank also.

These arrangements I trust will meet your approbation, having been adopted in some measure as partaking of the Spirit of Earl Bathurst’s instructions on a former occasion, but chiefly as

* Note 150.