the means of putting some part of the large quantity of specie, which has found its way into the Colonial Treasury as the surplus of Revenue over expenditure. Upon the disposal of this surplus, I shall have the honor to address you hereafter.

I have, &c.,

RICH. BOURKE.

GOVERNOR BOURKE TO RIGHT HON. T. SPRING RICE.

(Despatch No. 4, per ship William Metcalf; acknowledged by Lord Glenelg, 3rd August, 1835.)

Sir,

Government House, 13 January, 1835.

By the statement which I have now the honor to transmit, you will perceive that, at the close of last year, there remained in the Treasury of this Colony the sum of £110,188 19s. 9d. in specie, over and above Treasury Bills for £25,000 retained as a Security for the repayment of a like sum advanced to the Military Chest. Of this sum, which is the surplus of Revenue over expenditure, £42,653 6s. 8½d., being derived from payments on account of Crown Lands, may be considered as exclusively appropriated to the encouragement of Emigration from the United Kingdom to the Colony; there remains therefore, of the Cash Balance, the sum of £67,535 13s. 0½d. only as applicable to the general purposes of the Colony, but to which is to be added the value of the Treasury Bills, making in the whole the sum of £92,535 13s. 0½d. for Colonial uses. Against this surplus, there is no charge to be made, nor is it likely there will be any deficiency in the Revenue of the present year, but on the contrary it will probably exceed the estimated expenditure in a larger amount than was supposed on passing the appropriation act for 1835. It may therefore be stated that there is now in the Treasury the sum of £92,535 13s. 0½d. to be expended in such public works as have not yet been estimated for, and as the growing population and increasing wants of the Colony demand.

The accumulation of so much specie in the Treasury, which is thus, for a time at least, withdrawn from circulation, is considered as an evil by the Colonists. I am not, however, aware that it has, as yet, produced any sinister effect, though I am ready to admit that, if circumstances had favored its dispersion, it would not have been proper to have permitted the money to have remained unemployed, whilst so many works of general utility require to be undertaken. The same causes however, which have filled the public coffers, have contributed to the
1835.
13 Jan.

Effect of increase in private wealth.

Proposed appropriations for public buildings.

National schools.

Gaols proposed at Sydney, Parramatta and Bathurst.

Criminal court-house proposed at Sydney.

Court-houses at Parramatta and Bathurst.

Wealth of individuals, and accordingly there has been within the last two years a very considerable expenditure of private capital in building. The demand for artificers of the better order has in consequence been extensive, and it would not have been prudent in the Government, whilst the supply was unavoidably circumscribed, to have added considerably to the cost of mechanical skill and labor by entering into competition with individuals. The number of competent artificers, however, being now in some degree increased, it seems no longer advisable to allow the accumulation of specie in the Treasury to continue. I intend, therefore, to propose to the Legislative Council at its next Session in May to appropriate part of this surplus revenue to the erection of those public buildings which are most wanted.

Those, to which I would most willingly devote a considerable sum, are the national schools described in my Despatch of 30th September, 1833, No. 76; but, before I can apply to the Council for funds, I must be assured that H.M. Govt. sanctions their establishment. Upon this subject, I await the honor of your Commands with some anxiety.

The buildings next in order of demand are public prisons. That of Sydney has been some time represented as in a ruinous state and totally inadequate to the wants of the Town and district. With my Despatch of 5 Febry., 1833, No. 19, I have transmitted a particular description of it and a proposal for erecting another. Having received no reply to that communication, I will, in conformity to the suggestion therein contained, propose to the Council to undertake the building of this gaol at the expense of the Colony. As it is intended to be of a permanent character and will be available probably long after the mother country shall have ceased to send out convicts, it is not inequitable to call on the Colonists to pay the expense. It is proposed to erect gaols of a similar description at Parramatta and Bathurst and to provide for the expense in the same manner.

In conjunction with the Prisons, it will be necessary to erect Court Houses. The Supreme Court occupies but an indifferent building in Sydney with two halls. One will make a good civil court for law and equity proceedings, and the other is required for the Court of Requests and other occasional sittings. This building being at least one mile distant* from the proposed site of the Prison, it is intended to build a small Criminal Court for the Judges and Quarter Sessions. At Parramatta, there is a small hired building used as a Court House, and at Bathurst the

* Note 151.
Police Office is altogether insufficient for a District rapidly increasing in Population and proposed as a place where assizes are to be held.

A lunatic asylum is an Establishment that can no longer be dispensed with. In this Colony, the use of ardent spirits induces the disease called delirium tremens, which frequently terminates in confirmed lunacy. The present asylum* is a wretched hired Building without outlet of any kind. The rent is now paid out of the Military Chest; but I would propose that the permanent Building should be at the expense of the Colony.

The Benevolent asylum is another charitable Institution, which has hitherto been maintained chiefly at the cost of the British Treasury. It is managed by a Committee of Colonists; and, as they are applying for a Bill to put the Establishment upon the footing of the Country Hospitals in Ireland, I mean to propose that the sums given annually in aid of private subscriptions and donations shall be taken from the Colonial Funds. The Building requires an addition.

A Custom House and a Government House in Sydney are still wanting; and the improvement of Sydney Cove by the erection of a Circular Wharf at the verge of deep water is a great desideratum, to which I have on a former occasion§ had to request your attention in applying for the services a qualified Civil Engineer. The improvement of some of the Harbors to the South of Sydney and of that of Newcastle is also required.

Besides these sources of necessary expenditure, the formation of new and repair of old roads together with the construction of Bridges, some of which are of stone, will form a constant and considerable item of the annual charge. It is not possible by tolls to meet the expenses of roads in any new country, and, in this, the fertile districts being separated from Sydney by long tracts of mountainous and sterile country, the roads are necessarily of great length and expensive in forming.

I have thus, Sir, endeavored to lay before you, as briefly as possible, a statement of the public works and buildings required in the Colony, and of the resources available for their execution. I would propose no longer to delay undertaking the most necessary, both with a view to obtain the sooner establishments, which are indispensable, and to remove the general complaint of contracting the Circulatn. of specie by an accumulation in the Treasury. If I shall not be honored by any specific instructions in reply to my former despatches before the meeting of Council in May next, I trust H.M. Government will approve of my obtaining funds by a supplementary estimate for 1835, to enable me to

* Note 152.  
† Note 153.
commence the Sydney Gaol and Court House and Lunatic Asylum with the least possible delay. The gaol in its present crowded state, without classification or labor, is a moral pestilence, and from its confined and low situation in the most populous part of the Town, appears likely at any moment to generate a physical one. The sale of the old site when the new gaol shall be completed will bring in a large sum. The other Buildings may be undertaken as opportunities offer for obtaining contracts.

In my Despatch before referred to, I stated the difficulty of obtaining approved plans and specifications for such Buildings as I have now described. There are now greater means of getting over this difficulty than when I first addressed the Secretary of State on the subject.

I have, &c.,

RICH. BOURKE.

GOVERNOR BOURKE TO RIGHT HON. T. SPRING RICE.

(Despatch No. 5, per ship William Metcalf: acknowledged by lord Glenelg, 4th August, 1835.)

Sir,

Government House, 14 January, 1835.

I have the honor to forward a minute of the Executive Council on the claim to a grant of 2,000 acres of land, preferred by Mr. Timothy Nowlan on the faith of the interpretation he places on a transaction between himself and this Government, when administered by Sir Thomas Brisbane. One member of the Council, you will perceive, regards the claim as established. The majority do not consider any promise shewn on the part of my predecessor so as to justify my issuing a grant, but recommend the case to your favorable consideration.

In order to put you in possession of all the grounds on which Mr. Nowlan rests his application, it will be necessary briefly to advert to the circumstances under which he emigrated. He applied in the year 1822 to Earl Bathurst for encouragement in a project for improving the sheep of the Australian Colonies by taking out Merino Rams from Ireland and by applying to the Flocks of the Colonies a better system of management. His correspondence with H.M. Government of that day terminated in his proceeding to V. D. Land with a few Merino Rams as an experiment, and with a letter from Earl Bathurst to the Lieut. Governor ordering him to make to Mr. Nowlan a Grant of land, and a reserve of adjoining land, the grant of which was to be dependent on subsequent circumstances. This letter, dated 30 April, 1822, is no doubt on record. An extract accompanies this Despatch. Mr. Nowlan received a grant; but I understand

* Note 151.  † Note 154.
that the reserve has been the subject of a correspondence between the local Governmt. of Van Diemen's Land and the Secretary of State, whose decision regarding it has been unfavorable to Mr. Nowlan.

In 1823, Mr. Nowlan opened a communication with Sir Thomas Brisbane proposing to introduce his system of sheep-Farming into New South Wales. Sir Thomas Brisbane consented to assist him in trying the experiment, allowing Mr. Nowlan to receive on personal security at long credit 300 Ewes (which had been purchased by the Government of a private Settler) and to place them on land at Hunter's River. Two thousand acres of the land assigned for this purpose are those now claimed as a grant, Mr. Nowlan asserting that they were promised him by Sir Thomas Brisbane in the event of his experiment succeeding. Mr. Nowlan further asserts that Sir Thomas Brisbane regarded the land as a reserve awarded to him under the terms of the Despatch of Earl Bathurst to Lieut. Governor Sorrell before alluded to.

Of these assertions, however, Mr. Nowlan produces no proof; and it would be too much to expect that, at this day, Sir Thomas Brisbane should have such a recollection of the case as to supply the deficiency. The only written communications, appealed to by Mr. Nowlan, consist of an application made by him to Sir Thomas Brisbane for a Lease in the year 1825, and of the answer thereto. Mr. Nowlan then complaining that the tenure, on which he held possession of the land at Hunter's River, did not protect him from trespassers, he requested a Lease for seven years with power to purchase at the expiration of that period, should he not have established claims upon the further indulgence of Government. To this application was returned an answer, of which a copy is transmitted herewith, and, in pursuance of the terms of that answer, he obtained two Leases for seven years, the one of the 2,000 acres in question at a pepper corn rent, the other of 3,800 acres at a rent of 3s. for every twenty acres.

These Leases having expired and other applications being made by another person to purchase part of the land, Mr. Nowlan received notice to remove, when he brought forward a claim to a grant on the grounds already stated. I declined acceding to it, as no promise of Sir Thomas Brisbane was shewn to my satisfaction. I however directed that he should be allowed to purchase the land, if he desired it at the price of the day, or that he should be paid for improvements, according to the terms of the lease. A Copy of my minute to this effect is transmitted.

Since this decision was notified, the matter has been again brought under my consideration, accompanied by Letters from

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BOURKE TO RICE.

1835.
14 Jan.
the Collector of Internal Revenue and the Surveyor General, copies of which are herewith transmitted, and which disclose some features in the case not previously brought to my attention.

It appears that, in various maps in the Surveyor General’s Office, the 2,000 acres in question have been marked as a reserve for a grant in the same manner as many others which have been since converted into grants. It was in consequence of this further statement I brought the case under the consideration of the Executive Council, whose opinions were divided in the manner already stated. Upon a consideration of the whole case, though I do not think that Mr. Nowlan has made out any promise of a grant from Sir Thomas Brisbane, yet, as grants were very easily obtained at the time of these transactions, it is very probable that Sir Thomas Brisbane may have intended to have made Mr. Nowlan a grant of these 2,000 acres, if he succeeded in the very simple operation of breeding sheep upon good pasture and in a favorable climate, and may have expressed himself accordingly. Mr. Nowlan having succeeded in this experiment and paid for the sheep obtained through the Government, I would beg leave to unite with the Council in recommending that a grant be made to him of the 2,000 acres at the Quit-rent payable by the Regulations in force at the time he obtained possession of the land, and should be allowed to purchase the 3,800 acres upon the terms stated in my minute of the 28 September last before referred to.

I have, &c.,

RICH. BOURKE.

[Enclosure No. 1.]

PROCEEDINGS of the Executive Council relative to the claim of Mr. Timothy Nowlan to a Grant of land.

EXTRACT from Minute No. 1 of 7th January, 1835.

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

His Excellency the Governor laid before the Council certain papers relative to the claim of Mr. Timothy Nowlan to the grant of 2,000 acres of land situated at Hunter’s River, which had been originally leased to him by Sir Thomas Brisbane at a pepper corn rent; and, after due deliberation, Lieut. Colonel Snodgrass was of opinion that Mr. Nowlan had a good claim to the portion of land above alluded to, and the Colonial Secretary and Colonial Treasurer were of opinion that, under the King’s Instructions to the Governor, no Grant of land could be made to Mr. Nowlan of the land in question, inasmuch as no previous promise from any of His Excellency’s predecessors has been established. But the Council agreed in recommending the case to the favorable consideration of the Secretary of State.

A true Extract:—E. DEAS THOMSON, Clk., Col.
EXTRACT from Letter of Earl Bathurst to Lieutenant Governor Sorell, dated Downing Street, 30th April, 1822.

"I have not felt any hesitation in giving encouragement to Mr. Nowlan's proposals, and I have therefore to desire that you will make to him a grant of land on his arrival at the Derwent, consulting his wishes as far as possible in the selection of it, and reserving a Tract of Land adjoining, in order that he may look forward to the period that, when he shall have complied with the Terms of his first grant or shall have an increase of Capital, he may receive an additional allotment."

Bathurst.

True Extract from original in possession of M. General Bourke:—

G. K. Holden, Private Secretary.

N. S. Wales, 2 Jan., 1835.

MR. T. NOWLAN TO SIR THOMAS BRISBANE.

Sir, Sydney, 28th January, 1825.

The tenure, on which I held the Lands now in my possession by your Excellency's permission on Hunter's River, not affording me sufficient protection from trespasses, etc., I take the liberty of requesting that your Excellency will be pleased to grant me a Lease of these Lands for the term of 7 Years with a condition that on the expiration of this term (should I not have established claims upon the further indulgence of Government) to empower me to purchase these Lands according to the rate of purchase affixed by your Excellency on Land in that District, or upon my surrendering the said Lands that I might be allowed the value of all permanent improvements made thereon.

I have, &c.

T. Nowlan.

COLONIAL SECRETARY GOULBURN TO MR. T. NOWLAN.

Sir, Colonial Secretary's Office, 18th February, 1825.

In answer to your Letter of the 28 Ult., I am commanded by the Governor to acquaint you that a Lease of Seven years shall be prepared for you of such disposable Lands on the Banks of Hunters River as you may select, at the annual rate of Three Shillings for every Twenty acres (over the Five Thousand acres which you are permitted to hold at a peppercorn rent, in order to carry forward with success the experiment in which you have for some time been engaged) with the additional advantage that, should those Lands be taken from you at the expiration of that term, you are to be paid the value of all permanent improvements which you may have made upon them.

I have, &c.

F. Goulburn.

COPY OF THE GOVERNOR'S MINUTE.

Mr. Nowlan to be informed that.

28 Sept., 1834.

I can not make any application to the Secretary of State on the Subject of the reserve claimed by Mr. Nowlan in V. D. Land, the Lt. Governor, whilst exercising the chief civil authority there, is the proper channel of communication with the Minister.
With respect to Mr. Nowlan's agreement with Sir Thomas Brisbane, I consider it quite a distinct transaction from any proceeding in V. D.'s Land, under the authority of Earl Bathurst's despatch of 30 April, 1822. That despatch applies solely to V. D.'s Land. The agreement with Sir T. Brisbane is not stated in, nor can it be clearly collected from the papers laid before me; but I do not see any ground for the assumption that a Grant of the Land permitted to be occupied on the Hunter was to be the result of Mr. Nowlan's Success in breeding Sheep; on the contrary, Mr. Nowlan in his letter of the 28 Jan., 1825, applies only for a 7 years' lease of those Lands, with power at the expiration of the term to purchase them at the rate fixed for the District, or if he were ordered to be paid the value of any improvements made. The Col. Secy., in his reply of the 18th Feb. following, grants the Leases on certain terms, and agrees to the payment for permanent improvements, but is silent regarding the purchase. I think it is likely however that the power to purchase would not have been refused.

Mr. Nowlan may therefore be allowed to purchase either of the portions of Land (2,000 or 3,800 acres) or both at five shillings per acre on paying up immediately the rate of 15s. per 100 acres as fixed by the Col. Secy. in his letter of 18 Feb., 1825. The purchase Money to be paid in 3 instalments on the 1 Jan., 1835, 6 and 7, or he may surrender the Land and be paid for permanent improvements the value to be fixed by Arbitrators. Mr. Nowlan to be required to notify his decision by the 1 Novr. next, or the Land will be resumed by the Crown.

[Enclosure No. 6.]

MR. W. MACPHERSON TO COLONIAL SECRETARY MACLEAY.

(A No. 34/1023.)

Sir, Internal Revenue Office, Sydney, 4th Novr., 1834.

Having on the 8 ultimo transmitted to Timothy Nowlan, Esq., a Copy of your Letter of the 3d of October, A No. 34/96 and of Major Goulburn's letter therein referred to, dated 18 February, 1825, and requested that he would on or before the 1st Instant pay to me the sum of Two Hundred and Seventy six pounds 9s. 10d. as rent at the rate of fifteen Shillings per hundred acres per annum from the 18th of February, 1825, to the 31st of October, 1834, for three Thousand and Eight hundred acres of Land in the County of Durham and Parish of Middlehope, which he was informed, by Major Goulburn's letter above mentioned, that he was permitted to hold in Lease for seven years, he has addressed a Letter to me on the subject (dated 31st of October) of which a copy is annexed, and has further detailed his sentiments personally, the purport of which I shall now explain.

Claim by T. Nowlan to grant of land.

1st. In respect to the Five thousand acres which he was allowed to hold at a peppercorn rent, he conceives himself as having a good claim to a grant of this quantity.

The use of the words "peppercorn rent," he considers as in some degree implying not only that the Land would be Granted to him, but Granted to him free of Quitrent, if the Success of the experiment, in which he was engaged, should merit this mark of approbation.

In further support of his Claim, he states that, on several charts in the Surveyor General's Office, these Two thousand acres are
Stated as a Grant, and the Colour given to them is the same that is given to Reserves for Grants. Also that Mr. Henry Dangar, in his published Survey of the Hunters River Districts, includes these Two thousand acres among the Reserves for Grants; and gives them the Same distinguishing Mark "r" And, in Mr. Dangar's Manuscript book in the Surveyor General's Office, bearing his signature, with the Date 17th December, 1825, containing descriptions of Lands on the Hunter Leased and purchased (Commencing with the description of Four thousand acres purchased by Alexander Warren as permitted by an order dated 13th May, 1825), descriptions of the Three thousand Eight Hundred acres Leased to him (Mr. Nowlan) are included; but there is no description given of The Two thousand acres; affording further strong presumptive proof, that these Two Thousand Acres were not considered as either purchased or leased, but as a Grant or Reserve for a Grant, as entered in his Book and on the Maps.

I have examined several Maps in the Surveyor General's Office and also Dangar's published and Manuscript Books, and find that Mr. Nowlan's Statements are correct. On the Margin, I annex a Sketch taken from one of the Maps giving the entries of Names, quantities, etc., in exact conformity with the original.

2. In respect to the three thousand eight hundred acres, Mr. Nowlan admits the justice of the Claim for rent; but, as payment of the rents of the other Lands, purchased and Leased during the administrations of Sir Thomas Brisbane and General Darling, have not yet been enforced, he hopes he may be placed on a similar footing; And, if he retains the whole of the land, as it is his present purpose to do if he can arrange for the payments, that he may not be required to pay any rent, but only the price of five Shillings pr. acre, in like manner as so many purchasers, under authorities from Sir Thomas Brisbane, have been allowed to do.

Or if he is unable to make arrangements for the purchase of the whole Land, he then hopes that he may be required to pay rent only for so much of the Land as he gives up; And that the rate be only Two Shillings and sixpence p. hundred acres pr. annum, being the annual rate paid for Lands Leased by the Government under the late Regulations.

If His Excellency the Governor cannot accede to His Petition, he further prays that, before compulsory measures against him are ordered, either in respect to depriving him of the land or enforcing payment of the Rent, his case may be submitted for the consideration of the Right Honorable the Secretary of State.

I have, &c.,

WM. MACPHERSON,
Colr. Int. Revenue.

[Sub-enclosure.]  

MR. T. NOWLAN TO MR. W. MACPHERSON.

Sir,

Sydney, 31st October, 1834.

In reply to your Letter of the 6th Instant, I beg leave to acquaint you that I am to enter into arrangements with you for the purchase money of the land ordered to be Leased in 1825, which appear by the charts or in the Surveyor General's office; and, as His Excellency the Governor has been pleased to consider this Lease as one ordered with a view to purchase, as other parties who
leased Land in that year with a view to purchase have not paid Rent, and that the individuals, who at that period had agreed to purchase Land, have been relieved from the payment of interest on the purchase Money. I trust His Excellency will be pleased to place me on the same footing with the parties, who in the year 1825 agreed to Rent and purchase Land in the district of Hunters River.

I remain, &c.,
TIMOTHY NOWLAN.

[Enclosure No. 7.]

SURVEYOR-GENERAL MITCHELL TO COLONIAL SECRETARY MACLEAY.

Sir,
Surveyor General's Office, 1 November, 1834.

I have the honor to forward to you, as therein requested, a communication from Mr. T. Nowlan, dated 24th Octr., 1834, relative to the tenure of his lands at Hunter's River, and in which he represents that, in consequence of my report of January 1st, 1831, No. 31/1, His Excellency the Governor has an impression that the two thousand Acres, of which he is in possession, was to be held on lease instead of being held as a Grant, or as a Reserve for a grant; on reference to report 31/1, I find that I have so stated as Mr. Nowlan represents; this however was only done in consequence of the order not appearing in the order Book on the authority of your letter of the 18th February, 1825, which may certainly be otherwise interpreted. As stated by Mr. Nowlan, the two thousand acres in question appear marked on all the maps left by my predecessor Mr. Oxley as a Reserve for a grant, being coloured green, with numerous others that have since been converted into grants; and moreover I find that Mr. Dangar, the then Surveyor of the district, in his return of descriptions elated in 1825 of lands leased and purchased at Hunter's River, notices Mr. Nowlan's 3,800 acres as a lease; still no mention is made of the two thousand acres as a lease.

I have, &c.,
T. L. MITCHELL, S. Gl.

GOVERNOR BOURKE TO RIGHT HON. T. SPRING RICE.

(Despatch No. 6, per ship William Metcalf.)

Sir,
Government House, 15th Janry., 1835.

Understanding, from the concluding Paragraph of your Despatch of 1 Aug. last, No. 15, that you desire to receive some official account of the disturbance, which took place at Norfolk Island on the 15th Janry., 1834, I have the honor to report the principal facts of the case.

In the morning of that day between 5 and 6 o'Cl., a rush was made on the Guard which then received over as usual the Gaol gang, consisting of about thirty Convicts generally of the worst character to be escorted to work. About an equal number, under false pretexts of ill-health, had before this time been taken to the Hospital behind the Gaol under the usual escort of an over-seer; but, breaking out of the Lock-up in which they were detained
for examination by the Surgeon, they had overpowered and confined the attendants on the Hospital and some of the Patients. Having knocked off each other’s Irons and armed themselves with such implements adapted for offence as the Hospital afforded, and being joined by other convicts from the Saw Pits and neighbouring places, they rushed on the guard at the moment of their taking in charge the Gaol gang, who by previous concert were to turn on the Soldiers in front. The gang accordingly refused to move when ordered, and a scuffle ensued in which the Guard were for a time nearly overpowered. This scuffle lasted some minutes, when the Soldiers, obtaining the free use of their Firearms and being reinforced from the Barracks, dispersed the Convicts, killing two and wounding eleven, of whom seven died of their wounds.

In the meantime, a party of Convicts at the Agricultural station at Longridge (about a mile and a half from the Gaol) had in furtherance of another part of the plan of Mutiny broken into the Tool House, and, armed with the Implements found there, were running to join their confederates. They arrived in time only to increase the number of fugitives scattered before the fire of the Military, who captured great numbers of both the parties. Depositions being afterwards taken, 162 convicts were charged as being more or less implicated. These Depositions being laid before the attorney general at Sydney, he regarded the evidence as warranting the trial of fifty-five. As soon as the course of public business would permit, the Supreme Court was adjourned to Norfolk Island, and Mr. Justice Burton proceeded thither in H.M.S. Alligator, attended by a sufficient number of officers to make up a Jury, by the Crown Solicitor to prosecute, and an attorney appointed by the Judge to conduct the defence of the prisoners.

The trials commenced on the 10th July, when 29 were capitally convicted. Their cases being reported to the Governor and Ex. Council on the return of the Judge to Sydney, 13 of the Criminals were ordered for Execution, the sentence of the remainder being commuted for various terms of additional servitude on the Island. The executions took place on the 22 and 23 September in the presence of the other Convicts on the Settlement. The Sheriff’s Deputy, who proceeded from Sydney to Norfolk Island for the Execution, was attended by the Revd. H. T. Stiles, a chaplain of the Established Church, and by the Revd. Wm. Ullathorne, the Roman Catholic Vicar General, who attended the criminals of their respective persuasions before and at their execution.

I have, &c.,

RICH. BOURKE.
Governor Bourke to Under Secretary Hay.

(Despatch per ship William Metcalf.)

Government House,

Sir,

Sydney, 23rd January, 1835.

I have to regret that, in making up the Despatches forwarded by the British Sovereign on the 17th ult., a list of transported offenders illegally sentenced by Magistrates, intended to accompany my Despatch of the 14th ult. No. 126, was omitted. It is forwarded by this opportunity with the Duplicate* of that Despatch, and I shall feel obliged by your rendering the original equally complete by the addition of the Copy of the same list, transmitted herewith.

I have, &c.,

Richd. Bourke.

Under Secretary Hay to Sir Richard Bourke.†

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

My dear Sir,

Downing Street, 28th January, 1835.

I have had the pleasure of receiving your Private letters of the 14th and 19th July last, which reached me on the 5th Instant.

As I had no recollection of having held out to Major Mitchell any promise, on the part of the Secretary of State, that he would be allowed to publish for his Private Emolument the Map of the Colony which he has lately completed, I am glad to find that there are no expressions in my correspondence with him, which, in your opinion, bear such an interpretation; for, altho' the application, which Major Mitchell has now officially made to this Department upon the subject, has been acceded to by the Home Government, I should have been exceedingly sorry if I had really been the cause of the inconvenience which Major Mitchell is stated to have experienced from the unexpected obstacles, which have been opposed to the publication of his Map in the Colony as soon as it was finished, but which, in the absence of the express sanction of the Secretary of State, could not on your part be avoided. In a letter which Major Mitchell has addressed to me, he alludes to a Map of Sydney and its Environs, "according to an improved style of representing ground," which he was about to produce when the prohibition to the publication of his General Map of the Colony was announced to him. The sale of the latter having now been allowed, there will be no objection made by Lord Aberdeen to the Sale of the smaller work, nor indeed to that of any other of the same kind which he may be able to publish, provided it be not at the sacrifice of more important objects connected with the duties of his Department.

* Note 148. † Note 155.
I regret that the Instructions, which you have been so anxiously looking for in respect to the Establishment of Circuit Courts and to the improvement of the Jury system by the substitution of Civil for Military Juries, should have been so long suspended, and that a still further delay may very possibly take place before these questions can be finally settled. The importance of the subject has not however escaped Lord Aberdeen’s notice, altho’ his Lordship has not as yet had time to decide upon the measures, which you have recommended.

I am prepared to expect, notwithstanding the hopes which you have expressed to the contrary, that the Local Legislature of New South Wales will not lose any opportunity of entering upon discussions similar to those which have been so long going forward in Canada on subjects connected with the appropriation of a portion of its Revenues; and I have no doubt, from the Spirit and tendency of many of the Colonial Newspapers, added to the information which you have communicated as to the facility with which such publications can be now circulated throughout the Country, that, even if the Crown Revenue was to be differently disposed of, there would be still no want of subjects for grievance, upon which public writers in the Colony would exercise their ingenuity for the purpose of exciting discussion and discontent, and in order to obtain that influence over a certain portion of the Community which it would be otherwise very difficult for them to establish.

I am, &c,

R. W. Hay.

Earl of Aberdeen to Sir Richard Bourke.

(Despatch No. 21, per ship Marquis of Huntley.)

Sir,

Downing Street, 29 January, 1835.

The Secretary at War has referred for my consideration your letter of the 16th of June last, in which you recommend the claim of Captain Williams of the 4th Foot, Commandant of the Mounted Police, to compensation for the loss of a Horse, which was severely burnt by a Fire, which broke out in the Police Stables, the Secretary at War conceiving that, as the Horse was kept for the performance of the duties of a Colonial Appointment, the claim should be decided by this Department. The Secretary at War has further informed me that, had the Horse in question been kept by Captain Williams for the discharge of his duties as a Regimental Officer, no compensation could have been granted to him consistently with the provision of the 4th Article of the Losses Warrant, as it appeared that Captain
Williams was not exonerated from blame, and that his Servant had acted very incautiously in leaving the Lantern, which occasioned the Fire, behind him when he quitted the Stable.

Under these circumstances, I am sorry to acquaint you that I do not feel myself at liberty to grant compensation from the Colonial Funds to Captain Williams for a loss, which had it occurred in the course of Military Duty, would not have entitled him to indemnity.

I have, &c.,

ABERDEEN.

SIR RICHARD BOURKE TO RIGHT HON. T. SPRING RICE.
(Despatch No. 10, per ship William Metcalf; acknowledged by lord Glenelg, 4th July, 1835.)


I have the honor to transmit a Minute of the Ex. Council in reference to the claims of certain Military and Naval Officers for a remission of purchase money for Land in this Colony. The claim is made by the officers of the army under the general order* of the 1st August, 1831, and by the Naval Officers under a Govt. notice** issued here on the 6th March, 1832, by which officers of the Royal Navy and Marines are declared entitled to the same amount of remission as officers of the Army according to their relative rank and length of service. These gentlemen have been for some time past resident in N. S. Wales and have obtained Land under the usual conditions of ordinary Settlers. The Military officer having retired from the service by the Sale of his Commission and obtained the required Certificate from the Commander in Chief, and the Naval Officer producing his leave of absence from the Admiralty now desire to obtain land by purchase under the Regulations referred to. Against this claim is set up the Instruction contained in Secretary Sir George Murray’s despatch to General Darling of the 1st November, 1829, No. 159.

The Council, being of opinion that this Despatch is conclusive against the claims now brought forward, recommend that the subject be again submitted to the consideration of the Secretary of State for the Colonies in the hope that he may be pleased to allow to these applicants and others similarly situated the Indulgence they solicit for the reasons stated in the Minute.

I take this opportunity of acknowledging the receipt of your Circular letter of the 20th August last, with its enclosures, which does not however seem to touch such cases as are now laid before you.

I have, &c.,

RICHD. BOURKE.

* Note 156.
PROCEEDINGS of the Executive Council relative to remission to Military Officers who have already received Grants of land.

Extract from Minute No. 27 of the 5th November, 1834.

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

His Excellency the Governor laid upon the table applications from Lieutenant Colonel Dumaresq and Lieutenant Lethbridge, R.N., to be allowed the usual remission in the purchase money of land under the existing regulations in respect to retired officers, both of whom, it appears, have received Grants of land under the former regulations applicable to ordinary settlers. Also the despatch of the Right Honble. the Secretary of State relative to the application of Mr. Samuel Wright, late Captain in the 3rd Regiment of foot, to be allowed to hold certain lands assigned to him in the year 1827 on the same terms as were granted to Military and Naval Officers at the time he retired from the service for the purpose of settling in the Colony.

The Council were desirous of obtaining further papers in elucidation of the principle laid down by the Secretary of State in the above Despatch, and therefore recommended that the applications in question should in the mean time remain for further consideration.

Extract from Minute, No. 29 of 28th November, 1834.

Present as before.

The Council, in reference to the proceedings on the 5th instant, resumed the consideration of the applications of Lieut.-Colonel Dumaresq and Lieut. Lethbridge, R.N., to be allowed the usual remission in the purchase money of land to retired Officers having previously received Grants as ordinary Settlers.

His Excellency the Governor now laid upon the table the Despatches of the Right Honble. the Secretary of State, No. 129 of the 1st and No. 149 of the 16th November, 1829, No. 26 of the 21st September, 1831, and No. 79 of 18th May, 1834.

The Council, after an attentive consideration of the Subject, were of opinion that, consistently with the Instructions of His Majesty's Government as conveyed in Secretary Sir George Murray's Despatch to Lieut. General Darling under date the 1st November, 1829, it is not within the competency of the local Government to allow any remission in the purchase of lands to Naval or Military Officers retiring from the service, who have previously obtained Grants of land in the Colony. The Council at the same time recommended that the Subject should be again brought under the consideration of the Secretary of State for the Colonies, with a view to his coming to a decision more favorable to the expectations of Officers, many of whom now in the Colony, having either lately disposed of their Commissions, or proposing to do so, with the hope of receiving the remission on such lands as they may hereafter purchase.

True Extracts:—E. DEAS THOMSON, Ck., Col.
EARL OF ABERDEEN TO SIR RICHARD BOURKE.
(Despatch No. 22, per ship Marquis of Huntley.)

Sir,

Downing Street, 31 January, 1835.

I have had under my consideration your despatch No. 29 of the 22d of March last, relative to a pecuniary claim made by Mr. Simpson, by virtue of an Agreement with a former Governor of New South Wales, Sir Thos. Brisbane, on the interpretation of which a difference of opinion arose between the Local Government and Mr. Simpson during the administration of General Darling, the result of which was the payment to Mr. Simpson of a Sum less in amount than that to which he considered himself entitled under the Agreement in question.

After the decision, to which the Governor and Council came upon this case in the year 1826, and which was approved by Earl Bathurst in his Lordship's dispatch of the 12th of Decr. of the same year, I am not prepared to acquiesce in the request made by Mr. Simpson that the Subject should undergo re-investigation, the more especially as I consider that, by the strict letter of the agreement under which Mr. Simpson undertook the Superintendence of the Farm at Wellington Valley, the Governor and Council were fully justified in the construction, which they had given to it; and that, in the arrangement subsequently adopted for adjusting the balance of Mr. Simpson's Account, added to the public employment which has been continued to him from the time that his former Situation was abolished, that Gentleman has no reasonable ground of complaint against the Local Government.

I beg to observe in conclusion that the case of Mr. Harris, which is referred to in your dispatch, does not appear to me by any means analogous to that of Mr. Simpson, nor do I deem it consistent with the Interest of the Public Service that Officers in the employment of Government should be allowed to appeal to a Court of Law for redress if dissatisfied with its decision in respect to any claim arising out of such employment, which may be at any time brought forward, however distant the period may be at which the transaction occurred.

I am, &c.,

ABERDEEN.

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

Sir,

Downing Street, 1st February, 1835.

Some inconvenience having arisen from the occasional want of regularity in announcing to the Governors of His Majesty's Colonies the receipt of their dispatches, I am to acquaint
BOURKE TO RICE.

you that henceforth, on the arrival at this Office of every Mail, you will receive from this Department a dispatch of which the single object will be to enumerate and acknowledge the receipt of the various dispatches, which may on any such occasion have arrived from you. If no further notice should be taken of any such dispatch, you will consider that general acknowledgement as the only answer which it has been thought necessary to convey to you.

I am, &c.,

ABERDEEN.

SIR RICHARD BOURKE TO RIGHT HON. T. SPRING RICE.

(Despatch No. 12, per ship William Metcalf.)

Sir, Government House, 1 Feby., 1835.

I beg leave again to bring under your notice the situation of the British Resident at New Zealand at the request of that officer himself, conveyed in his letter of the 28th November last, received here since I had the honor to address you on this subject in my Despatch of the 6th Decr., No. 123. I annex such extracts from Mr. Busby's communications as are necessary for the full explanation of the case, of which it may be convenient in this place to submit a brief abstract.

Mr. Busby proceeded to New Zealand as British Resident in the month of April, 1833, under the authority of the Secretary of State for the Colonies and furnished with Instructions from this Government, of which a copy has been sent to the Colonial office. It will be observed that in those instructions Mr. Busby is taught to rely for success in his mission chiefly on the influence he should obtain over the Native Chiefs, as it was not the intention of H.M. Govt. to place any Military force in New Zealand. I was however given to understand that British Ships of War would more frequently appear off these Coasts, and that a legal power under a British act of Parliament would be given to the Resident to apprehend in New Zealand offenders, subjects of the King of England, and send them to New South Wales for trial. The frequent presence of the Ships of War and the authority of the statute would, it was hoped, add much to his influence over the Native Chiefs. It has happened, however, that since that time no additional ships of war have been sent into these Seas, nor has the expected act of Parliament been passed. From these or it may be from other causes, the Resident has failed to obtain any considerable degree of respect among the New Zealanders. It will appear by the papers transmitted here-with that on one occasion his life was endangered by the attack
of a neighbouring chief. Upon this subject, however, I need not enter into any details, as Mr. Busby reported the occurrence to Mr. Under Secretary Hay, in a letter addressed to that Gentleman from the Bay of Islands on the 3rd May last.

It was not until the middle of last October that Mr. Busby was enabled to discover the Persons, who assailed his house and fired at him. The Principal was found to be a Chief of the name of Rete. Information having been given to the other chiefs residing at and near the Bay of Islands and to the Missionaries, a meeting was held at which fourteen of the former attended, when it was determined (Rete having confessed his guilt) that the Land of the Delinquent should be forfeited to the Resident or the King of England and that Rete should be banished. Having brought the subject before the Executive Council, it has been recommended that Mr. Busby should be directed to take possession of the Land in the name of the King until His Majesty’s pleasure shall be known.

Having also laid before Council Mr. Busby’s letter of the 28th November last, representing the difficulty of his situation and suggesting the appointment of certain persons to be stationed in his House for the security of his family and giving greater efficiency to his appointment, the Council entirely concurred in the view, I had taken of the Resident’s appointment, and advised that no additional expense should be incurred by this Colony until a reply should be obtained from H.M. Govt. to the Despatch above referred to.

I have been disposed to concur fully in the recommendation of Council to avoid any further expence in the present state of the Residency from a conviction that the appointment of the two persons proposed by Mr. Busby could not add materially to his authority or security, if he lost the good will and respect of the natives. I believe also that any proposition for further expense in maintaining his appointment would not be favorably received by the Public or Legislative Council of this Colony, more especially as, by the Copy of a letter from the Colonial Secretary of Van Diemen’s Land herewith transmitted, it will be seen that Government has declined to bear any part of the charge.

I have the honor to transmit a Petition from the British Traders residing at New Zealand praying for greater protection.

I have, &c.,

Richd. Bourke.

[Enclosures.]

[Copies of these papers will be found in a volume in series III.]
SIR RICHARD BOURKE TO RIGHT HON. T. SPRING RICE.

(Despatch No. 13, per ship William Metcalf.)

Sir,

Government House, 2 Febry., 1835.

On the occasion of the late Dr. Wardell* being murdered in September last by a runaway convict whom he was endeavouring to apprehend, it was notified by authority of this Government that application would be made on behalf of any Prisoner of the Crown, who should discover the Perpetrator.

I have therefore the honor to recommend to His Majesty for a free Pardon William Stapleton, the particulars of whose conviction and transportation are stated in the margin,† this convict having been the means of apprehending the murderer and his accomplices, who, with the exception of one of the latter admitted approver, have been convicted and executed. The recent date of Stapleton's conviction deprives me of the power of extending to him any indulgence whatever. I have therefore to solicit the transmission of his Pardon from England.

I have, &c.,

RICHD. BOURKE.

SIR RICHARD BOURKE TO RIGHT HON. T. SPRING RICE.

(Despatch No. 14. per ship William Metcalf: acknowledged by lord Glenelg, 16th October, 1835.)

Sir,

Government House, 3 February, 1835.

At the desire of Mr. Laidley, Deputy Commissary General on this station, I have the honor to transmit a memorial which he has addressed to me praying for remuneration for duties performed by him in the service of this Colony for a period of nearly four and a half years ending with 31 Decr., 1831. There can be no doubt that Mr. Laidley discharged the duty to which he refers, and that he did not receive remuneration of any kind, notwithstanding that it had been granted to the officer who immediately preceded him in the charge of the Commissariat. He applies now for remuneration at a moderate rate and payable in a manner conformable to the practice lately adopted in similar cases, namely for a remission of the purchase money at the rate of 5s. per acre of six sections or 3,840 acres of Land to be offered for sale on the application and selection of memorialist. The remission, amounting to £960, would thus form the remuneration of 4½ years' service.

It does not appear that any intimation was made to Mr. Laidley, on his being employed in the Colony, that his situation was to be so much inferior in remuneration to that of his predecessor. He had good reason therefore for expecting advantages beyond those

* Note 157.  † Note 158.
of his appointment as D. C. Genl. in return for duties which that appointment did not embrace. Having been denied these advantages, he now solicits some compensation from H.M. Govt.

Mr. Laidley is a very meritorious officer, which I have more than once had occasion to represent; and, as he means to settle with a large family in the Colony, I beg leave to recommend the application to your most favorable consideration.

I have, &c.,

RICHD. BOURKE.

[Enclosure.]

[A copy of this memorial is not available.]

SIR RICHARD BOURKE TO RIGHT HON. T. SPRING RICE.

(Despatch No. 17, per ship John Barry; acknowledged by lord Glenelg, 31st July, 1835.)


I have the honor to bring under your notice for the purpose of revision certain parts of the Land Regulations issued by my Predecessor with the advice of the Ex. Council in the year 1831, and subsequently approved by the Secretary of State for the Colonies. The Regulations* proposed for revision are those of the 1 and 25 August, 1831. They relate chiefly to claims on the part of this Government for rent charged on lands, of which possession was taken under the regulations in force at the time the several occupiers obtained it. These Regulations varied considerably at different periods and hence there existed at the time referred to several classes of persons upon whom the Government had claims, all of which it was proposed to adjust by the Regulations of the 1st and 25th August, 1831. An adjustment of some kind was required in consequence of the introduction at that time of the New system for disposing of the Crown Lands by sale only.

The various tenures, under which Land was then possessed or occupied, rendered this adjustment a complicated and perplexing operation; but I am far from thinking the arrangement adopted by Council is open to the charges of injustice and partiality which have been alleged against it. I can perceive nothing unjust in a demand, which in no instance exceeds that which the Party, on whom the claim is made, consented to discharge and for which he obtained a valuable consideration under the agreement. It may, however, in many cases be injudicious to press an obnoxious claim, however just; and it is chiefly upon this view of the subject that I propose, in concurrence with the Ex. Council, a revision of the Regulations of August, 1831.

* Note 159.
These Regulations are given in the printed paper, and the objections urged against them in a letter* of the Collector of Internal Revenue to the Colonial Secretary of which Copies are transmitted herewith. I should probably fail to render the subject clear, if I were to attempt an abbreviation of these documents; I must therefore solicit your perusal of both of them to enable you to arrive at a perfect understanding of the case. The Collector of Internal Revenue has given his best attention to these and the other Land Regulations since their promulgation in 1831, and he has had very many opportunities of judging of their operation, and of the feeling with which they have been received. At first opposed to them in principle, Mr. Macpherson has since represented the great repugnance manifested by all whom he has called on to satisfy the claim and the probability from the want of legal proof that in many cases an attempt to recover the demand in a court of Law would fail, whilst the Government, whether successful or otherwise, would suffer in public estimation. He has stated that, though the purchase money of Land subject to these anterior Rents has been very generally paid up, the Rent still remains due on all, nor can any application obtain payment. It has been under the influence of these representations, which the Collector has repeatedly urged, that the Council after several deliberations has at last consented to recommend the reduction of these rents in most cases to an amount nearly nominal and in some to advise its entire remission.

The apparent loss to the Revenue by adopting this recommendation of Council will amount to five thousand pounds nearly. The loss is called apparent only, as, for the reasons already given, it is probable that a great portion of the demand would never be recovered; and in litigated cases, even where the issue might be successful, there would be some charges to be set against the amount recovered.

Upon the whole, therefore, having deemed it right to bring the repeated representations of the Collector of Internal Revenue under the deliberation of Council, I consider it my duty respectfully to recommend a compliance with their advice, and to solicit your authority for carrying the propositions of the Collector into effect. As this matter has been long under discussion, I venture to beg the favor of an early reply.

To prevent any misunderstanding from similarity of names, I think it right to observe that the rents in question are claimed for the occupation of land prior to purchase under the old regulations, and are totally distinct from Quit Rents with which the Lands still remain charged.

* Note 160.

RICH. BOURKE.
SIR RICHARD BOURKE TO RIGHT HON. T. SPRING RICE.
(Despatch No. 19, per ship John Barry; acknowledged by
lord Glenelg, 5th August, 1835.)

Sir,

Government House, 8th February, 1835.

Referring to my Despatch of the 2nd October, 1833, No. 78, and understanding from the first Police Magistrate, H. C. Wilson, Esq., that some official communication of the resignation on the part of Captain Rossi of his office of Superintendent of Police is required before the nomination of the former gentleman will be confirmed, I have the honor to inform you that Captn. Rossi was permitted to sell and has sold his Commission in the Army upon the express condition of resigning his appointment in the Police, from which he has accordingly retired altogether since the 30th day of November last, and from the 1st December ensuing the whole emoluments of the office have been paid to Col. Wilson.

I beg leave further to represent to you that, in my Despatch of 5th Octr., 1833, No. 83, transmitting a memorial from Mr. Windeyer, 2nd Police Magistrate for augmentation of Salary, I proposed to allow that gentleman an addition of £50 a year and submitted that, to avoid expence, an equal sum might be taken from the Salary of the first Magistrate. I have since had opportunities of judging more accurately of the duty required of the latter; and, finding he cannot perform them in the zealous and active manner for which he is distinguished without keeping two Horses (for which he receives no allowance) and incurring other considerable expence, I very earnestly entreat that he may continue to receive the full allowance of £700 a year, and that Mr. Windeyer's Salary may be augmented from the public purse without prejudice to Col. Wilson, whose services since his appointment deserve my unqualified approbation and are duly appreciated by the Public.

I have, &c.,

RICH. BOURKE.

SIR RICHARD BOURKE TO RIGHT HON. T. SPRING RICE.
(Despatch No. 21, per ship John Barry; acknowledged by
lord Glenelg, 6th August, 1835.)

Sir,

Government House, 8 Feby., 1835.

By Mr. Secretary Stanley's Despatch No. 45 of 28th Sept., 1833, I was authorised to notify that Quit rents payable on the Crown Lands of this Colony might be redeemed at ten years' purchase by all who should avail themselves of the permission within one year.
This year from the date of the notice accordingly issued will expire on the 18th inst. It appears however that very few settlers have taken advantage of the offer, and I have the honor to transmit a Minute of the Ex. Council, in which it is recommended that another year be allowed for applications to redeem these rents from the receipt of the instructions now requested, the rate of purchase being adjusted by the council according to the existing rate of interest.

It is supposed by the Council and with some reason that the very high interest on money in this Colony has led to its being regarded as unprofitable to redeem these rents even at ten years' purchase. But it is probable the rate of interest will be speedily so far reduced by the rapid introduction of capital as to render it expedient rather to raise than lower the terms, on which the redemption is to be allowed, by the time that your instructions will be received on the subject of the accompanying minute.

Under all the circumstances, I fully concur in recommending the extension of time proposed, and that it be left to the Council to determine the number of years purchase to be paid according to the existing rate of interest which it is impossible to anticipate exactly.

I have, &c.,

RICH. BOURKE.

[Enclosure.]

PROCEEDINGS of the Executive Council relative to the redemption of Quit rents at 10 years' purchase.

EXTRACT from Minute No. 2 of 16th January, 1835.

Present:—His Excellency the Governor; The Honble. Lt. Col. Snodgrass; The Honble. the Colonial Secretary; The Honble. the Colonial Treasurer.

His Excellency the Governor laid upon the table a letter from the Collector of internal revenue, proposing an extension of the time allowed by the Government Notice of the 18th February, 1834, for the redemption of quit rents at Ten years' purchase, which expires on the 18th proximo, together with an Extract from Mr. Secretary Stanley's Despatch No. 45 of 28th September, 1833, relative to this subject.

The Collector of internal Revenue, having been introduced, Stated that a few only of the Settlers had availed themselves of the advantage held out by the Regulation in question, but that, if the period were extended for 3 or 6 months, he thought that, from the increased prosperity of the Colony, especially of the Agricultural interests, many would thus be able to do so, who could not at an earlier period. The non-delivery of the Deeds of Grant had also in some instances caused a difficulty in the redemption of the Quit rents, which an extension of time would allow of being in some measure removed.

It may be observed that the reduction of the period of redemption to ten years' purchase has not operated as so strong an inducement to avail of this arrangement as might have been expected, the
current rate of interest in the Colony being at least 10 per cent., while much higher rates can frequently be obtained on good security. The Council after due deliberation were of opinion that, consistently with the Instructions conveyed in the abovementioned Despatch, it was not competent for the local Government to grant any extension of time beyond that fixed by the Right Honorable the Secretary of State, but recommended that a reference be made to that Minister to extend the period for another year for redeeming the quit rent at ten years' purchase, or what may appear to the Council at the time a fair redemption with reference to the then existing rate of interest.

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

Sir Richard Bourke to Right Hon. T. Spring Rice.

(Despatch No. 22, per ship John Barry; acknowledged by Lord Glenelg, 7th August, 1835.)

Sir, Government House, 8 February, 1835.

In my Despatch of the 5th February, 1833, No. 19, I had the honor to inform the Secretary of State for the Colonies that, upon the breaking up of the Lumber Yard in Sydney at the beginning of the year 1832, I found it necessary to appoint a Board of officers to superintend the construction and repairs of Military and Convict Buildings upon the principle and as nearly as possible under the regulations which govern the proceedings of the Boards of Respective officers in those Colonies which possess them. The Board in N. S. Wales, consisting of Lt. Colonel Snodgrass, Major of Brigade, Dy. Commissary General Laidley, Captn. Hunter, Asst. Military Secretary, J. Jackson, Esqre., Acting Barrack-Master, have discharged the duties required of them to the benefit of the public service and to my entire satisfaction. Under their orders is placed a Clerk of Works and other Individuals returned in the List I have the honor to transmit.

The Clerk of Works, who is a person of very considerable merit, was originally employed in the Colonial Service, holding an appointment in the Lumber yard, of which the Salary was gradually to augment to £300 a year. Upon the reduction of that Establishment, he was continued in employment under the Colonial architect and subsequently placed under the orders of the Board with a Salary of £200 a year and an allowance of £50 lodging money. He was told that the annual augmentation of his Salary would be suspended, until the Commands of His Majesty's Government were received upon the appointment of the Board, and of the professional persons under its direction.

In this way the matter has stood until the present time, no communication having been received on the subject from H.M.'s Governmt., and the Board and Clerk of Works continuing to discharge the first a very responsible, and the second a very
laborious duty. The Board has now represented to me the inade- quacy of the Salary of the Clerk of Works and urged its aug- mentation to £350 per annum, which with the lodging allowee.

of £50 would make the Clerk's Emoluments equal to those of the Colonial Architect. Being fully aware of the merits of Mr. Buchanan, and finding that his duties become every day more heavy and important from the additions made to the number of convicts and as a necessary consequence to the military Establish­ments, I have thought it both just and prudent to comply with this request and augment the Salary of the Clerk of works from the first day of this year. Were Mr. Buchanan to seek private employment, I should find it difficult to replace him at the rate now allowed. I have thus to request the sanction of H.M.'s Government to this augmentation.

At the same sitting, the Board brought under my notice the time the members have served, the saving of expense which their employment effects, and the complete occupation of their time in discharging duties not contemplated by their respective Com­missions except perhaps in the case of the Barrack-Master. For this extra employment, they solicit some remuneration. I can bear the strongest testimony to the upright, careful, and regular discharge of the duty I have required of them; and it would give me great satisfaction to be authorised to make to the first three officers of the Board an allowance of five shillings a day.

The proceedings of the Board of the 29th ulto. are transmitted herewith.

I have, &c,

(Enclosures.)

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

SIR RICHARD BOURKE TO RIGHT HON. T. SPRING RICE.

(Despatch No. 23, per ship Governor Harcourt; acknowledged by lord Glenelg, 30th July, 1835.)

Sir,

Government House, 9 Feb., 1835.

I should lament having to trouble you with any further communication relative to the Petition to His Majesty, which has been the subject of former correspondence,* did not the letter I have now the honor to transmit exhibit in true colors the objects and feelings of the prime movers in the whole proceeding.

They correctly state that, on my receiving from Mr. Webber the copy of their Petition, I directed them to be informed of my having previously laid one before the Secretary of State. The object of their present letter is to appeal to you for protection against what they term "so novel a mode of proceeding" affecting them, as they assert, "with surprise and alarm," while they

* Note 161.
insinuate that I have committed a breach of faith in making use of what is said to have been "furnished in a spirit of honorable confidence."

The confidential communication of a copy of a Petition to the King on a question of Criminal Jurisprudence, which had been for six months in circulation through an extensive District of the Colony, and had been exhibited also in Sydney and described in the Newspaper patronized by the Gentlemen, whose letter is now transmitted as a document likely "to unseat the Governor," is a supposition so strange that I might leave it to find an answer in its own absurdity. I am however enabled to forward letters from those through whose agency the copy was obtained, which clearly shew that no condition whatever was imposed with regard to the use to be made of it. I might add that about the same time a copy was sent to me by a humble Individual, who, conceiving that the process adopted by the principal Petitioners was unfair towards the Government, deemed it his duty as a loyal subject to bring the document under my notice. I may perhaps be thought blameable in not having procured a copy and sent it to H.M.'s Government at an earlier period; but, being perfectly convinced that the operation of the act complained of was in no wise prejudicial to the Colony, I considered the petition as the ebullition of a little party-spirit; and, until it began to be descanted on in the Newspapers* and that some intimation was given of an intention to call a public meeting to protest against the averments it contained, I did not think it worth while to meddle with it.

I take this opportunity of forwarding a letter from one of the persons whose signatures were placed on the paper attached to the Document presented in December last, disavowing the Petition as ultimately forwarded, and declaring his entire ignorance of the alterations made therein.

I have, &c,

Richd. Bourke.

[Enclosure A.]

[A copy of this letter is not available.]

[Enclosure B.]

Lieutenant Campbell to Colonial Secretary Macleay.

Government Cottage,

Sir,

In reply to your letter of the 21st Instant, I beg to relate for His Excellency The Governor's information:—

That, when I was visiting the Hunters River in May of last Year, Mr. Robert Scott of Glendon proposed to afford me a Copy of the Petition to which you allude (and which I believed to be then on the eve of transmission to England); desiring however that my

* Note 162.
presence there should be unconnected with Political views. I declined at the time that Gentleman's Offer. On my return to Sydney, it became my duty, in the Station I held on The Governor's Staff,* to inform His Excellency of the existence of so violent an endeavor to subvert a material act of his Government, and moreover to give His Excellency an Opportunity of seeing the Instrument, by means of which it was intended that this should be done.

To effect the latter object, instead of availing myself of the private medium of Mr. Scott, I chose rather to apply to the Government Officer of his District, and therefore in June wrote to Captain Forbes for a Copy of the document in question, which that Officer (acting up to the Spirit of my request) procured for me, openly and unconditionally from the Committee.

Thus, Sir, In July I received as a Public Document, a Copy of the Petition to His Majesty, which I am aware had been for some time previously in circulation for signature thro. the Hunters River Districts.

P. LAURENTZ CAMPRELL,
Lieut., Royal Scots Fusiliers.

[Enclosure C]

MR. C. FORBES TO COLONIAL SECRETARY MACLEAY.

Sir, Patrick's Plains, 26th Jany., 1835.

In reply to your letter of the 21st Jany., 1835, No. 35/57, I have the honor to state for the information of His Excellency the copy of petition procured by Governor That, upon the receipt of Lt. Campbell's letter applying to me for a Copy of the Petition, I went to Mr. Scott of Glendon, and asked if he would give me one for him, which he did; and I believe the one I forwarded to Lt. Campbell was a correct Copy of the Petition which had been previously and was afterwards in circulation in the Hunters River District and obtained Signatures.

I have, &c.,

CHAS. FORBES, J.P.

[Enclosure D]

MR. J. PHILLIPS TO GOVERNOR BOURKE.

Bona Vista, Hunters River.

May it please your Excellency.

14 January, 1835.

Having been informed that a Petition from certain Landholders and Residents of the District of Hunters River, praying that His Majesty would order immediate enquiry into the truth of certain allegations brought forward by the Petitioners in two Petitions addressed to your Excellency and the Honble. The Legislative Council, and to which Petition my name was subscribed, has received some addition and alterations subsequently to the affixing of my signature I have not seen, nor have been made acquainted with their precise nature and their extent, I take the liberty to request that your Excellency will be pleased to consider my name as withdrawn from the List of Subscribers to the said Petition, and that you will be further pleased to allow this communication to accompany the said Petition when it may be transmitted to England.

I have, &c.,

JAMES PHILLIPS.

* Note 163.
1835.
12 Feb.

Statement re alteration of indents of convicts per ship Royal Admiral.

SIR RICHARD BOURKE TO RIGHT HON. T. SPRING RICE.
(Despatch No. 26, per ship Governor Harcourt; acknowledged by lord Glenelg, 12th July, 1835.)

Sir,

Government House, 12 Feby., 1835.

I have the honor to enclose a statement received from the Officer employed in mustering the Convicts, who arrived by the Ship Royal Admiral from Ireland on the 22nd Janry. last, describing certain alterations and erasures made therein and mentioning doubts entertained with regard to the sentences of some of the Convicts. I have thought it right to forward this statement in order that the truth of the case may be enquired into and communicated to this Government with a view to the parties being justly dealt with.

I have, &c,

RICHD. BOURKE.

[Enclosure.]

[A copy of this statement is not available.]

EARL OF ABERDEEN TO SIR RICHARD BOURKE.
(Despatch No. 23, per ship Marquis of Huntley.)

Sir,

Downing Street, 13 February, 1835.

I have received and had under my consideration your dispatch No. 61 of the 8th of July last, with which you have transmitted the Estimates of Expenditure for the year 1835, and a supplementary Estimate of certain expences forming a charge on the Colonial Revenue incurred in the year 1834, but which were not provided for in the regular Estimates for that year.

I approve of the determination to which you came of employing the Convicts, whom the late arrangements for their Classification had placed at the Service of the Local Government, in completing the Lines of Road now under formation, as well as in executing such other Works as the exigencies of the Public Service required; but, adverting to the Expenditure, which you had contemplated in the formation and improvement of the Streets of Sydney, I trust that you have confined all operations of that nature to such objects only as were requisite for the proper accommodation of the Inhabitants, and that no part of the sum appropriated for that purpose will have been employed in the mere embellishment of the Town, or in any other mode not of immediate and indispensable necessity.

The subject of religious Instruction and Education generally in New South Wales, which was under the consideration of the Government at the period I was honored by the King with the Seals of this Department, has not failed to receive my most serious attention; and, although I am not, at present, prepared to
ABERDEEN TO BOURKE.

state what may be the measures ultimately decided upon for increasing the efficiency of the Clerical Establishment, and for diffusing the Advantages of Education among the poorer Classes of the Community, I confidently expected that the arrangements, which the Government may finally determine to adopt in this respect, will be completed, previously to the return to the Colony of the Archdeacon, with whom I have already had several Interviews upon this very important and interesting subject.

I presume that, in speaking of the augmentation of the Police, you refer to the measures which you adopted for increasing the efficiency of the Sydney Police, and which were confirmed by my Predecessor’s dispatch No. 44 of 16th of Novr. last. Should that be the case, it is only necessary for me to express my satisfaction at finding that, by calling upon the Council to appropriate £3,000 more than has hitherto been paid from the Colonial Revenue towards the maintenance of the Police Establishment, you have anticipated the arrangement communicated to you on the 15th Novr. last for transferring to the Colony the entire charge of the Police and Gaols and a portion of the Colonial Marine, which from their being of a mixed character, in reference to objects of indispensable necessity, whether the Colony be regarded as a Penal Settlement or otherwise, Lord Goderich, in the year 1827, decided should be defrayed by the Mother Country out of Funds provided by Parliament for the expence of Convicts, until the pecuniary resources of the Colony should admit of a different arrangement.

In regard to the new Gaol at Berrima,* for the erection of which a Contract has been entered into to the amount of £5,500, I have to observe that it is to be regretted that, before authorising the commencement of a Work of such magnitude, you had not waited for Instructions from Home, as, in all probability, Plans and Estimates for a suitable Building might have been obtained from the Ordnance Department, which would have enabled you to reduce the Expenditure proposed for this Service, a course which, at the suggestion of the Board of Treasury, has been adopted in regard to the Gaol, recommended in your dispatch No. 19 of the 5th of February, 1833, to be erected out of Sydney in lieu of the delapidated one in George Street. The proposal submitted by you, in respect to the payment of the cost of erecting the Gaol at Berrima, having been superseded by the general arrangement before mentioned, it becomes unnecessary that I should notice more particularly this part of your dispatch.

The necessity of appointing a Commission to investigate claims to grants of Land having been satisfactorily established, I see no objection to the remuneration which you propose to allow to the
Commissioners for performing this duty, the more especially as I observe that a considerable portion, if not the whole of the expense of this Commission, will be met by the Fees payable by respective Claimants on possession being given to them of their Title Deeds.

The appointment of a Civil Engineer, whom you consider requisite to superintend the construction of the numerous Public Works in the Colony, will, it is conceived, be rendered unnecessary by the arrangement, which, as you are already aware, is in contemplation for stationing in New South Wales a Branch of the Ordnance Department to take charge of and superintend the Buildings belonging to the Military and Convict Departments. Upon this subject, however, I shall communicate with you more fully at some future period, in answer to your dispatch of 14 July last, and when the final arrangements upon this subject shall be matured.

In conclusion, I have to observe that the information, which you have afforded as to the Funds available for the purposes of Emigration, is highly satisfactory, and I shall, in a separate dispatch, apprise you of the manner in which those Funds will be employed in furtherance of Emigration to the Colony during the present year.

I have, &c.,

ABERDEEN.

SIR RICHARD BOURKE TO RIGHT HON. T. SPRING RICE.
(Despatch No. 27. per ship Governor Harcourt.)

Sir,

Government House, 13 Febry., 1835.

Since I had the honor of replying on the 18 September last to Mr. Secretary Stanley's Despatches of the 8th April, 1834, No. 73, and 23 May, 1834, No. 83, the David Scott has arrived in Port Jackson with 247 Female Emigrants. Some of these have proved highly respectable and the majority are generally allowed to have been better selected than on former occasions. But I have still to lament an admixture of many, whose characters if fully known would have prevented their passing the Committee. The Report current here is that about the time, at which the vessel was appointed to sail, the number of women required to freight the ship not being complete, the agent put on Board persons of a less respectable character than those first selected. The truth of this Report I have no means of ascertaining; but certain it is that about one sixth of the whole number consisted of low and profligate women, of whom the better characters on board complain most heavily.
I am sorry to have to state that the Committee do not seem to have been more fortunate in their choice of a Superintendent than formerly. The Ship presented a great scene of disorder and immorality, as I am informed, during the whole of the voyage. The Supt. blames the officers, and these the Superintendent. The indiscreet haste, with which Lt. Marshall on landing stigmatized the character of the whole body of female Emigrants under his charge, by which a prejudice was at first excited against them, has led me to form a very indifferent opinion of his prudence or fitness for such an appointment as he held on board the David Scott.

The subject of female Immigration has occasioned much discussion in the Colonial Press, and suggestions have been thrown out in favor of the appointment of individuals to proceed to England from this Colony to select the Emigrants, or the appointment of Agents in London, whose connexions and correspondence are such as to give them a personal interest in the Colony and knowledge of its wants.

It may be doubted whether the means of detecting imposition would be more at the command of these persons than of the present Emigration Committee, whose upright and benevolent intentions none can question. But I am nevertheless disposed to think it might be good policy to take some favorable opportunity of placing the selection of the Emigrants in the hands of persons likely to be recognized by the Colonists as acting peculiarly on their behalf. There is a jealousy excited on their part in viewing the appropriation of funds raised in the Colony by persons unconnected with themselves, which might be removed if the management were centred in New South Wales and those engaged in it open to their representations. Such representations might probably be then met by explanations more candidly received, and much of the evil, which is now attributed to negligence, might be clearly seen to be unavoidable. The subject will no doubt engage the attention of the Legislative Council at its Sessions in May next, when, if I find it desirable, I propose to appoint a Committee to consider and report upon it. In the mean time, I would recommend that Female Emigrants continue to be sent out as hitherto, but with as much additional care in selecting them as can be provided; and that an interval of six months be allowed between each departure from the U. Kingdom of a Ship with Female Emigrants to this Colony. This arrangement will give time to the Earlier Emigrants to find situations before they meet with competition from others newly arriving.

A good deal of disappointment has I think arisen both on the part of the Emigrants and the Colonists from the want of a
correct understanding in England as to the persons in request here. The demand for Governesses is limited and may be easily over-supplied. Those, who can connect the rudiments of instruction with the care of children in a nursery, may find more frequent employment. Milliners and Dressmakers without funds are already too numerous, and there is hardly any demand for a description of upper female Servants, too refined for hard-work, and who are very often candidates for Emigration. Those women, who are willing to go into the country and understand the management of a dairy and the various female avocations about a farm, are the most wanted and would be most readily employed.

Whilst on this topic, I beg leave to observe that Stonemasons, Bricklayers, Carpenters and Blacksmiths are still in great request, and that additional employment will be offered to these descriptions of workmen by the Public Buildings, which I stated in my Despatch of the 13th Jany. last No. 4, I proposed to undertake.

In my Despatch of 18th September last, I stated the Balance of Revenue in hand, arising from Crown Lands, to amount on the 1st July last to £27,405 19s. 1½d. and held out an expectation of £15,000 more being received before the end of the year. This expectation has been more than realized. The available Balance on the 31st December last amounted to £42,653 6s. 8½d.

In accordance with the commands contained in the Despatch of the 23d May last, the Collector of Internal Revenue has proceeded to call for payment of the sums due in respect of advances to Emigrants now in the Colony. I regret, however, to state that the fears expressed in my Despatch on this subject were but too well founded. Out of 337 persons, the number to whom advances were made to 30 June last, only 21 have paid the instalment of £2 10s. which they have been required to settle without delay.

It will be necessary therefore to take legal measures with the remainder according to the instructions received; but I have again to repeat my apprehension that little will be recovered.

I am equally without hope of recovering payment of the majority of the promissory notes for £6 given by some of the Female Emigrants by the David Scott for advances, in addition to the Bounty paid on their behalf; but in this matter also I will be guided by the instructions contained in your Despatch of the 8th April.

It may be proper to mention that I have found it necessary to incur an expence for the accommodation on arrival of the Emigrants by the David Scott, which was not necessary while the
Lumber Yard was in the hands of the Government. A sum of £222 12s. 9d. has been expended in the rent of a large Building and fitting it up for their reception, besides the expense of rations and an allowance to the Superintendent and Porter. This expense will be necessarily repeated on every future occasion.

I have, &c.,

RICH. BOURKE.

EARL OF ABERDEEN TO SIR RICHARD BOURKE.

(Despatch No. 24, per ship Marquis of Huntley.)

Sir,

Downing Street, 14 February, 1835.

Having, in consequence of an interview which I had with the Directors of the Australian Agricultural Company on the Subject of the Convict Mechanics, for which Sir Edward Parry had applied for the Service of the Company at the Coal Mines, caused a copy of Mr. Spring Rice's dispatch to you of the 6th of Novr. last to be communicated to the Directors, I now transmit for your information the Extract of a further representation, which they have addressed to this Department complaining of the very small number of Convict Agricultural Labourers, which, as they allege, have been assigned to the Company during the last year, "whether the quantity of land they occupy, or the money laid out upon that land be considered."

I refrain from conveying to you any specific Instructions in reference to this additional complaint on the part of the Company, under the full persuasion that you will not have denied to them any advantages in this particular, which the late Regulations for the stricter discipline of the Convicts, or the fair claims of other parties possessing Agricultural Establishments in the Colony, may have admitted of your bestowing; but, as the Directors have urged this topic with unusual earnestness upon my attention both at their Interview with me and in their present communication, I deem it proper to require from you a full Report in reference to the circumstances which they have stated, in order that His Majesty's Government may have such information at hand, should the subject be hereafter renewed on the part of the Directors, as shall enable me at once to decide how far the representations of the Company are well founded, and whether the facts of the case render it expedient for me, contrary to the usual practice, to interfere with the discretion, which it has been customary to leave to the local Government on matters of this nature.

I have, &c.,

ABERDEEN.
EXTRACT of a letter from the Governor of the Aus. Agricultural Company to the Earl of Aberdeen, dated 10th Feb., 1835.

"There is one part of the Company's application, which the Directors, when they lately had the honor of an Interview with Lord Aberdeen, urged with particular anxiety, which is not at all noticed in Mr. Spring Rice's dispatch, namely, the very small supply of Labouring Convicts assigned to the Company during the last year. The supply of Convicts and of Mechanic Convicts for the Coal Works, and the general supply of Convicts for the Agricultural purposes of the Company are kept quite separate. The Directors apprehend that Mr. Spring Rice's dispatch refers solely to the former; but the Company has had great reason to complain of having had assigned to them, by the Local Government, a much smaller number of Convicts than they ought to have received, whether the quantity of Land they occupy or the money laid out upon that Land be considered. Of 5,020 Convicts, which the Government had to assign from the 1st May, 1832, to the 31st July, 1833, only 30 were assigned to the Company and of that number 17 were Boys; during this period, 77 of the Company's Convicts had qualified themselves for Tickets of Leave, so that, in the short space of 15 Months, the Convicts on the Company's Estate were reduced by the alarming number of 47, and 17 Boys were also substituted in the place of an equal number of men.

"The Directors beg to draw The Earl of Aberdeen's early attention to this most important point, for they are confident that, in whatever point of view the Company's Expenditure and quantity of occupied land is considered, the Company are entitled to a much larger portion of the Convicts annually sent out to Australia, than has lately been assigned to them.

"The Company's Flocks of Sheep are annually increasing, and they will want an annual increase of Convict Laborers; but, unless the present system is greatly changed, there will be an annual decrease similar to that which has taken place in the above period of 15 Months.

"The Directors have great confidence in the liberal consideration of the Earl of Aberdeen as expressed to them in their late conference at the Colonial Office."

SIR RICHARD BOURKE TO RIGHT HON. T. SPRING RICE.
(Despatch No. 28, per ship Roslyn Castle.)

Sir,

Government House, 15 Feby., 1835.

In attention to the Circular Despatch of the 24 March last, requiring information as to the mode in which Quarantine is administered in this Colony, I have the honor to transmit a Copy of the Act of Council in force on this subject. The power of imposing and regulating Quarantine is thereby vested in the Governor with the advice of the Executive Council, and a copy of the only Proclamation issued pursuant thereto, together with
a summary of Regulations drawn up for the use of Masters of Vessels required to perform Quarantine are transmitted herewith. The Proclamation was rescinded on the 1st July last, as no longer necessary; but the questions appended to the Summary are still put to the Masters of all Ships arriving, under the direction of the 4th Section of the act of Council.

No fees whatever are chargeable either on ships, cargoes or Absence Passengers, in respect of Quarantine performed here.

No separate officer is here permanently appointed for super­Administration intending Quarantine. The ordinary duty of obtaining answers to the Questions is performed by the Pilot or Boarding officer, who receives no additional remuneration on account of it. When it is necessary to place a vessel under Quarantine, a Superinten­dent is appointed, whose Salary and all expences necessary on the occasion are provided for as in other cases of contingent Expendi­ture on the public service.

I have, &c.,

RICHD. BOURKE.

[Enclosure No. 1.]

[This was a copy of the act of council, 3 Gul. IV, No. 1.]

[Enclosure No. 2.]

PROCLAMATION.

By His Excellency Major General Richard Bourke, Captain General and Governor in Chief of the Territory of New South Wales and its Dependencies, and Vice Admiral of the same, etc., etc., etc.

WHEREAS, by an Act of the Governor, with the Advice of the Legislative Council, passed in the present Year of His Majesty's Reign, intituled "An Act for subjecting Vessels coming to New South Wales from certain places to the performance of Quarantine," it is amongst other things enacted, That as often as the Governor of New South Wales, with the advice of the Executive Council, shall, by proclamation, notify that any place or places beyond the seas is or are infected with the malignant cholera, or other infectious disease, and that it is probable such disease may be brought from such place or places to the said Colony, then and immediately from and after such notification all Ships and Vessels arriving from, or having touched at any such place or places, and all vessels and boats receiving any persons, goods, wares, merchandize, packets, letters, or any other article whatsoever, from or out of any Vessel so coming from or having touched at such infected place or places as aforesaid, shall be, and be considered to be, liable to quarantine within the meaning of the said recited Act.

And Whereas accounts have been received of a malignant and infectious disease, known by the name of the Cholera, having spread and extended itself to various parts of the United Kingdom of Great Britain and Ireland, and it is probable that the said Malign­nant Cholera may be brought to this Colony; Now I, the Governor
1835.
15 Feb.

Proclamation of regulations for quarantine for cholera of vessels from United Kingdom.

aforsaid, with the Advice of the Executive Council, do, by this my proclamation, declare and order that, for the greater security of the public health, all vessels arriving in Port Jackson from any part of the said United Kingdom, shall, until further orders, be subjected to the following regulations; that is to say, all vessels on board of which the Cholera or other infectious disease shall have appeared during the last thirty days previous to their arrival shall be conducted by the Pilots to Spring Cove, where they are to remain in Quarantine according to the several provisions of the said recited Act, and to be subject to the several rules, regulations, and restrictions contained therein, or in any order or orders which shall or may be made by me, with the Advice of the Executive Council concerning quarantine and the prevention of infection. And all vessels on board of which no disease has appeared during that period are to be brought up to Shark's Island, where they are to remain until the further orders of the Governor shall be given respecting them through the Officers of the Customs. And I do hereby strictly prohibit all persons, vessels, and boats from having any communication with any ship or vessel whilst under Quarantine or detained as aforesaid, or from going under any pretext whatsoever into Spring Cove, whilst any ship or vessel is lying there with the Yellow flag flying, under pain of forfeiting the sum of Two hundred pounds, as prescribed by Law.

Given under my hand and Seal, at Government House, Sydney, this fourteenth day of August, One thousand eight hundred and thirty two.

RICHARD BOURKE.

By His Excellency's Command.

ALEXANDER MCLEAY.

[Enclosure No. 3.]

[This was a printed copy of "Quarantine Regulations to be observed in the harbour of Port Jackson, New South Wales."]

[Enclosure No. 4.]

[This was a copy of the "Government Gazette," dated 9th July. 1834.]

SIR RICHARD BOURKE TO RIGHT HON., T. SPRING RICE.

(Despatch No. 29, per ship Roslyn Castle; acknowledged by Lord Glenelg, 30th September, 1835.)

Sir, Government House, 16 Feb., 1835.

I lament to be obliged to bring under your notice, with a view to the advice of H.M.'s Law officers being obtained thereon, the case herewith transmitted. It has been drawn by Chief Justice Forbes at my request and relates to an informality in the Deeds, by which the lands of the Colony have been from time to time alienated by its successive Governors, the Deeds being in the name of the Governor, whereas the Instructions appear to have required them to be made in the name of the
King. The subject first engaged my attention on being informed of certain measures, which had been adopted in V. D.'s Land to remedy a similar informality. As the case has been fully entered into by Mr. Forbes, it is needless for me to add anything to a statement illustrated by his distinguished learning and ability. I will only venture to Express an earnest hope that, if the informality should be considered fatal to the legal Title of the parties claiming under the Grants in question, some measure may be adopted, which shall render them valid without resorting to the reissue of Deeds, which is understood to have taken place in V. D. Land.

The number already issued in this Colony amounts as nearly as can be ascertained to 7,939, which would be incalculably augmented by subdivision of property in the event of fresh grants being made to all those, who now have equitable claims under them.

A great many more must also be issued before an answer can be received to this application, as the proceedings of the Commissioners for reporting on Titles to Grants of Land under the act of the Govr. and Council of 4 Wm. IV, No. 9, are now in full operation. It would be highly inexpedient to restrain the issue of these grants, or to alter the form now adopted, lest a general distrust in the Titles, under which Land is held from the Crown, should be thereby excited. Before anything occurs to bring the matter into public notice, I hope such measures may be adopted or authorised as shall set it for ever at rest.

I have, &c.,

RICH. BOURKE.

[Enclosure.]

CASE.

By Act of Parliament, 24 Geo. 3rd, Cap. 56, His Majesty was empowered to appoint places beyond the seas to which offenders, under sentence of Transportation, should be transported, and, in pursuance of such power, His Majesty, by two orders in Council, bearing date respectively the 6th of December, 1786, was pleased to appoint the place to which such offenders should be sent to be the Eastern Coast of New South Wales. The Act, 27 Geo. 3, cap. 27, reciting the orders in Council and that it might be necessary to establish "a Colony and a Civil Government in such place as aforesaid," enabled His Majesty to institute a Court of Criminal Jurisdiction in New South Wales. Since the establishment of the Colony, a large portion of the waste lands have been settled, and the Crown, in virtue of the Royal Prerogative, has authorised the Governors to grant lands under the public Seal of the Colony.* The Commissions of successive Governors contain these words, "We do hereby give and grant unto you full power and authority to agree for such lands,

* Marginal note.—1 Bl. Com. 107; 2 P. Wms. 75; Pen. Ld. Balt.; 1 Ves. Senr. 452; 5 Geo. 4, c. 86, in the preamble.
etc., as shall be in our power to dispose of, and them to grant to such persons, upon such terms and under such moderate quit rents, etc., according to such instructions as shall be given to you, under our sign manual, which said grants are to pass and be sealed by our Seal of our said Territory, and, being entered upon record by such officer as you shall appoint, shall be good, and effectual in the law against us, our heirs and successors”; and the Instructions issued from time to time under the Royal Sign Manual directed the Governors to “take care that all grants to be given of land in our said Continent or Islands be made out in due form,” and that “every such grant shall pass in our name under the great seal of New South Wales.” Under the powers thus conveyed, the Governors of New South Wales have granted the lands of the Colony to the Inhabitants, and such Grants have been in the name not of the King, but of the Governor for the time being under the public seal of the Government. It is unnecessary to observe that such grants are not according to the legal form and manner of Executing grants from the Crown in England, nor, as it would seem, in conformity with the intention of the Royal Commission and instructions to the Governor. There is no local law on the subject. The Legislature of the Colony is composed of the Governor and fourteen members of Council, who are empowered by Act of Parliament 9 Geo. 4, cap. 83, sectn. 20, and seq., to make laws “for the peace, welfare, and good government of the Colony, such laws not being repugnant to the laws of England.” No question has yet been raised in the Colonial Courts as to the legal validity of the Grants of land issued by the several Governors; but, from the rapid advancement of the Colony and the increasing value of lands, it is probable that such questions will be raised, and ultimately appealed to His Majesty in Council, and, as there is no local Enactment relating to Grants of land from the Crown, the law of England would upon general principles become the only guide for the Courts, 1 Bl. Com 107; besides which, the Statute already referred to, 9 Geo. 3, cap. 83, sectn. 24, expressly directs “that all the laws and statutes in force in England at the passing of the Act (not being inconsistent with such act, or any Charter or order in Council issued under it) shall be applied in the Administration of Justice in the Courts of New South Wales, so far as the same can be applied”; and there is no apparent reason why Grants of Land in New South Wales should not have been made in the name of the King instead of the name of the Governor.*

Under all the circumstances, it is desirable that a matter of so much importance should be settled by law; and with that view, it is proposed that the following questions Should be submitted to His Majesty’s Government for the opinion of His Majesty’s Law Officers in England.

First, Are the Grants of Land executed in the name of the Governor and not of the King, under the circumstances before stated, valid in law?

Second. Assuming that such Grants are not valid, has the local Legislature the power to pass a law to render them valid and sufficient for all purposes whatever, and to give them retrospective operation?

* Marginal note.—G. Coke 76; Moor 70, pl. 191.
† Marginal note.—See an Act of the Legislature of Jamaica 2 Ann, chap. 7, Sectn. 2.
ABERDEEN TO BOURKE.

Third. If such Grants be not valid, and the local Legislature have not power to render them valid, will it not be necessary to have recourse for such purpose to Parliament? It may be observed that it would be almost impossible, and certainly attended with great difficulty, to call in all the irregular Grants, and issue others to the parties, independently of the effect which such a proceeding would have upon the rights of persons, derived under the original grantees and their representatives.

FRANCIS FORBES,
Ch. Justice, New South Wales.

EARL OF ABERDEEN TO SIR RICHARD BOURKE.

(Despatch No. 25, per ship Westmoreland.)

Sir,
Downing Street, 17 February, 1835.

I have the honour to transmit to you herewith Copies of a Correspondence, which has taken place between my Under Secretary and the Chairman of the Committee by whom the Female Emigrants have been selected and despatched to the Australian Colonies. The first of these letters takes a retrospective view of the proceedings of the Committee during the past year, and contains such suggestions as they have offered for my consideration with a view to the improvement of the System of female Emigration, together with a renewed offer of their Services during the present Year. The remainder of this correspondence gives the detail of the measures which will be adopted.

The System, hitherto acted upon, of providing a portion only of the expense of the passage, and requiring each Female to find the remainder, either by the payment of £5 on embarking, or giving a promissory Note for the payment of £6 on her arrival in the Colony, has for the reasons stated by the Committee been superseded, and another arrangement substituted, by which the whole of the expense of the passage will be defrayed at the cost of the Public in the following proportion, vizt.:—nine pounds for each Emigrant on the departure of the vessel from this Country, and eight pounds on the arrival of the Ship in the Colony, either in Specie or Treasury Bills at the option of the Governor, according to the arrangement which, as you were informed in my Despatch of the 20th December, 1834, would in future be made upon that subject with the Owners of Vessels engaged to convey Emigrants to the Colonies.

In your Despatch No. 61 of the 8th of July, 1834, is enclosed an Abstract of the Revenue arising from Crown Lands in the Colony of New South Wales, and of its appropriation to purposes of Emigration during the Year 1833; from which it appears that
1835, 17 Feb.

Funds available for immigration purposes.

the Sum available for that Year amounted to £26,272, whilst the disbursements did not exceed £9,039. To the latter Sum, however, must be added the Bounties, amounting to £2,808, on account of the Females on board the “Layton,” which vessel could not have arrived at Sydney until after the close of 1833. The account therefore will Stand as follows:

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Balance in Colonial Treasury on 1st Jany., 1834</td>
<td>£14,424</td>
</tr>
<tr>
<td>Estimated Sales of Land for 1834 and 1835</td>
<td>£20,000</td>
</tr>
<tr>
<td>Loans to Labourers</td>
<td>£1,160</td>
</tr>
<tr>
<td>Bounties to Females</td>
<td>£6,564</td>
</tr>
<tr>
<td>Loans to Females</td>
<td>£2,445</td>
</tr>
<tr>
<td>Total Expenditure in 1834</td>
<td>£10,169</td>
</tr>
</tbody>
</table>

Balance on 1st Jany., 1835 £24,255

I have further to acquaint you that three Ships, with about 200 Young Women in each, will be despatched to New South Wales during the present year, the first of which will leave England on the 30th of April; and the periods fixed for the departure of the other two will be about the 10th of August and the 28th of October respectively. And, with reference to my Predecessor’s Despatch of the 10th of September, 1834, I request that all necessary arrangements may be made for Securing to the Young Women, who may arrive by these successive opportunities, every possible comfort and accommodation from the period at which they may arrive in the Colony, until that at which they may succeed in obtaining suitable Situations.

Before concluding this Despatch, I have to observe that, in consequence of the recommendation contained in your Despatch of the 21st of Jan'y., 1834, that an Officer should be specially appointed for the purpose of scrutinizing all applications from Emigrants for Loans or Bounties before any such assistance is granted, it has been determined to give effect to your wishes in this particular; and I have accordingly selected Mr. James Denham Pinnock (a Gentleman who for some time past has been attached to the Emigration business of this office) for the situation in question at a yearly Salary of £200, commencing from the 1st of January in this year. And as it has been deemed expedient that the Remuneration to be received by this officer should be charged upon the Colonial Funds, I have directed Mr. Barnard (the Colonial Agent) to issue to Mr. Pinnock a Salary at the above mentioned rate.
I have further to acquaint you that the Services of Mr. Pinnock will be equally available in the case of the Emigrants who may proceed to Van Diemen's Land; and it is therefore proposed that the Salary, before mentioned, should be borne in equal proportions by the two Colonies.

ABERDEEN.

[Enclosure No. 1.]

MR. E. FORSTER TO UNDER SECRETARY HAY.

Sir, Emigration Committee Room, 30 December, 1834.

The Emigration Committee, having during the past year effected, to the best of their power, the objects which they were instructed by H.M. Secretary of State for the Colonies to super-intend, consider it their duty to make a detailed report to you of their proceedings, and to offer such suggestions as the experience they have now acquired in Conducting Female Emigration to the Australian Colonies may enable them to submit.

The Committee have, as their reports on the departure of each Ship have already made known to you, sent out three Ships during the present year, viz., the Strathfieldsaye from hence to Van Diemen's Land which sailed on the 1st May; the David Scott for Sydney which sailed on the 10th July; and the Sarah for Van Diemen's Land, which proceeded on the 16th October. In addition to these ships, the Committee have taken up, equipped, and dispatched the Ship Duchess of Northumberland of 550 tons for Dublin and Cork, whence she sailed with Female Emigrants on the 20th October; but, as this latter vessel was, as regards the selection of the Emigrants who proceeded by her, entirely under the direction of the Irish Government and of Mr. Pinnock, sent from your department to superintend the business in Ireland, the Committee confine their report to the three ships first enumerated.

The number of Individuals sent out in each ship were as follows:—

<table>
<thead>
<tr>
<th>Strathfieldsaye of 470 tons register—</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Females on whose behalf the bounty of £12 each was allowed towards their passage</td>
<td>256</td>
</tr>
<tr>
<td>2. Females either married or above the age of 30 and therefore paying their passage themselves</td>
<td>14</td>
</tr>
<tr>
<td>3. Female children under 15 years of age</td>
<td>18</td>
</tr>
<tr>
<td>4. Male do. do.</td>
<td>18</td>
</tr>
<tr>
<td>5. Married Men accompanying their families</td>
<td>3</td>
</tr>
</tbody>
</table>

The average age of the Females by this Ship, who partook of the Government aid of £12 each, was 20$\frac{1}{2}$ years.

<table>
<thead>
<tr>
<th>David Scott of 778 tons register—</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>1st Class</td>
<td>247</td>
</tr>
<tr>
<td>2 do.</td>
<td>26</td>
</tr>
<tr>
<td>3 do.</td>
<td>32</td>
</tr>
<tr>
<td>4 do.</td>
<td>35</td>
</tr>
<tr>
<td>5 do.</td>
<td>16</td>
</tr>
</tbody>
</table>

The average age of the Females by this Ship, who partook of the Government aid of £12 each towards their passage, was 20$\frac{1}{4}$ years.
Sarah of 488 tons register—

<table>
<thead>
<tr>
<th>1st Class</th>
<th>2 do.</th>
<th>3 do.</th>
<th>4 do.</th>
<th>5 do.</th>
</tr>
</thead>
<tbody>
<tr>
<td>115</td>
<td>21</td>
<td>21</td>
<td>18</td>
<td>21</td>
</tr>
</tbody>
</table>

The average age of the Females by this ship, who partook of the Government aid of £12 each towards their passage was 20 1\frac{1}{2} years; making in the aggregate sent out in the three ships above named of—

<table>
<thead>
<tr>
<th>1st Class</th>
<th>2 do.</th>
<th>3 do.</th>
<th>4 do.</th>
<th>5 do.</th>
</tr>
</thead>
<tbody>
<tr>
<td>618</td>
<td>61</td>
<td>71</td>
<td>71</td>
<td>40</td>
</tr>
</tbody>
</table>

Grand Total 861

In the execution of the delicate and onerous duties which devolved upon them, the Emigration Committee have been fully alive to their highly important nature, and to the serious responsibility resting on them. They have strongly felt that, as respects the Colonists, among whom the grievous disparity between the Sexes and the state of morals obviously arising from such a state of society, render the accession of females of virtuous and industrious habits in the highest degree essential, they owed the utmost care and caution in sanctioning and aiding the transit of such Females only, as were likely to become really useful. The Committee have also carefully kept in view the objects which His Majesty's Government wished to accomplish, by confining the aid thus placed under their management to the class of Individuals just mentioned; and they have anxiously endeavoured to guard against the admission of improper subjects by previous personal enquiry in all cases within a reasonable distance; and, in the case of persons living remote from London, they have uniformly required certificate of a resident minister or of some person of known reputation to whom the applicant may be known; and, so far as human care and caution can guard against the intrusion of persons of even doubtful character, it has been the anxious care of the Committee to do so. Still they do not mean to assert that cases of deception, in despite of their utmost caution, have not occurred; but they are the exceptions not the rule, and it cannot but be obvious to every dispassionate person, that it is impossible so to guard the admission of Candidates for Emigration, that the Conduct of some of them during a long voyage under the most satisfactory arrangements, and a discipline necessarily imperfect, shall not occasionally be exceptionable; and that, on reaching the Colonies, where circumstances so totally different and temptations by no means inconsiderable await them, a few may not be found altogether undeserving of the bounty which has been bestowed upon them. On the other hand, it is equally certain that many, who go out with extravagant not to say romantic expectations, must in the first instance be disappointed, and will probably send home accounts under these feelings which their more sober judgement and subsequent experience would condemn.
In the progress of the important work they had undertaken, the Committee saw with gratification that a growing confidence was apparent on the part of that class of Females in particular, whose Emigration either with reference to the objects of His Majesty's Government or their own welfare after their arrival, it was most desirable to encourage, viz.: healthy, moral, and industrious country servants. Prior to the despatch of the last ship, the Committee had reason beyond all former experience to calculate, from the numerous applications they received, on filling that vessel almost entirely with Individuals of this class; but, in consequence of certain statements published in the public papers, received, the Committee presume, either from those whose conduct had been blameable or whose expectations had been extravagant or whose apprehensions were excited in the minds of those upon whose fears it is so easy to operate; and the Committee had the pain to find that numbers, who had expressed their desire to emigrate, subsequently withdrew.

A reply to these Statements, furnishing facts which could not be controverted, removed to some extent those fears; still the Committee found it impracticable to engage the number of proper Females which that ship could have accommodated; and in consequence, she sailed largely deficient in the number she was fitted to convey, and the agent of the Committee experienced some loss, he having in a very handsome manner declined the offer of the Committee to bring the special circumstances of the case under the consideration of your department with a view to Compensation.

It is however satisfactory to the Committee to add that many, who declined to emigrate in that vessel, have since expressed their wish to proceed next year, should the reports, which may be received from the Colonies respecting the Females who have already been sent out, be so favorable as to satisfy their reasonable hopes and expectations.

In the selection of suitable ships for the conveyance of the Emigrants, in their equipment and provisioning, and in ascertaining the character, competency, and fitness of the Commander, Surgeon, and officers, the most anxious care has been exercised to promote the comfort and best interests of the Emigrants.

In the case of the Layton however, as already stated to you, the Committee have to regret that the result did not fulfill their just expectations; and, to an unfortunate difference between the Superintendent and Surgeon, the Committee attribute, in a great degree, the unsatisfactory state in which some of the females by that ship arrived.

In consequence of this occurrence, the Committee have thought it right to attach a pecuniary recompence for the proper discharge of the duties devolving on the Superintendants; and they look for increased efficiency on the part of the persons thus appointed, from the payment of the gratuity being entirely dependant on the Governor's approbation of their Conduct during the Voyage.

The Committee, having also found that a portion of the inconvenience, which has been complained of, arose from many of the Emigrants not having the means to procure the required outfit for so long a voyage, sanctioned their agents supplying the deficient articles at wholesale prices, the same to be issued by the Wife of the Superintendent on board, and made up during the passage; the

* Note 164.
1835.
17 Feb.

Punctuality in sailing of ships.

Care of immigrants in London.

Objections to promissory notes by female immigrants.

Evasion of payment of promissory notes.

agent taking the notes of the parties for the payment of the cost of the supplies in the Colonies; much of which, however, the Committee apprehend he will be unable to collect.

The Committee have been strongly impressed with the indispensable necessity of punctuality in the departure of the Vessels; and they have the satisfaction to state that, in every case, the day fixed for the sailing of each ship having been publicly announced from two to three months beforehand, the Embarkations have invariably taken place on the days stated, and the Vessels have immediately proceeded on their Voyage, thereby securing the Emigrants from Expense arising from delay, and enabling them to make the arrangements for their departure with certainty; and the Committee find the performance of their duties essentially facilitated by the confidence they have thus inspired.

The females, who have had no friends in London, and to whom some days' residence in the Metropolis was necessary to complete their preparations for so long a voyage, have been received and protected until the day of embarkation, on a plan approved by the Committee and satisfactory to the Emigrants.

Having thus briefly adverted to all which appears essential with retrospective reference to the service in which they have been engaged, they beg leave to submit to you, for the information and consideration of the Secretary of State, the following suggestions with respect to Female Emigration prospectively.

First. Although the Committee have found some facility from the plan, which, at their suggestion, the Secretary of State was pleased to sanction, of taking the promissory notes of the Females for the difference between the Bounty of £12 per head (granted by the Colonial Department towards their passage) and the actual cost thereof, yet in practice it has not been found to work so well as they had reason to expect; the Committee have found, in numerous instances, much reluctance on the part of respectable women and their connections to come under a liability for their passage, payable in the Colony.

Many of them cannot be disabused of the idea that they thus expose themselves to coercion, and to a state of compulsory service until the stipulated payment has been made; and the number is by no means inconsiderable, who think they would be placed in what they term slavery, and deprived entirely of their free agency whilst the debt is uncanceled; and, although in such cases the parties have been reasoned with in order to remove an impression so entirely groundless, yet such is the peculiar feeling and apprehension on this point that many have relinquished the desire of emigrating altogether; and the circle of Candidates, from which the Committee are enabled to select proper Individuals, has thus been materially curtailed.

Another ground for changing the practice is that the Committee have reason to believe that the parties giving these notes in most instances become distributed in service throughout the territory, many get married, and the authorities lose sight of them; and there are not wanting various ways of evading the payment in a Colony, where the population is extensively scattered over the surface of the Country, as it must be necessarily be in New South Wales, and that in fact the actual payments are likely to be extremely inconsiderable, while the irritation of feeling, created by any legal attempt to obtain payment, must give rise to many complaints; that which is in reality a just obligation, and which should,
as the parties acquire the means, be honestly paid, is represented as a claim of an unkind and harsh nature, and the exaction of it openly denounced. The representations too, which young women thus circumstanced and unduly influenced in the Colonies make in their letters to their friends in this country, are actively promulgated; misrepresentation is soon at work to give an unfavorable colouring to the nature of the demand; and its operation is found to act unfavorably on the minds of candidates whose Emigration is most to be desired.

It is under these circumstances that the Committee earnestly propose to submit the propriety of granting a free passage in future to all such Females between the ages of 15 and 30 as shall be ascertained to be proper objects for emigration to the Australian Colonies.

Secondly. The Committee are anxious to draw the marked attention of the Secretary of State to the mode of receiving, protecting and placing the females, who encounter a protracted voyage in the expectation of bettering their condition in another hemisphere. It must be obvious that it is of the greatest importance that they should receive, immediately on their arrival in the Colony, careful protection, aid and advice, until they can be placed in situations where their feelings will be as little wounded as possible, and in which they can maintain themselves by the honest exercise of their industry. With reference to this point the Committee have had, as they have already felt it their duty to submit to you, reason to apprehend that the Females, who have proceeded to Sydney, have been disappointed in their reception, and in the protection and care for their future welfare, which the Committee (in Consequence of the understanding under which they have acted on behalf of the Colonial Department) assured them they might fully reckon upon. In consequence, Considerable prejudice respecting Female Emigration has ensued. The Committee would not enter into the question how far this may have been occasioned by the Conduct of some of the females themselves; but they submit that, until the public mind shall be reassured by intelligence of a different mode of receiving and treating these Females, many of the most desirable class of emigrants will be deterred from embracing the advantages, which a system of well conducted Emigration cannot, in the opinion of the Committee, fail to obtain for them. With a view to an immediate and practical remedy, the Committee would suggest the propriety of sending Instructions to the Colonies that a House should be prepared at each for the reception of at least 150 young women, who on arrival should be placed under the care of a respectable man and his wife as Housekeepers, and where Ladies of respectability wanting Servants or otherwise might, with satisfaction to themselves, repair. The expense of such an Establishment, including a moderate Salary to a Housekeeper and his Wife, the Committee apprehend would not exceed £500 per annum; and the Committee submit that such an expense being for the advantage of the Colony might with propriety be charged to the Emigration fund.

With the same object in view the Committee would also suggest that a Person of education should be appointed (with a fair remuneration for his services) as a Superintendent of Emigration in each Colony. He should be required to keep a register of all persons wanting Servants, and of all other demands for Female Employments, to acquaint himself as much as possible with the character...
of the parties applying, and to co-operate with the local authorities and Ladies' Committees in the furtherance of all which can conduce to the wellbeing of the Emigrants. He should also keep a register of the location of every Emigrant, and watch over them, transmitting from time to time, at stated periods, lists of every Female Emigrant, shewing with whom and where she is located, the remuneration she receives, the description of employment, when and to whom married, and the occupation and apparent situation of the person she marries; and generally all such information as will be interesting to the friends of the Emigrants and to the public at large; and he should transmit, as often as circumstances will admit, all such information and suggestions, as experience might enable him to offer in furtherance of this object. An intelligent agent of this description might also from time to time ascertain the demand for Labour generally throughout the different districts of the Colony, and the remuneration given for it, together with the kind most in demand so as to be able to direct an Emigrant, immediately upon his landing, where he would obtain employment, and also transmit this information to the Home Government by an annual report or otherwise, stating at the same time the price of provisions in the Colony, and any other matter useful in promoting the general object of Emigration.

If the Salary of such an Officer as is here alluded to be payable by the Colony, surely it would be more than counterbalanced by the benefits which must necessarily arise to the best interests of the Colony from his important services.

Thirdly. The Committee would recommend that the maximum number of Females, who may hereafter emigrate under their auspices, should be 150 or thereabouts in each ship. This number would not press inconveniently on the demand for servants and other Female Employments at the moment of their arrival; there would be less difficulty in lodging and taking care of them until placed in situations; and in various points of view it would contribute to the great object which should ever be the leading Consideration of all concerned in Female Emigration, viz., the proper protection, comfort and permanent welfare of every individual, who is induced to quit their country, to become Members of a distant community.

Fourthly. The Committee would recommend that in every Ship there should be, as in recent instances, some married agricultural families of industrious and sound character, and they would submit whether some limited pecuniary assistance might not be given in cases of this sort, particularly when the majority of the children are females. The Committee have found that families of this description exercise an important check on the entire society on board ship, and essentially promote regularity, harmony and propriety. Whilst Parents watch over the minds and conduct of their own families, the moral influence extends far beyond the immediate objects of their Solicitude and care. It must, however, be understood that the admission of such married persons is limited to those only the Committee may ascertain to be of unexceptionable character, and whose general conduct and circumstances afford a reasonable guarantee of usefulness as well on board the ship as in the Colonies.
In expressing their willingness to undertake, in the ensuing year, the task of gratuitously superintending the Emigration of Females to the Australian Colonies, the Committee have to express to you their deep sense of the zealous and indefatigable exertions of their agent, Mr. John Marshall, who has devoted himself to the work with an energy, perseverance and integrity, which has left the Committee nothing to desire, and which they have no doubt will be rewarded by the approbation of His Majesty's Government.

By order,

EDWARD FORSTER,
Chairman of the Emigration Committee.

[Enclosure No. 2.]

UNDER SECRETARY HAY TO MR. E. FORSTER.

Sir, Downing Street, 16 January, 1835.

I have received and laid before the Earl of Aberdeen your letter of the 31 Ulto. transmitting a report of the proceedings of the Emigration Committee during the past year; and I am directed by His Lordship to transmit to you the following reply.

The Secretary of State desires me to express the high sense which he entertains of the very valuable and useful services of the Gentle- men Composing the Emigration Committee, and his satisfaction at hearing that they are disposed to carry into effect the views of His Majesty's Government with regard to Female Emigration during the present year, with the same zeal and disinterested spirit which has hitherto induced them to undertake so important an object. It must be a gratifying reflection to the Committee that they have been instrumental in introducing into the Australian Colonies so large a number of females, whose previous moral and industrious habits will, it is to be hoped, effect a great improvement in the Social condition of the Inhabitants of those Provinces; and Lord Aberdeen Confidently trusts that, thro' the future exertions of the Committee, those Colonies will be still further benefitted by the arrival and distribution throughout the territory of an additional number of Emigrants of this description.

The Report, made by the Committee of the manner in which Mr. Marshall has performed the very responsible duties entrusted to him, is most satisfactory to the Secretary of State; and more especially when it is considered that that statement is made by Parties so well qualified, as the Committee must necessarily be, to form a Judgement of that Gentleman's conduct.

Lord Aberdeen is disposed to avail himself of such of the Committee's Suggestions for the improvement of female Emigration as appear to be practicable at the present moment; and accordingly will lose no time in proposing to the Treasury that the Bounty shall be so far extended as to enable the Females to proceed to their destination, without the necessity of applying for a Loan.

Having thus settled the means of conveyance to the Colony, the point next in importance is to provide for their reception and safe custody of the Females on their arrival there. The remarks of the Committee on this subject have not escaped Lord Aberdeen's attention, and his Lordship has directed me to transmit, for your information, an extract of a Despatch* addressed by His Predecessor to General Bourke which His Lordship can have no doubt will have the desired effect.

* Note 165.
With regard to the appointment of Agents in New South Wales and Van Diemen's Land, as suggested by the Committee, the Secretary of State conceives such officers to be scarcely required. I may observe, however, that the Governors of the Two Provinces have already been instructed to depute to some official Persons, who may have leisure for such duty, the task of superintending the females on their arrival, and of taking care that they are properly disposed in the Colony.

The last point, referred to in the Report upon which it is necessary for me to offer any observation, is their proposition for reducing the number of females emigrating in each ship from 250 to 200. As a diminution in the number of females, who have been hitherto sent in one vessel, cannot fail to render their reception in the Colony more easy as well as the task of management on board ship, Lord Aberdeen is quite prepared to accede to this proposal; as far at least as reducing the number of females in any one ship from 250 to 200. In furtherance therefore of this arrangement, his Lordship is disposed to recommend that, instead of despatching four ships with 250 Emigrants in each, as was the case last year, there should be five sent during the present year; four to sail from the Port of London with 200 Emigrants in each, and the remaining vessel from Ireland and Scotland with 200 also. The Secretary of State would further suggest that the chartering and equipment of the last mentioned vessel should be undertaken by the Committee, as was the case with the "Duchess of Northumberland," which sailed from Ireland during the past year; but that the selection of the Emigrants should be confided to Branch Committees from the London Committee, if such an arrangement could be brought about.

Having touched upon all the essential points to which the Committee have adverted in their report, it only remains for me to request that you will be so good as to acquaint me, for the information of the Secretary of State, at what periods the Committee are disposed to recommend that Ships should be taken up and dispatched with female Emigrants to the Australian Colonies during the present year.

I am, &c.,

R. W. Hay.

[Enclosure No. 3.]

M. R. FORSTER TO UNDER SECRETARY HAY.

Emigration Committee Room,

Sir,

26 Birchin Lane, 24 January, 1835.

I have laid before the Emigration Committee your letter of the 16 Ins., conveying to them Lord Aberdeen's approval and adoption of the views conveyed in their annual report of the 30 ulto. As a diminution in the number of females, who have been hitherto sent in one vessel, cannot fail to render their reception in the Colony more easy as well as the task of management on board ship, Lord Aberdeen is quite prepared to accede to this proposal; as far at least as reducing the number of females in any one ship from 250 to 200. In furtherance therefore of this arrangement, his Lordship is disposed to recommend that, instead of despatching four ships with 250 Emigrants in each, as was the case last year, there should be five sent during the present year; four to sail from the Port of London with 200 Emigrants in each, and the remaining vessel from Ireland and Scotland with 200 also. The Secretary of State would further suggest that the chartering and equipment of the last mentioned vessel should be undertaken by the Committee, as was the case with the "Duchess of Northumberland," which sailed from Ireland during the past year; but that the selection of the Emigrants should be confided to Branch Committees from the London Committee, if such an arrangement could be brought about.

I am, &c.,

R. W. Hay.
and the third for the same destination on the 1st October; and
that the remaining two should proceed to Sydney, one from Scotland
on the 10th August, and the other from Ireland on the 28 October,
provided that in the meantime the Committee shall be assured that
the required number of proper Females can be confidently relied
upon; by this arrangement, the Committee are of opinion the views
of the Secretary of State will be best effected.

The Committee having requested Mr. Marshall to submit to them
in writing the terms on which he would undertake to accomplish
prospectively, under the direction and sanction of the Committee,
as heretofore, the objects with which they are charged, have
received from that Gentleman the renewed offer of his services on
the same terms as last year, which they have considered it for the
advantage of the service to accept and act upon, convinced from
experience that the various duties incumbent upon him cannot be
more efficiently and satisfactorily performed, and I am instructed
to transmit to you encased a Copy of Mr. Marshall’s letter, as
accepted by the Committee, for the information and approval of the
Secretary of State.

I have, &c.,

EDWARD FORSTER, Chairman.

[Enclosure No. 4.]

UNDER SECRETARY HAY TO MR. E. FORSTER.

Sir, Downing Street, 28 January, 1835.

I have received and laid before the Earl of Aberdeen your Approval of
letter of the 24 Instant, acquainting me with the respective periods
proposals of
at which the Emigration Committee are disposed to recommend that
Ships should be despatched with Female Emigrants to the Australian
Colonies during the present year; together with their proposition
that three vessels instead of four should be sent from London, and
the remaining two from Scotland and Ireland respectively, provided
the Committee may previously ascertain that a sufficient number
of Emigrants can be collected in each of those countries to fill a
ship; and I am directed by His Lordship to convey to you his
consent to such an arrangement.

With reference to my letter to you of the 16th Instant, acquaint-
ing you that the Secretary of State had directed a Communication
to be addressed to the Treasury on the proposal of the Committee
to afford an entirely free passage to females emigrating under their
auspices, I have now to inform you that an answer has been
received, conveying the sanction of their Lordships to the adoption
of the proposed arrangements. It will therefore be understood
that a free passage will be granted to all females who may in future
emigrate under the superintendence of the Emigration Committee,
£9 of which will be paid on their departure from this country, and
the remaining £8 on their arrival in the Colony, either in specie or
Treasury Bills at the option of the Governor.

In conclusion I have only to express to you the Confidence with
which the Secretary of State relies on the arrangements which the
Emigration Committee may decide on adopting, in furtherance of
the important service which they have undertaken.

I have, &c.,

R. W. HAY.
**1835.**

17 Feb.

**Transmission of memorial from E. H. Cliffe.**

SIR RICHARD BOURKE TO RIGHT HON. T. SPRING RICE.

(Despatch No. 30, per ship Roslyn Castle; acknowledged by lord Glenelg, 12th August, 1835.)

Sir, Government House, 17 Feby., 1835.

In attention to the Instruction, by which I am desired to forward communications from the Colonists addressed to the Secretary of State, I have the honor to transmit a Memorial from Mr. Edmund Harrison Cliffe praying for a grant of land under the Regulations in force in the year 1830, on the ground of the steps then and afterwards taken by him on the faith of those Regulations towards settling in this Colony.

I have, &c.,

RICH. BOURKE.

[Enclosure.]

The humble Memorial of Edmund Harrison Cliffe, of Chouder Bay, in the Colony of New South Wales, Gentleman,

To His Majesty's Principal Secretary of State for the Colonial Department

Humbly Sheweth,

1. That Your Memorialist first arrived in this Colony in the Year 1818, as Chief Officer of a Ship trading between the East Indies and Port Jackson; in which capacity he performed six successive voyages between those countries.

2. That, in the Year 1821, Your Memorialist made up his mind to settle permanently in this Colony as soon as circumstances would permit; and with that view, he in the same Year purchased three hundred (300) sheep, depasturing them, _ad interim_, under the care of an agent, and in the Year following was married to a lady who emigrated to the Colony in the Year 1818.

3. That, in the Year 1830, Your Memorialist imported from the Mauritius a cargo of Sugar, by a Vessel which he had chartered for the purpose, the entire proceeds of which cargo he intended to invest thereafter in his adopted country.

4. That, on the 3rd of June in that Year, Your Memorialist applied to His Excellency Lieutenant General Darling, then Governor in Chief of the Colony, for a Grant of land proportioned to his available capital, under the Regulations at that time in force.

5. That, in reply to the said application, Your Memorialist received from the Honourable the Colonial Secretary a Letter dated 5th June, 1830, informing Your Memorialist, by the Governor's command, that his application had been referred to the Land Board, before whom he was to hold himself in readiness to appear, with the necessary proofs of the actual amount of his capital, which was then available in this Colony for agricultural purposes, according to the Regulations at that time existing. _Vide Appendix A._

6. That in pursuance of the said reference from His Excellency the Governor, Your Memorialist received from the Land Board a Letter, dated 8th June, 1830, requesting his attendance at their Office with the necessary documents, to shew the amount of his Capital, and to give the names and procure the attendance of one or two persons of known respectability, who could vouch for the amount of Capital which he had at his immediate command. _Vide Appendix B._